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United Kingdom Foreign & Commonwealth Office Annual Report on Human Rights 2009



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**Annual Report on
Human Rights 2009**

Cover picture:
Neda Agha-Soltan killed on 20 June in Iran



United Kingdom Foreign & Commonwealth Office

Annual Report on Human Rights 2009

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

March 2010

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 12th such report.

This report covers the period from 1 January to 31 December 2009. 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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Foreign and Commonwealth Office
King Charles St
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This report and further information about the Government's foreign policy are available on the FCO website at www.fco.gov.uk

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Foreword by the Foreign Secretary

2009 marked the 20th anniversary of the fall of the Berlin Wall and the end of the Cold War in Europe. For many around the world this was their first opportunity to claim the fundamental freedoms first laid out 40 years previously in the Universal Declaration of Human Rights. And as well as changing individual lives, the increased freedom brought about by the end of Cold War has allowed debates about human rights to flourish since.

When we talk about human rights we talk about a body of law, but we also talk about the inherent sense that we are entitled to certain freedoms and protections. It is this sense of inalienable right to self-expression and equality that defined the landscape of 2009. Following the disputed election in Iran, protestors defied the regime's brutal attempts to suppress their calls for democracy, human rights and fundamental freedoms as universal rights. It was a belief that human rights were worth risking their lives for that inspired the human rights defenders who were murdered in Russia last year. And it was a sense of inalienable entitlement to their rights that led women to assert those rights on the streets of Afghanistan and in the courts of Sudan.

The year was also defined by international efforts to solve global problems. The challenges of bringing the world out of recession, tackling climate change and combating global terrorism continued to dominate our work and international headlines. Both the problems themselves and our search for solutions bring into sharp relief the need for all governments to work together. Most recognise that justice, freedom and equality must underpin our work if it is to produce sustainable and positive change. But some governments are increasingly retreating to a defensive and isolationist view of human rights.

However, many of the issues covered in these pages highlight the growing tendency to once again claim human rights as a "Western" construct, unsuited to particular cultures and countries. In the Democratic People's Republic of Korea, the government continues to insist that national security and cultural differences invalidate human rights obligations and justify subjecting humanitarian workers to severe restrictions. In Burma, Aung San Suu Kyi is incarcerated on the basis of similar arguments that her battle for



democracy undermines national security. Women are still denied their human rights in many parts of the world, on the basis that culture and religion render those rights inapplicable. The increasing threat to gay people's rights in some African countries reminds us that tolerance is a dream rather than a reality for much of the world's population.

But this report also shows how people around the world are pushing back against the idea that human rights are not universal – in 2009 demonstrators in Guinea and Honduras demanded their rights to democracy, human rights defenders from Belarus to Syria continued to protest against injustice and worldwide, individuals and groups continue to work to realise the rights of all. We have a responsibility to applaud these efforts, and to support them by challenging the notion that human rights depend on culture and circumstance.

We must not be afraid to engage in debates about human rights. But we must also remain committed to championing those rights around the world and to assert their applicability to every man, woman and child. We must be clearer in our argument that universality does not mean uniformity. Because as we saw in Berlin 20 years ago, the freedom and justice offered by human rights continues to be the hope of millions around the world.

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

David Miliband
Foreign Secretary

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Introduction

This is the 12th FCO Annual Report on Human Rights. The report sets out the UK's work and policy on human rights in 2009, and explains the importance of human rights across our foreign policy goals. It highlights our main policies, countries of concern and the challenges we face. It demonstrates how we seek to address these issues through diplomatic channels and international bodies, as well as our programme work across the globe.

The Universal Declaration of Human Rights (UDHR) and the UN Charter make the human rights situation in any country the valid concern of all states. No country has a perfect human rights record, although states fall short of that goal to widely varying degrees. Where we have concerns we raise them bilaterally and, where viewed necessary, through the appropriate regional and international bodies outlined elsewhere in this report. We look to all states to cooperate with international human rights bodies

and adhere to internationally agreed standards. States should be open and accountable for their human rights records. We regularly engage in frank dialogue with other states and look forward to their reactions to this report.

In 2009, human rights remained an important focus of our foreign policy. We continued to listen carefully to the recommendations of the House of Commons Foreign Affairs Committee, and those of civil society and other stakeholders. In a complex globalised world, it is not possible for the UK to address every human rights concern in every country. The report reflects our assessment of the greatest need and our ability to have impact.

This year's report follows a similar format to previous years. Our aim is to present a focused analysis of the FCO's main global human rights policy and activities. It is comprehensive, but does not cover every action and interest of the FCO.

>>We must keep banging the human rights drum until they are genuinely universal and no longer under threat. We have some way to go. Though the world has made progress, we need to ensure it is not reversed by how we tackle the economic crisis, terrorism or conflict. More than ever, we need global solutions that promote justice, freedom and equality. Respect for human rights is an essential foundation of stable societies that are peaceful, prosperous and free.

Some governments try to dodge criticism by claiming that human rights are 'western values'. But people all over the world prove them wrong by demanding and suffering for their human rights - be they imprisoned protestors in Iran, or murdered journalists in Russia, or civilians caught up in conflicts in Sri Lanka or Gaza.

We must continue to support people who demand their human rights across the world. And we must uphold human rights to the highest standards at home in the UK. We accept scrutiny as an integral part of our system of democratic accountability and our commitment to the international system.**<<**

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No Saty
Principle

Violation Of
HUMAN Rights
Should Be
Strictly Prohibited

R I H

1 Promoting Human Rights through Democracy, the Rule of Law and Equality

Introduction

Human rights cannot be addressed by reacting to immediate concerns alone: root causes must be tackled to achieve real change. There are countless abuses of human rights. Unfortunately, we cannot address all of these. We therefore seek to focus our efforts where the need is greatest and where we see real possibilities of progress. Our work is underpinned by a recognition that human rights protection requires support for democracy, the rule of law and equality.

Advancing democracy overseas helps protect the UK's national interest. Human rights are also better respected and protected in democratic societies. Respect for democracy and human rights reduces the risk of instability and conflict, which in turn improves the protection of human rights and helps to counter terrorism.

Promoting freedom of expression, protecting human rights defenders and combating torture are critical to supporting democracy and the rule of law and achieving respect for human rights. Without these, they cannot exist.

The 1948 Universal Declaration of Human Rights states that "all human beings are born with equal and inalienable rights". Ensuring the equality of all individuals, regardless of their race, gender or sexual orientation, is crucial to full realisation of human rights. The UK is one of most active countries in promoting this global agenda.



Supporting Democracy

There is no single model for practising democracy. Each democracy is shaped by its particular history, culture and circumstance. But for democracy to be genuine, effective and supportive of people's desire to participate, it needs to be underpinned by equity, informed participation, transparency and accountability. The UK's approach to supporting democratic consolidation is specific to the individual context. It has four main aspects:

- > **Country specific**, taking account of the individual characteristic of each country, its history and culture. In some cases, this will require a sustained effort over many years. In others, this may mean strengthening specific aspects over the short or medium term. Some governments have no commitment to democracy and may actively work against efforts to improve it. The UK focuses its support on countries where it can make a difference, while also working to develop an international political environment supportive of democratic transitions.
- > **Supporting internal processes**, since studies show that external events and actors are rarely a decisive influence on whether a transition to democracy occurs. External actors can, however, support internal movement towards democracy once a transition is underway, by providing technical and expert support and by sending political signals of international approval for domestic change.
- > **Working with regional organisations**, since many states and organisations recognise the benefits for democracy and its importance as a universal value. Regional organisations can have a particular legitimacy and the ability to consolidate democratic practices through membership and other agreements.
- > **Broader than support for elections**, since democracy is more than just elections, the UK supports a wide range of democracy initiatives. These include funding NGOs that increase citizen participation in the political debate; supporting the inclusion of marginalised groups; providing training for legal professionals; promoting freedom of expression; and strengthening political parties and parliaments.

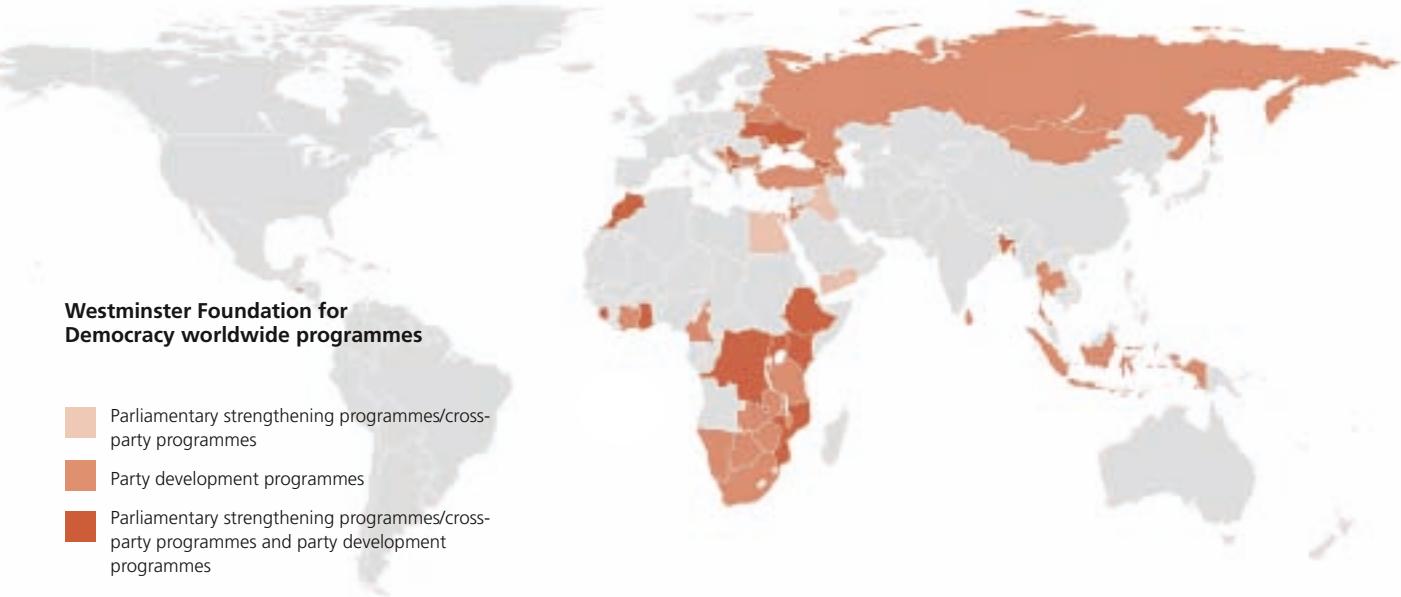
Guinea: the Killing of Pro-democracy Demonstrators

On 28 September, more than 150 people were killed by the Guinean army during a demonstration in Conakry protesting against the junta leader's decision to run for election in 2010, despite his commitment not to do so on assuming power in 2008. The indiscriminate and brutal violence used against peaceful demonstrators, including reports of sexual violence, was widely condemned by the international community. Together with EU partners, the UK immediately condemned the excessive use of force by the Guinean authorities and expressed our concern over this serious violation of human rights. On 27 October, the EU imposed an arms embargo on Guinea and travel restrictions on targeted individuals.

In October, we welcomed the UN Secretary-General's decision to establish an International Commission of Inquiry into the events of 28 September. The UN Commissioners visited Guinea in November and submitted their report to the Secretary-General in December. The UK agrees with the main findings of the report, which identified those responsible, and made recommendations on mechanisms to ensure accountability. At the time of writing the UK was actively engaged in formulating a robust and appropriate UN Security Council response.



Bodies of victims shot dead on 28 September put on display 2 October



We also support freedom of association as an essential element of any democracy. The right to form groups, to organise and assemble together with the aim of addressing issues of common concern is fundamental, and mass protest is a potent symbol of the exercise of this right. To promote freedom of association we provide political and financial support to NGOs and the media, allowing them to operate in often difficult environments; we work with political parties whose ability to organise and campaign is key to democratic development; and we provide support for free and fair elections.

Westminster Foundation for Democracy

The Westminster Foundation for Democracy (WFD) is an independent public body working to support sustainable parliamentary democracy around the world. It was established in 1992 by the FCO, to support democratic development in the newly emerging democracies of Central and Eastern Europe. In 2009, WFD received a core grant from the FCO of £4.1 million, supplemented by funds from the Department for International Development (DFID), the British Council and others. WFD's total income in 2009 was approximately £5.5 million. While WFD is an independent foundation, it seeks to align its strategy as closely as possible to that of the UK government so as to ensure that its work on democratic development complements the FCO's human rights agenda.

WFD specialises in strengthening parliaments and developing political parties. WFD's core parliamentary strengthening programmes currently focus on four areas: financial oversight; parliamentary reporting and access to information; management and administration of parliament; and parliament–civil

society relations. As support to legislatures is now recognised as a priority, in 2009 the Westminster Consortium for Parliaments and Democracy – a new collaboration of UK institutions engaged in parliamentary strengthening and led by WFD – began developing sustainable centres of learning in **Ukraine**, **Georgia**, **Lebanon**, **Uganda** and **Mozambique**. These centres aim to build the capacity of both parliamentary staff and members as well as to share best practice.

An equally important area of WFD's work is political party development; WFD runs party-to-party projects with and through the UK political parties. This work aims to build the capacity of like-minded parties to develop effective policy-based platforms that give voters a real choice; to build party structures and enable elected representatives to engage more effectively with their electorates; and to assist with the development of campaigning and communication tools locally, regionally and nationally.

WFD has achieved real impact across its programmes in 2009. In **Kenya**, WFD's programme with the Kenya National Assembly's Parliamentary Broadcasting Unit provided professional training in the latest journalistic techniques, enabling the Unit to connect people with their parliament, including through live broadcasting of parliamentary proceedings. In **Uganda**, WFD worked with the Foundation for Human Rights Initiative to strengthen local councils' participatory budgeting and planning capacity, and public accountability and human rights awareness. This led to the production of a '*Practice Guide on Good Practices in Local Government*', which is now being used by the Ministry of Local Government

Honduras: Threats to Democracy and Human Rights

On 28 June, Manuel Zelaya, the President of Honduras, was removed from the country at gunpoint, in what has been described as a "military-supported constitutional coup". The Honduran Supreme Court and Congress had judged that Zelaya's plans to hold a referendum about constitutional reform – notably whether the Presidential mandate should be extended to allow incumbents to stand for more than one term – was itself unconstitutional. The president of the Congress, Roberto Micheletti, was subsequently sworn in as interim President.

The international community responded quickly against the ousting of President Zelaya. Foreign Office Minister Chris Bryant immediately condemned his removal and called for the restoration of democratic, constitutional order. The UK supported a UN General Assembly resolution, adopted on 30 June, which expressed concern about the interruption of "democratic and constitutional order and the legitimate exercise of power in Honduras".

Honduras was plunged into international limbo. Many countries limited contacts with the de facto regime; a number of Ambassadors were recalled; some countries imposed travel restrictions on individuals connected to Zelaya's ousting; EU budgetary support was suspended; and negotiations on an Association Agreement between the EU and a number of Central American states were put on hold. At the same time, the UK and its EU partners focused efforts on supporting a regionally led mediation process to find a peaceful negotiated resolution to restore order in the country. These efforts were led largely by the Organisation of American States and Costa Rican President Oscar Arias.

Within Honduras, public opinion was split between those supporting Zelaya and those supporting his removal. Public demonstrations continued throughout the summer, on occasion turning violent, and worsened after the unexpected and clandestine return of President Zelaya in September. In an attempt to establish order the de facto government introduced a number of repressive measures, including a ban on public demonstrations; a ban on public broadcasting, which could incite public order violations; and the eviction of demonstrators from public buildings, such as schools. The security forces were granted powers to remove and detain demonstrators. Our concerns about

the disruption of democratic order in the country and its risk to regional stability were exacerbated by reports of severe restrictions on the rights to freedom of expression and assembly, including numerous arbitrary detentions, the persecution of trades unionists and human rights defenders, and the closure of radio stations. For these reasons the UK supported a resolution at the UN Human Rights Council, adopted on 1 October, calling on the UN High Commissioner for Human Rights to prepare a report on the human rights violations committed since the coup.

The signing of the San Jose/Tegucigalpa Accord by both Micheletti and Zelaya on 30 October was a positive sign of the willingness of both sides to resolve the issue. But regrettably it was not fully implemented. Presidential elections nevertheless took place as planned on 29 November. The elections passed by relatively peacefully – albeit under what the EU called "abnormal circumstances" – with Porfirio Lobo declared the winner. We were pleased that President Lobo showed his commitment to moving Honduras out of the crisis by signing the Accord for National Reconciliation and the Strengthening of Democracy in Honduras. On 27 January 2010, the EU issued a statement to mark President Lobo's inauguration, expressing hope that "his mandate will usher in a new era and the normalisation of the relations of Honduras with the EU and the international community". Along with our EU partners we will continue to monitor closely the human rights situation and to call for full implementation of the San Jose/Tegucigalpa Accord – in particular the establishment of a truth commission.



A supporter of ousted President Manuel Zelaya lights a candle in protest on 6 October

to help local leaders and councillors better engage in budgetary processes. In **Macedonia**, WFD ran a series of workshops to promote cross-party dialogue and cooperation around increasing parliamentary effectiveness. One outcome, the new "Law on Parliament", has led to cross-party oversight of parliamentary resources for the first time.

Elections and Election Observation Missions

Supporting elections and electoral processes is central to the UK's work to encourage democracy. This support is provided at all stages of the electoral process, specific to the needs of the country concerned, and can include working with election commissions, supporting voter registration and electoral reform, and working with the media.

The FCO funded a number of election-related projects in 2009 through the Human Rights and Democracy Strategic Programme Fund: in **Indonesia**, for example, we supported the development of electoral codes of conduct prior to the parliamentary elections in April 2009, which encouraged political parties to pursue their electoral complaints and grievances

Egypt: Supporting Election Observation in 2010

As the most populous Arab country and an influential regional player, there is keen international interest in the planned legislative and Presidential elections in Egypt in 2010 and 2011. The election results will have ramifications throughout the region.

International election observation plays a key role in validating a country's electoral process. But international observers can only operate at the invitation of the country concerned. We had hoped that Egypt would extend an invitation to the EU to observe their legislative elections in 2010. Unfortunately, this has not been the case. These offers form a key part of EU-Egyptian cooperation under the Association Agreement Action Plan agreed by both sides.

While we will continue to call for an invitation to be issued to the EU and for Egypt to work with the EU on electoral assistance, the UK Embassy in Cairo has funded a scoping visit by Electoral Reform International Services to look at how best we can support domestic election observation. We are likely to follow this up with practical support to assist domestic groups, working within the law, to observe the elections.

Democracy Support in the EU's External Relations

"The EU is committed to improving the coherence and effectiveness of its support to democracy. The Council, however, affirms that there is room for improvement in how existing EU policies are implemented, and that they should be applied more consistently and effectively in order to work better together as mutually enhancing parts of a coherent whole."

The European Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law. Throughout its history, the EU has developed a range of instruments to support democracy. But these instruments have at times lacked coherence, which has reduced both their individual and collective effectiveness.

In November, Foreign and Development Ministers agreed a set of European Council Conclusions on "Democracy Support in the EU's External Relations". These conclusions are a first step towards a more effective approach and their implementation is key. They reaffirm the fundamental importance of democracy to the EU. Through an Agenda for Action, they set out the key principles to guide the EU's approach to supporting the spread of democracy (including that our approach must be country specific, based on dialogue and partnership, and mainstreamed into other aspects of the EU's work). The Council will be updated on progress in 2010.

through-legal channels and so enhanced the smooth running of the elections.

The UK also contributes to international election observation missions through a number of international organisations. International election observation can discourage fraud and voter intimidation and increases voter confidence, resulting in more legitimate election results.

The UK provides financial and technical assistance to every EU election observation mission. Each year, the EU draws up a list of priority countries for election observation. In 2009, the EU observed elections in **El Salvador, Bolivia, Ecuador, Malawi, Guinea-Bissau, Afghanistan, Lebanon and Mozambique**.

The FCO contracts Electoral Reform International Services (ERIS) to identify well-qualified 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/what/human-rights/election_observation_missions) and the ERIS website (www.eris.org.uk/missions).

The UK is committed to providing, on an ad hoc basis, up to ten per cent of election observers requested by the Organisation for Security and Cooperation in Europe (OSCE). In 2009, the UK provided observers to OSCE observation missions in **Macedonia, Montenegro, Albania, Kyrgyzstan and Moldova**. The Commonwealth observes elections through the work of the Commonwealth Observer Groups. These independent bodies report to the Commonwealth Secretary-General on whether the elections have been conducted according to the standards for democratic elections to which the country has committed itself, with particular reference to relevant regional, Commonwealth and other international commitments. In 2009, the Commonwealth observed elections in four countries: **Malawi, Antigua and Barbuda, Maldives and Mozambique**. The Observer Group final reports on each of these elections have provided recommendations on how the process can

be strengthened further. The Commonwealth is also creating a Network of National Election Management Bodies to promote good practices and facilitate opportunities for peer support, technical assistance and capacity-building for election management bodies across the Commonwealth.

Human Rights Defenders

Human rights defenders are individuals and groups, such as non-governmental organisation (NGO) workers, lawyers, journalists and private individuals, who work to raise awareness of human rights and a government's responsibility to protect them. They are key to strengthening respect for human rights in their countries. But because they bring failings to light they are frequently the target of government criticism. In some circumstances they face the risk of arrest, detention and even death.

The FCO encourages governments to see human rights defenders as legitimate actors working in the interests of their countries. Our Embassies and High Commissions reinforce this message through showing them visible support. This includes raising specific instances of abuse or detention with governments, encouraging dialogue between governments and human rights defenders, and through specific projects.



The Foreign Secretary meeting Iranian Nobel Peace Prize Laureate and human rights defender Shirin Ebadi on 10 December

The British Embassy in San Jose has actively supported Amnesty International's campaigns to protect activists in **Nicaragua**, a country where the space to speak out is under growing threat. The British Ambassador met Nicaraguan women's rights campaigner Patricia Orozco in 2009, following the harassment she suffered, and raised her case with the Nicaraguan Foreign Minister, Chief of Police, Prosecutor and President's Office. Harassment of Ms Orozco subsequently ceased.

We work closely with our EU partners when raising individual cases, drawing on the advice in the EU guidelines on human rights defenders. Following the June arrest of prominent Vietnamese human rights lawyer Le Cong Dinh, the UK and EU partners raised his detention both bilaterally and as part of the EU–**Vietnam** Human Rights Dialogue. The EU also issued a number of public statements and we continue to raise this case at the highest level. Unfortunately, Le Cong Dinh and his co-defendants all remain in prison where they are serving lengthy sentences following their conviction for subversion. In **The Gambia** we lobbied on behalf of six journalists imprisoned on charges of sedition and defamation. The journalists were released shortly after an EU statement was issued.

In April, we organised a conference with the London Metropolitan University, Peace Brigades International and the All Party Parliamentary Human Rights Group for officials as well as human rights defenders and human rights experts. It looked at the risks faced by human rights defenders and the gaps in the existing protection mechanisms. Drawing on the EU guidelines on human rights defenders, conference participants drew up a series of recommendations on how they could work more closely together to improve the situation on the ground. We circulated these recommendations to our EU Partners and UK Embassies and High Commissions.

Freedom of Expression

Respecting human rights means allowing all people the information they need to make informed choices and to challenge or criticise their government. Journalists, bloggers and media organisations must be allowed to work freely and safely.

But throughout 2009 their working environment became more dangerous. Journalists were increasingly arrested, imprisoned, attacked or killed, and media organisations closed down. The International News

Nepal: Attacks on Freedom of Expression

In 2009, freedom of expression continued to come under attack in Nepal. The increases in intimidation and violence against journalists and human rights defenders by senior officials, political parties, armed groups and security personnel created a climate of fear and insecurity. Impunity continued unabated in 2009 despite commitments made by the Nepalese government to protect human rights. Freedom of expression for the Tibetan community in Nepal also continued to be a source of concern.

We raised our concerns at all levels with the Nepalese government, as a part of the EU and bilaterally. Through our Embassy in Kathmandu we provided support to the NGO Article 19 to promote a supportive legislative framework for freedom of expression. In a positive development, the constitutional drafting committee consulted Article 19 on specific language on the new proposed constitutional guarantees of freedom of opinion and expression. This cooperation resulted in the removal of some restrictive caveats in the draft papers.

Safety Institute recorded a worldwide total of 132 journalists dead in 35 countries, 98 of them murdered because of their work, one of the worst annual tolls on record. Most of these were local journalists covering key issues, including high-level crime and corruption. Many such attacks or killings were not investigated. Reporters Without Borders report that in 2009 around 160 journalists were forced to go into exile. There was also increasing government control of internet service providers, limiting the space for discussion, and targeting of bloggers and others who speak out in cyberspace.

Our Embassies and High Commissions promote an enabling environment for freedom of expression by encouraging governments to end impunity for attacks against journalists; replace criminal libel and defamation laws with reasonable civil alternatives; promote media self-regulation and freedom of information legislation; and support media pluralism.

In **South Korea**, on 3 July, our Embassy brought together South Korean government officials, regulators, civil society and UK experts to discuss freedom of expression on the internet. This enabled key decision-makers to share international experience in the run-up to the debate on media legislation

in the South Korean parliament. The Embassy has since organised a number of visit programmes for South Korean policy-makers to learn more about UK experience of internet self-regulation. The National Assembly in South Korea is organising a follow-up conference in January 2010 to look at the lessons South Korea can learn from internet self-regulation in the UK and Japan.

Across Central America we have worked with the NGO Article 19 to implement projects in **El Salvador, Nicaragua, Honduras** and **Guatemala** for developing a system for classifying attacks against journalists and reporting these to the national authorities and to the Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights. This same project in **Mexico** has helped to build support for a bill, currently before the Mexican Congress, which aims to make crimes against freedom of expression federal offences. Our Embassy is closely following the progress of this bill.

We welcome the adoption and review of key legislation to grant press freedom in the **Maldives**. In November, the Maldives parliament passed an amendment to remove key articles from the penal code, which made defamation of a person's name, integrity or dignity a criminal offence punishable by exile, house detention or fine. Defamation can now be tried only as a civil offence, with maximum penalties limited to monetary compensation. The bill to create an independent broadcasting commission currently under review in parliament, as well as the proposed freedom of information bill, will help consolidate these freedoms. We were concerned, however, that 2009 saw a worrying trend on freedom of expression in **Venezuela**, culminating in the closure of radio and television channels and student protests, resulting in two deaths, in January 2010. We raised our concerns with the Venezuelan government and will monitor the situation closely in the run-up to September legislative elections.

More widely, we promote the work of international and regional institutions, which defend freedom of expression

and the free media. Throughout 2009 we used every opportunity to raise our concerns through these structures. At the UN we strongly supported the call of the Special Rapporteur on Freedom of Opinion and Expression for governments to do more to protect journalists and to bring to justice those responsible for attacks against them. We also strongly supported the work of the Council of Europe and the European Commissioner for Human Rights and in 2009 played an active part in the preparation of a monitoring system to enhance compliance with the European Convention on Human Rights' provisions on freedom of expression among Council of Europe Member States.

At the OSCE we organised an event, which offered practical advice on holding governments to account on their freedom of expression commitments. The OSCE's Freedom of Media Representative stands down in March 2010, with a new appointment due to be made under the Chair of Kazakhstan. As part of our commitment to maintain a strong focus on Freedom of Expression within the OSCE, we supported a UK candidate to run for this position.

Rule of Law

Abolition of the Death Penalty

During 2009, we continued to strive for the global abolition of the death penalty. We made our opposition to it clear in our engagement with countries around the world, both bilaterally and in partnership with the EU.



Amnesty International members protest against the death penalty in Japan

Bilaterally, we continue to fund work in the Caribbean, Africa, the Middle East and Eastern Asia from our Human Rights Strategic Programme Fund. This includes working with key NGO partners, such as the Death Penalty Project and the Centre for Capital Punishment Studies at Westminster University in London. We also continued to raise the death penalty directly with governments, including **China**, **Jamaica** and the **US**.

When 27 voices are louder than one, we focus our efforts through the EU. The UK fully supports the death penalty being raised in the EU's political dialogues with a wide range of countries. We also supported the raising of various individual cases, including in **Iran**, **Japan**, the **US** and **China**. In July, the UK requested that the EU raise the case of Iwao Hakamada with the new Japanese Minister of Justice (Mr Hakamada has been in prison since 1968 with 29 years spent in solitary confinement). Mr Hakamada remains on death row and we continue to monitor his case closely.

There were numerous positive developments on the death penalty in 2009: **Burundi** and **Togo** joined the firm trend in Africa by abolishing the death penalty for all crimes; New Mexico became the 15th abolitionist state in the **US**; the **Russian** Constitutional Court extended indefinitely the current moratorium, which had been due to end on 1 January 2010; and **Kenya** President Mwai Kibaki commuted the sentences of the entire Kenyan death row population (more than 4,000 people) to life imprisonment.

Unfortunately, the year also saw some negative developments. Despite repeated calls from the UK Government, **China** executed Akmal Shaikh, a British citizen; **Thailand** resumed executions in August after a six-year moratorium; **Iran** has the highest rate of executions per capita of any country in the world and continues to execute juvenile offenders; and stoning sentences were carried out in **Somalia**.

For this reason, it is important that we continue to raise capital punishment at the United Nations, to demonstrate both the positive direction of global movement and the importance we place on the issue. The EU and other supportive countries are discussing whether to introduce another death penalty resolution at the United Nations General Assembly in 2010, building on the excellent results achieved during the previous two efforts in 2007 and 2008.

Working to Restrict the Use of Capital Punishment in the Caribbean and Africa

Where abolition is unrealistic in the short-term, we also support work that restricts the use of the death penalty. In the Caribbean, for example, the work of NGOs to restrict its use has been pivotal in saving lives.

The FCO currently provides funds to the London-based Death Penalty Project. The Death Penalty Project makes legal challenges to the mandatory death penalty and provides free legal assistance to anyone sentenced to death in a number of countries, including **Barbados**, **Trinidad & Tobago**, **Guyana**, **Kenya** and **Nigeria**. The Project was largely responsible for two outstanding results in 2009:

- > In a case brought by the Death Penalty Project, the **Barbados** government agreed to comply with the ruling of the Inter-American Court on Human Rights and abolish the mandatory death penalty.
- > The Supreme Court of **Uganda** declared that the mandatory death penalty amounted to inhuman punishment. The court also ruled that anyone sentenced to death and not executed or pardoned within three years should have their sentence commuted to life imprisonment.

Preventing Torture

The United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) is the main international treaty that requires states to ensure that all acts of torture are offences under national criminal laws and that there is no safe haven for individuals accused of torture.

Torture is more likely to take place in situations where there are no independent safeguards or checks to ensure detainees are being treated humanely. The UK can help prevent torture by ensuring that places of detention are inspected and monitored. We do this by actively encouraging countries to sign and ratify the Optional Protocol to CAT (OPCAT), which establishes a dual system of regular visits to places of detention. The first involves an obligation on states parties to set up, designate or maintain a national preventive mechanism to conduct regular inspections. The second is through visits by the UN Sub-Committee on the Prevention of Torture, an independent, international expert body.

In 2009, seven countries ratified OPCAT, taking the

total number to 50. By reaching this milestone, the Sub-Committee on the Prevention of Torture will be increased from ten to 25 members. This increased capacity will enable the Sub-Committee to make unannounced visits to places of detention and provide technical advice to states on the establishment of national preventive mechanisms.

The UK's national preventive mechanism was established in March 2009. It is made up of a number of existing independent statutory bodies that inspect conditions at places of detention in the UK. There are over 20 different types of inspection bodies in the UK. In England and Wales, for instance, there are independent inspectorates for prisons and youth detention centres, for police stations and for psychiatric hospitals. Similar bodies exist in Scotland and in Northern Ireland. In all parts of the UK there are inspection mechanisms for immigration centres.

UK action to combat torture around the world continued in 2009 through ongoing efforts to support wider ratification and implementation of CAT and OPCAT. To achieve this we lobbied other governments, both bilaterally and with the EU, and raised torture and OPCAT ratification during sessions of the Human Rights Council's Universal Periodic Review (see page 60). The UK also continued to raise individual cases with foreign governments where allegations of mistreatment were made concerning British nationals and dual nationals who were detained overseas. In 2009, we also provided funding for programmes to promote criminal justice, prison reform and torture prevention. Examples include:

- projects by the NGO Association for the Prevention of Torture in **Brazil, Morocco, Senegal, South Africa, Thailand and Central Asia** to encourage OPCAT ratification and implementation;
- supporting the same organisation in their efforts to encourage the establishment of national preventive mechanisms in **Benin, Kazakhstan, Kyrgyzstan and Lebanon**. This project aims to ensure that these monitoring bodies cooperate and work effectively with the UN Sub-Committee on the Prevention of Torture so that real improvements to prison conditions can be realised;
- a torture redress scheme in **Nigeria**, which provides training for prison staff, doctors and lawyers, as well as providing legal representation to victims of torture;

Eritrea: The Lack of Basic Freedoms

The UK has serious concerns about lack of the rule of law and accountability in Eritrea. Basic legal rights afforded by Eritrean law, including the prohibition of arbitrary and indefinite detention, are routinely violated. It is impossible to obtain accurate figures, but some estimates put the number of political and religious prisoners in Eritrea in the many thousands. These include the "G11" – 11 senior government officials imprisoned since 2001 after openly criticising President Isaias Afwerki. The Eritrean government refuses to comment on their condition.

Released prisoners describe secret Special Courts whose judges also serve as prosecutors selected by, and only accountable to, the President. Legal defence is not allowed. There are also reports of summary executions. Conditions in prisons and detention centres are harsh and even life-threatening. Many detention centres are secret, extremely crowded, below ground or in shipping containers where temperatures reach 40 degrees, and outside visits are usually prohibited. Beating and torture are reportedly commonplace and part of a deliberate strategy to weaken detainees and maintain control through the instillation of fear. Former guards and detainees describe food, water and medical supplies being strictly limited or withheld. Many are believed to die in detention.

Wider repressive measures taken by the Eritrean regime affect the rights of broad swathes of the population. Mandatory indefinite conscription into the military is a key example. Despite official statements that military service only lasts 18 months, many thousands of Eritreans are conscripted indefinitely. Service often lasts for more than ten years in very harsh conditions. This prevents those conscripted from exercising basic human rights and is thought to be a main reason for the high number of young Eritreans fleeing the country.

At the 2009 UN Universal Periodic Review of Eritrea, the UK raised concerns over the imprisonment and detention without charge of political dissenters, including the G11, journalists and members of religious groups, and over indefinite national service. We called on the Eritrean government to take seriously its international human rights obligations. Eritrea took on over two-thirds of the recommendations made during this process and we stand ready to assist in their implementation. Together with EU partners, the UK regularly raises human rights concerns as part of an EU–Eritrea political dialogue, and presses the government to make available information about political and other prisoners.

Philippines: Extra judicial killings

On 23 November, at least 57 civilians were killed in the southern Philippines. They were part of a convoy going to file the candidacy of a local politician for the 2010 elections. A powerful local political clan was implicated in the killings. The massacre shocked the Philippines and the world.

Political killings have long been part of the landscape in the Philippines. The UK and other states raised the issue at the Universal Periodic Review of the Philippines at the UN Human Rights Council in 2008. In 2009, the UN Special Rapporteur on extra judicial killings reported that the number of political killings in the Philippines was down by 70%. But an ongoing culture of impunity remained, largely because of the continued failure to prosecute the perpetrators.

The Philippines government responded swiftly to the incident. Several prominent members of the political clan were taken into custody. The main suspect and members of his armed group have been charged with multiple murders. The UK will be following the situation closely and encouraging the Philippines government to take effective legal action to prosecute the perpetrators, provide justice to the victims, restore the rule of law, and end the culture of impunity once and for all.



Police at the scene of the 23 November extra judicial killings in the Philippines

- > advocacy work in **Russia** implemented by the Nizhniy Novgorod Committee against Torture, which contributed to changes in court procedure allowing defence lawyers access to all prosecution material, including photographic evidence, which can be particularly important in torture cases; and
- > supporting Penal Reform International's input to a national law in **Kazakhstan** committing the government to OPCAT ratification.

Prison Reform

Prisons that are secure, safe, well-managed and humane contribute directly to improving the rule of law and can promote long-term peace and security. But in many countries conditions in prisons violate the most basic human rights standards. The closed and isolated nature of prisons can also allow widespread abuse, including torture, to be committed with impunity. Badly run prisons where human rights are not respected can also be recruiting grounds for terrorism.

The FCO's long-term partnership with the International Centre for Prison Studies (ICPS) continued with a new prison-reform project in two provinces in **China** (Hubei and Jiangsu) in 2009, the aim of which is to bring prison-management practices in line with international human rights standards. ICPS has already held a number of training sessions with the Chinese Ministry of Justice and prison-service officials. This was followed by a visit by Chinese officials to the UK to see different types of UK prisons and hold meetings on UK prison management with the Ministry of Justice and HM Prison Service officials.

In 2009, in partnership with the ICPS, the second edition of *A Human Rights Approach to Prison Management* was launched by Foreign Office Minister, Baroness Kinnock. The original handbook has been used by foreign governments, prison authorities and human rights NGOs around the world to promote good prison management that reflects human rights principles. This includes addressing the needs of particularly vulnerable prisoners, the provision of healthcare and improving rehabilitation and reintegration. The new edition recognises the changed international environment and deals with additional issues, such as the management of very high security prisoners and of prisoners who are foreign nationals.

The FCO is also continuing to fund a successful project with the Great Britain–China Centre, to

establish the independent monitoring of police detention centres in China. This follows on from a previous pilot project in Liaoyuan province, which has now been extended to two further provinces. As a direct result of trained lay visitors regularly monitoring the original Liaoyuan detention centre, both physical conditions and medical provision have improved. In addition, following media interest in this project, in September 2009 a Beijing prison held its first-ever public open day. This represents a first step towards greater transparency and oversight of detention centres.

Promoting Equality

Racism

The UK is committed to fighting racial discrimination and intolerance. Combating all forms of racism, including anti-Semitism, remains an important part of the Government's human rights policy. We continue to develop policies, strategies and legislation to address these issues, both in the UK and globally.

In March, a delegation from the Council of Europe's anti-racism agency, the European Commission against Racism and Intolerance (ECRI), visited the UK to gather evidence for its forthcoming fourth periodic report on the UK. ECRI expect to publish their report in March 2010. In September, the Government launched a consultation on its next periodic report under the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). Comments on the draft report were sought from some 180 NGOs. We expect to submit the final version of the report to the UN in early 2010.

Durban Review Conference

The UN Durban Review Conference took place from 20–24 April. Its objective was to review the implementation of the Durban Declaration and Programme of Action, agreed at the World Conference Against Racism in 2001. The 2001 conference was marred by anti-Semitic rhetoric and behaviour in NGO events and was extremely difficult for the UK and many EU partners. The Durban Review Conference was the conclusion of a long, tough and

Durban Review Conference: Protesting against President Ahmadinejad's speech

On the first day of the Durban Review Conference, Iranian President Ahmadinejad delivered a speech in which he spoke of Israel as "a racist state...formed on the pretext of Jewish suffering" and used language claiming worldwide Zionist conspiracies.

As the Foreign Secretary said at the time, we deemed Ahmadinejad's comments "offensive, inflammatory and utterly unacceptable. That such remarks were made using the platform of the UN's anti-racism conference is all the more reprehensible." We judged the statement constituted racial hatred. Along with EU colleagues our Ambassador to the UN in Geneva walked out in protest and in solidarity with those targeted by Ahmadinejad's hateful words. We later returned to the hall and, like many other delegations, condemned Ahmadinejad's words. We returned because we did not want to leave the stage only to those, like President Ahmadinejad, who would take global efforts against racism backwards.

The UN Secretary-General and the UN High Commissioner for Human Rights also condemned his speech. They were right to do so. The Secretary-General was correct when he said that Ahmadinejad's words were "the opposite of what this conference is seeking to achieve". Iran's reaction, complaining bitterly at the many statements of condemnation and interrupting non-Governmental

speakers who dared criticise their president, suggests that they did not expect such a backlash.

A walk-out is not a common occurrence in international diplomacy. But it was important to send a clear and strong message. We fought back hard against Ahmadinejad's appalling behaviour. We believe that the reaction of many in the international community, condemning his words of hate but stressing that they should not derail the legitimate UN work on racism, means that our decision to stay at the conference, although not an easy option, was the right one.



President Ahmadinejad addresses the Durban Review Conference on its opening day

controversial multilateral negotiation on how best to review the Durban Declaration and Programme of Action. It also got off to a difficult start. The preceding weekend, several western countries decided against participation. The US, who withdrew from the 2001 conference because of the anti-Semitic rhetoric, announced they would not participate. Australia and New Zealand joined them. Israel and Canada had confirmed in 2008 that they would boycott. Several EU states – Italy, the Netherlands, Germany and Poland – also withdrew on the eve of the conference, and the Czech Republic followed on the first day, following Iranian President Ahmadinejad's statement.

The UK engaged in the Durban Review Conference because we shared its principal objectives: to further the global fight against racism, and to review progress in this effort since 2001. From the outset, our engagement was based on clear red lines: specifically, we could not accept a repeat of the anti-Semitism seen at the 2001 conference or accept any attempt to undermine the international human rights framework or restrict freedom of expression through including the concept of "defamation of religions" in the outcome text (see page 64). We made it clear that if these red lines were crossed, the UK retained the option of withdrawing. Throughout the conference the UK met daily with representatives of UK civil society to update them on developments and seek their views on progress.

We are pleased that the final text clearly states that the Holocaust must never be forgotten and reaffirms the importance of the fight against anti-Semitism. We also successfully kept out language that sought to single out any particular country for criticism. At our insistence the text also includes references to multiple forms of discrimination, which we interpret to cover the rights of lesbian, gay, bisexual and transgender people. The outcome document was adopted by consensus on 21 April. We believe it is a significant improvement on previous UN texts on racism, including that from the 2001 conference.

Given that the conference met our red lines, we were disappointed that EU unity was not maintained. What is important now is to reunite and ensure that the political gains of the conference are translated into continued strengthening of the UN's effort to fight racism.

Combating anti-Semitism

As the Foreign Secretary said on 27 January to mark Holocaust Memorial Day, the UK has a "duty to

challenge prejudice and discrimination where we find it. The British Government will continue to challenge racism and anti-Semitism and promote the human rights of all people across the world, and we call upon other states to do the same."

The Government has continued to work closely with the All Parliamentary Group on Combating anti-Semitism in following up their 2006 inquiry. Representatives from several Government departments, including the FCO, as well as Jewish community organisations and parliamentarians, sit on a steering group to take forward and monitor the implementation of the 2006 inquiry recommendations. The working group is cited as best practice across the world and its discussions help shape our international engagement.

Throughout 2009, the UK continued to promote policies to tackle anti-Semitism through a range of international organisations. The OSCE has a key role to play. OSCE participating States have repeatedly condemned anti-Semitism, acknowledging the impact it can have on political and social tensions and wider international stability. In response to the increase in anti-Semitic acts across the OSCE region, the OSCE and the Chairman-in-Office's Personal Representative on combating anti-Semitism convened a roundtable discussion in March on "Combating anti-Semitism: Current Trends and Challenges in the OSCE Region". The expert meeting brought together representatives of civil society and international organisations, as well as Jewish leaders from several OSCE participating states, to discuss recent trends and developments concerning anti-Semitic hate crimes and incidents across the OSCE region.

In May, under the UK Presidency, the FCO hosted the two-day annual meeting of the 11-country International Commission for the International Tracing Service (ITS). At this meeting it was decided that a new international agreement setting out the tasks of the ITS relating to its archive of Holocaust-era records should be drawn up. In 2009, the UK also continued to play an active role in the work of the Task Force for International Cooperation on Holocaust Education, Remembrance and Research. At the December meeting, the University of London's Institute of Education presented its report into teaching about the Holocaust in secondary schools. This report, part-funded by the Department for Children, Schools and Families, will help inform a national programme of courses to help teachers address the issues they encounter when teaching about the Holocaust.

>> it's a terrible comment on our times that we should be meeting now in 2009 on the subject of anti-Semitism <<

Lord Malloch-Brown,
London Conference on Combating anti-Semitism,
17 February

London Conference for Combating anti-Semitism

On 16 and 17 February, over 100 parliamentarians and NGO representatives from 35 different countries gathered in London to develop strategies to combat the growing global threat of anti-Semitism. The London Conference on Combating anti-Semitism, hosted by the FCO and the Inter-parliamentary Coalition for Combating anti-Semitism, was held in the Houses of Parliament and at the FCO's Lancaster House.

The London Conference came in the wake of a significant increase in anti-Semitic attacks around the world following Israel's action in Gaza. In his speech to the conference the then Foreign Office Minister, Lord Malloch-Brown stressed the need for the international community to separate the political unrest in the Middle East and Israel's foreign policy from criticism of Jews.

The participants committed themselves to taking coordinated, long-term action to tackle the escalating global threat of anti-Semitism, including physical attacks as well as race hatred and Holocaust denial distributed via the mainstream media and the internet. The London Conference concluded with the signing of the "London Declaration". By signing, participants undertook to:

- > return to their assemblies and establish Inquiry Scrutiny panels to determine the existing nature and state of anti-Semitism in their countries;
- > engage with their national governments in order to measure the effectiveness of existing policies and mechanisms and to recommend ways to counter anti-Semitism;
- > maintain contact with fellow delegates through a working-group framework; and
- > engage with civil society institutions and leading NGOs to bring about change both domestically and globally.

The government of Canada will host the next meeting of the Inter-parliamentary Coalition in 2010.

The London Declaration is available at:
<www.antisem.org/london-declaration>.

More information on the Inter-parliamentary Coalition can be found at: <www.antisem.org>.



**Then Foreign Office
Minister Lord
Malloch-Brown at
the Conference for
Combating anti-
Semitism, 17 February**

Minority and Indigenous Rights

In September, the Government launched a consultation on its third state report under the Council of Europe's Framework Convention for the Protection of National Minorities. We expect to submit the final version of the report to the Council of Europe early in 2010.

The UK participated at the second annual UN Forum on Minority Issues in November. It was organised by the Human Rights Council's Independent Expert on minority issues, Gay McDougall. The Forum, chaired by Barbara Lee, Member of the United States House of Representatives, focused on minorities and effective political participation. The UK delegation delivered a keynote statement on behalf of Anne Begg, Vice-Chair of the UK Speaker's Conference on Parliamentary Representation. The statement explained the remit of the Speaker's Conference to an international audience and the importance for the House of Commons that it reflects UK society.

The UK supported the OSCE Ministerial Council Decision on the sustainable integration of Roma and Sinti adopted in December. This decision highlighted the general rise of violent incidents against Roma and Sinti in the OSCE region, as well as the lack of progress on their social integration.

Human rights are universal and equal to all individuals. As such the UK is committed to protecting the human rights of indigenous people. We supported the UN Declaration on the Rights of Indigenous Peoples, which we consider an important tool in helping to enhance the promotion and protection of the rights of indigenous people and we actively work in countries around the world for this end. In **Brazil**, we supported a □150,000 project focussed on promoting social cohesion, human security and economic growth. In **Bolivia**, we funded a project to help assess the impact of environmental degradation on the enjoyment of rights by indigenous people, and to enable those affected individuals to have their voices heard by the Bolivian parliament. And in **Guatemala** our Embassy is part of an EU group, which examines attacks and threats against human rights defenders, many of whom are working to defend the civil, political, social, economic and cultural rights of indigenous people.

Freedom of Religion or Belief

The UK condemns all instances where individuals are persecuted because of their faith or belief, wherever this happens and whatever the religion of the

individual or group concerned. In 2009, following consultation with various think tanks, academics and NGOs, the FCO produced detailed guidance for our overseas missions on understanding the human rights issues involved in freedom of religion or belief.

In November, EU Foreign Ministers adopted a set of EU Council Conclusions on Freedom of Religion or Belief. These Conclusions reaffirmed the EU's commitment to promote and protect freedom of thought, conscience, religion or belief, including the right to adopt, change or abandon one's religion or belief, of one's own free will. Foreign Ministers agreed to continue to give priority to freedom of religion or belief as part of the EU's wider human rights policy and to identify further opportunities to promote it in bilateral and multilateral relations.

The UK continued to promote freedom of religion or belief in its bilateral relations around the world. In **Nigeria**, members of the High Commission had regular contact with both Christian and Muslim leaders and raised freedom of religion or belief with the Nigerian government. In addition, High Commission staff regularly visited Northern Nigeria and supported measures to address the tensions in the region, including through improving inter-faith relations.

We are also discussing with the Egyptian authorities continued inter-religious tensions in **Egypt**. At its Universal Periodic Review (UPR) in February 2010 we encouraged further efforts to reduce and prevent discrimination in society on the grounds of an individual's religion or belief.

The British High Commission has closely followed the situation of Christians in Orissa State in **India** since the outbreak of violence in 2008. In November, we were assured that the state-run camps had been closed, compensation paid and the perpetrators of the violence had been convicted. We will continue to monitor the resettlement of those displaced and the reconstruction of the damaged churches. We are also supporting a pilot project to improve justice in Orissa State through awareness-raising of citizens' rights and building the capacity of lawyers to pursue cases for the victims of the violence.

Women's Rights

The United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) celebrated its 30th anniversary in 2009. But many women around the world still face inequality in

Switzerland: Freedom of Religion and Direct Democracy

On 29 November, the Swiss people voted in a national referendum in favour of banning the construction of new minarets on mosques in Switzerland. The Swiss federal government and religious leaders of all denominations in Switzerland opposed the motion. Nevertheless, the decision for now is legally binding and has entered the Swiss Constitution. In response to the vote, the Secretary General of the Council of Europe, Thorbjørn Jagland, said, "the result of this vote raises the issue of whether fundamental rights of individuals, protected by international treaties, should be subject to popular votes". The UN High Commissioner for Human Rights described the ban as "discriminatory, deeply divisive and a thoroughly unfortunate step for Switzerland to take, and risks putting the country on a collision course with its international human rights obligations". There is also some concern, both within Switzerland and outside, that this decision is incompatible with the human rights provisions of the Swiss Constitution and, perhaps more significantly, with the European Convention on Human Rights (ECHR) to which Switzerland is a signatory state. The

UK shares this concern.

The Swiss are proud of their unique form of direct democracy. But the issue has highlighted contradictions in the Swiss constitution, which allows popular votes to proceed even when they contravene international law. The question of whether this vote addresses more fundamental questions of society such as the extension of basic human rights will continue to be asked. For their part, the Swiss government is aware the ban might be considered incompatible with the ECHR and, were a European Court of Human Rights (ECtHR) judgment to be handed down, Switzerland would have to respect that decision.



Campaign posters advocating a ban on the construction of minarets in Switzerland

women around the world still face inequality in political, social and cultural spheres. The financial crisis and global economic recession have also impacted differently on women, especially in the labour market, raising new challenges in achieving gender equality.

The UK takes an active role internationally in protecting and promoting women's rights through the UN, including through the range of resolutions discussed by its General Assembly. In March, the UK participated in the 53rd session of the UN Commission on the Status of Women (CSW). This CSW meets annually to discuss women's rights, including those identified in the Beijing Declaration and the Platform for Action

adopted at the Fourth World Conference on Women, convened in Beijing in 1995. Each year the CSW agrees an outcome document on one priority theme. In 2009, it discussed "The equal sharing of responsibilities between women and men, including care giving in the context of HIV/AIDS". The UK actively contributed to the negotiations on the outcome document, drawing on its domestic experience. The 2010 session will celebrate the 15-year review of the Beijing Declaration and Platform for Action. We hope this meeting will send a strong signal of the international community's commitment to making further progress on gender equality and women's rights, including through a clear demonstration of the need to implement fully the

Beijing Declaration and CEDAW.

Tackling the violence that affects the lives of millions of women and girls worldwide remains a priority for the UK. The UK sits on the Council of Europe's Committee on Preventing and Combating Violence against Women and Domestic Violence, which is currently drafting a Convention to prevent and combat violence against women. In 2009, we welcomed the appointment by the UN Human Rights Council of Rashida Manjo, as the new UN Special Rapporteur on Violence against Women, its Causes and Consequences. We believe her work is essential in providing independent assessments and recommendations on issues relating to gender violence. In follow-up to the 2008 UN Security Council resolution 1820, which demanded the cessation of all acts of sexual violence against civilians by parties to conflict, in September we worked to adopt a follow-on resolution (Security Council resolution 1888), which will put in place concrete measures to enhance the international community's response to sexual violence in conflict. This includes the appointment of a UN Special Representative to provide coherent leadership to UN efforts in this area.

The UK continues to play a leading role on gender issues in the EU and is involved in ongoing discussions over the future EU gender equality policy, which will replace the 2006–10 "Roadmap for Equality between Women and Men". The new policy will include a commitment to develop an EU Plan of Action for Gender Equality in the EU's external relations. We hope this will allow the EU to take a more focused and systematic approach to tackling gender inequality and empowering women, supported by EU funding.

Bilaterally, the UK works to protect and promote the rights and welfare of women in all areas of life. In 2009, examples of this work included:

- > funding a project in **Peru** to promote an investigation into the allegations of sexual violence against women that occurred during Peru's internal conflict in the 1980s and 1990s. The project will design an investigation methodology for sexual violence cases with the government, and establish guidelines on trying cases;
- > organising a "Women in Politics" elections skills training course for women in **Mauritius** who wish to stand for election to parliament, town council or village councils;

Creating a new UN body for Gender Equality

Following the UN World Summit in 2005, a High Level Panel on System-Wide Coherence was established to consider how the UN system could be made to work more coherently and effectively. The Panel, which included Prime Minister Gordon Brown, made a number of recommendations for reform, including the creation of a consolidated United Nations organisation for women, in order to deliver a more coordinated international response to achieving women's empowerment worldwide.

The UK has consistently supported the creation of a new UN gender body. But turning the recommendation into reality has proved challenging. In September, after a protracted negotiation, the General Assembly finally decided to create a new body, by consolidating the UN's four existing bodies with responsibility for gender issues – the UN International Research and Training Institute for the Advancement of Women (INSTRAW), the UN Development Fund for Women (UNIFEM), the Division for the Advancement of Women, and the Office of the Special Adviser on Gender Issues (OSAGI) – into a single entity headed by a new Under Secretary-General. In December, the Secretary-General's office produced a detailed proposal for the new entity. General Assembly negotiations on the recommendations in this report will start early in 2010.

- > supporting a range of activities to address sexual violence in **Guyana**, including arranging expert legal advice on the drafting of new sexual violence legislation; and helping in the production of a detailed statement form and questionnaire for police officers taking statements from domestic violence and rape victims;
- > funding a two-year project to strengthen emerging networks of Muslim women leaders across **India**; and
- > funding a project in **Barbados** which improves the access of women and girls to a coordinated service for the prevention, detection, treatment and recovery from sexual violence. This project also strengthens the capacities of service providers and promotes public awareness.

Lesbian, Gay, Bisexual and Transgender Rights

The UK believes that Lesbian, Gay, Bisexual and

the full range of human rights, without fear of discrimination. But this attitude is not universally shared. Over 70 countries still criminalise same-sex relationships. This illegality has an adverse effect on other areas of human rights: democratic governance and sustainable development cannot take place where groups of people are excluded from enjoying their civil liberties. Millions of LGBT people around the world continue to face challenges and human rights violations related to their sexual orientation and gender identity. Major concerns include physical violence, unlawful restrictions on freedom of expression, freedom of assembly and association, violation of the right to respect for private and family life, violation of the rights to education, work and health, and social stigmatisation.

The UK looks to address these issues by playing a leading role in promoting the rights of LGBT people internationally, including through intergovernmental organisations, such as the EU, Council of Europe and UN, and our Embassies and High Commissions. In 2009, we joined in EU representations to the **Lithuanian** government on the potential effect that proposed changes to the Lithuanian Criminal and Administrative Codes could have on the LGBT community in Lithuania. We also worked closely with EU partners in lobbying the **Ugandan** government over an anti-homosexual private member's bill, which, if enacted, would widen the definition of homosexuality, criminalise organisations that support homosexuality in Uganda, and do serious damage to efforts to tackle HIV.

Our work is guided by our programme for promoting the human rights of LGBT people, which we launched in 2008. This includes an LGBT rights toolkit, which we encourage UK Embassies and High Commissions to use when advocating for the rights of LGBT people in their host country. It focuses on decriminalisation; non-discrimination in the application of human rights; supporting human rights defenders; and sexual health. In 2010, we will begin working with EU partners and civil society to develop an EU strategy, based on our own programme, to promote the human rights of LGBT people through the EU's common foreign and security policy. We will work to ensure that this strategy both identifies opportunities for bilateral and multilateral progress, as well as making sure that the rights of LGBT people are raised systematically in EU external human rights dialogues.

Within the Council of Europe, the UK played a key role in discussions of the recommendations by the Committee of Ministers on measures to combat discrimination based on sexual orientation or gender identity, which we expect to be adopted in early 2010. We hope these will serve as a guidance document on sexual orientation and gender-identity discrimination issues for use in all Council of Europe Member States. Bilaterally, the UK has continued to work with other European governments to share our experience in drafting legislation providing for the recognition of civil partnerships.

Through the UN Universal Periodic Review we raise our concerns on LGBT rights in specific countries. In



Foreign Office Minister Baroness Kinnock visits a local women's rights organisation, Aspire, in Trinidad and Tobago in November

February, for example, we pressed the government of **Nigeria** to explain its position on LGBT rights, how it tackles incidences of violence against LGBT people, and its plans for promoting further social inclusion. As a rule, we look to raise issues on the rights of LGBT people as a matter of course when a country of concern is under review.

There were some positive developments on LGBT rights internationally in 2009. We welcomed confirmation from the **Rwandan** parliament on 22 December that an anti-homosexuality clause has been dropped from the penal code review, and hope that a similar resolution will be reached in relation to the private member's bill introduced in **Uganda**. In July, the Delhi High Court in **India** struck down India's 148-year old law banning homosexual acts. In December,

Mexico City's Legislative Assembly legalised same-sex marriages and adoption by same-sex couples and **Austria** legalised same-sex unions. We welcome these developments recognising the rights of LGBT people around the world.

Disability Rights

The UK is one of the leaders within the field on disability rights. We strongly support the obligations of the UN Convention on the Rights of Persons with Disabilities (CRPD), which builds on existing international human rights instruments to reaffirm explicitly the human rights of disabled people. An Optional Protocol supplements the Convention with additional implementation and monitoring procedures. The UK ratified the Convention on 8 June and the Optional Protocol on 7 August.

Showing support for Pride marches

In 2009, UK Embassies across Central and Eastern Europe demonstrated our support for LGBT rights by taking part in Pride marches, flying the rainbow flag and speaking out in support. In Budapest, we coordinated a press release in support of the Budapest Pride organisers with 12 other Embassies from four continents, including the US and South Africa, and hosted a reception for those who had joined in the press release. Later, Embassy officials and family members joined in the Pride Parade. In Riga, we welcomed Baltic Pride by co-sponsoring a reception with a local NGO group and hosting tea for the march's organisers. In Bucharest, the Embassy hosted a barbecue for local human rights activists, NGOs, politicians and the media to coincide with "GayFest" week; Embassy staff subsequently joined in the GayFest parade. In Sofia, the Embassy issued a statement of support to all those celebrating diversity at the Rainbow Friendship Rally. And in Warsaw we hosted a reception for the Polish Pride march organisers and provided them with a Polish translation of the FCO programme on *Promoting the human rights of Lesbian, Gay, Bisexual and Transgender people*.

A number of LGBT marchers expressed their gratitude for the various demonstrations of support

shown by UK Embassies during Pride events. One said, *"I cannot begin to tell you how proud I feel of my country (the UK) for doing this but one measure perhaps is that as I landed yesterday at Gatwick I had tears in my eyes. I cannot begin to tell you how much it means to me that my pride as a lesbian and my pride in my country are now no longer in conflict but by being together are in fact compounded."*

We were dismayed by the hostile reception to many of these marches in 2009 and in some cases the violent attacks on their participants. During 2010, the UK Government will again offer its full support to LGBT people during Pride season. We hope that everyone who participates in the marches enjoys them as a celebration of human rights and as a statement against discrimination and persecution.



Polish riot police at a Pride event in Warsaw on 13 June

In November, EU Ministers adopted a decision allowing the European Community to become a party to the CRPD, as a Regional Integration Organisation, within the areas of its competence. Community conclusion of the CRPD will result in the Convention's provisions, so far as they are within Community competence, forming an integral part of the Community's legal system. Many of the final details of this arrangement will be addressed in a separate Code of Conduct, to be negotiated in 2010.

Alongside our multilateral work, we continue to fund national projects to promote the rights of disabled people. In **Malawi**, the British High Commission is funding the Malawi National Association of the Deaf to promote and advocate the rights of people with hearing impairments. A recent survey conducted by the Federation of Disability Organisations in Malawi revealed that over one million people in the country are living with disabilities and of them 52,000 have hearing impairments. The main purpose of the project is to raise awareness on deafness, provide training in basic sign-language skills, and train deaf people on issues of human rights.

In March, the FCO funded a workshop in **Poland** to support a coalition of local disability NGOs in their efforts to become the key civil society interlocutor with the Polish government as it draws up and implements new disability legislation. Our Embassy in Warsaw has also contributed to the Polish debate on accessibility and inclusivity through its support for a UK architect's participation in the "Architecture for All" conference on accessible architecture design. And in **India**, we are supporting a project to promote government implementation of the CRPD through the integration of disability into health, employment, information communication technology, and rural development policies.

Child Rights

The UN Convention on the Rights of the Child (CRC) sets the international standard for protecting and promoting the rights of children. In reflecting the particular needs of children, it provides the base for children to fully realise their potential, free from poverty and ill-health; inequality and discrimination; and violence, abuse and exploitation. The CRC celebrated its 20th anniversary in November. The fact that over these 20 years almost every country in the world has ratified the CRC is a clear demonstration of the value it has added to the international human rights framework. We also welcomed the

appointment of the first UN Special Representative on Violence against Children, Marta Santos Pais, in May. But there is still much to be done to improve the daily lives of children around the world. The UK works hard to encourage countries to fulfil their obligations under the CRC to protect and empower children.

In February, the UK ratified the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography. This Protocol provides that children must be protected from sexual abuse and exploitation; and that the perpetrators of these offences should be punished and the victims adequately supported.

The UK has also been actively involved in UN discussions about the possible creation of a third Optional Protocol to the CRC, under which children would be able to bring allegations of violations directly to the UN Committee on the Rights of the Child. We supported a Slovakian resolution at the June session of the UN Human Rights Council (HRC) to establish a UN Working Group to examine the possibility of a third Optional Protocol. We



A student participating in a Solidarity March for the rights of persons with disabilities in Mumbai, India on 9 April

participated in the discussions in the Working Group and will continue to be involved in the development of this process when it is next discussed at the HRC in March 2010.

The implementation of the CRC forms the main focus of our bilateral child rights work. We provided more than £75 million in funding for UNICEF in 2008–09. We also fund individual projects through the FCO's Strategic Programme Fund. In 2009, these included:

- carrying out an audit of the Child Protection Systems in **Jamaica** to improve the quality of investigation, evidence and support to victims. This aims to prevent the secondary victimisation of children, which has impeded the reporting of cases of child abuse. Another project in Jamaica aimed to promote positive parenting practices and improve the ability of child protection practitioners to recognise the signs of abuse;
- using an exhibition produced by the British Council, our Embassy in **Ecuador** has worked to raise awareness about children's rights among local authorities, teachers, children and the general public through an innovative educational programme that includes art, reading and activity. This has so far been implemented in five Ecuadorean cities: Quito, Manta, Cuenca, Loja and Riobamba;
- supporting the Supreme Court of the **Dominican Republic** to reduce the trauma faced by children testifying in court and to secure stronger evidence and more convictions by establishing a special video-recording centre to interview child victims. The Dominican authorities have recently introduced a law that allows video-recorded evidence to be admissible evidence in court;
- helping Nigerian NGOs involved in tackling the stigmatisation of children as "witches" and "wizards" in South-Eastern **Nigeria**, through supporting a public awareness campaign in Akwa Ibom State, and the work of a shelter that provides refuge and rehabilitation for victims. Children accused of witchcraft are ostracised, and often subject to beatings, violent "exorcism" and sometimes even murder;
- providing funding to create a Southern African Network against Child Abuse and Trafficking and to schemes to raise awareness of a new law against child trafficking in **Mozambique's**

Yemen: Tackling Early Marriage

Yemen is one of 20 countries in which early marriage is common. Nearly half of all Yemeni girls are married before they are 18 years old. Early marriage is often explained in Yemen as a traditional practice to protect girls' honour, to reduce poverty in the family or as a tribal tradition. But early marriage can often increase poverty, reducing women's access to education and increasing the chances of injury or death through childbirth. Yemen has the highest maternal mortality rate of the Middle East and North African region with one in 43 Yemeni women dying in childbirth.

There have been a number of high profile cases recently in which young Yemeni girls have won the right to a divorce from their older husbands. There have also been publicised cases of Yemeni girls as young as 12 years old dying in childbirth. A number of Yemeni government bodies and NGOs are working to bring about a change in the law on child marriages. The UK has raised the issue of early marriage both through the EU and bilaterally. Early marriage was discussed during the high level EU–Yemen Political Dialogue in October 2009.

In February 2009, the Yemeni Parliament passed a law setting the minimum marriage age for females at 17. But a small number of Yemeni MPs did not approve of the law and forced it back to parliament's constitutional committee for review before the President could ratify it. The law remains in draft and unenforced while Parliament finds an agreement. We have made clear to the Yemeni government our concern at the lack of progress on the legislation.

Northern Provinces. The High Commission in Maputo has also assisted with establishing "Monitoring and Denouncing Clubs", whose members are encouraged to denounce cases of child trafficking and abuse, and hold the authorities to account;

- funding a study in **Barbados** to secure empirical evidence on the high level of cultural tolerance of child sexual abuse; and
- supporting the NGO "Perspectives" in **Senegal** in sustaining a training centre to allow children to get away from the street, receive basic schooling, and learn a profession to allow them to earn their own living.

A Human Rights-based Approach to Development

In 2000, the Government adopted a human rights-based approach to development. This means that our aid partnerships must be based on commitment to respect for human rights. The approach is based on three core principles:

- > Participation: enabling people to participate in decision-making processes, which affect their lives.
- > Inclusion: building socially inclusive societies, based on the values of equality and non-discrimination.
- > Fulfilling obligations: strengthening institutions and policies to protect and promote human rights.

The UK believes that the realisation of the protection of human rights underpins sustainable development and poverty reduction.

A decade ago world political leaders agreed on the Millennium Development Goals (MDGs), which are closely linked to the Universal Declaration of Human Rights. The achievement of the MDGs will bring the world a long way towards the achievement of human rights for all. They provide important benchmarks for measuring progress, particularly on the rights to health, education and a decent standard of living.

Disappointingly, progress against several MDGs remains significantly off-track. The UN Secretary-General will host a Summit in September 2010 to review progress. We will engage with our international partners to ensure that the Summit

delivers for the poorest and most vulnerable.

Health and education are two areas in which the UK takes a particular interest, with DFID and FCO both active in ensuring global consensus to promote the goals of universal access. The combination of poverty and weak health systems mean that many are denied or have limited access to healthcare. The UK has been at the forefront of recent international efforts to strengthen health systems in developing countries.

During the UN General Assembly in September, the UK and World Bank hosted a high-level event, which resulted in a number of donor countries committing £3.3 billion of additional finance for maternal and child healthcare. At the same event, a number of developing countries committed to expand access to free healthcare for women and children. We warmly welcome these commitments.

Every child has a right to education, yet 75 million are still deprived worldwide. In 2009, the UK supported the 1GOAL campaign. This will use the 2010 football World Cup in South Africa to reinvigorate efforts to make universal primary education a reality. The FCO network played a key role in bringing together world leaders for the 1GOAL global launch in October, and securing support for 1GOAL and increased resources for education from the Commonwealth Heads of Government meeting.



The Prime Minister signing a chalkboard during the launch of the 1GOAL campaign in London on 6 October

2 Human Rights in Conflict, Counter-Terrorism and Counter-Proliferation

Introduction

In 2009, the world continued to be plagued by armed conflict and the threat of global terrorism. As some of the most important foreign policy challenges facing the UK, the FCO's work on conflict, counter-terrorism and counter-proliferation has a clear human rights dimension. Human rights violations can be both a cause and a consequence of conflict and terrorism. It is therefore important not only to promote respect for human rights internationally, but to ensure that this is integrated into our broader work in these areas. We continue to work with the UN and other multilateral organisations to develop better international mechanisms to prevent and resolve conflict. We endeavour to reduce the proliferation of weapons around the world, and the risk of our arms exports being used for repressive purposes. And we continue to ensure that human rights are integrated and respected throughout our counter-terrorism activity.



Preventing and Resolving Conflict

Insecurity, instability and violence blight the lives of millions of men, women and children. The UK's National Security Strategy acknowledges that violent conflict beyond our borders also affects us. It can be a threat to our territory and prosperity and create opportunities for organised crime and terrorism to thrive.

Grievances over real or perceived denial of human rights can generate social conflict, such as the systematic discrimination of minorities or the denial of freedom of expression or practical participation. When violent conflict does occur some of the most serious abuses of human rights take place, including widespread killings of civilians, rape, torture and disappearances. The UK therefore seeks to tackle the underlying causes of conflict to prevent the outbreak of violence and works to mobilise an effective international response when violence does erupt.

The UK can and does make a difference on conflict issues, as a Permanent Member of the UN Security Council and as a key member of NATO, the EU and other major institutions that tackle peace and security issues. We have also recognised for some time that in order to tackle challenging situations we need to combine our development, diplomatic and defence efforts. Since 2001, we have united expertise through the "Conflict Pools", a tri-partite funding and planning system, which allows FCO, the Department for International Development (DFID) and the Ministry of Defence (MOD) to work together to reduce conflict. This "joined-up" approach has also been taken forward with the development of the UK Government's Stabilisation Unit.

The number of conflicts across the globe is declining and international action has been successful in stopping wars. However, there is no room for complacency. As the 2009 DFID White Paper "Building our Common Future" noted, the conflicts that remain have become increasingly entrenched. Half of current conflicts are deemed intractable having continued for more than 20 years. The economic crisis is putting an additional strain on states and societies, and climate change is placing additional pressure on water, land and food supplies.

This section explains, in more detail, how the UK approaches conflict prevention and resolution,

through the use of the Conflict Pool and through international institutions and initiatives and how our work on conflict is closely linked with the promotion and protection of human rights.

The Conflict Pool

The Conflict Pool was established in 2001 to enhance the UK's contribution to conflict prevention and resolution and post-conflict reconstruction by coordinating efforts across Government departments. The Pool has undergone successive restructuring since it was established, most recently in March, when a number of programmes were merged to provide greater coherence. The Pool is managed by DFID, FCO and MOD.

The Pool now comprises five programmes, four of which are regional in scope (Wider Europe, Africa, South Asia, and the Middle East), while the fifth is thematic (Strategic Support to International Organisations). In financial year 2009–10, the allocations were as follows:

Regional programmes	2009–10
Africa	£43m
Wider Europe	£33m
Middle East	£18m
South Asia	£61.3m

Thematic programmes	
Strategic support to International Organisations	£6.5m

Wider Europe Programme

The Wider Europe Programme was created in March, merging the Balkans and Russia–Commonwealth of Independent States (CIS) programmes. To deal more effectively with the challenges we face in the region, the Wider Europe Programme works closely with international and regional organisations, providing support to UN peacekeeping-support operations in the region, including the UN Peacekeeping Force in Cyprus as well as NATO and EU-led operations. It also supported the UN Mission in Georgia until its closure following Russia's veto of the mission's mandate in the UN Security Council in June.

In the **Western Balkans**, the risk of instability in **Bosnia & Herzegovina** remains high. State-building processes are weak throughout the region, political

Unconstitutional Transfers of Power

Throughout 2009 the UK's response to unconstitutional transfers of power and their impact on human rights issues in Africa was defined by our increased confidence in the African Union (AU) and the regional economic communities (RECs), such as the Economic Community of West African States (ECOWAS) and the Southern African Development Community (SADC), to effect real change on the continent. We consider the AU and the regional economic communities to be key to influencing African states.

In 2009, the AU and the RECs responded robustly to a resurgence of unconstitutional behaviour in **Guinea**, **Niger**, **Guinea-Bissau** and **Madagascar**, and the resultant negative impact on the economies and social welfare of those countries. They established International Contact Groups (ICGs) to bring together broad based international support for the mediation processes. The UK is an active member of the ICG in Madagascar and Guinea and, alongside the EU and other members of the international community, supported the AU and RECs' approach.

This approach helped mediate between opposing parties in **Mauritania**, resulting in July's democratic elections. In Guinea the ICG was instrumental in brokering an agreement to establish a civilian-led government to prepare for elections by the middle of 2010: the best opportunity so far to restore constitutional rule to Guinea. But there is still work to be done: negotiations on Madagascar, Guinea and Niger are ongoing. The UK will continue to support Africa-led mediation efforts and other responses, such as targeted ECOWAS and EU sanctions against Guinea, and press for a return to democracies governed by existing constitutions.

and ethnic tensions are pervasive, and organised crime and corruption remain a concern.

The Wider Europe Programme has promoted security-sector reform to establish democratically accountable security forces in **Bosnia and Herzegovina** and **Serbia**, funded projects to reduce inter-ethnic tensions in South Serbia and Sandjak, and has improved access to justice and reconciliation, funding the work of the Bosnian State Prosecutor's Office and State Court, increasing capacity to tackle sensitive cases, such as the mass killings at Srebrenica.

Russia and the Commonwealth of Independent States

States is a diverse region, which continues to be affected by potential conflict. The political and security situation in **Georgia** is fragile; there remains a high risk of sporadic violence in Nagorno Karabakh; a threat of terrorist attacks in the highly unstable North Caucasus; a risk that escalated tensions in the Ferghana Valley, straddling the Uzbek, Tajik and Kyrgyz borders, could lead to conflict; and **Moldova**'s development continues to be hindered by unresolved separatist conflict.

Our programme has a successful track record of support for developing civil society, youth programmes, education and access to legal assistance; raising awareness of human rights; fostering the role of business and media in preventing conflict; and reforming outmoded security sectors. We have led or contributed to projects across the **South Caucasus**, including innovative work with young people aimed at encouraging communication, mutual understanding and respect. We also provided funding (£67,000) for training sessions involving more than 540 youth leaders in Chechnya, Ingushetia and North Ossetia. These projects helped to build an understanding among young people of the importance of religious tolerance, reconciliation and human rights.

Africa Programme

The level and intensity of conflict in Africa is less intense than in recent years, although this trend is fragile and far from irreversible. This improvement is partially due to a greater African political will to promote peace, security and stability on the continent, supported by the development of a preventative, mitigating and peacekeeping capability at continental and regional level. This is widely supported by the international community, including the UK.

The Africa Programme works closely with the African Union (AU), which in addition to responding strongly to constitutional crises is also developing long-term structures to address conflict through the African Peace and Security Architecture (APSA). These comprise early warning, mediation, political decision-making, peacekeeping and post-conflict functions. The UK has provided funding and strategic advice to the development of the APSA.

The Pool has funded a wide range of projects throughout Africa in 2009, from building the capacity of African forces to take part in Peace Support

Operations to contributing to election monitoring in **Ghana, Malawi, Guinea and Guinea-Bissau**.

In **Somalia** the programme supported the Djibouti peace process, enabling negotiations between the Transitional Federal Government and elements of the Somali opposition. The AU Mission in Somalia (AMISOM) now has weather and dust-free hospital treatment facilities funded by the UK, which serve the local community as well as AMISOM troops.

In **Kenya**, following the post-election violence of 2007–08, we continued to support the electoral commission, the Constitution review process and police reform as part of the National Accord agreed by the parties forming the coalition government. We continue to support the delivery of reforms for greater accountability, improved human rights, security and stability. We have supported the East **Sudan** Peace Agreement, by financing a programme that provides support to demobilised ex-combatants, including the reintegration of children associated with armed groups into communities. In the

Democratic Republic of Congo, reforming the DRC army, with its reputation for corruption, human rights abuses and military weakness, continued to be a difficult but critical endeavour. The UK has continued working to improve the critical administrative, training and logistical elements of the DRC army. In Southern Africa our work has focused on supporting democratic process in **Zimbabwe** following the elections. We spent over £1 million on support to human rights defenders, providing medical care and working to release political detainees as quickly as possible.

In West Africa in 2009, the Africa Programme has focused support on the development of apolitical and accountable security services in **Sierra Leone**, strengthening the role in supporting civilian power through for example, helping the police forces to guard imprisoned international narcotics-traffickers, and patrolling to deter illegal logging. In **Nigeria** we have met with some success at the community level, through our support for conflict management and resolution activities. In addition to these community peacebuilding initiatives, we supported the promotion of inter-faith dialogue in Northern Nigeria, as a means of reducing tensions between Christian and Muslim groups.

South Asia Programme

Within the South Asia programme, non-Afghanistan-specific funding is targeted towards four main

objectives: consolidating progress in the Nepal peace process; promoting sustainable peace in Sri Lanka; promoting better relations between India and Pakistan; and reducing conflict in the Afghanistan-Pakistan border areas. Protecting human rights is integral to this work. Following the structural changes made to the Pool in March, the Afghanistan programme was absorbed by the wider South Asia Programme, but retained a separate budget of around £40m.

In **Nepal**, we provided £310,000 to the UN Office of the High Commissioner for Human Rights to support the continued UN monitoring of the difficult human rights situation. We also supported international institutions operating in the region, which are seeking to address impunity and promote reconciliation. These institutions have become increasingly effective in their support of the peace process, running a variety of projects reforming the criminal justice system, seeking to combat impunity

Kashmir: UK support for conflict prevention efforts

In 2009, there were continued reports of human rights abuses on both sides of the Line of Control in Kashmir. It is not for the UK to prescribe a solution on Kashmir. But we continue to encourage those parties involved in the conflict to seek a lasting solution which takes into account the wishes of the Kashmiri people. This includes ending all external support for violence in Kashmir and improving the human rights situation.

The UK continues to urge the Pakistani government to take action against the presence and activities of militant groups in Pakistan-administered Kashmir. Levels of reported militant violence in Indian-administered Kashmir have been declining since 2008, but Indian authorities report that infiltration across the Line of Control continues.

The South Asia programme of the Conflict Pool provided funds for human rights, conflict prevention and peacebuilding projects on both sides of the Line of Control in 2009. In Pakistan-administered Kashmir, the UK supported educational development in schools vulnerable to militant influence and the strengthening of civil society networks. In Indian-administered Kashmir, we supported media development programmes as well as civil society exchanges across the Line of Control.



UNICEF poster against the use of child soldiers

of those responsible for human rights abuses, and encouraging national dialogue on human rights.

In **Sri Lanka**, the programme supported a UNICEF residential facility for the rehabilitation of children recruited as soldiers, who are then reintegrated into their communities (see page 151). The programme worked with the Sri Lankan government to introduce child-sensitive legislation for dealing with child surrendees. Separately, we supported the successful lobbying of the paramilitary organisation, Tamil Makkal Viduthalai Pulikal, to begin releasing child soldiers in their ranks.

In the **Afghanistan-Pakistan** border areas, our projects in 2009 have supported the socio-economic inclusion of marginalised groups in North West and South West Pakistan, as well as Western Afghanistan, to reduce regional conflict.

In **Afghanistan**, a large proportion of Conflict Pool work is dedicated to post-conflict stabilisation and reconstruction projects to bolster Afghan human rights and provide the effective governance and security necessary to protect those rights.

The programme has funded training and equipment for the Afghan National Police Force; enabled the Afghan public to report crime by establishing a “crime stoppers” style hotline in Helmand province; and helped create community-based justice organisations in remote areas that the central justice system finds hard to reach, as an alternative to Taliban justice

mechanisms. Evidence from pilot projects run in the Garmir and Gereshk districts of Helmand province indicate that communities prefer these locally elected organisations to Taliban methods.

The programme has also provided funding to support the development of Afghan media and supported BBC radio to enable greater access to information by the Afghan people.

Middle East Programme

In 2009, the Middle East Programme absorbed the former Stabilisation Aid Fund budget for Iraq. The programme focused its resources on four priorities in the region: the **Occupied Palestinian Territories**,

Lebanon, **Iraq** and **Yemen**.

In **Iraq**, the Conflict Pool continues to support their reform of the security sector in order to create a law-abiding Iraq that can defend itself and provide security to its citizens. As a result, Iraqi authorities took back control of Basra airport. UK funding provided four criminal evidence laboratories and a training laboratory, enabling the Iraqi police service to investigate crimes properly rather than relying on confessions.

In the **Occupied Palestinian Territories** the UK supports the Palestinian Authority Security Forces (PASF) to become an accountable and responsive foundation of a future Palestinian state. Conflict Pool funding has supported a dramatic improvement in Palestinian security capabilities in the West Bank and improved confidence in the PASF by both the Palestinian public and Israeli Defence Forces (IDF). The programme also provides funding to a number of Israeli and Palestinian NGOs that seek to document and develop ways to tackle the effects of Israeli settlements in the West Bank – a key obstacle to peace negotiations.

In **Lebanon**, the programme is helping the government to develop the capacity of local institutions to mitigate and resolve conflict, through, for example, developing election violence risk-assessment tools, used for planning deployment of the security agencies during the elections in June. We have also worked to increase public confidence in the

police force – the Internal Security Forces (ISF).

The ISF's overall objectives is to police with the consent and trust of the Lebanese people. A public satisfaction survey, conducted in late 2009 revealed only limited trust in the ISF by the public it serves and protects. The Conflict Pool project sought, through support, guidance and mentoring, to help the ISF develop its own solutions to this problem. The survey provided clear evidence that the most effective way of improving public trust will be through improving the behaviour and integrity of the police on the streets. The development of a code of conduct, with support from the UK and the UN via the Office of the High Commissioner for Human Rights, will provide a robust mechanism by which the Minister of Interior can hold the ISF Director-General to account on the ISF's performance. A further public opinion survey in 2010 will help to measure ISF performance.

In **Yemen**, Conflict Pool funds have been used to help resolve tribal conflict over land and water resources in particular, and equip local men and women living in conflict-affected areas with the skills to resolve conflict in their communities without resorting to violence.

Strategic Support to International Organisations

The Strategic Support to International Organisations programme provided £6.5million to the international community's conflict prevention and response efforts in FY 2009–10. The Pool provides support to governments engaging in security sector reform and assists in the incorporation of human rights and international humanitarian law standards

into the training programmes of their armed forces and police. In addition, along with support to the UN's Rule of Law Unit and to international efforts to take forward the Responsibility to Protect agenda, the UK programme provides direct financial support to the UN's work on developing peacekeeping policy and guidance on the protection of civilians and enhancing peacebuilding efforts. The programme also supports the training of future peacekeeping troops to deliver better informed and more responsible peacekeeping in conflict situations.

Human Security

Human security is a contested term, but generally means that a people-centred view of security is necessary for national, regional and global stability. It also implies that a multidisciplinary approach, which addresses people's economic, social and political rights, as well as immediate security needs, is more likely to have a positive effect. This shift in thinking differs to traditional approaches, which considered national security and sovereignty as primary. The UK Government supports this approach and focuses our efforts at the UN, encouraging states to discuss the Responsibility to Protect and adopt resolutions to strengthen the protection of civilians in conflict and reduce the impact of war on women and children.

Responsibility to Protect

In 2005, UN Member States agreed that states bear the primary responsibility for protecting their populations from genocide, war crimes, crimes against humanity and ethnic cleansing. It was also agreed that the international community should assist states to meet their responsibilities.



A Lebanese policeman guarding ballot papers on 6 June

In 2009, we continued to embed an awareness of this Responsibility to Protect (R2P) agenda within our conflict, human rights and development policy. We hosted visits for senior UN officials, such as the UN Secretary-General's Special Adviser working on R2P and the UN Special Adviser on the Prevention of Genocide, to raise awareness of their work. We have also provided financial support for R2P civil society advocacy and research activities to further strengthen the concept.

>> an R2P culture [is] a culture of prevention that is as much about responsible sovereignty as it is intervention. A culture that in the long-term will help us to prevent and reduce conflict and the cost of conflict. A culture that will help us to build an international system, which is better equipped and more effective at preventing and responding to conflict...<<

Lord Malloch-Brown, UN General Assembly debate on the Responsibility to Protect, 28 July

There has been a strong UN focus on R2P in 2009 following the UN Secretary-General's report in January. Then Foreign Office Minister, Lord Malloch-Brown took part in a UN General Assembly debate on R2P at which the majority of Member States reaffirmed their support for the concept. This support was underlined with the adoption of a General Assembly resolution, co-sponsored by the UK. The UK successfully argued for a reference to R2P in UN Security Council resolution 1894 on the protection of civilians. The UN now needs to consider how to ensure that an awareness of R2P informs the work of all the relevant UN bodies and agencies, including the Human Rights Council (HRC) and the Peacebuilding Commission (PBC). Improved UN early warning for conflict

prevention is also essential and we will continue to support the efforts of the Secretary-General to achieve this aim.

Women, Peace and Security

UN Security Council resolution (UNSCR) 1325 on "Women, Peace and Security", highlights the need to protect and empower women conflict situations. As a leading proponent of UNSCR 1325, the UK continued to reflect its provisions in our conflict resolution and peacebuilding work throughout 2009. We also supported measures to combat sexual- and gender-based violence in conflict, including developing the ability of peacekeeping forces to tackle gender-based violence.

The Conflict Pool Africa Programme funded a British Peace Support Team in **South Africa**, which has helped to enhance South Africa's approach to gender in peace-support operations. The team incorporated gender perspectives into the training of the South African National Peace Mission Training Centre. The Centre now includes a gender-training module in all its courses, with material covering UNSCR 1325 and its accompanying resolution on sexual violence, UNSCR 1820 of 2008. It has also introduced an annual military gender advisers course. The pilot course was launched in May 2009 to 23 students from the police, foreign affairs and other government departments. This has helped to spread an awareness of gender issues throughout South African peacekeeping activities.

At the UN, in June, we convened an open meeting of the UN Security Council on addressing sexual violence. We actively supported the passage of two UN Security Council resolutions in 2009, which enhanced the international community's approach to the role of women in peacebuilding and its response to sexual violence in armed conflict. These established a Special Representative of the Secretary-General on conflict-related sexual violence; a system to name parties to armed conflict that commit sexual violence; and enhanced reporting to the Security Council on the implementation of UNSCR 1325. We will continue to work for progress in 2010, including by revising the UK's domestic national action plan to embed gender considerations into our peace and security activity.

Protection of Civilians

2009 marked the 10th anniversary of the UN Security Council's first recognition of the Protection of Civilians as a crucial issue. This year's Security Council debate

on Protection of Civilians generated a new Security Council resolution, UNSCR 1894. This should help build consensus on what can be expected of peacekeepers and enhance the Council's role in ensuring compliance with international humanitarian law.

The UK plays a leading role in the Security Council on the Protection of Civilians. Early in 2009, we established a UK-chaired "informal expert group", which convenes meetings between Security Council members and the UN Office for the Coordination of Humanitarian Affairs. We also sponsored an independent study to assess efforts to implement Protection of Civilians mandates in UN peacekeeping operations, which will provide a basis for developing best practice in this area.

In 2010, we will launch a national protection of civilians strategy, bringing together the Government's ongoing civilian protection work on political, military and humanitarian fronts. Commitments made in the strategy will be pursued and monitored throughout its three-year lifespan (2010–13).

Children and Armed Conflict

The UK strongly opposes the use and recruitment of child soldiers. We support, financially and politically, the demobilisation and reintegration of former child soldiers into their communities and press for an end to impunity for those who have committed violations against children. It is vital that support is given to help children and young people in conflict zones, in order to break entrenched cycles of violence.

In 2009, the UK continued to support the work of the Special Representative of the UN Secretary-General on Children and Armed Conflict. We worked closely with partners to secure adoption in August of UN Security Council resolution 1882, which expands the remit of UN monitoring of children affected by armed conflict to include killing and maiming and rape and other forms of sexual violence against children. This is a significant step forwards for the protection of children in situations of armed conflict. The UK also provides financial support to organisations monitoring and reporting on children affected by armed conflict, including multilateral agencies and international and local NGOs.

The UK is also taking action to reduce the direct impact of war and violence on children through the provision of financial support to programmes that help children affected by armed conflict. We

have provided £20 million over seven years to the World Bank-led Multi-Country Demobilisation and Reintegration Programme for the Great Lakes region in Africa. Separately in **Sudan**, the UK is funding a £20-million disarmament, demobilisation and reintegration programme that will include assistance to children. We support Islamic Relief, Save the Children and Mercy Corps (through funding arrangements totalling over £2 million) to provide psycho-social care to children and young people affected by the recent conflict in Gaza.

It is also important that we tackle the indirect effects of conflict on children – the toll on their health, education and chance of a decent life. We are funding a £1 million youth employment pilot programme to provide

Conflict Prevention Training for Government staff

UK efforts to prevent, mitigate and resolve conflict are most effective when incorporating expertise across Government, civil society and international borders. The UK Government's conflict training is structured to reflect this, encouraging close cooperation across Whitehall and developing tools for inter-departmental working.

The Conflict Foundation Course is funded tri-departmentally by DFID, FCO and MOD and run by the NGOs Saferworld and International Alert. A two-day interactive course, it aims to provide a basic introduction to key concepts and analysis for all non-specialist staff working on conflict issues. The course is highly participatory and encourages members of Whitehall departments to work together to provide solutions to the types of problems faced in conflict and post-conflict environments.

In November, staff from across the Government formed the largest-ever civilian contingent to take part in a military exercise, ARRCade Fusion, in Sennelager, Germany. Led by NATO's Allied Rapid Reaction Force, this exercise added a multilateral element to past experience of working with the British military. Staff established a composite exercise Embassy and DFID office, formed a civilian planning team embedded in the military headquarters, and worked alongside military exercise observers. It was an opportunity to develop new methods of integrated assessment, planning and monitoring between all the key civilian actors and the military, reflecting the reality that the UK's response to a conflict or crisis is likely to be part of a multilateral effort.

training to young people in Basra and supporting a £6 million UN project in **Somalia** to build the capacity of regional authorities and the Transitional Federal Government to manage the education system.

Responding to the Changing Nature of Conflict

The nature of conflict and the threats the world face have changed considerably since the end of the Cold War. There has been a shift from inter-state to intra-state conflicts and a rise in non-state actors participating in conflict, such as armed opposition groups or terrorists. This poses a challenge to the international community and to the institutions that were established to tackle conflict between states.

In response, we continue to work with the International Committee of the Red Cross (ICRC) to develop and implement the Geneva Conventions – which seek to influence the behaviour of state and non-state actors in conflicts. We are working to reform peacekeeping operations, which now perform a much wider variety of functions, and assist with the development of the UN's peacebuilding initiatives to prevent countries sliding back into conflict. We are also looking at how to promote high standards of conduct of private military security companies who, we believe, play an inevitable and important role in today's conflicts.

International Humanitarian Law: 60th Anniversary of the Geneva Conventions

The Geneva Conventions, which regulate the conduct of armed conflict and seek to limit its effects,

celebrated their 60th anniversary in August. While the (ICRC) is the custodian of these Conventions, the UK has played a major part in developing, promoting and implementing them. The 1949 Geneva Conventions have been recognised by all UN Member States.

Although the nature of warfare has changed significantly in the last 60 years, these Conventions are as relevant as ever, enshrining the most fundamental principles of protection and assistance for victims of armed conflicts. However, as the nature of conflict changes, and particularly with the increase in non-State parties to conflicts, we must work to ensure that the Geneva Conventions continue to be respected and that victims of conflict continue to enjoy the protection they provide.

To mark the 60th anniversary in July, the FCO and the British Red Cross co-hosted a conference for MPs, government officials, foreign diplomats, NGOs, academics and members of the media on the relevance of the Geneva Conventions in the face of the changing nature of warfare. Working with the British Red Cross we developed a joint website and invited members of the public to post comments in response to five themes – "Protecting Journalists"; "Justice for Victims"; "The Media Spotlight Dilemma"; "Responding to Violations"; and "Working with You". Based on some of the comments received, we drew up an action plan explaining our current and planned activity in these areas. The action plan can be viewed under the "Your Comments Considered" header of our joint website: <www.brc.fco.gov.uk>.

The FCO and the British Red Cross jointly hosted a conference to celebrate the 60th anniversary of the Geneva Conventions



Business and Human Rights: Promoting good conduct by UK companies

In 2009, various cases came to light that raised serious questions about the human rights responsibility of multinational companies. For example, in the **Ivory Coast**, Trafigura, a Swiss-based multinational company, settled legal proceedings brought on behalf of nearly 30,000 people who claimed that they had suffered health problems as a result of toxic-waste dumping. In **India**, the rights of some indigenous people were threatened by the potential activities of Vedanta Mining at the bauxite mines in Orissa. In **Nigeria**, a long-running case in which members of the Ogoni community alleged that Royal Dutch-Shell was complicit in the violations of human rights committed by the Nigerian military against those campaigning against environmental degradation caused by oil extraction, was concluded when the parties announced they had agreed to a settlement in the case of \$15.5 million.

Corporate behaviour and standards are increasingly attracting a great deal of scrutiny and there is considerable pressure for mandatory rules regulating the activities of businesses abroad. In line with our view that human rights are legal obligations undertaken by states, UK action is focused on encouraging and helping other countries to put in place higher standards of business accountability and responsibility, and ensuring that natural resources are not used to fund conflict. It is clear that multinational companies and industry groups can play a positive role by driving and supporting this agenda.

The UK supports the Voluntary Principles on Security and Human Rights, an initiative that was set up in 2000 by the FCO and US State Department. The Voluntary Principles are supported by governments, NGOs and companies, and provide guidance to companies operating primarily in the extractives industries. They address three areas of mutual interest to both companies and NGOs: risk assessments; engagement with public security; and engagement with private security. By ensuring that

human rights are upheld, these principles should help reduce tension between the companies and the communities in which they operate. Current membership of the Voluntary Principles stands at 18 multinational oil, gas and mining companies, eight NGOs, five governments (including the UK) and three observers. As the current non-executive Chair, the UK will hold a Voluntary Principles plenary in 2010 in London. For more information on the Voluntary Principles, see: <www.voluntaryprinciples.org> .

The FCO also supports the work of Professor John Ruggie, the UN Secretary-General's Special Representative for Business and Human Rights. His work is aimed at agreeing a set of recommendations on the regulations, policies and other measures that States should adopt to help corporations avoid contributing to conflict through human rights abuses.

In 2009, following consultation with NGOs and Trades Unions, academics and business groups, the FCO produced practical guidance on business and human rights for our Embassies and High Commissions Overseas. It aims to help them understand the issues and deal with complaints made about UK companies or subsidiaries operating in their country whose activity might have contributed to human rights abuses. The guidance encourages the use of the Organisation for Economic Cooperation and Development (OECD) Guidelines, which aim to promote good behaviour by companies through constructive dialogue with governments. For more information, see: <www.fco.gov.uk/en/global-issues/human-rights> .

The FCO will continue to engage with international partners and business to promote more international focus on natural-resource issues, and strengthening compliance with best practice frameworks that will not impede the private sector or undermine the international human rights framework.

Peacekeeping

There are more UN peacekeepers than ever before – nearly 100,000 are involved in current operations around the world. Their role has also evolved. Today's peacekeepers undertake a wide variety of complex tasks, including structures helping to build governance, human rights monitoring, security sector reform, and the disarmament, demobilization and reintegration of former combatants.

UN peacekeeping is crucial to the protection of

human rights in conflict-vulnerable states. In January, the UK and France launched an initiative in the UN Security Council to review UN peacekeeping in light of the strategic and human-resource challenges facing UN peacekeeping missions in the field. The initiative has already had some impact on improving peacekeeping mission mandates to ensure that they are effectively resourced and can better achieve their objectives. In August, the UN also came forward with its own proposals entitled "A New Partnership Agenda: Charting a New Horizon for UN



The handover ceremony to the UN mission in the Central African Republic and Chad from an EU force on 15 March

Peacekeeping". We support its proposals to improve the effectiveness of UN peacekeeping, including how to provide better protection to civilians on the ground.

In 2009, we continued to press for the inclusion of human rights in the mandates of UN peacekeeping missions. We welcomed the Security Council's decision in March to authorise the deployment of a military component in the UN Mission in the **Central African Republic** and **Chad** to follow on from the EU force, with a clear human rights element.

Peacebuilding

There is a high risk that countries and regions recovering from conflict will at some stage revert to violence. The UK has been working closely with the UN and other states to find better ways to consolidate peace. The Prime Minister's Special Representative for Peacebuilding, the Rt Hon Jack McConnell MSP, has been active in promoting our objectives with senior figures in the EU, UN, and key Member States.

Post-conflict countries are a particularly challenging environment for human rights. Governments are often unable to ensure their protection and a failure to improve human rights can often contribute to a country falling back into conflict. Strengthening the human rights situation is therefore a key element of international engagement in conflict-affected states.

During 2009, the UK worked to ensure a more effective international response to post-conflict peacebuilding. The Peacebuilding Commission, Peacebuilding Support Office and Peacebuilding Fund combine to make up the UN peacebuilding architecture. The UN Secretary-General's Report on Peacebuilding in the Immediate Aftermath of Conflict, issued in June, recognised the contributions these bodies are making to improve the international response to peacebuilding but highlighted the need to continue to build on this progress. The UK is working to encourage the UN to ensure implementation of the recommendations contained within the report, including more effective UN leadership, clearer strategies for post-conflict countries and more efficient use of international civilian expertise.

In **Sierra Leone**, for example, the Peacebuilding Fund supports the National Commission for Social Action in implementing the reparations programme recommended by Sierra Leone's Truth and Reconciliation Commission. The Fund's Emergency Facility has been used to support a Special Commission conducting an independent investigation into allegations of rape and sexual violence against women during political riots early in 2009. And in **Liberia**, the Fund has helped to strengthen the rule of law in rural areas by

establishing a transitional mechanism of Community Legal Advisers and educating citizens (including traditional leaders) about their rights and obligations under the law.

Private Military and Security Companies: Promoting international standards of conduct

The Private Military and Security Companies (PMSC) industry is an evolving and important actor in international affairs. The industry has grown considerably since the Government first published its Green Paper on Options for Regulation in 2002, and it has played an important role in Iraq and Afghanistan, providing critical protection to our own personnel, as well as to NGOs and humanitarian workers. It is crucial that we ensure PMSCs operating abroad do so to the highest standards.

UK Deployable Civilian Expertise

In 2008, the Prime Minister set out his vision for the UK to be able to provide 1,000 trained and readily deployable civilians, including civil servants, external consultants, the police and the volunteer community, so that up to 350 personnel could deploy at any one time to support countries affected by violent conflict. This might include providing help to strengthen the rule of law through building effective police forces or advising on policy and programme development for conflict-affected areas. In 2009, the capacity of the tri-Departmental (FCO, MOD and DFID) Stabilisation Unit was enhanced to provide the operational management for this deployable civilian expertise.

Human rights are at the heart of these activities. The Stabilisation Unit promotes international human rights standards by ensuring that all stabilisation programmes uphold domestic and international human rights obligations. It ensures that human rights issues are reflected in the planning and delivery of stabilisation objectives. It supports security and justice sector reform in conflict environments, thereby reducing the risk that these institutions are themselves responsible for human rights violations. To date, the Stabilisation Unit has deployed 70 civilians and 35 police officers either to hostile environments, such as **Afghanistan, Iraq, Sudan and the Democratic Republic of Congo**, or on secondment to international peacebuilding missions, such as in **Kosovo** and **Georgia**.

In April, the FCO launched a public consultation on the Government's proposed policy to promote high standards of conduct in the PMSC industry internationally. The Government's preferred option includes promoting high industry standards in the UK, through a code of conduct, agreed with and monitored by Government, together with an international agreement on standards covering all aspects of PMSC operation and organisation worldwide. We will also use our influence as a key buyer to raise standards. Our policy aims to reduce the risk that the activities of PMSCs might give rise to human rights or international humanitarian law concerns, or provoke or prolong internal or regional tensions.

The summary of responses to the consultation, published on 16 December, includes a Government response to the feedback received and sets out the key findings and recommendations. Following this, the Government has also formed a working group comprising representatives of Government, relevant trade associations, industry and civil society to consider how a domestic code of conduct could be rigorously enforced. It will present its findings in March 2010.

The FCO is currently working with the US and Swiss governments, and other partners, to take forward work on international standards. We hope to agree an international code of conduct and accountability mechanism within the next two years.

Climate Change and Human Rights

In recent years there has been increasing discussion around the need to take a human rights-based approach to tackling climate change. In particular there is now widespread recognition of the impact climate change will have on the enjoyment of human rights.

The UN Framework Convention on Climate Change December conference and the resulting Copenhagen Accord was a first and significant step towards a new global agreement to fight the threat posed by climate change. The Copenhagen Accord reached for the first time near universal consensus that global temperature rises must be limited to two degrees Celsius; that emission reductions will be made by both developed and developing countries; that real scrutiny of commitments will be carried out; and that finance will be available to developing countries, starting immediately, to assist with adaptation and mitigation efforts.

In addition to increasing scientific consensus on the existence and causes of climate change, 2009 saw further recognition of its potential impacts on human rights. In March, the UK supported a second resolution put forward by the Maldives at the Human Rights Council (HRC) on climate change and human rights. This resolution noted "that climate change-related impacts have a range of implications, both direct and indirect, for the effective enjoyment of human rights including, *inter alia*, the right to life, the right to adequate food, the right to the highest attainable standard of health, the right to adequate housing, the right to self-determination and human rights obligations related to access to safe drinking water and sanitation".

Of particular importance was HRC's recognition that the human rights impacts of climate change "will be felt most acutely by those segments of the population who are already in vulnerable situations". This was reaffirmed in the subsequent panel discussion convened to discuss these issues. The UK worked hard to ensure that the Copenhagen Accord included commitments to finance adaptation and mitigation in the most vulnerable countries, which should be of benefit to all, including those individuals who will be most severely affected by climate change. In June, the Prime Minister led the way by proposing an annual figure of \$100bn to take effect from 2020. The Copenhagen Accord commits developed countries to work towards this goal, as well as providing \$30bn of immediate short-term funding to kick-start emission reduction measures and help the poorest countries adapt to the impacts of climate change.

But even if global temperature rises are limited to two degrees Celsius, there will still be significant impacts. This is why adaptation is so important, particularly in countries where the human rights implications will be most severe. One major concern is that rising sea levels and extreme weather conditions will displace large numbers of people. A number of vulnerable countries have called for the recognition of "climate refugees". However, the term is problematic as refugee in international law refers specifically to an individual with a well-founded fear of persecution, as set out in the 1951 Convention Relating to the Status of Refugees. It is, nevertheless, important that countries consider climate-induced migration in producing national mitigation strategies.

As recognised by the HRC, human rights law already provides a comprehensive structure to protect the human rights of individuals. We believe that while efforts to implement these rights may have to be strengthened as a result of climate change, the structure itself is sufficient. Our efforts should remain focused on reaching a legally binding global agreement to limit dangerous climate change and on adapting effectively to unavoidable temperature rises.



Climate change will have the greatest impact on the most vulnerable

Counter-Terrorism

The FCO's work on counter-terrorism and human rights touches on two of the most fundamental responsibilities of government: to protect the security and safety of our citizens, and to defend the fundamental rights upon which freedom ultimately depends. We see our approaches to counter-terrorism and human rights as mutually reinforcing and endeavour to integrate human rights throughout our agenda.

This is also the approach and ethos set out in the Government's counter-terrorism strategy, CONTEST, which was revised and re-launched in March. As that strategy makes clear, our work to reduce the threat of terrorism is based on a set of core principles and values, including respect for human rights and the rule of law. We are rightly proud of, and will continue to uphold, those values. This is not only because we believe it is the right thing to do, but also because defending human rights is essential to achieving our broader policy goals.

The FCO works with partners across Government to deliver the international aspects of CONTEST. In 2009, we continued to build the political will and capacity of international partners to counter violent extremism and the threat of terrorism. And we did so in ways which we believed respected and promoted human rights.

Treatment of Detainees

Many aspects of our work to make Britain more secure take place in circumstances overseas that we do not control. This creates significant challenges for our counter-terrorism work and over the last year we have seen, in particular, intense media, judicial and parliamentary scrutiny of the Government's position on the detention and treatment of terrorism suspects overseas.

The Government has been absolutely clear that the UK stands firmly against torture and cruel, inhuman and degrading treatment or punishment. When detainees are in our custody we can be sure how they are treated and that measures are put in place to meet our obligations and standards. We cannot always have that same level of assurance when they are held overseas by foreign governments.

However, we cannot get all the intelligence we need from our own sources, because the terrorist groups

we face are scattered around the world, and our resources are finite. So we must work with intelligence and security agencies overseas. Some of them share our standards and laws while others do not. But we cannot afford the luxury of only dealing with those that do. The intelligence we get from others saves British lives.

Whether sharing information, which might lead to the detention of people who could pose a threat to our national security; passing questions to be put to detainees; or participating in interviews of them, we do all we can to minimise, and where possible avoid, the risk that the people in question are mistreated by those holding them. However, there are times when we cannot reduce the risk to zero. Once published, our consolidated guidance to Agency staff and service personnel will make clear the careful and considered way we approach these situations.

Ultimately it is for Ministers to balance the risk of mistreatment against the national security needs and make a judgement. Ministers take this responsibility very seriously. If the risk of mistreatment is too high then we will not go ahead with an operation. This is not just a theoretical possibility – operations have been stopped because the risk of mistreatment was judged to be too high. But this is never an easy judgement and we would be failing in our twin duties to defend the country and to uphold human rights if we pretended that there was never a tension between the two.

Guantanamo Bay

Within the EU we worked to agree a common European position on Guantanamo Bay. This resulted in an EU-US declaration in June, which agreed that EU Member States supported closure of the detention facility and should decide on a state-by-state basis if they were able to hasten its closure by accepting detainees. The UK has already made a significant contribution to reducing the number of detainees in Guantanamo Bay by taking back 14 individuals, more than any other EU Member State. The UK's position remains that we are not considering taking any further individuals, apart from our outstanding request for the release of the last remaining former UK resident in the facility, Shaker Aamer.

The detention centre at Guantanamo Bay has prompted a number of challenging legal cases, which continue to make their way through the courts. Much of the media and parliamentary scrutiny that the

Government faces has arisen from these judicial proceedings.

The most prominent case has been that of Binyam Mohamed, a former UK resident whose release from Guantanamo Bay we secured in February 2009. In February 2010, the Court of Appeal ruled that a seven-paragraph summary of his treatment in Pakistan should be disclosed but upheld the principle that intelligence belonging to another state should not be released without its consent (see text box).

Legal counsel for Shaker Aamer, the last remaining former UK resident held in Guantanamo Bay, also brought proceedings against the Foreign Secretary seeking disclosure of information that he believed may support his claim that he was tortured while in US custody. The UK searched for potentially relevant material of this nature, and this was also disclosed to the US authorities, who in turn disclosed it to Mr Aamer's US-based security-cleared counsel representing him in proceedings before the US Guantanamo Review Task Force. We were informed in January 2010 that Mr Aamer had decided not to seek further disclosure, as the disclosure in the US had enabled his legal representatives to make the necessary representations

on his behalf to the Task Force which was reviewing his case. The Government has continued to make clear to the US authorities that our request for Mr Aamer's release and return to the UK stands. We have also sought welfare updates on him.

Twelve former Guantanamo Bay detainees, including Binyam Mohamed, brought civil claims against the Government in 2009. They are suing for compensation relating to the alleged UK role in their treatment, detention and rendition. The cases are still at a very early procedural stage. The court has ruled on a preliminary legal issue that it could be lawful to have closed proceedings in civil claims for damages. The claimants are appealing that decision.

Deportation with Assurances

In 2009, we continued our programme of seeking government-to-government assurances as to the treatment on return of foreign nationals, whom the Government wishes to deport on the basis of their suspected involvement in terrorist activity. Our policy continued to attract criticism in 2009 from some parts of the human rights community. We believe, however, that the assurances we have received in individual cases are robust and can be relied upon,

The Case of Binyam Mohamed

Following sustained representation, UK resident Binyam Mohamed was released from Guantanamo Bay in February 2009 and returned to the UK. He had been detained by the US since April 2002. He was the first Guantanamo detainee to be released under President Obama's administration. This was the direct result of the UK's request for his release and return, first made by the Foreign Secretary a year and a half earlier.

Our negotiations had earlier secured the disclosure from the US to Mr Mohamed's lawyers of the documents at issue in the judicial review in the English courts, which could be used for Mr Mohamed's defence before the US military commission. The charges against Mr Mohamed in the Military Commission were dropped in October 2008.

Judicial review proceedings have focused on the issue of whether a seven-paragraph summary of Mr Mohamed's treatment in Pakistan, drawn from sensitive US intelligence reports and redacted from the first judgment, should be released in public.

In February 2010, the Court of Appeal ruled that, in the light of disclosures in a US court, the seven paragraphs should be published and it appended them to its judgment. The Government accepted

this decision and also immediately published the paragraphs.

The fundamental question at issue was not Mr Mohamed's serious allegations of mistreatment or the content of the intelligence reports. It was about the principle underpinning intelligence-sharing that the originator retains control. This 'control principle' is essential to the intelligence relationship between Britain and the US. The Government fought the case to preserve this principle, and the Court of Appeal's judgment upheld it. Their judgment described the principle as integral to intelligence sharing.

With regard to the extremely serious allegations about Mr Mohamed's mistreatment while in detention, the Government has been completely clear in our condemnation of torture and cruel, inhuman and degrading treatment or punishment. As such we take all allegations of wrongdoing very seriously. Allegations that a British official was involved in wrongdoing in this case are now being investigated by the police. Mr Mohamed, together with 11 other former Guantanamo Bay detainees, is also bringing a separate civil claim for damages against the Government that is ongoing.

not least because of the strong bilateral relationships enjoyed with the governments with which we have Deportation with Assurances (DWA) arrangements.

We always ensure that our work is compatible with our international human rights obligations, in particular the European Convention on Human Rights (ECHR) and the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). We will not seek to deport an individual where there are substantial grounds for believing that there is a real risk to that person of torture or other inhuman or degrading treatment or punishment, or that the death penalty will apply. We have negotiated memoranda of understanding with **Jordan, Libya, Lebanon** and **Ethiopia** and an exchange of letters has taken place with the Algerian government. We will continue to negotiate new memoranda of understanding in 2010.

Moreover, we consider that our work on DWA has a positive effect on the human rights situation in the countries concerned, as it enables us to engage with these governments on human rights issues. 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.

Capacity-Building with International Partners

In 2009, the FCO's Countering Terrorism and Radicalisation Programme continued to build the capacity of key partners to tackle international terrorism. All our projects are carefully assessed to ensure that they fully comply with human rights standards and many projects are specifically intended to target and raise human rights standards. In particular, promoting human rights is an integral consideration in the capacity-building assistance given to security forces. For example, several projects have trained police forces to use modern evidence-gathering techniques, which meet proper judicial standards. We have run such programmes in **Saudi Arabia** (see page 144), **Pakistan** and **Libya**. This helps to lower police reliance on obtaining confessions to convict suspects.

Counter-Radicalisation Overseas

A part of CONTEST, "Prevent" programmes focus on delivering counter-radicalisation campaigns to support mainstream voices challenging the extremist message in countries that present the greatest terrorist threat to the UK. In 2009, we also continued to tackle

Deportation with Assurances: A ruling on the legal position

In February 2009, the House of Lords handed down its judgment in three high-profile Deportation with Assurances (DWA) cases. These were the first DWA cases to come before the House of Lords, and the Lords ruled unanimously in the Government's favour. The Court found the use of assurances to be acceptable and ruled on other important points of law, including on the use of closed evidence. The judgment has allowed a number of other DWA cases in the lower courts, which were awaiting the Lords' ruling before proceeding, to move forward.

Abu Qatada is our most high-profile deportation case. In 2004, the British courts found that he was "a truly dangerous individual" who had been "at the centre in the United Kingdom of terrorist activities associated with Al Qaida". In February 2007, the Special Immigration Appeals Commission ruled that it was safe to deport Abu Qatada to Jordan (his country of nationality) with assurances.

Abu Qatada has no further domestic avenues of appeal against deportation. He is currently challenging his deportation before the European Court of Human Rights. This will be the first time the European Court has considered a case involving assurances obtained under our current programme.

frustrations and grievances, including political and socio-economic, that can be drivers of radicalisation and which terrorists seek to exploit.

Denial, or abuse, of human rights has the potential to be a driving factor by exacerbating feelings of helplessness and victimisation that can draw people towards violent extremism. Promoting human rights and promoting good governance is therefore important to undermining the terrorist threat.

The FCO has supported over 260 projects in the countries of the Muslim majority world on good governance; legal and prison reform; anti-corruption; youth empowerment and employability; civil society development; education reform; and media reform and more open parliamentary reporting. In allocating funds to Prevent projects, human rights are considered at both the application and implementation phases, to ensure that the projects will not have a negative impact on human rights,

Countering Extremist Propaganda: the Projecting British Muslims programme

The Projecting British Muslims programme is designed to demonstrate the integral role that British Muslims play in UK society and directly undermine the extremist argument that Britain and the West are incompatible with Islam. The projects make a positive impact both abroad and at home. They also work to counter the extremist propaganda that Muslims in the West are considered second-class citizens and that their basic human rights, such as education and the right to vote, are denied.

Around 80 British Muslim delegates have taken part in this programme since its inception. The delegates are not spokespersons for the Government,

but represent the UK and their communities and what it means to be British and a Muslim. There are no set criteria for participation in the project but we take into account the likely resonance of individuals, their background or links to the country, and relevant professional experience in the UK. Delegates come from a variety of backgrounds, including lawyers, doctors, MPs, academics, journalists and religious leaders.

Building on the success of a trip to Darfur in 2008, Projecting British Muslims travelled to Lebanon, Afghanistan and Bangladesh in 2009. In October, a British Muslim delegation, accompanied by Sky News,

visited Helmand Province in Afghanistan to meet local Afghans and challenge Taliban ideologies and to see the UK's mission in Afghanistan with their own eyes. The Projecting British Muslims programme receives strong positive media coverage, including in the Muslim world. For example, during a visit to Lebanon in May, a delegate appeared on Al Jazeera Live to answer phone-in questions about life in the UK for Muslims. In Bangladesh, a one-hour TV special featuring British delegates reached an audience of 100 million people.

In 2010, programme visits are planned to North Africa and the Middle East.



British Muslim delegates speak to a boys school in Lashkar Gah, Afghanistan, during their visit in October

and that, where appropriate, human rights goals are included in the projects themselves. Moreover, our work involves collaborating with a variety of government and non-government partners. We expect them to live up to the same human rights standards that we set ourselves. We take this responsibility seriously and work with our partners to see that it is reflected in the implementation of projects.

In 2009, we supported projects to counter radicalisation in prisons across the Maghreb region, through improving human rights training in prison management. In **Libya** this led to establishing an office for prison improvement. We are engaging with **Algeria** on a prison-reform programme, which supports Deportation with Assurances. In **Bangladesh**

the government has agreed to provide human rights training to the Rapid Action Battalion, a branch of the Bangladeshi police, whose chequered human rights record has been identified as a driver of radicalisation in that country.

In some areas of **Pakistan**, children hear extreme and intolerant views in their schools, and local education authorities lack the capacity to ensure that these views are effectively countered. We have provided over £350,000 for human rights programmes in schools and rural areas vulnerable to extremism, emphasising the central place that tolerance, peace and human rights have in Islam.

Counter-Proliferation

There are vast numbers of small arms and light weapons in circulation globally, an estimated one gun for every seven people worldwide. The illegal trade in these arms fuels terrorism and organised crime, exacerbates conflict and significantly increases the risk to human rights. Unexploded ordnances from cluster munitions can remain in the ground for decades, threatening the lives of civilians and hampering post-conflict reconstruction. And even arms purchased legally are sometimes used by governments for internal repression.

We have continued to work throughout 2009 to safeguard human rights in relation to legal arms exports and to tackle the devastating consequences of the illegal arms trade. Global events in 2009 proved that our export licensing system can respond effectively to reduce the risk that our arms exports are used for human rights abuses. The year also saw important steps towards bringing the cluster munitions treaty into UK law and agreement for a timetable for international negotiations on a global Arms Trade Treaty (ATT). We will continue to build on these developments in 2010.

Export Licensing

The UK recognises the adverse impact of inappropriate or irresponsible defence exports on stability, security and human rights. We therefore operate one of the most rigorous and transparent export licensing regimes in the world, reflecting our commitment to a responsible defence industry.

All export licence applications are rigorously assessed, on a case-by-case basis, against the Consolidated EU and National Arms Export Licensing Criteria, and other relevant announced policies. A licence will not be issued if to do so would be inconsistent with any of the Criteria. Criterion Two, concerning the respect for human rights and fundamental freedoms in the country of final destination, requires us to assess the attitude of the country of final destination towards principles established by international human rights instruments.

When assessing whether there is a clear risk that exported equipment might be used for internal repression, we assess the human rights record of the ultimate end-user and the exact nature of the equipment being exported. Criterion Two explicitly defines internal repression to include any major

suppression or violation of human rights and fundamental freedoms. However, international law permits the use of force in some circumstances (e.g. to preserve law and order against terrorists), and as long as force is used in accordance with international law, it is unlikely to constitute internal repression.

In 2009, the UK demonstrated the importance human rights considerations play in our export licensing process. For example, following the conflict in Gaza in late 2008, the Foreign Secretary issued a Ministerial Statement on Strategic Export Licences to **Israel** in April. This concluded: "I can confirm that we are looking at all extant licences to see whether any of these need to be re-considered in light of recent events in Gaza. All future applications will be assessed taking into account the recent conflict. I continue to believe that UK export controls and the consolidated criteria are amongst the strongest and most effective in the world and the best basis for putting into practice our commitments on arms exports." A small number of licences were subsequently revoked.

We have long been concerned about the internal situation in **Sri Lanka** and have taken a very restrictive approach to export licences, even before the abrogation of the ceasefire and formal resumption of hostilities in 2008. Export licences were only issued where the goods would not provoke or prolong the conflict, nor be used for internal repression. Given the escalation of the conflict in the first half of 2009, and concern for civilians caught up in the fighting, the vast majority of applications were assessed to be inconsistent with the criteria and export licences were refused. The few licences approved for Sri Lanka in 2009 were for humanitarian, commercial or civil end-use.

More recently, the situation in **Guinea** (see page 9) and the introduction of EU sanctions led us to review extant export licences. We continue to exercise close scrutiny to exports to Guinea and the region.

Whenever an EU country refuses an export licence, including on human rights grounds, an agreement between EU Member States ensures that any other EU country that wishes to export the goods to the same end user has to consult the original refusor. This system seeks to ensure that those governments assessed as liable to use defence imports against their own citizens in defiance of international law or as tools of war cannot "shop around" among our EU partners for the weaponry to do so.

The UK is committed to ensuring the utmost transparency in its export licensing process, while bearing in mind the need for commercial confidentiality. Further information about UK exports is available annually and quarterly via the Strategic Export Control Reports and Statistics Website (www.exportcontroldb.berr.gov.uk). The annual report includes case-study scenarios based on actual export licence applications, which provide an insight into how decisions are made, including cases where Criterion Two is the major consideration. The quarterly reports contain detailed statistics on export licences issued and refused for each destination country, including a description of the goods, the quantity and value and, where relevant, the reasons for refusal. Lastly, in order to enhance transparency and improve ease of access to information, the website now has a function to allow the user to search only for the information they want.

Cluster Munitions

Cluster munitions cause immense suffering to civilians caught in conflict zones, and when they fail to explode they leave a deadly post-conflict legacy for future generations. In December 2008, the UK signed the Convention on Cluster Munitions (CCM), which is recognised as one of the most significant new arms control agreements of recent years. It prohibits the use, production, stockpiling and transfer of cluster bombs.

The UK Government is committed to ratifying the Convention as soon as possible. In November, the Cluster Munitions (Prohibitions) Bill was introduced. This Bill will implement in UK law the Convention's prohibitions. In doing so it will pave the way for ratification. The Bill has received widespread support and is making good progress through Parliament.

Momentum is building behind the Convention with over 100 countries having signed it to date. The UK is committed to working for universal ratification of the Convention. Working closely with civil society partners and other countries we led an initiative to promote the Convention within the Commonwealth. At the Commonwealth Heads of Government Meeting in Trinidad and Tobago in November we co-sponsored a political declaration inviting non-signatories to commit to signing the Convention. Several countries associated themselves with the declaration – a useful step forward in what is an ongoing effort on universalising adherence to the Convention within the Commonwealth. The UK will continue to promote the CCM and its humanitarian aims in 2010.

>> It is time to put an end to the suffering and casualties caused by cluster munitions. As I said on signing the Convention on Cluster Munitions, I am utterly convinced that by fulfilling our obligations under the Convention we will make the world a safer, better place. <<

Statement by the Foreign Secretary on introducing the Cluster Munitions (Prohibitions) Bill to Parliament, 19 November

The Arms Trade Treaty

In 2009, the UK Government continued to be at the forefront of efforts to secure an internationally legally binding treaty to better regulate the arms trade and try to ensure that weapons are not used to commit human rights violations around the world.

The UK co-authored a new resolution on the Arms Trade Treaty (ATT) at the UN General Assembly in 2009, establishing, for the first time, an agreed timetable to negotiate a strong ATT. A total of 153 states voted for the resolution, including large arms exporting nations such as the US, France and Germany. Zimbabwe was the only country to vote against, with 19 other countries abstaining in the vote.

A small number of countries remain sceptical of an ATT and how it would work. As we enter the negotiation phase, the UK will continue to engage with states to address their concerns and sustain the momentum to secure a strong and robust international treaty that sets standards for the arms trade and ensures respect for human rights and international humanitarian law.



Pakistani soldiers stand guard in front of seized ammunition in the Federally Administered Tribal Areas in January

Small Arms and Light Weapons

The illicit trade in conventional arms and, in particular, Small Arms and Light Weapons (SALW) poses a fundamental threat to human rights. In the hands of criminal gangs, armed groups or terrorists, SALW are used to kill and injure hundreds of thousands of people worldwide every year. The violence perpetrated with these weapons destroys livelihoods, displaces communities and hampers social and economic development. The UK is committed to tackling the uncontrolled spread and accumulation of SALW, including through promoting control and reduction measures in wider defence relations, foreign policy, and conflict, security and development programmes. The UK also encourages the development and implementation of national plans and regional and international agreements to control SALW, including the UN Programme of Action to Prevent, Combat and Eradicate the Illicit trade in Small Arms and Light Weapons in All Its Aspects. The next Meeting of States to discuss the implementation of the Programme of Action will be held in June 2010.

In September at the OSCE, the UK chaired a review that considered areas where further action needs to be taken on SALW, including cooperation on brokering,

stockpile management, and marking and tracing weapons. The review also recognised the importance of taking a gender-based approach to SALW. While statistics show men and boys to be the direct users and victims of such weapons, it is also important to recognise the various ways in which women's human rights are threatened by SALW, as well as the vital role they have to play in ensuring more effective implementation of SALW control.

In 2009, the UK continued to provide support to the Nairobi-based Regional Centre on Small Arms, which helps countries in the Great Lakes Region and the Horn of Africa to strengthen their controls on SALW. In September, we welcomed an agreement between the Regional Centre on Small Arms and the UN Regional Centre for Peace and Disarmament in Africa to foster transparency regimes. This would include introducing national and regional databases to track the movement of small arms and working to strengthen civil society efforts to promote disarmament in the region.

3 Protecting the Rights of British Nationals Overseas

Introduction

Each year thousands of British nationals travel overseas. Most travel trouble-free, but some require our assistance for a range of reasons – in 2009, a total of 19,872 cases. Often the people who need our help the most are those who are denied their basic human rights. This can be through governments failing to live up to their international commitments, or local procedures simply not working. In other cases we may feel the way a person should be treated is clear, but there is not yet a clear international standard for governments to adhere to, for example, over how quickly consular staff should be allowed access to a prisoner. Respect for human rights underpins all of our consular work.



Child Abduction

A mother contacted the Child Abduction Section in May 2009 as she was worried her former husband (a dual UK–Egyptian national) had abducted their son, Mohammed (not his real name), to Egypt. The Child Abduction Section asked the British Embassy in Cairo to contact the immigration authorities who confirmed that Mohammed had entered the country. Consular staff spoke to Mohammed's father who told them that he was not intending to return to the UK and that he would be applying for his mother in Egypt to have custody of his son. The Child Abduction Section advised Mohammed's mother to employ a lawyer in Egypt to seek custody of her son as her UK custody order would have no automatic legal force in the country. The Embassy gave Mohammed's mother advice on local accommodation, English-speaking lawyers and introduced her to an NGO that might be able to help on her case. The mother started court action and the Embassy registered an interest in the case with local authorities. The case is on-going.

When families break down and parents cannot agree where a child should live, or where they disagree with a legal settlement, the child often becomes the pawn in a struggle for control. Sometimes one parent will abduct the child to another country. The child is often denied access to the other parent, siblings, wider family and their culture. Under the 1980 Hague Convention, in such cases a child should be returned to the country where he or she usually lives for custody matters to be resolved.

But many countries are not signatories to The Hague Convention. In cases involving these countries, the FCO leads Government efforts to help. We also lobby other governments to join The Hague arrangements including, in 2009, **India**, **Japan** and **Egypt**. We have also been working to improve the effectiveness of the UK's two bilateral judicial agreements on child abduction with **Egypt** and **Pakistan**. In December, we arranged a high-level roundtable in Egypt to discuss child-abduction issues, at which Egypt agreed to set up two dedicated committees; one to consider measures to put into operation the 2005 bilateral judicial agreement on how child abduction cases will be handled, the "Cairo Declaration"; and the other to look at Egypt joining The Hague Convention. We will be funding a project to train Pakistan family judges on the UK–Pakistan Protocol in February 2010. In recognition that court-imposed solutions are not always the best way to resolve custody issues and that arrangements to which both parents agree can be more sustainable, we have also been developing other

avenues for resolving cases, including international mediation. In 2009, we funded the NGO Reunite to train mediators in Pakistan and Egypt to help parents have contact with their children or have them returned to the UK.

We also part-funded a conference in **Malta**, which brought together judges and senior policy-makers from 24 countries, both members and non-members of The Hague Convention, to identify ways different countries can better resolve cases. The conference established a virtual working group, which is drafting practical guidelines to help countries support mechanisms for mediation. We also supported an international symposium arranged by Lord Justice Thorpe, head of international family justice for England and Wales, to examine how different jurisdictions can work together to facilitate early resolution of cases.

In 2009, we assisted in a total of 231 cases. Most of these involved British children who had been abducted to or retained in countries that have not signed The Hague Convention.

Forced Marriage

Farzana (not her real name) was 16 when her parents took her back to Bangladesh on the pretext that she needed to look after an elderly relative. Once there, they locked her up in the family home and told her she had to get married to someone she had never met. They took away her passport and threatened to kill her if she didn't go through with the marriage. Finally, she managed to run away and contacted the British High Commission. High Commission staff met her at a pre-arranged public place and helped her to get to a refuge run by a local NGO. They then helped her to return to the UK, first making sure she would be met at Heathrow and would have a safe place to stay. She has since built a new life for herself with the help of a women's refuge and her friends.

The UK Government remains committed to tackling forced marriage. The joint FCO–Home Office Forced Marriage Unit provides help and support to anyone in the UK facing forced marriage and to British nationals overseas. In 2009, the Unit provided advice and support in 1,680 cases of potential forced marriage, a slight increase on 2008. For many of these cases the Unit was able to help the caller by providing guidance and reassurance, or by referring them to agencies, such as NGOs, police or social services, who could offer assistance appropriate to their circumstances. In 238 cases the Unit, in partnership with our Embassies

and High Commissions overseas, directly helped victims or potential victims to escape forced marriage, including visiting them overseas and, where they wanted to, helping them make arrangements to return to the UK. This was an increase of eight per cent on 2008. We also provided assistance to 137 people who had already been forced into marriage and were subsequently being forced to sponsor a visa application for their spouse.

The cutting-edge nature of our work on forced marriage was acknowledged in November when the Assistance Unit of our High Commission in Islamabad won the UK Civil Service Award for Diversity and Equality. The award recognised their innovative approach to tackling the practice of forced marriage where, as well as directly helping victims, they have undertaken an active outreach and awareness programme among local communities.

In 2009, the guidance given to UK agencies on how to tackle forced marriage was further improved, with a particular emphasis on the need to take appropriate action whenever a victim or potential victim seeks help. Building on the statutory guidance issued in 2008, in July the Unit published new multi-agency practice guidelines for frontline staff in the UK, plus a handbook for MPs and their constituency offices on what they can do to help tackle forced marriage. In early 2010, we expect to launch an online training package, available to help health, education and social work professionals, as well as the police and NGOs among others.

As part of ongoing work to reduce the prevalence of forced marriage and to ensure victims get the right help in 2009, the Unit continued with an active outreach programme in the UK – presenting at over 100 events. 2009 also saw the Unit presenting to EU consular colleagues, sharing best practice casework experience. Building on the success of the 2008 pilot, in 2009 the Unit expanded the Forced Marriage Domestic Programme Fund. This is aimed at providing short-term activity-specific support to UK NGOs. In 2009, projects funded included the production of a training package and information pack on the risk of forced marriage for lesbian, gay, bisexual or transgender young people and the writing and performance of a play on the subject to tour schools and raise awareness of the issue.

Prisoners

In March, Cathy (not her real name) was arrested in

Bangkok airport for carrying drugs. It was her first time in Thailand and her first time in jail. Our consular staff visited her to provide her with information about the prison and about the legal system, including a list of local lawyers. They put her in touch with the NGO Prisoners Abroad and, at her request, contacted her family to make them aware of her situation. On their next visit, Cathy complained that she had been beaten up by other prison inmates. After discussing the options with her, we lodged a formal complaint with the prison authorities, who ensured she was transferred to a new wing and initiated an investigation. Cathy is currently awaiting trial. We remain in close contact with both her and her family.

Often the most vulnerable people we help are those imprisoned overseas. Whether a person is held for a short time or for years, in a clean and well-managed facility or under a harsh regime, the experience for many will be terrifying. We cannot secure their release, but aim to ensure that international standards for treatment and judicial processes are met. An absolute priority is that no British national is executed.

As of 30 September, we were aware of 2,631 British nationals detained overseas in 96 different countries. A British national detained anywhere in the world should be given the chance to have their Embassy notified of their detention. A small number of prisoners are denied this right. Where we become aware of this we will protest to the host government, either on the specific case or more generally, whichever is more appropriate at the time. Similarly, if we are denied access to a prisoner we will lobby vigorously to be allowed to see them to check on their welfare and to explain the help we can offer. This will include direct support, but just as importantly will include helping them link up with our UK NGO partners, notably Prisoners Abroad, Fair Trials International and Reprieve. In 2009, we provided core or project funding to each of these organisations.

While our overall approach to supporting British nationals is well established, our practices are not static. We look to improve our support through a better understanding of the challenges prisoners face in a particular country or through learning from other consular services. For example, in 2009 we participated in a Fair Trials International comparative study of the approach taken to trial monitoring by five different countries. Our policy is to attend trials only in exceptional cases. But being part of this project and opening ourselves to external scrutiny has helped

Registering Civil Partnerships Overseas

Since the 2004 introduction of the Civil Partnership Act, couples have been able to register as civil partners at a British Consulate in the presence of an officer in the Diplomatic Service. By the end of 2009, 619 couples had registered their partnerships. This is a clear and practical way in which the FCO has been able to help British nationals around the world, particularly in places where civil partnerships are not available, but where the authorities of the country or territory do not object to our accepting the registration.

For example, staff at our Consulate in Hanoi have been able to provide this service to couples who cannot register their partnerships elsewhere in the region:

"Mark and I have been together for five years, having first met in Hong Kong while both on assignments ... we wanted to make a commitment to each other but also make it legal. Unfortunately, in Hong Kong at the British Embassy it is still not possible to conduct same-sex civil services which are legal due to it being part of the Chinese territory. For us we still wanted to do this in Asia as this is now our home. It meant so much to us to be able to come to Hanoi ... Although it was a shame not to be done in Hong Kong, our day was better than we could have dreamt of."



Kylie and Pauline's was the 100th civil partnership ceremony to be performed in Melbourne

us develop the support we offer. The study showed that in supporting British prisoners overseas we have areas of strength, such as training, but areas where we could improve. In particular, we will be looking to improve our gathering of statistics and provide staff with better guidance on what they are expected to report after attending trials.

Mistreatment of those detained overseas continues to be a concern. If we have reason to believe that a British national is being mistreated in detention, then we will do everything possible to ensure that mistreatment stops. All consular staff receive training and guidance that cover prisoner issues and what to do when they have concerns over allegations of torture or mistreatment. All cases of mistreatment will be referred to Ministers. When we have permission from the individual concerned, we can raise concerns with the relevant authorities with a view to ending the mistreatment and, when possible, have the incident investigated and the perpetrators brought to justice. In exceptional circumstances, we may consider raising concerns even without an individual's express consent.

Death Penalty

Linda Carty was arrested in 2001 in Houston, Texas. She was found guilty of murder and sentenced to death in February 2002. A dual British and St Kitts and Nevis citizen, we were made aware of Linda's case by a third party in August 2002. Since that time, we have been working closely with Linda, her lawyers and the UK anti-death penalty NGO Reprieve. We have made several representations on her behalf, urging Texas to reconsider the use of the death penalty, supporting her lawyer's requests that the case be reconsidered, and providing amicus briefs to court. Our concerns centre around the failure of the Texas authorities to notify our consular staff of Linda's case, and the ineffective counsel that she received in her trial. As of the end of 2009, Linda's appeal had been rejected by the Fifth Circuit Court of Appeals and she was awaiting an application for appeal to the US Supreme Court. We continue to work hard on her case.

At the end of 2009, we were aware of eight British nationals on death row, and a further 27 facing charges that could result in the death penalty being applied. In these cases we work closely with the individual, their lawyers and with Reprieve to do all we can to ensure execution is avoided. Our support includes lobbying governments, both on our fundamental opposition to the death penalty and where we have concerns over adherence to international standards in a particular case. Where appropriate we will also submit supporting legal briefs to the relevant court on points of international law. Regrettably, and despite vigorous lobbying, December 2009 saw the execution of Akmal Shaikh in China – the first execution of a British national since Jackie Elliot was executed in Texas in 2003 (see page 96).

4 Promoting Human Rights in the Overseas Territories

Introduction

The 1999 UK Government White Paper, "Partnership for Progress and Prosperity – Britain and the Overseas Territories", set out the principles on which the UK's relationship with the Overseas Territories is based, including the shared objective of promoting and protecting human rights. We believe the governments of the Overseas Territories should abide by the same human rights standards that British people expect of the UK Government. We continue to encourage all Territories to agree to the extension of the European Convention on Human Rights and the UN human rights conventions that the UK has ratified. We also work to ensure that each Territory meets its obligations under the conventions extended to it.

If I had one wish...



Constitutional Review Process

The constitutional review process, which stemmed from the White Paper and aims to modernise Territory Constitutions, is under way or completed in most Overseas Territories. The Government has made clear that it cannot accept a new constitution for a Territory that does not contain a fundamental rights chapter. Since 2006, new constitutions have come into force in six Territories – the Turks and Caicos Islands; Gibraltar; the British Virgin Islands; the Cayman Islands; St Helena, Ascension and Tristan da Cunha; and the Falkland Islands. Each of these, including the latter three which came into force in 2009, contain a new or updated fundamental rights chapter intended, at a minimum, to ensure compliance with the European Convention on Human Rights (ECHR) and the International Covenant on Civil and Political Rights (ICCPR).

Anguilla has agreed in principle that the ICCPR and the International Covenant on Economic, Social and Cultural Rights (ICESCR) should be extended. We continue to encourage Anguilla to take the necessary action to enable us to extend the instruments. They have indicated that they hope to do this in 2010. In October, the right of individual petition under the ECHR was permanently extended to the British Virgin Islands. This was of particular importance as it was the last Territory to which the ECHR applies to have the right extended. The Turks and Caicos Islands, for which the right had previously been accepted for a period of five years, also accepted the right permanently. This means that, in all Territories to which the ECHR has been extended, persons, NGOs and groups of individuals who have exhausted their domestic remedies can bring a case to the European Court in Strasbourg.

Pitcairn Island has expressed a wish for the ECHR to be extended. As a first step towards this, the Government funded a comprehensive review of Pitcairn legislation to establish its compatibility with the ECHR and other human rights instruments. A new constitution, including a fundamental rights chapter, is currently being discussed with the Islanders.

Progress on the extension of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) to all relevant Territories over the last year has been slow, due largely to the need for the Territories to amend or introduce new laws to ensure compliance with the obligations under the Convention. To date, CEDAW has been extended to

the British Virgin Islands, the Falkland Islands and the Turks and Caicos Islands. The Government continues to encourage the remaining Territories to make progress.

The Convention on the Rights of the Child (CRC) has been extended to all Territories, except Gibraltar. In 2009, the Turks and Caicos Islands' Human Rights Commission held a series of events throughout the Territory to educate children and parents on their rights and responsibilities.

Building Human Rights Capacity in the Overseas Territories

The FCO continues to work closely with DFID on the implementation of their four-year human rights programme, which is being undertaken by the Commonwealth Foundation in most Territories. The programme aims to see increased activity by the Territories and partners towards an improved human rights agenda; increased awareness and capacity of governments, national institutions and civil society to address human rights issues; and strengthened human rights reporting and monitoring arrangements in accordance with relevant international treaties. Programme representatives have met with Territories' government ministers and officials, members of civil society and other stakeholders in order to identify their needs and priorities in relation to specific activities and to tailor their training and technical assistance accordingly. Since the 2008 Human Rights Report, the coordinators have visited most of the Overseas Territories involved in the project and carried out consultation exercises. In 2009, trainers visited Pitcairn and St Helena where they conducted workshops to build human rights knowledge among the population and enhance the skills of those who deal with rights in their work. Further training in St Helena and initial training for the other Territories participating in the project is planned for 2010.

We are also working with DFID on a four-year programme to strengthen the Territories' long-term capacity to protect children and to help prevent child abuse. This "Safeguarding Children in the Overseas Territories" project is currently underway in Anguilla, Montserrat, St Helena and Ascension, and the Turks and Caicos Islands. The project provides mentoring and advisory support to help the Territories implement policies, procedures and best practice to ensure that children grow up in a safe and healthy environment. The project follows the DFID-funded regional Child Protection Programme, which focused on helping the Territories meet their obligations under the CRC. It



Foreign Office Minister Chris Bryant speaking at a reception for the Overseas Territories Consultative Council on 9 December

increased the Territories' awareness of, and action on, child protection issues to enable a basic level to be achieved in this area across the Territories.

Overseas Territories Consultative Council

The Foreign Office Minister for the Overseas Territories, Chris Bryant chaired the 11th Overseas Territories Consultative Council meeting in London on 9 December. Elected leaders of each of the Overseas Territories (except Gibraltar) attended. Human rights issues featured prominently on the agenda and covered children's and women's rights and discrimination on the grounds of sexual orientation.

Territories were again encouraged to take the steps necessary to enable the CEDAW and the International Labour Organisation Convention No. 182 (ILO 182) on the Worst Forms of Child Labour to be extended to them as a matter of priority in 2010. Where appropriate, we will provide assistance to the Territories to help them meet the applicable international obligations. We extended the ILO 182 to St Helena in April 2009, at their request. We also welcomed, and are taking forward, the requested extension of ILO 182 to the Turks and Caicos Islands in November.

At the request of Overseas Territory Ministers, a one-day Forum was held on 8 December immediately

prior to the Consultative Council to review the 1999 Government White Paper. The Forum is the first stage of a consultation process on the future of the relationship between the UK and the Territories and involved a wide range of stakeholders with an interest in the Overseas Territories. Vijay Krishnarayan, Deputy Director of the Commonwealth Foundation, led a discussion on human rights issues and the rights of belongers¹ and non-belongers in the Territories.

Corruption Allegations in the Turks and Caicos Islands

On 14 August, following a Commission of Inquiry into possible corruption by past and present members of the Turks and Caicos Islands Legislature, the Governor of the Turks and Caicos Islands, on the instruction of Foreign Office Ministers, brought into force an Order in Council suspending parts of the Turks and Caicos Islands Constitution. This action was taken to enable the UK to work with the Governor to restore the principles of good governance, sustainable development and sound financial management to the Territory. This is a targeted intervention for an interim period, which is expected to last no longer than it takes for the necessary reforms to be implemented

¹ A person who under the law of an Overseas Territory has the status of a person most closely connected with the Territory, sometimes referred to as a "Belonger".

and take effect. It is hoped that it will be possible to hold elections in July 2011 as currently scheduled, if not earlier.

The Order in Council left in place the fundamental rights chapter of the Constitution. However, it did remove the constitutional right to trial by jury in serious criminal cases. This does not mean that trial by jury has been abolished; rather it allows the local law to provide for trials without a jury in appropriate cases. This is wholly consistent with the ECHR under which there is no automatic right to trial by jury.

On suspension of the Islands' House of Assembly by the Order in Council, the UK withdrew its acceptance of Article 3 of Protocol 1 of the ECHR in respect of the Turks and Caicos Islands. Article 3 requires the holding of free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature. The withdrawal is for a limited period until the principles of good governance have been restored and elections held in the Islands.

The Overseas Territories Programme Fund

The FCO's Overseas Territories Programme Fund supports the 1999 White Paper commitments on human rights. For example, in a two-year project in the British Virgin Islands we have funded a consultant, who is the former Chief Executive of the

Parole Board in England and Wales, to help support the introduction of a parole system and to assist in training and implementing a formal release and supervision system for prisoners. With the British Virgin Islands government we also co-funded in 2009 the drafting of a Domestic Violence Protocol, which aims to reduce family violence in the Territory.

In the Cayman Islands, we have funded three projects in 2009 to promote human rights and to stimulate conversation on taboo subjects. This included funding a local art competition to highlight children's views on what needs to change in their world, as well as funding attendance by local educators at a conference to better prepare them to talk about sexual abuse. In the Falkland Islands, we have funded the drafting of the Public Accounts Committee Ordinance, which comes into force on 1 February 2010, and the draft Complaints Commissioner Bill. The Immigration (Permanent Residence Permits) Regulations were amended to redefine the reference to "spouse" to include civil partners. These re-drafted Regulations also saw the replacement of the largely discretionary immigration system that existed previously with a much more objective points system. The enabling legislation, the Immigration (Amendment) Ordinance, set up a formal appeals system for those refused a Permanent Residence Permit. The recognition of civil partnerships also appears in the new arrangements for the payment of family allowances.



5 Working through International Institutions to Promote Human Rights

Introduction

The FCO highly values bilateral dialogue with other countries on human rights. But our message can sometimes be more persuasive when supported by, or delivered in community with, others. We couple bilateral action with sustained activity across all the multilateral organisations. These organisations have been enormously important in developing, and supporting the implementation of, international human rights standards over the last 60 years. But, notwithstanding their success, there is a continued need to improve their ability to respond to human rights violations. Ensuring effective international institutions to address human rights is a key UK objective.

In 2009, the UK continued to give greatest focus to strengthening the UN and the EU. We are determined to work with our UN partners to improve the Human Rights Council's ability to focus on the victims of human rights violations. The introduction of the Lisbon Treaty brings fresh opportunities to advance the international impact of the EU's human rights work. We will continue to press the EU to do more to promote respect for human rights globally. And through working alongside countries in the Council of Europe, the Commonwealth and the Organisation for Security and Cooperation in Europe, we will push to make a reality of our shared commitment to democracy and human rights.



The United Nations

The UK wants the UN to make an effective contribution to the worldwide promotion and protection of human rights. The international framework of human rights standards elaborated since the 1948 Universal Declaration of Human Rights is impressive, far-reaching, and has been adopted by the majority of countries in the world. We continue to promote its implementation and to discourage initiatives that might undermine it. This is the core of our work in the UN's inter-governmental fora.

The UK is a member of the UN Human Rights Council (HRC) and active in the Third Committee of the UN General Assembly. We cooperate fully with all UN human rights mechanisms to which we are party, and encourage other countries to do likewise. The UK welcomes international enquiry into its human rights record as a part of its commitment to the UN. In 2009, we received the Special Rapporteur on the Human Rights of Migrants, Mr Jorge Bustamante, in the UK and sent a delegation of officials to Geneva for the UK's examination under the International Covenant on Economic, Social and Cultural Rights (ICESCR). We continued to update the HRC at regular intervals on our progress to implement the recommendations we accepted during our Universal Periodic Review (UPR).

We are strong supporters of the work and independence of the UN High Commissioner for Human Rights, the Treaty Monitoring Bodies and the HRC's special procedures (rapporteurs), and we value their monitoring and assistance activities alike. We want to see both the inter-governmental and operational sides of the UN human rights system play the fullest part possible in protecting human rights internationally.

The UK has been clear in expressing its commitment to the HRC. We want the HRC to evolve into a body able to address violations of human rights wherever they occur, and to be a catalyst within the UN system for action to support and press countries to end violations and realise the rights of those in their territories.

Events in 2009 tested the HRC's readiness to react to human rights concerns around the world. Conflicts in Gaza and Sri Lanka and the global financial crisis received HRC attention in Special Sessions. Resolutions condemning the conviction of Aung San

Suu Kyi in Burma (see page 91) and human rights violations stemming from the coup in Honduras (see page 11) demonstrated Council responsiveness. But the HRC's message on the situation in Sri Lanka was disappointing.

The HRC has attracted similar criticism to its predecessor, the UN Commission on Human Rights, for failing to address meaningfully many human rights situations (for example, in Iran and Guinea), and for being dominated by bloc politics. This criticism should be directed less at the institution itself and more towards its members.

We have been keen to see the membership work to put aside geopolitical interests and to look at each human rights situation on its merits, responding to the needs of victims of violations. In his statement to the March session of the HRC, then Foreign Office Minister, Lord Malloch-Brown made clear the Government's views: "The inspiration for the Council was, for many, to move beyond some of the divisions that marked debate in the past. Council members have shown mixed willingness to look afresh at issues. There is a pressing need to put aside geopolitics and work across the membership for shared understanding of how to address modern human rights challenges."

While recognising that the EU, as a political group, bears some responsibility for encouraging the bloc mentality that continues in the HRC, we have been disheartened again in 2009 by HRC members defaulting to group positions aimed at preventing, rather than enabling, action on important human rights questions. It is important that the HRC overcomes this. We should also recognise that institutionally some of its innovations, such as the UPR, show promise.

The UK and its regional partners have to seek the support of members of the other regional groups within the UN to be successful with resolutions and other initiatives. This presents a challenge of advocacy. In 2009, our outreach efforts received a significant boost with US re-engagement with the formal UN human rights agenda. But our argument that the UN should address specific human rights situations of concern still meets with significant opposition, leading to the impression that many UN members do not wish to see the UN develop the capacity to operate as an effective human rights watchdog.

Assessing Human Rights through the Universal Periodic Review

The Universal Periodic Review (UPR) is a unique peer review, examining the human rights record of every UN Member State once every four years. It is arguably the key innovation of the HRC. Our aim has been to build and consolidate the UPR to become an effective review, focused on improving every country's human rights performance.

The first two years of this process were encouraging. The principles underpinning the review – universality, equality and cooperation – were largely respected. The majority of countries took an open, self-critical look at their human rights performances and engaged constructively in review dialogues. The UPR appears likely to facilitate wider acceptance of international human rights standards.

A number of countries deserve particular praise for their approach to the UPR. We welcome the decisions by Bahrain, Argentina, Malaysia, Vietnam and Djibouti to launch National Human Rights Action Plans following their reviews. Colombia actively produces quarterly updates, tackling progress made on its recommendations. Bahrain and Argentina have also led by example in volunteering to update the HRC on their progress in implementing its recommendations. The UK will do the same at the Council in March 2010.

But there is still room for improvement. Some countries manipulated the process by encouraging other states to praise their human rights records. Others failed to respond clearly to recommendations and some states proposed or accepted recommendations which, could actually undermine international human rights standards.

The UK is among only a handful of countries that participate by speaking in every country's review,

showing support for the principle of equality and engaging every UN state on its human rights record. In addition, we have:

- > supported UN webcasting of the UPR to ensure that civil society, policy-makers, media and the general public have the opportunity to view the reviews and engage, as a result, in their follow-up;
- > funded an internet based tool – *UPR-Info* – to facilitate civil society awareness of, and participation in, the UPR process;
- > provided £250,000 to a number of projects to maximise the impact of UPR, working with the UN, the Commonwealth, and with other countries and NGOs;
- > participated in national and regional UPR seminars throughout 2009 to share our experience of the UK's 2008 review and of the wider process; and
- > funded a public consultation exercise in Mozambique, which will form the basis of its UPR in 2011 and separate workshops to assist the Cambodian and Kazakh governments to prepare for their reviews, with the full participation of civil society in both.

In 2010, the UK will continue to engage with states before, during and after their reviews, particularly working with governments and NGOs to support follow-up and implementation of recommendations. We will also encourage the UN Office of the High Commissioner for Human Rights (OHCHR), the Special Procedures and the wider UN to work together to support states on UPR implementation and to raise the profile of the UPR globally.

US Re-engagement with UN Human Rights

The UK welcomed US re-engagement with the UN human rights system in 2009 and its membership of the HRC starting in September. We had encouraged the US to consider this step to show support for the UN's human rights work and to improve its influence in shaping it. The US has not only demonstrated sway in securing outcomes in line with UK priorities, but has shown flexibility to find consensus with other countries on important human rights questions. We welcome the US and Egypt's successful attempt to find a new consensus on freedom of expression at the HRC in September. We also welcomed the US's renewed support for economic, social and cultural rights resolutions, such as the resolution on the

Right to Food that was adopted by the UN General Assembly Third Committee in November. And US support for the Third Committee resolution on the Rights of the Child enabled consensus on this text for the first time in seven years, an important development for the international community.

Human Rights Council Special Session on Sri Lanka

The EU led efforts in May to call a special session of the HRC in response to the situation in Sri Lanka. We found support for the session from select members of other regional groups who shared our concerns. Together we worked hard on a draft resolution that could be presented to the wider HRC membership,

even those with misgivings about the focus on Sri Lanka, as a constructive expression of HRC concern. In doing so we hoped for a consensus outcome. Sri Lanka, unfortunately, tabled a text with a different purpose, which was passed by majority vote. The UK could not agree with their assessment of the situation and voted against the resolution because it:

- omitted to reaffirm that it is the primary responsibility of the state to ensure protection of the human rights of all persons under its jurisdiction;
- failed to call on the government of Sri Lanka to start an inclusive political process, which would address the legitimate concerns of all of Sri Lanka's communities; and
- did not address the need to ensure the protection of human rights defenders, journalists and minorities or the right to freedom of expression.

The session, nonetheless, presented an opportunity for many States, UN Special Procedures, and the High Commissioner for Human Rights to put on record



Sri Lanka's Cabinet Minister of Disaster Management and Human Rights during the HRC Special Session on Sri Lanka, 26 May

the plight of civilians caught up in it. We continue to believe that the situation merited the attention of the UN's primary human rights body and that it was right to call the session.

Human Rights Council Special Session on Operation Cast Lead in Gaza

In January, a special session was called to consider the allegations of human rights violations by Israel in the Occupied Palestinian Territories during Operation Cast Lead in Gaza. The EU expressed serious concern about the human rights of all those affected by hostilities in and around Gaza, but wanted to see a balanced approach to the special session that took account of the targeting by Hamas of Israeli citizens. At one point it appeared that consensus might have been possible on a balanced resolution, only for certain members of the African and Arab Groups to persuade the lead sponsors of the resolution to remove these balancing elements. The resulting resolution was, therefore, not one that we could support and we abstained on the vote, with fellow EU members of the HRC.

The resolution mandated a mission of experts to investigate violations by Israel of international humanitarian law and international human rights law in Gaza. Although unable to support the report of the mission in its entirety (see page 62), the UK was clear that it deserved serious consideration by the parties to the conflict.

Other Country Action in the Human Rights Council

In October, HRC resolutions were adopted without a vote condemning the conviction and ongoing detention of Aung San Suu Kyi in Burma, and human rights abuses in Honduras. This showed that the HRC can speak as one on concerns in specific countries. Such expressions carry weight. In 2009, the HRC also maintained all its special procedure mandates on country situations, including on the Democratic People's Republic of Korea, Burma, Somalia, Haiti, Cambodia and Burundi (all but DPRK by consensus). This was welcome as they provide the countries in question with dedicated expertise, and the HRC with impartial reporting.

Special Procedure Mandate on Sudan

In June, HRC scrutiny of Sudan was extended for a year through the establishment of an Independent Expert position. This is hugely important and should provide the Sudanese government with valuable support to address the significant human rights

The Goldstone Report: A UN Human Rights Council Fact-Finding Mission on Gaza

The Gaza Conflict of 27 December 2008 to 18 January 2009 resulted in a high number of civilian casualties. UN figures put the number of Palestinian fatalities at 1,383 (including 333 children), with 14 Israeli fatalities (including 3 civilians). Israeli figures differ, counting 1,166 Palestinian fatalities.

Even before the conflict (known as Operation Cast Lead in Israel) had concluded, there were reports from credible media organisations and NGOs of breaches of International Humanitarian Law (IHL) committed by both Hamas and Israeli forces. From the start of the conflict the UK was clear that all allegations of breaches by either party to the conflict should be properly investigated.

A UN Human Rights Council Fact-Finding Mission on Gaza, led by Justice Goldstone, was mandated on 12 January to investigate breaches of IHL and international human rights law committed only by Israel during the 22-day conflict. The Human Rights Council's focus on Israel, rather than both parties to the conflict, was not even-handed. However, the UK welcomed the decision of the President of the Human Rights Council to demand that it investigated the conduct of all parties to the conflict and Justice Goldstone's commitment to look into the conduct on both sides.

Justice Goldstone's final report concluded that some of the actions of Israel "might justify a competent court finding that crimes against humanity have been committed" (para 75) and that Palestinian rocket attacks on populated areas "would constitute war crimes and may amount to crimes against humanity" (para 108). But because Israel did not cooperate with the mission, which we regret, the report lacks an authoritative Israeli perspective on the events in question, so crucial to determining the legality of actions. The report also failed to recognise

adequately Israel's right to protect its citizens and made broad assertions about detailed interpretations of international law with which we differ.

For these reasons we cannot fully endorse the report and its recommendations. However, we have been very clear from the outset that there are important issues of serious concern that cannot be ignored and must be properly investigated.

We did not vote on the Palestinian resolution at the Special Session of the Human Rights Council on 15–16 October because at the time the vote was called, the Prime Minister was working closely with President Sarkozy of France to secure movement on three key issues: an independent inquiry into the allegations at the heart of the Goldstone Report; greater access for humanitarian aid into Gaza; and a restart to the peace process. It is right that the UK takes every opportunity to drive forward those three key issues and we will continue to do so.

The UK, along with EU partners, played its full part in the 4–5 November UN General Assembly debate on the Goldstone Report. We worked hard before the vote to reach consensus on a resolution we could support. In the end, the UK abstained, with France and 42 others, because voting in favour would have meant a blanket endorsement of the Report, ignoring its flaws. However, we maintain that the issues raised by the Report are serious and that the parties should address them with credible, independent investigations.

The UK is committed to urging the parties to the conflict to ensure accountability for violations of international law. We shall hold to that commitment – privately and publicly – when speaking to both Israelis and Palestinians and when this issue returns to the UN General Assembly in 2010.

challenges that remain in that country. The EU and its regional partners worked to accommodate the concerns of the African Group and present a resolution that would improve prospects for progress on the ground. The resolution was passed by just a single vote. We were encouraged to receive the backing of African states, such as Mauritius and Zambia. Others in the African Group remained reluctant to see the HRC focus on a specific country, despite the situation on the ground. We hope that the situation will motivate greater support in the future for continued monitoring and provision of assistance to Sudan.

Special Procedure Mandate for the Democratic Republic of Congo

Regrettably, a similar EU-led effort in March to reinstate the special procedure mandate for the Democratic Republic of Congo (DRC), which ended in 2008, was not successful. As with Sudan, we continue to believe that the situation in the DRC merits a single dedicated UN expert who can look at the human rights situation holistically and devote time to building a close and cooperative relationship with the country. The alternative – of encouraging visits by a variety of thematic special rapporteurs – was shown, in the course of 2008, not to offer as effective a solution. Of

the seven rapporteurs tasked with visiting the DRC, only one was able to do so. While the approach has some advantages, thematic rapporteurs cannot offer the same level of attention as a dedicated country rapporteur.

Country Action in the UN General Assembly Third Committee

In 2009, Third Committee country resolutions on Burma, DPRK and Iran were passed with increased support over 2008. The situation in all three countries remains extremely serious and the trend of increasing support for these resolutions should send a message to long-suffering people that the international community has not forgotten them. It was encouraging to see regional powers, such as South Africa, show more support for these resolutions. This underscores the legitimacy of the UN's only universal membership human rights body considering country-specific human rights resolutions.

Supporting the UN System

Preserving the relative autonomy of the UN's operational human rights mechanisms – the Office of the UN High Commissioner for Human Rights

Human Rights and Cultural Relativism

The number of thematic special procedure mandates continued to grow in 2009. One new mandate on cultural rights with a heavy emphasis on cultural diversity, agreed in March, caused us concern. A related Russian-sponsored resolution on traditional values adopted by the HRC in September also posed problems.

Though not the express aim of either initiative, we are careful to oppose any suggestion that human rights are relative and may be conditioned by culture or tradition. Human rights are universal, and the duty of states to guarantee them for all individuals should not be limited in any way beyond acceptable limitations in international law. Culture and tradition must never be used to deny an individual's rights – for example, on grounds of gender or sexual orientation.

We were only able to support the creation of the mandate having secured safeguards on this point in the resolution. We were disappointed that these safeguards were not accommodated in the subsequent UN General Assembly Third Committee resolution on Human Rights and Cultural Diversity later in the year, forcing the EU to vote against the resolution.



United Nations High Commissioner for Human Rights, Navi Pillay

(OHCHR), the Treaty Monitoring Bodies and the HRC's special procedures – is a high priority for the UK. Their credibility depends on their being free from the political considerations that colour the work of the UN's intergovernmental bodies. An ever increasing number of requests to the OHCHR from the UN intergovernmental human rights bodies poses a challenge. To date, the Office has enjoyed relative autonomy in developing its programme of work and should not be subject to micromanagement by the states it is there to assist.

The UK is extremely keen to see the OHCHR build on the UN's recognition of the interdependence of human rights, development and security. We have been encouraged by the personal commitment of the High Commissioner to integrating human rights into the work of the rest of the UN system, and will support her efforts in whatever way we can. We welcome the decision of the General Assembly to provide the New York Office of the OHCHR

"Defamation of Religions": undermining the International Human Rights Framework and threatening Freedom of Expression

This year at the Human Rights Council and General Assembly, as well as during discussion on the outcome document of the Durban Review Conference, members of the Organisation of the Islamic Conference (OIC) again argued that the existing international human rights framework does not provide sufficient protection for religions against defamation and that new international standards are necessary to protect religions, in addition to protecting the individuals who practice a belief.

The UK is concerned that individuals around the world at times face discrimination because of their religion or belief. Articles 18 of the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) state that "everyone has the right to freedom of thought, conscience or religion...and to manifest his religion or belief". But this right is frequently threatened. All countries need to do more to combat religious intolerance and to ensure that those who incite hatred or violence against individuals, because of their religious beliefs, are dealt with by the law.

But we cannot agree with an approach that promotes the concept of "defamation of religions" as a response and calls for new legal standards to extend human rights protection to religions, rather than the individuals who practise them. This approach is inconsistent with the international human rights legal framework, which exists to protect individuals. It does not – and should not – seek to protect concepts or specific belief systems. It also risks considerably diminishing the right to

freedom of expression.

Articles 19 of the UDHR and the ICCPR state that "everyone shall have the right to hold opinions without interference...the right to freedom of expression, which includes the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice". We believe that international human rights law already strikes the right balance between the individual's right to express himself or herself freely and the need for the state to limit this right in certain circumstances. Article 19 of the ICCPR clearly states that this right "carries with it certain duties and responsibilities" but can only be restricted "for the respect of the rights or reputations of others, for the protection of national security or of public order or of public health or morals". Any such restrictions must be necessary, proportionate and grounded in law. Article 20 of the UDHR is equally clear that any "advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law".

The UK believes that the concept of "defamation of religions" puts in danger the very openness and tolerance that allows people of different faiths to co-exist and to practise their faith without fear. If this happened, people might feel unable to speak out against human rights violations or hold their government to account. For these reasons we will continue to oppose any attempt to develop a new legal norm on defamation of religions under international human rights law.

with an Assistant Secretary-General. This should facilitate the OHCHR's dialogue with other New York-based UN entities. In addition to our regular budget commitments, the UK provided OHCHR with a voluntary contribution of £2.5m in 2009. We will provide the same in 2010.

2009 has also seen a number of attacks on the integrity and independence of special procedures when they have reported on controversial issues, such as sexual orientation, or expressed a view not shared by certain groups within the UN. The EU has, on each occasion, defended the right of the special procedures to determine what is relevant to their mandate and to share their opinions free from pressure.

Human Rights Council Review

Discussions will begin in earnest on the review of the HRC in 2010 both in the HRC and the General Assembly. The HRC has already agreed to set up a review working group, which will start work in the second half of 2010. It remains to be seen whether UN members will press for a far-reaching review process so soon after the HRC's establishment (2006) and negotiation of its ground rules or institution-building package (2007) or to opt for something more "light touch", accompanied by efforts to consolidate and deliver on the last phase of institutional reform. As has been our policy for a number of years, our commitment to the UN human rights system is steadfast, but we continue to explore ways to strengthen its effectiveness. The review may present

opportunities. At the same time the institution is only a part of the picture, the membership and the politics that govern the way states behave is a different, if not separate, matter.

International Courts

International Criminal Court

The International Criminal Court (ICC) is a permanent court established in 2002 to prosecute the perpetrators of the most serious crimes of international concern – war crimes, crimes against humanity and genocide. After an initial period establishing and opening its investigations, we welcomed the commencement of the court's historic first trial in The Hague on 26 January.

Thomas Lubanga Dyilo, a former militia leader in the Democratic Republic of Congo (DRC), is charged with enlisting and conscripting children under the age of 15. A second trial, of Germain Katanga and Matthieu Ngudjolo Chui, began on 24 November. They also face charges relating to the use of children in hostilities, as well as allegations of deliberately directing an attack on a civilian population, sexual slavery and rape, during the 2003 conflict in the DRC. Both trials will continue into 2010.

On 15 June, the Pre-Trial Chamber confirmed charges against Jean-Pierre Bemba Gombo. As a military commander, Bemba Gombo is allegedly responsible for the crimes of murder, rape and pillage committed in the Central African Republic in 2002–3. His trial is scheduled to begin in April 2010.

The International Criminal Court and Sudanese President al-Bashir

On 4 March, the ICC issued an arrest warrant for Sudanese President al-Bashir on five counts of crimes against humanity and two counts of war crimes relating to attacks on the civilian population in Darfur between March 2003 and July 2008. Sudan is not a State Party to the ICC. It has declared that it does not recognise ICC jurisdiction and has refused to receive the arrest warrant. At their July Summit in Sirte, African Union States issued a communiqué stating that they would not cooperate with the ICC on the warrant. Bashir has visited some neighbouring states, including Egypt and Ethiopia, which are not States Parties to the ICC. However, several other countries in Africa and elsewhere have successfully discouraged him from visiting as a result of their obligations to support the court. The UK continues to urge all UN member states to cooperate with the ICC's Darfur investigation.

Some states have claimed that the Bashir warrant is undermining efforts to promote peace in Darfur and have called for a deferral of the ICC's Sudan investigation. Article 16 of the Rome Statute allows the Security Council to defer an ICC investigation, acting under Chapter VII of the UN Charter to "restore international peace and security". The UK could consider a deferral if Sudan cooperated with the ICC and took bold, concrete steps towards peace in Darfur. The court is an independent judicial institution and, although there are provisions for the deferral of its work, we do not consider that in the current circumstances there is a basis to invoke them.

In 2009, we also welcomed the first instance of a suspect appearing voluntarily before the ICC. Subsequently, the case against Abu Garda was not confirmed by the pre-trial chamber.

A number of other individuals subject to ICC arrest warrants are currently at large. As well as the warrant issued in 2009 for Sudanese President al-Bashir, two other warrants have been outstanding since 2007. These are for Ahmed Haroun and Ali Kushayb, both alleged to have committed 51 counts of war crimes and crimes against humanity in Darfur. Four warrants for senior leaders of the Lord's Resistance Army (LRA), issued as part of the Court's Ugandan investigation, have been outstanding since 2005. The UK continues to call for states to cooperate with the enforcement of ICC arrest warrants.

>> [The Radovan Karadžić trial] sends out a powerful global message – the international courts are here to stay, and now there is no escape from international justice. <<

The Foreign Secretary on the first day of the trial of Radovan Karadžić, 26 October

The UK provided continued political support to the ICC throughout 2009, particularly defending the principle that the Prosecutor should be allowed to act independently of any political influence. We were closely involved in key decisions about improving the administration of the ICC and setting up an independent mechanism to improve oversight of its management procedures. The ICC will hold a Review Conference in June 2010 to consider amendments to its founding treaty and review important developments in international justice.

For more information on the ICC, go to:
www.icc-cpi.int.

International Criminal Tribunal for the former Yugoslavia

In 2009, the International Criminal Tribunal for the former Yugoslavia (ICTY) continued to make good progress in completing the trials of individuals accused of war crimes during the 1990s Balkans conflicts. Between its establishment in 1993 and the end of 2009, the ICTY completed the cases of 121 of the 160 accused, with 13 appeals ongoing. Trials of all those held by the ICTY have now begun, with the commencement of the trial of Zdravko Tolomir on 16 December. It is expected that all the trials and appeals will be completed by 2014. However, this may change if either of the remaining fugitives, Radko Mladic and Goran Hadzic, is captured. The original target of 2010 for completion of trial activity was always ambitious and has been further delayed by the late arrest and transfer of Radovan Karadžić and others, and by the illness of various accused and key Counsel.

In 2009, the UK continued to encourage the ICTY to minimise delays. We also supported the ICTY by offering prison facilities for a number of people convicted by the Tribunal and by sharing relevant UK information and documents. And to complement the ICTY, Conflict Pool funding has helped to improve the justice system in Bosnia. This included the secondment of a prosecutor to the Bosnia State Court to work on trials, including that of Milorad Trbic who was sentenced in 2009.

The Office of the Prosecutor reported satisfactory cooperation with the ICTY from Serbia in the last six months of 2009. It is essential that Serbia maintains this level of cooperation, including in tracing the fugitives Radko Mladic and Goran Hadzic. Croatia has also taken positive steps towards cooperation,

The ICTY: Indicting Radovan Karadžić

Radovan Karadžić, the former President of the Serbian Republic of Bosnia and Herzegovina (now Republika Srpska), has been indicted by the International Criminal Tribunal for the former Yugoslavia (ICTY). He is charged with genocide, extermination, murder, persecutions, deportation, and acts of violence against a part of the Bosnian Muslim and Bosnian Croat national population on the grounds of ethnicity and/or religion. Karadžić stepped down as President in 1996. Karadžić adopted a new identity and evaded capture for nearly 13 years. His arrest in 2008 demonstrated a welcome, renewed commitment by the Serbian government to the successful completion of the ICTY.

Karadžić was transferred to the ICTY on 30 July 2008. He is representing himself, but refused to attend court when the trial started on 26 October 2009, claiming that he needed more time to prepare. On 5 November, the Court judged that he had "substantially and persistently obstructed the proper and expeditious conduct of his trial" – it decided to allocate him a counsel, and set a deadline of 1 March 2010 for proceedings to recommence. Karadžić still has the right to represent himself but if by March 2010 he continues to obstruct the progress of his trial, the counsel allocated by the court will take forward his defence. His trial is currently scheduled to finish by the end of 2012.



Former President of the Serbian Republic of Bosnia and Herzegovina, Radovan Karadžić

establishing a task force in October to find missing documents required for the trial of General Gotovina. In December, Chief Prosecutor Serge Brammertz recommended at the Security Council that Croatia must demonstrate it is conducting a comprehensive and credible investigation into the missing documents without further delay.

For more information on the ICTY, go to:
www.icty.org.

Special Court for Sierra Leone

A difficult but important chapter in Sierra Leone's post-civil war history concluded in 2009, with the end of the third of three trials at the Special Court in Freetown. In October, the Special Court Appeals Chamber upheld the convictions of three former leaders of Sierra Leone's Revolutionary United Front. These represented the first-ever convictions by an international tribunal for forced marriage as a crime against humanity, and for attacks against UN peacekeepers. The Chamber also upheld convictions for the recruitment and use of child soldiers. These verdicts represent a further step on the road to justice, playing an important part in a sustainable long-term peace and sending a clear message that there can be no impunity for those who commit war crimes and crimes against humanity.

By the close of 2009, eight people had been convicted by the Special Court, which handed down prison sentences ranging from six to 52 years. Only one trial now remains – that of Charles Taylor, former Liberian President. Taylor is charged with crimes against humanity and war crimes in Sierra Leone. Due to concerns about regional security should the trial be held in Sierra Leone, the Special Court arranged for the trial to be held in The Hague. The trial is expected to conclude during 2010 and, if convicted, he will serve his sentence in the UK under a 2007 Parliamentary agreement.

The Special Court is funded by the international community on a voluntary basis. The UK has contributed around 20 per cent of the \$183 million cost of the Court to date. We are an active participant in the New York-based Management Committee discussions of the Court. Through the Management Committee and our High Commission in Freetown, we will provide continued practical support for the Special Court in 2010. The UK priority for these discussions will be to guarantee that a sufficient body remains, after the Court is



Cambodians watch the trial of former prison chief Kaing Guek Eav, or Duch, in Phnom Penh

disbanded, to ensure that key functions, such as witness protection, can continue effectively.

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

Extraordinary Chambers in the Courts of Cambodia

2009 saw real momentum in the judicial process at the Extraordinary Chambers in the Courts of Cambodia. After a three-year delay, as the court established itself and finalised charges against the accused, the first substantive proceedings began on 30 March with the opening of the trial of Kaing Guek Eav, also known as Duch. He is charged with overseeing the torture and killing of more than 15,000 prisoners between 1975 and 1979, while the head of the notorious S21 prison camp in Phnom Penh. Closing statements in his trial were heard at the end of November and a final verdict is expected in early 2010.

To ensure maximum access by rural Cambodians to information on the trial, the UK provided £25,000 to fund the popular "Duch on Trial" TV series in Cambodia. The programme, produced locally by Khmer Mekong Films, explains the legal proceedings taking place. It was broadcast weekly during the course of the trial on the national Cambodian Television Network and has received widespread praise in both the local and international media, including articles in the *Phnom Penh Post* and *Time* magazine. In particular, commentators recognised the considerable outreach impact that the series had in Cambodia, attracting a regular audience of over two million people.

For more information on the Extraordinary Chambers, go to: <www.eccc.gov.kh>.

International Criminal Tribunal for Rwanda

The International Criminal Tribunal for Rwanda (ICTR) experienced intense trial activity during 2009, as the Court worked to fulfil its extended mandate to complete judgment in all first-instance trials by the end of 2010. The Court delivered six judgments during the year and began ten new trials. Two fugitive indictees, Gregoire Ndadimana and Idelphonse Nizeyimana, were arrested in 2009, and their trials will commence in 2010. Eleven other fugitives remain at large, including the most high profile, Felicien Kabuga, who is accused of being the principal financier behind the 1994 genocide. Kabuga is widely believed to have sought refuge in Kenya. In our response to the Prosecutor's reports to the UN in 2009, the UK called on Kenya to cooperate with the ICTR investigations.

The UK continued to provide support to the work of the ICTR throughout 2009. This included signing a Memorandum of Understanding with the Tribunal, providing a framework for the exchange of information between the UK and the ICTR. The agreement will assist with investigations into alleged genocide suspects believed to be in the UK. The UK also provided financial support for a training project to increase the capacity of the Rwandan judicial system, to handle possible transfers of high-profile, genocide cases between ICTR and national jurisdictions.

For more information on the ICTR, go to: <www.ictr.org>.

The European Union

The EU's Common Foreign and Security Policy (CFSP) is a significant instrument for the effective promotion of human rights and democracy around the world. As an important global economic actor, the biggest aid donor in the world, and the united face of 27 Member States, the EU is well placed to send strong messages worldwide. The UK is at the forefront of efforts to integrate human rights across the spectrum of EU external policy, and actively promotes the use of a range of EU political, economic and operational levers to achieve these aims.

By the end of 2009, eight sets of EU guidelines on key human rights issues had been developed. These cover the death penalty, torture, human rights dialogues with third countries, children and armed conflict, human rights defenders, violence against women and girls, rights of the child, and promoting compliance with international humanitarian law. These sets of guidelines, adopted by EU Ministers, serve as a framework for protecting and promoting human rights in third countries.

Under the guideline framework, the EU also makes public declarations on particular cases or areas of concern, calling upon governments to respect human rights or welcoming positive developments, initiating private demarche campaigns, and promoting wider discussion. In 2009, the EU's declarations on human rights covered everything from individual cases to broader concerns about human rights violations in countries such as Zimbabwe and Iraq.



Celebrations on the entry into force of the Lisbon Treaty

A fundamental part of EU human rights policy is its range of over 30 human rights dialogues and consultations with countries outside its borders. In 2009, the EU convened such talks with a wide range of third countries, including Russia, China, Morocco, Egypt, Georgia, Kazakhstan and Chile. In recognition of Indonesia's strategic role in the world, and its strengthening relationship with the EU, the EU agreed to initiate a new human rights dialogue in 2009, the first round of which is due to take place in the first half of 2010. And through trade links and preferential trade agreements, the EU will press third countries to implement their human rights obligations.

The entering into force of the Lisbon Treaty on 1 December presents an opportunity for the EU to promote even greater coherence between existing human rights instruments and mechanisms, and to exert increased political and economic leverage. The UK, in close cooperation with the EU Commission, the future External Action Service and Member States, will continue to drive the integration of human rights and democracy across EU policy as a whole in 2010.

The criteria for admission to the EU under the enlargement process ensure human rights and democracy standards are addressed at an early stage of accession negotiations for countries wishing to join. Similarly, human rights are an integral element of the EU's Neighbourhood Policy. The attraction of joining or closely cooperating with the EU is strong. The Enlargement and Neighbourhood policies are therefore powerful tools in promoting respect for human rights.

EU Enlargement

Democracy, good governance and human rights have long been at the heart of the EU enlargement process. The Treaty of Lisbon states that the EU is founded upon the values of "respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities". Under the Lisbon Treaty, any European State that respects and is committed to promoting these values may apply to become a member of the EU.

In order to join the EU a candidate country has to meet the "Copenhagen Criteria" which require: (i) stable institutions that guarantee democracy, the rule of law, human rights and respect for and protection of minorities; (ii) a functioning market economy; and (iii) the ability to assume the obligations of membership.

Sri Lanka: EU Trade Preference Scheme

Since 2006, Sri Lanka has been a beneficiary of the EU trade preference scheme, the Generalised System of Preferences plus (GSP+). This enabled Sri Lanka to export goods to the EU at zero or preferential tariff rates. Eligibility for the GSP+ trade preference scheme is dependent on the effective implementation of 27 core conventions on human rights, labour rights, good governance and sustainable development.

On 18 October 2008, the European Commission initiated an investigation into Sri Lanka's implementation of three of these conventions: the International Covenant on Civil and Political Rights (ICCPR); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and the Convention on the Rights of the Child; (CRC). The UK fully supported the European Commission's decision and encouraged the Sri Lankan government to cooperate fully. However, the government refused entry into Sri Lanka to the EU Commission's experts.

On 19 October, the European Commission concluded that none of the three conventions under investigation, or the legislation incorporating the obligations under these conventions, had been effectively implemented by Sri Lanka during the period covered by the investigation. On 15 February 2010, the EU decided to withdraw GSP+ preferences from Sri Lanka. This decision will enter into force on 15 August 2010. During this six month period, it remains open for the decision to be reversed if the Commission and Council are satisfied that the Sri Lankan government has taken sufficient action to address the concerns highlighted in the Commission's report.

The European Commission monitors and reports on progress (<http://ec.europa.eu/enlargement>) and supports reform. Between 2007 and 2013, the EU will provide □11.5 billion in pre-accession assistance.

During accession negotiations candidate countries have to demonstrate that they will be able to meet all the requirements set. This includes preparing to implement the EU acquis, including various European Council decisions and directives, which set specific standards on a range of human rights and governance issues. Examples of such Directives are the Racial Equality Directive, which implements the principle

EU enlargement countries

of equal treatment between persons irrespective of racial or ethnic origin, and the Employment Equality Directive, which establishes a general framework for equal treatment in employment and occupation. The accession negotiations are rigorous and the prospect of accession is a powerful incentive for reform. In Turkey, Croatia and the countries of the Western Balkans we saw some progress on human rights in 2009, but we continue to have a variety of concerns.

Albania held general elections on 28 June. These were monitored by the OSCE's Office for Democratic Institutions and Human Rights (ODIHR), which assessed that whilst they met most commitments, they did not fully adhere to the highest democratic standards. Although there were marked improvements with regard to the voter registration and identification process, the legal framework (adopted in 2008) and voting procedures, these were overshadowed by the politicisation of the process. Improvements to the electoral system, based on ODIHR's recommendations, need to be made in time for local elections, due in 2011, which will require the support of all political parties. Widespread corruption remains a major obstacle to upholding individual rights in Albania. A more systematic and strategic approach to fighting corruption is needed, particularly in cases of alleged high-level corruption, where a credible track-record of prosecutions is still lacking.

Kosovo held municipal and mayoral elections on 15 November, with second-round mayoral elections held on 13 December. These were the first polls since Kosovo declared independence and the first organised by the Kosovans themselves. Embassy staff monitored polling stations on election day and the UK also took part in a European election-monitoring mission. There were a number of irregularities with the vote but we welcomed the prompt investigation of these and the decision to rerun elections in municipalities which had not met the standard. And in **Macedonia**, after the unsatisfactory conduct of the 2008 elections (which included incidents of violence, voter intimidation and stuffing of ballot boxes), the conduct of the 2009 presidential and local elections showed welcome improvements, although there were still some reports of voter intimidation.

In 2009, we welcomed the adoption by the **Kosovo** government of a human rights strategy and action plan and the appointment in June of an Ombudsperson with a mandate to address alleged human rights violations and abuses of authority by public institutions in Kosovo. We also welcomed **Montenegro**'s ratification on 6 March of the Optional Protocol to the UN Convention Against Torture and Turkey's signature in September of the Optional Protocol to the UN Convention on the Rights of Persons with Disabilities. In **Serbia**, the Ministry for Human and Minority Rights has been active throughout 2009 in promoting awareness of human rights, both within the administration and among the public. And in **Turkey**, the Human Rights Association reported a drop in the number of reported human rights violations for the first time since 2005.

Despite repeated requests from judicial institutions in **Bosnia and Herzegovina (BiH)**, and support from the international community, the BiH authorities failed to adopt legislation allowing the mandate of the international judges and prosecutors dealing with war crimes to be extended. In **Turkey**, impunity of law enforcement officers and the armed forces remains a problem, as does the lack of prompt, impartial and independent investigation into torture and inappropriate detention and interrogation by members of security forces and the police.

In 2009, there were reports of violent attacks against journalists in **Albania** and of pressure applied on certain media outlets, particularly in the run-up to the general elections. Freedom of expression also remains a cause for concern in **Montenegro**, following

reports of the mistreatment of journalists in 2009. And while there has been a significant decline in the number of prosecutions threatening freedom of expression in **Turkey**, there was some concern over a substantial tax fine issued against the Dogan media group in September for tax irregularities. The Dogan media group had previously been highly critical of the Turkish government, and a recent report by the European Commission attacked the fine for being disproportionate (larger than the market value of Dogan Holding), undermining the economic viability of the group and thus potentially affecting freedom of the press.

In **Turkey**, the implementation of the Law on Foundations, adopted in February 2008, proceeded smoothly, and freedom of religion continued to be generally respected. The new law creates a single set of rules for the different types of foundations spanning the Ottoman and Republican eras. The new provisions will affect "old" foundations (those established during the Ottoman era), minority foundations (those established by non-Muslim communities during the Ottoman era) and "new" foundations (mainly cash foundations established during the Republican era). Positive steps have been taken to recruit religious minorities into government, resulting in the recent first appointment of an Armenian to a policy position in the Turkish civil service. The closure of the Greek Orthodox Halki seminary continued to be an issue, though discussions are underway regarding reopening the seminary.

Macedonia made progress in addressing minority rights through the Ohrid Framework Agreement, the basis for inter-ethnic relations agreed at the end of the 2001 internal conflict. This included progress on implementing a strategy for equitable representation and a law on the use of languages. There were also encouraging signs of improving relations between the **Serbian** government and the ethnic Albanian and Bosniak minorities. The Serbian government passed new legislation on the formation of National Minority Councils to give minorities a greater voice on issues including education, culture and the use of their national language. The rights of minorities in Turkey remain unchanged. **Turkey** has yet to grant specific rights on ethnic, religious or linguistic grounds in order to help preserve citizens' identity. But in August the government announced a consultation process to develop a "democratisation package". This includes reforms to address the problems of Turkey's minorities, including the Roma

and Kurds. There are indications that the remaining bans on the use of languages other than Turkish will be lifted, and the Turkish Broadcasting Regulator introduced legislation in September permitting 24-hour television and radio broadcasting in other languages.

During 2009, we supported a number of projects to further the Candidate and potential Candidate countries' progress in promoting human rights. These included:

- > training for **Albanian** judges on the case law of the European Court of Human Rights;
- > seconding expert staff to EULEX **Kosovo**, an EU rule of law mission deployed to mentor, monitor and advise Kosovo's police, customs officials and judiciary, and exercise limited executive functions. In 2009, EULEX helped Kosovo strengthen the rule of law by drafting legislation based on EU standards and monitoring police activities, including reintegrating Kosovo Serb officers into the Kosovo Police Service;
- > providing bilateral and multilateral assistance to develop **Albanian** police capacity to investigate organised crime. This included the UK's lead involvement in the EU's PAMECA police assistance mission and the establishment of a science laboratory in Tirana to test DNA evidence;
- > in **BiH**, providing funding for the secondment of international prosecutors working on sensitive war crimes investigations to the State Prosecutor's office and helping bring together civil society organisations and Ministries of Justice and Human Rights. This has helped ensure that war crimes cases are dealt with impartially and effectively. UK support played a key part in the effective processing of the long and complex trial of Milorad Trbic for his role in the execution and reburial of over 7,000 Bosniaks following the fall of Srebrenica in 1995;
- > working with the **Croatian** government to improve court administration by introducing modern case management techniques, helping reduce the backlog of cases and improve the quality of court service;
- > supporting the **Croatian** government to introduce a National Probation system to reduce prison

European Neighbourhood Policy countries



populations and improve offender community reintegration; and

- funding a project called "A School Fit For All Children" in **Serbia** aimed at helping more minorities into mainstream education.

European Neighbourhood Policy

The European Neighbourhood Policy (ENP) is the EU's principal instrument for engaging its 16 neighbours to the east and south.¹ Since the ENP was first established in 2004, human rights and democracy have been a central part of the policy. Between 2007 and 2013, the EU is due to provide €11.7 billion to support reforms.

Each year, the EU and its partners agree country Action Plans which seek to implement the formal bilateral Association Agreements. The Action Plans normally contain a political chapter, which includes reforms in the area of democratisation, human rights and the rule of law. Progress under each Action Plan is monitored through sub-committees.

Jordan, Lebanon, Morocco and Tunisia have dedicated sub-committees on human rights and democracy, while most ENP countries have broader sub-committee structures that incorporate these issues. The ENP country progress reports published

in April 2009 provide an update on human rights (www.ec.europa.eu/world/engp). In 2009 there were a number of positive developments in ENP countries. **Jordan**, the first ENP partner to set up a sub-committee on human rights, held its fourth session on 18 June. We welcomed Jordan's commitment to gender equality, including its progress on providing protection against domestic violence and equal treatment of women. We also welcomed the lifting of their reservation on Article 15(4) of the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which deals with a woman's right to be recognised as a person before the law.

In **Georgia**, the government introduced a new action plan on criminal justice reform, which envisages raising the criminal age of responsibility from 12 to 14, liberalising legislation and broadening access to legal aid. The Optional Protocol to the Convention Against Torture was also implemented in October, when amendments to the Law on the Public Defender were adopted by Parliament. The first EU–**Armenia** Human Rights dialogue took place in December, during which the EU raised a number of concerns about the human rights situation, and Armenia reiterated its commitment to continuing the necessary reforms.

But there are still considerable areas where progress needs to be made. In **Jordan**, this includes efforts to tackle discrimination against women, minorities and vulnerable groups, particularly children and disabled people. We also have concerns about the independence of the judiciary and freedom of association, and believe further efforts are necessary to combat torture.

In **Moldova**, despite changes to the legislative and regulatory frameworks in April 2008, restrictions on freedom of assembly continue to occur. Equally, although gender equality is provided for by law, women still suffer from discrimination. We welcome the drafting of a national strategy on Gender Equality for 2009–15 as a step to address this. Lesbian, gay, bisexual and transgender persons continue to face severe discrimination, as well as restrictions on their

¹ The Eastern Partners: Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine. The southern states include: Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, the Palestinian Authority, Syria and Tunisia.

right to peaceful assembly. We are concerned that the considerable advances in the protection of human rights over recent years in **Morocco** slowed in 2009.

Ill-treatment by the police in **Moldova** remained widespread. This was particularly evident in the wake of the demonstrations following the April elections with the arrest of several hundred people, many of whom were minors. The Council of Europe's Commissioner for Human Rights found that many of those detained had been subject to ill-treatment in police detention. In **Armenia**, 17 political prisoners remained in custody and concerns remain over the credibility of their trials. Violence against journalists, defamation laws and a moratorium on new broadcasting licences have all restricted freedom of the media.

In 2009, the EU expressed concern at the conduct of the trial for hooliganism of two youth activists, Emin Milli and Adnan Hajizada, in **Azerbaijan**. In **Georgia**, there were concerns over poor detention facilities, access to defence lawyers, politically motivated detentions, and reports of government pressure on the judiciary. Respect for freedom of speech and media freedom deteriorated in 2009 across the South Caucasus countries. Harassment of journalists is common. The conviction of five journalists in criminal defamation cases in **Azerbaijan** further undermined the right to a fair trial and freedom of expression.

In 2009, the UK supported a number of projects in the neighbourhood region, including:

- > helping raise journalists' awareness of human rights issues in **Armenia**, thereby raising the profile of human rights in the media and in government;
- > a judicial reform and capacity-building project in **Georgia**, aiming to improve the court system and its customer service;
- > a scoping study on reform of the judiciary in **Ukraine**, to identify areas most in need of UK assistance in future years;
- > a capacity-building project in **Jordan** aimed at improving service provision for the disabled (working through the Higher Council for the Affairs of People with Disabilities) and a project with a local NGO to provide training on torture prevention;

- > supporting the **Moroccan** Organisation for Human Rights to prepare for eventual ratification of the Optional Protocol to the Convention Against Torture and design a National Mechanism to Prevent Torture. We also supported a project by the Centre for Capital Punishment Studies that aims to inform and enrich the debate about humane and effective penal alternatives to capital punishment; and
- > a prison reform programme in **Algeria** in which a team of experts from the International Centre for Prison Studies are working with the Algerian Ministry of Justice to help them bring prison standards into line with international standards.

The Commonwealth

The Commonwealth of Nations celebrated its 60th birthday in April 2009. It also welcomed its 54th member, **Rwanda**. The Commonwealth's two billion citizens represent almost a third of the world's population, spanning four continents and living in the richest and poorest states. Since its establishment, the Commonwealth has worked to improve the lives of all its citizens. This year Her Majesty the Queen reaffirmed "our beliefs in freedom, democracy and human rights", and at the Commonwealth Heads of Government meeting in November member countries demonstrated their commitment to these beliefs in the "Affirmation on Commonwealth Values and Principles".

The UK works closely with the Commonwealth Secretariat and fellow Member States to ensure its commitments to human rights, democracy and rule of law are fulfilled and that the Commonwealth remains a useful forum for raising difficult and sensitive human rights issues with fellow members. In so doing, we strive to ensure that the Commonwealth reaches its full potential as a true champion of human rights.

The Commonwealth has no formal charter, but members subscribe to common beliefs underpinned by the Singapore Declaration of Commonwealth Principles of 1971, which highlighted the importance of equal rights for all citizens, democracy and good governance. These principles were re-affirmed and clarified in the Harare Declaration in 1991, which included the commitment to respect fundamental human rights.

Commonwealth Heads of Government Meeting 2009

At the 2009 Commonwealth Heads of Government meeting in Port of Spain, Trinidad and Tobago, Commonwealth Leaders agreed to adopt the "Trinidad and Tobago Affirmation on Commonwealth Values and Principles". The Affirmation includes a specific reference to human rights:

"... reaffirming our commitment to the Universal Declaration of Human Rights and human rights covenants and instruments; and recalling our belief that equality and respect for protection and promotion of civil, political, economic, social and cultural rights for all without discrimination on any grounds, including the right to development, are foundations of peaceful, just and stable societies, and that these rights are universal, indivisible, interdependent and interrelated and cannot be implemented selectively".

The Affirmation also commits the Commonwealth to strengthening its work in implementing human rights and democracy through support for governments, state institutions and civil society organisations. The UK worked hard to ensure this includes a review of the Commonwealth Ministerial Action Group (CMAG) with the aim of making it more effective in dealing with any member violations of the Harare Principles. As part of its commitment to help strengthen the Commonwealth, the FCO will continue to work closely with the Commonwealth Secretariat and key human rights stakeholders in 2010 to further develop awareness of, and respect for, human rights. At the meeting the Government also increased its proportion of the Secretariat budget to ensure a more equitable scale of contributions across members.



Her Majesty the Queen opens the Commonwealth Heads of Government meeting in Trinidad and Tobago

The Commonwealth has the power to investigate human rights abuses and to suspend members for not living up to their human rights obligations. Fiji was suspended from the Councils of the Commonwealth after a military coup in 2006. Following this, in 2009, owing to a lack of progress towards elections and the ongoing violation of human rights, the Commonwealth Ministerial Action Group (CMAG) took the decision to fully suspend Fiji from the Commonwealth. This came into effect on 1 September.

Commonwealth Support for Promoting Human Rights

The Commonwealth Secretariat's Human Rights Unit helps members adopt and implement major human rights instruments through capacity-building and by sharing technical expertise. In 2009, the Unit organised seminars for member countries to help them fully engage in the UN Universal Periodic Review (UPR). This included a regional training programme in Malawi attended by seven Commonwealth countries – **Kiribati, The Gambia, The Maldives, Kenya, Malawi, Lesotho** and **Grenada**. The Unit also contributed to UPR training for Pacific Island countries and followed up with Commonwealth countries that had undergone the UPR, to find out about their experience of the review process. In May 2009, the Unit launched a new publication, "*Universal Periodic Review of Human Rights: Towards Best Practice*", which provides guidance and recommendations on how states, national human rights institutions and civil society organisations can best manage the UPR process in their own country, using the experiences of those that have already been through it.

The Unit also works to increase awareness and understanding of human rights through education and training. In 2009, the Unit carried out Police Training Workshops in the **Seychelles, Maldives, Malaysia, Mauritius, Papua New Guinea** and **Solomon Islands**; 42 Commonwealth countries have received this training since 2005. Training on developing a National Action Plan on Human Rights was also delivered in Mauritius. The Unit also provided human rights training for youth workers in the **Solomon Islands** to increase their understanding and awareness of international human rights principles and their relevance to youth. The Unit also assists in the establishment and strengthening of national human rights institutions. In October, this included hosting a seminar at the Malawi Human Rights Commission for newly appointed Commissioners and

staff from **Malawi, the Maldives, South Africa** and **Kenya** to share best practice on their work and to build capacity on human rights investigation and monitoring.

The Commonwealth Forum of National Human Rights Institutions, convened in Port of Spain, Trinidad and Tobago, on 23–24 November, brought together Commissioners and senior officials from 24 Commonwealth countries. The meeting focused on the impact of climate change on the enjoyment of human rights, with the objective of feeding conclusions into the discussions at the Commonwealth Heads of Government meeting in Port of Spain from 27–29 November. Participants agreed to set up a Working Group on Climate Change and Human Rights that would review outcomes of the meeting and the negotiations in Copenhagen. The meeting also examined the constraints and challenges faced by national human rights institutions in different countries of the Commonwealth.

The Organisation for Security and Cooperation in Europe

The Organisation for Security and Cooperation in Europe (OSCE) is the world's largest regional security organisation, spanning three continents – North America, Europe and Asia. Its broad concept of security places as much emphasis on human rights and fundamental freedoms as it does on arms control, border issues or economic factors. The Helsinki Final Act, signed in 1975, recognised the protection of human rights as a matter of international concern. Since then, the Helsinki principles have been developed into a comprehensive and far-reaching set of norms and standards, including on human rights, democracy and the rule of law. Each OSCE participating state has made a political commitment to comply with them.

OSCE special representatives, institutions and field missions work together to promote human rights, democracy and the rule of law. The UK supports their efforts by providing personnel, as well as through its budgetary, and extra-budgetary, contributions. The UK actively supports the work of the OSCE's Office for Democratic Institutions and Human Rights (ODIHR). ODIHR assists participating states in implementing their OSCE commitments on human rights, democracy and the rule of law. Central to the Office's work is its election observation activity. In 2009, ODIHR sent an Election Support Team to the Afghanistan presidential elections on 20 August. Its report, available at www.osce.org/odihr-elections,

Swaziland: Encouraging Democratic Reform

Swaziland has been a member of the Commonwealth since 1968. It is Africa's last absolute monarchy and, in spite of the new constitution guaranteeing freedom of association, political parties are not recognised.

In September 2008, Swaziland held its first elections under the 2005 constitution. Though Swaziland's electoral commission declared the election free and fair, the Commonwealth said that owing to the country's constitutional and legislative framework, they could not conclude that the entire process was credible. Since the elections, political space has been tightened with the implementation of a new anti-terrorism law in November 2008. The law has criminalised a number of organisations, including the main opposition grouping – the People's United Democratic Movement.

Through our bilateral engagement and through the EU, we continue to press the Swazi government to introduce democratic reforms. We also keep in regular contact with civil society and in 2009 sponsored visits to the UK by a prominent human rights activist and a representative of the independent media in an effort to help move Swaziland forward on its path to democracy and better governance.

[osce.org/odihr-elections](http://www.osce.org/odihr-elections), offers a set of comprehensive recommendations to the Afghan authorities to address shortcomings in the electoral process.

The annual OSCE Ministerial Council in December 2009 agreed three substantive Decisions in the field of human rights, which will be added to the existing framework of norms and standards. They focused on combating Hate Crime (with UK-proposed language on addressing hate crime on the internet); the Sustainable Integration of Roma and Sinti; and Promoting Women's Participation in Political and Public Life. A Ministerial Declaration on combating torture, co-sponsored by the UK, Germany, Denmark and Serbia, was also passed.

The OSCE's annual Human Dimension Implementation Meeting took place from 29 September – 9 October in Warsaw. The meeting is the largest human rights conference in Europe, and brings together international experts, NGOs, human rights activists and government representatives, on an equal footing.



The OSCE observed elections in Kyrgyzstan in July which it described as "falling short of key international standards"

Participants review states' implementation of their OSCE commitments in the field of human rights, fundamental freedoms, democratisation, the rule of law and tolerance. Freedom of expression generated a great deal of interest in 2009. The murder of journalists and human rights activists in the Northern Caucasus, and growing suppression of free speech in the post-Soviet space, were recurrent themes. The UK organised a side event, entitled "Freedom of Expression: Holding Governments to Account".

Kazakhstan's Chairmanship of the OSCE

In 2010, Kazakhstan assumes the role of Chairman-in-Office of the OSCE. It is the first former Soviet country to do so. This represents an important undertaking. The Chairman oversees the activities of the OSCE and acts as its public face. Kazakhstan has provided public assurances that it will uphold the principles and commitments of the OSCE as Chair. Kazakhstan also undertook to implement, by the end of 2008, domestic reforms on the electoral process, registration of political parties and the media.

Progress has been made towards these commitments, but we are clear that more could and should be done. In 2009 we witnessed a number of backward steps, such as the introduction of legislation to tighten state control of the internet. Together with our international partners, we continue to raise concerns with the Kazakh authorities, including at Ministerial level.

Kazakhstan is working hard to manage its responsibilities across the full range of the OSCE's activities. We want its year in the Chair to be a success. But, as the Foreign Secretary wrote to the Kazakh Foreign Minister on 26 November, in offering our support we underline the importance of living up to the OSCE's key principles and commitments. We and international partners will continue to raise issues of concern with the Kazakh authorities, both within and outside the framework of the OSCE, and urge them to press ahead with reforms, many of which they themselves have identified as necessary.

The Council of Europe

In 2009, the Council of Europe (CoE) celebrated its 60th anniversary as an organisation to protect and promote democracy, human rights and the rule of law in Europe. It is now recognised as one of the most developed regional systems of human rights protection in the world. In May, the Foreign Secretary described the CoE as “a standard-setter on democracy, human rights and the rule of law”.

As a founding member of the CoE, the UK has always taken an active role in its work and development. Throughout 2009, we encouraged the CoE to remain focused on its core activities – democracy, human rights and the rule of law.

The European Court of Human Rights

2009 also saw the 50th anniversary of the establishment of the European Court of Human Rights (ECtHR). The ECtHR offers a unique right of direct access to the 800 million people in the 47 CoE Member States. Inter-State applications can also be lodged with the ECtHR. It has jurisdiction to hear allegations of violations of the European Convention on Human Rights and Fundamental Freedoms (ECHR) and has delivered more than 10,000 judgments since 1959. Its rulings are binding on the states concerned and have obliged governments to amend legislation and administrative practice in many fields.

The ECHR is an international treaty designed to protect human rights and fundamental freedoms in Europe. All CoE Member States are party to the Convention, and new members are expected to ratify the Convention at the earliest opportunity. A total of 14 Protocols to the Convention have been adopted since the Convention entered into force.

Most recently, Protocol 14 is chiefly intended to improve the efficiency of the ECtHR. It should help streamline approaches to the inadmissible and straightforward cases that make up the vast majority (approximately 95 per cent) of the Court’s caseload, reducing the current backlog of well over 100,000 pending cases. All 47 CoE Member States must ratify Protocol 14 before it can enter into force. By October 2006, all bar Russia had ratified.

In May, Member States agreed interim measures pending Russian ratification. These enable Member States to opt into two of Protocol 14’s key measures – a single judge (instead of a committee of three)

to be permitted to declare cases inadmissible and Committees of three judges (instead of seven) to be allowed to issue certain judgments. The UK deposited a declaration accepting provisional application on 30 June. The ECtHR has so far dealt with almost 1,000 cases under these two new procedures, including 131 against the UK.

The Office of the Commissioner for Human Rights

The Office of the Commissioner for Human Rights celebrated its 10th anniversary in 2009. The current Commissioner, Thomas Hammarberg, has described his goal as “mainstreaming human rights-based approaches into political decision-making”. We fully support his approach and in 2009 welcomed his direct intervention to facilitate the release of certain people, including minors, who had been detained following the Georgia–Russia conflict.

Citizen Participation in Local Affairs

The Additional Protocol to the European Charter of Local Self-Government on the Right to Participate in the Affairs of a Local Authority was opened for signature at the CoE’s Conference for regional and local government Ministers on 15–17 November. We signed the Protocol on 16 November. This Protocol gives proper recognition to the rights of citizens to participate in local affairs. The Additional Protocol builds on the commitment of the UK and other states to strengthen local democracy and create strong, effective councils that can represent their communities’ needs. In the 60th anniversary year, the Protocol served as a key reaffirmation of the CoE’s roots in, and commitment to, democracy.

6 Countries of Concern

Introduction

This section examines developments in countries where human rights issues cause us greatest concern.

The FCO and our Embassies and High Commissions around the world all work to promote and protect human rights. This part of the report only provides a summary of UK action in these main countries of concern. We cover issues of concern in many other countries throughout the report. This is not an exhaustive survey of countries or human rights violations. Nor should it be treated as a league table of worst offenders across the globe. We do not intend to duplicate the work of comprehensive reports issued by NGOs and some other governments.

Since the last report, we have added one country of concern. We agreed with the Foreign Affairs Committee's recommendation to include Sri Lanka. This reflects our concern about allegations of serious conflict violations, as well as the deteriorating status of the rule of law and freedom of expression. The other countries remain the same. There has been no notable change in some countries, such as North Korea and Burma, and considerable deterioration in others, such as Iran and Pakistan.



Afghanistan



Despite the difficult security situation, progress continued to be made across nearly all areas of human rights protection in Afghanistan in 2009.

Eighty-five per cent of people now live in a district with access to basic healthcare, compared with nine per cent in 2003. Infant mortality rates are down, with 96,000 more under-fives surviving each year, including in 2009. To date, we have placed over 100,000 teachers in schools, which have contributed to the increase of pupils in school from one million in 2001 to 6.6 million today. New laws on media freedom have been brought into effect.

Notwithstanding the progress made, significant challenges remain. Afghanistan is a conservative country with strong religious traditions and local customs, which are sometimes at odds with international human rights norms. Divisions continue to exist in Afghan society over issues such as women's rights, religious freedom and freedom of expression. Progress on these issues is likely to be slow and linked to progress in other areas, such as education, healthcare and the economy.

It is vital to immediate UK national security interests that Afghanistan becomes a stable and secure state that can suppress terrorism and violent extremism within its borders. Building a legitimate, stable and secure Afghan government is also critical to promoting and protecting human rights. Alongside our allies, we are working hard to build the capacity of the Afghan National Security Forces so that they can take the lead in providing security for the Afghan people. If international forces leave before this is achieved, there is a very real risk that Afghanistan could descend once again into the anarchy of the 1990s, when warring militias tore the country apart, killing tens of thousands of people. This would make ensuring respect for even the most basic human rights impossible. Making progress on security in Afghanistan goes hand in hand with improving the human rights situation. Security, along with development, governance and regional engagement, was one of the key themes of the London Conference on Afghanistan held on 28 January 2010.

The UK is represented in Afghanistan through the British Embassy in Kabul and the UK-led Provincial Reconstruction Team in Lashkar Gah, Helmand.

2009 Elections

Credible elections in Afghanistan, which allow the Afghan people to choose their own leaders, are vital to creating a stable, secure and democratic Afghanistan. The UK gave £16.5 million to an international fund to support the Afghan authorities to run their own elections in 2009–10, the first Afghan-run elections in over 30 years. The Presidential election on 20 August was held under difficult circumstances and was by no means perfect. But it did allow the political will of the Afghan people to be clearly expressed. After fraudulent votes were investigated and removed by the Afghan Independent Election Commission (IEC) and Election Complaints Commission (ECC), the final IEC figures showed that over 4.5 million votes across Afghanistan had been cast. Millions of Afghans across the country also voted in the Provincial Council elections, held the same day.

After the removal of fraudulent ballots, the results showed President Karzai with 49.67 per cent of the vote. Because he polled less than 50 per cent, a second-round, run-off election was scheduled to be held between President Karzai and Dr Abdullah Abdullah, the runner-up. But before the second round could go ahead, Dr Abdullah pulled out of the race,



Counting ballot papers for the August Presidential election



The UK's Ambassador to Afghanistan at the opening of a woman's legal aid centre in Helmand Province in December

citing concerns about corruption, and the IEC declared President Karzai the winner on 2 November. The Prime Minister congratulated Karzai on his reappointment, and discussed with him the importance of moving quickly to set out a programme for the future of Afghanistan.

It is clear that millions of brave Afghans defied intimidation to vote and it was significant that the audit process conducted by the IEC and ECC was robust and transparent, and overseen by international and Afghan election observers (who had, for example, access to the national counting centre). The IEC and ECC proved that they were able to tackle fraud effectively.

Corruption

Rebuilding the Afghan state to protect its citizens is hampered by the effects of endemic corruption. It impacts most on the poorest, and it is a barrier to accessing public services, including healthcare. Patronage and nepotism prevail. Furthermore, corruption permeates the state justice institutions, especially the police, so the public cannot always turn to the law for protection. The Afghan government has taken some steps towards fighting corruption in 2009, including registering the assets of 50 per cent of Cabinet Ministers and over 1,200 public officials, and announcing the Major Crimes Task Force to investigate corruption, including at the highest

levels of government. However, this progress is marred by the high-level reach of the problem and a lack of independent and strong institutions that can tackle the problem. The FCO is working to strengthen these: UK specialists have been working closely with the government and Afghan law-enforcement bodies to develop a robust and transparent investigation, prosecution and trial system for corruption cases. The Afghan government announced at the London Conference in January 2010 a new effort to build institutions that can prevent and expose corruption and report to the parliament and people.

Women's Rights

Many women in Afghanistan face a very difficult situation. British Embassy officials regularly discuss women's rights with members of the Afghan government, NGOs and Parliamentarians. It is important that we do all we can to consolidate the progress made on women's rights since the fall of the Taliban.

The UK continues to urge the Afghan government to uphold the Afghan Constitution, which demands equal treatment of men and women, and to adhere to Afghanistan's international legal obligations under the human rights conventions to which it is a signatory, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). We contribute to the UNIFEM's Elimination of Violence against Women fund and also support a five-year women's empowerment programme implemented by the NGO, Womankind.

Real progress has been made. Today, almost 36 per cent of the 6.6 million enrolled pupils are girls, up from virtually none under the Taliban when girls were not allowed to go to school, and 28 per cent of their teachers are women. Seventy per cent of health facilities provide some form of delivery care services. Women account for a quarter of all civil servants. And following the adoption of a quota system, women hold 68 out of 249 seats in the Lower House and 23 out of 102 seats in the Upper House of Parliament. This year, female Parliamentarians were active in efforts to address the problems with the Shia Family Law. Through their work with

The Shia Family Law

The Afghan Parliament passed the law on the Personal Status of Followers of Shia Jurisprudence (the "Shia Family Law") on 22 February 2009. The law was designed to give legal recognition to the Afghan Shia minority's religion and it affords Shia women economic protections. But the UK, alongside other international partners and members of Afghan civil society, had serious concerns about some of its other provisions. We raised these concerns with the Afghan government at the highest level and, with international support, Afghan civil society and female MPs worked together with the Afghan government to redress the law. On 29 April the Prime Minister spoke about his contact with President Karzai on this issue, saying, "I reiterated to him the concerns that we have, and the whole world has, over the Shia family law and I welcome his decision to review this draft bill."

President Karzai enacted an amended version of the law on 27 July. Some of the articles of greatest concern, such as that which restricted a wife's freedom of movement, have been removed. But we and Afghan civil society organisations have concerns over some of the law's remaining provisions. Further reform of the law will be a long-term process involving wide dialogue between Afghan civil and religious society, the Afghan government and Parliament. But the process so far has shown that Afghan civil society can influence change for the better.

The Shia Family Law reflects the difficult situation many women in Afghanistan continue to face. However, some progress on women's rights is being made. The Afghan government, with support and

encouragement from Afghan civil society and the international community, recently passed a law on the Elimination of Violence Against Women, which constitutes a major step forward for women's rights. This landmark bill was signed into law by President Karzai in July of this year.

This law applies to all communities in Afghanistan and includes a comprehensive definition of violence against women. The law has primacy over other laws and criminalises a range of violent acts against women, for the first time in Afghanistan. These include the offences of "baad" (the exchange of women and girls as a form of dispute resolution), stalking, polygamy and underage marriage.

The challenge for the Afghan government now is to ensure that the law is implemented. We are assisting with this through our wider efforts to help reform the criminal justice system and through support for local NGOs that are working to address violence against women. For example, we are supporting two of Afghanistan's first legal-aid centres for female victims of violence. On 8 December, the British Ambassador opened one of the legal-aid centres, pledging long-term UK financial support for it. The centre is the initiative of the Afghan NGO, Humanitarian Affairs of the Women and Children of Afghanistan. Working in partnership with the Ministry of Women's Affairs, the Family Court, the Attorney-General's office and other NGOs, the centre's in-house lawyers and counsellors will provide pro bono legal assistance and psychological support to female victims of violence and discrimination.



An Afghan policeman stands guard at a protest against the Shia Family Law in Kabul on 15 April

Parliament's Human Rights and Gender Committee, the progressive Elimination of Violence against Women law was passed.

The situation for women in Helmand province is particularly difficult. As one of the most conservative regions, women are almost entirely absent from public life outside the provincial capital; there are no prominent women politicians, community leaders, businesswomen and no female judges or lawyers. In Sangin district, no women registered to vote in the Presidential election. The transfer of daughters as a means of settling disputes is still prevalent in some districts and there is no provision for safety for women or girls fleeing violence. Harmful cultural practices, such as forced and early marriage, are endemic across the province.

Girls' education is minimal. In Nawa district, no girls go to school. Maternal mortality is amongst the highest in the world while women's literacy in Helmand stands at around five per cent. Health provision for women is minimal, with very few women doctors or nurses and no consistent, free, midwifery service. The absence of women from public life, including decision-making at provincial, district and community levels, means that women are not in a position to advocate change in areas that affect their lives, such as education, health, trade, land and housing. However, four places are reserved for women on the provincial council and in this year's elections seven women stood for these places.

We are attempting to address some of these issues by building the capacity of women's civil society, encouraging the development of a women's police cadre (see page 85), and working with justice providers to ensure women's rights are recognised as central to the development of Afghanistan. Helmand's only independent women's organisation, The Independent Commission for Women and Children's Rights, is receiving paralegal training provided by Action Aid, in partnership with UNIFEM. This will create a primary, community-based, legal information and referral service to families in the Lashkar Gah area, with planned outreach to outlying districts. While their work will necessarily be focused on violence against women and their children, they will also provide this service to all members of the community.

Civilian Casualties

Despite strenuous efforts on the part of international

forces to target only the insurgents, there are times when the ordinary people of Afghanistan are drawn into the conflict. We are saddened by any civilian deaths or injuries, but we particularly regret incidents where civilians are killed as a result of actions by international forces.

As part of International Security Assistance Force (ISAF), the UK places great importance in minimising the risk of civilian casualties as a result of our operations. Following his appointment in May, the commander of the force, General Stanley McChrystal has continually emphasised the importance of protecting the Afghan population. On 6 July, General McChrystal publicly released a revised tactical directive aimed at minimising the risk to the civilian population as a result of the use of force. As he says: "we must avoid...causing civilian casualties or excessive damage and thus alienating the population". This tactical directive continues the long-standing ISAF focus on protecting civilians and operating in a manner that is respectful of Afghan culture.

The directive explicitly states that air-to-ground munitions and indirect fire against residential compounds are only authorised under extremely limited and prescribed conditions, and that entry to Afghan houses should always be accomplished by Afghan Security Forces, with the support of local authorities and respect particular cultural sensitivities regarding women. No ISAF forces will enter or fire upon or into a mosque or any religious or historical site except in self-defence. The full text of the directive is available at: <www.nato.int/isaf/docu/official_texts/Tactical_Directive_090706.pdf>.

ISAF's tactics are constantly being reviewed and updated in the light of experience. Any allegations of civilian casualties are investigated promptly and action is taken where necessary. The UK fully implements and supports all efforts to reduce the impact of the insurgency on the civilian population. Our troops adhere to ISAF's directives closely and undergo comprehensive individual and collective training before they go on operations. Significant resources and effort are put into properly understanding the operational environment, including details of the civilian population who, wherever possible, are warned of impending operations.

Insurgents frequently operate in populated areas in order to restrict the coalition's ability to respond and in the hope of causing civilian casualties, particularly

through their use of indiscriminate attacks, such as suicide bombs and Improvised Explosive Devices (IEDs). Anti-Afghan government forces (including the Taliban) have been responsible for 78 per cent of casualties and continue to exploit innocent Afghans by using civilians as human shields, hiding inside Afghan civilian population centres and by using the infirm as unsuspecting suicide bombers.

In Helmand, there has been an increasing number of incidents where local civilians have disarmed IEDs themselves, and where insurgents have informed elders of IED locations to avoid local casualties. However, IEDs still remain a major threat around Helmand. We are clear that the campaign in Afghanistan can only succeed by securing the consensus of the population, and the UK and ISAF will continue to make every effort to reduce civilian casualties.

Human Rights Institutions

In 2009, Strategic Programme Fund (SPF) project provided £200,000 to support the Afghanistan Independent Human Rights Commission (AIHRC). This helped the country's key human rights institution to effect real change for the Afghan people, such as having human rights added to the school curriculum. This project has also enabled an important say for the UK over the Commission's reform. We have also helped to develop the capacity of the Commission, for example, through funding training for a Human Rights Commissioner at the University of Nottingham. On return to Afghanistan, the Commissioner played a lead role in joint-monitoring with the UN Assistance Mission in Afghanistan of the observance of political rights during the Presidential and Provincial Council elections. Our support for the Commission has helped them to monitor detention facilities and raise allegations of torture with the Afghan authorities. They report that on the whole the Afghan authorities are cooperative.

Freedom of Expression

2009 was a mixed year for freedom of expression. In a welcome step, the Afghan government published the Mass Media law and brought it into effect. This legislation is designed to ensure greater media freedom and was originally passed by the Afghan Parliament in 2008, overturning a veto from President Karzai. Before ratifying it, the Afghan government sent the legislation to the Supreme Court, where it awaits a ruling on one potentially unconstitutional clause. This clause would reduce government control

The case of Sayed Pervez Kambakhsh

On 27 October 2007, while a student at Balkh University and a journalist for a local daily, *Jahan-e-Naw (New World)*, police arrested Sayed Pervez Kambakhsh and charged him with "blasphemy and distribution of texts defamatory of Islam". The authorities claimed that Mr Kambakhsh distributed writing posted on the internet by Arash Bikhoda ("Arash the atheist"). Bikhoda's writing criticises the treatment of women under Islamic law. On 22 January 2008, the Primary Court in the northern city of Mazar-e-Sharif sentenced Mr Kambakhsh to death.

Mr Kambakhsh appealed and his case was heard in a Court of Appeals in Kabul. In October 2008, the court upheld the conviction but commuted the sentence to imprisonment for 20 years. Mr Kambakhsh then appealed to the Supreme Court, which, in February, upheld the Court of Appeals' decision.

Many people in Britain, Afghanistan and around the world wrote letters, signed petitions and campaigned to ensure he was not forgotten during his imprisonment. Following concerns over the lack of due process during his trial, we raised Mr Kambakhsh's case at a high level with the Afghan government. In late August, we welcomed President Karzai's decision to grant Mr Kambakhsh "amnesty", subsequent to which Mr Kambakhsh left Afghanistan.

Unfortunately, Mr Kambakhsh's case is not unique and is indicative of some of the wider challenges faced by the Afghan journalists and also by the judiciary.



Sayed Pervez Kambakhsh attending a Kabul court hearing in 2008

over the state broadcaster, Republic Television of Afghanistan. While the court is likely to rule in favour of the government retaining control of the state broadcaster, the independent media is becoming increasingly vibrant. It reported relatively freely on the 2009 Presidential and Provincial Council elections, with Afghanistan's first-ever, live-televised debate between the three leading presidential candidates.

Of significant concern, however, is the increasing intimidation and violence against journalists and media workers, particularly by insurgents. In response, we supported the joint EU–Norway declaration on freedom of expression made on 16 April. We welcome the huge growth in independent Afghan media since 2001. But, as the declaration stated, we remain concerned about evidence of a gradual deterioration of the situation regarding freedom of expression, including the growing intimidation and violence targeting Afghan journalists, and challenges to the independence of the media. The declaration calls on all parties in Afghanistan to ensure that freedom of expression is fully respected.

In 2009, we have continued to support and fund the Afghan Government Media and Information Centre, which provides the independent media with access to government ministers and official information and helps develop working relationships between them. We are also encouraging the development of young Afghan radio and television producers and reporters by funding independent radio and television series, including *Straight Talk*, a current affairs radio programme aimed at a teens and twenties audience, and *Face the Nation*, a half-hour political documentary programme. We are funding the development of further infrastructure to enable these and more independent media programmes to reach more Afghans; and we continue to monitor the Afghan government's implementation of new media legislation, which enshrines media freedoms in law. In 2010 we plan to do even more through a collective trust fund to institutionalise international development of the independent media in Afghanistan.

Policing, Prisons and Rule of Law

Over the last year, the Afghan National Police has grown by 25,000 to 90,000 officers. This will continue to increase. But the police are widely criticised and have further to go in terms of professionalism and training to win the confidence of the Afghan people. In addition to a general lack of training and experience, the Afghan police face the challenge of

low staff pay, lack of equipment and, in many areas, by high rates of drug addiction and exposure to conflict. A professional, well-trained police force is critical to ensuring that human rights are respected. An effective police force, alongside the other Afghan Security Forces, will also help ensure that communities are safe and secure, providing an environment where the human rights situation can improve.

The UK is a contributor to the EU Police Mission to Afghanistan. The Mission's objectives include implementing an Anti-Corruption Strategy, strengthening cooperation between the Afghan police and the judiciary, and building structures throughout the Afghan police to improve their understanding and respect for human rights and gender issues. An example is the Department for Human Rights and Gender Issues that was established recently within the National Police Academy. This is an encouraging development, and we hope that it will have a long-term positive impact in terms of upholding human rights norms in Afghanistan.

Prisons in Afghanistan remain one of the weakest and most under-resourced components of the criminal justice process. The vast majority of prisons are old and in poor condition, and the prison system lacks oversight and transparency. The number of prisoners in Afghanistan has increased more than 20 times since 2001, to 14,500 – a volume that the current infrastructure was not designed to cope with. Although there has been some progress since last year, conditions in some prisons and detention facilities remain a concern.

In 2009, the UK helped to improve one of the main detention facilities in Kabul, and supported the construction of a new prison in Lashkar Gah, Helmand province. The prison, which opened in September 2009 with capacity for 400 prisoners, has much improved conditions compared with its predecessor, and will conform to UN minimum standards on the treatment of prisoners. The project also includes a training programme aimed at providing staff with the basic skills they need to operate the prison. The UK undertakes monitoring visits to the National Directorate of Security facility in Lashkar Gah to visit and check conditions for UK-captured individuals.

The British Embassy is also supporting improvements in prison-officer standards by advising on the development of their prison infrastructure and operational management. Prisons advisers work

Encouraging female police officers in Helmand province

Many women across Afghanistan suffer from unequal legal protection and poor access to justice. This is partly because of deeply held cultural views, which are reflected in the predominantly male make-up of Afghanistan's civil institutions, including the Afghan National Police. But in 2009 a group of female officers in Lashkar Gah have demonstrated that Afghan women can contribute to policing, even in one of the country's most conservative areas.

Sergeant Isabella McManus, a Ministry of Defence (MOD) police officer working in the UK-led Provincial Reconstruction Team, identified a small group of women working at the Police Headquarters who had great potential but were untrained, without uniforms and largely unnoticed. Sergeant McManus began mentoring the 13 women and took them onto a firing range for the first time, something which they had never previously been permitted to do. She also helped them to design a uniform, which is culturally sensitive

but allows them to wear their rank with pride. The women have now begun to take a more active role in the Afghan National Police and report that they feel much more valued and able to contribute. Four of the women have gone on to attend a training course at the National Police Academy in Kabul. The number of female recruits has almost doubled since Sergeant McManus's arrival.



Training female police officers in Lashkar Gah

with representatives of UN Assistance Mission in Afghanistan and other international donors to assist the Afghan Ministry of Justice's Central Prisons Directorate in developing policies and working practices. To build the capacity of the Afghan National Security Forces to handle detentions, the prison advisers also deliver five-week training courses. The course covers all aspects of prisoner and detainee management, including respect for human rights and more humane techniques for control and restraint. To date, over 220 Afghan detention officers have completed the course.

We are also working to support judicial reform at the national level through building the capacity of the Criminal Justice Task Force, a multidepartmental Afghan detention, investigation, prosecution and judicial team, to target the narcotics trade. In 2010, we expect a new criminal procedure code to be introduced into Afghan law. Its development, coordinated by the UN Development Programme (UNDP), is an effort to codify the existing layers of Afghan criminal law into a coherent, workable process, and to make Afghan criminal justice fairer and more uniformly applied.

Detentions

UK forces operate in Afghanistan as part of the International Security Assistance Force (ISAF), a multinational force mandated by United Nations Security Council resolutions 1386, 1523 and rendered in 1833, to assist the government of Afghanistan in the maintenance of security. A vital element of the fulfilment of this mission is the capture of persons who threaten the security of Afghanistan. In accordance with ISAF guidelines, UK forces release captured persons or transfer them to the Afghan authorities within 96 hours of detention. In exceptional circumstances and with ministerial approval, UK forces may detain beyond 96 hours where necessary.

The UK and Afghan governments signed a memorandum of understanding on 23 April 2006 on the transfer of detainees. The memorandum includes undertakings about respect for the basic principles of international human rights laws, such as the right to life and prohibition of torture and cruel, inhuman and degrading treatment. It also provides for access to detainees by UK officials and human rights organisations, such as the International Committee of

the Red Cross (ICRC) and the Red Crescent, the Afghan Independent Human Rights Commission (AIHRC) and UN human rights institutions.

There is no legal requirement to monitor UK-captured detainees who have been transferred to the custody of the host state. However, as a matter of policy, military personnel and UK officials undertake monitoring visits to those held in certain Afghan facilities to check on their welfare. This allows us to make informed decisions about the general conditions for future transfers.

The UK takes any allegation of mistreatment extremely seriously. Where a complaint of mistreatment by the Afghan authorities is made, with the consent of the detainee concerned, UK officials bring the allegation to the attention of the relevant Afghan authority for investigation. The UK also informs the ICRC and the AIHRC of complaints.

Death Penalty

There were no executions carried out in Afghanistan during 2009, although the courts handed out several death sentences and over 100 prisoners remain on death row. In concert with EU partners, we have made our opposition to the death penalty clear to the Afghan government, including in individual cases where we have concerns about lack of due process.

Local Governance

Improving local governance in Afghanistan is crucial for ensuring human rights are respected. The provision of basic services, such as healthcare, education and justice, depends on governance structures being in place at the local level. Establishing effective local governance is also key to overall stabilisation efforts and ending the insurgency in Afghanistan. But for most Afghans their encounters with the government locally are disappointing. A survey by the Afghan Independent Directorate of Local Government found that some district governors receive only \$6 a month for operational expenses, and many are semi-literate. Out of 364 governors, 184 do not have an office, 288 have no vehicle, and 318 have no electricity.

Making improvements to local governance in Afghanistan will be a long-term process, and one that presents considerable challenges for the Afghan government and international community. The



A "shura" meeting to discuss local issues in the Garmsir district of Helmand Province

Independent Directorate of Local Government is leading reform on this, and in June outlined a set of "priority programmes" to bring coherence to local government reform. These programmes address capacity-building and institutional development, social outreach, and infrastructure at provincial, district and municipal level. UK and international community support for local governance is coordinated around these priority programmes as a single framework for action.

One of the key priority programmes is the Afghan Social Outreach Programme, which has been piloted in Helmand Province since January. The programme establishes community councils in districts where there is little or no local governance in place to help connect communities to the Afghan government and enable the delivery of some basic services. Each community council appoints three sub-committees covering security, justice, and economic and social development. The sub-committees design plans to improve the local situation in their respective areas reflecting the needs of the local area. Examples of community council achievements to date include resolving local disputes over commercial property, land and irrigation issues, facilitating compensation claims for local people, and supporting wheat-seed distribution. The justice and security committee in Gereshk, the only council so far to have women members, has also successfully dealt with disputes involving domestic violence, divorce and forced marriage. Following the success of the Helmand pilot, nine other provinces including Kandahar are now planning to introduce the programme.

Belarus



The positive trend that began when Belarus released three political prisoners in August 2008 has continued, and there have been small but welcome improvements in the course of 2009. But the Belarusian authorities continue to harass civil society, NGOs, religious organisations and the independent media, using administrative powers to restrict their activities.

In 2009, we continued our policy of engaging with Belarus through the EU. Belarus has played an active and constructive role in the multilateral part of the EU's Eastern Partnership launched in May. The Partnership is a long-term programme designed to promote democracy and good governance; strengthen energy security; promote environment protection; encourage people-to-people contacts; support economic and social development; and offer additional funding for projects to reduce socio-economic imbalances and increase stability.

However, we have been concerned about Tatsyana Shaputska, a law student at Belarus State University, and the press secretary for the youth organisation, Malady Front, who was expelled from university after taking part in the EU's Eastern Partnership Forum on Civil Society in Brussels in November. Although the Dean of the Law Faculty said that she had been expelled for being in Brussels without permission, civil society activists argue that her participation in the Forum on Civil Society was a more likely reason. We and EU colleagues are following developments closely.

The EU and Belarus held the first round of a Human Rights Dialogue in June. Discussion focused in particular on freedom of assembly and association, including labour rights; freedom of expression and information; freedom of thought, conscience and religion; combating different forms of intolerance and hate crimes; the rights of migrants and persons belonging to minorities; combating trafficking of human beings; the protection of different vulnerable groups; situations in prisons and detention facilities; and the death penalty. Although it will take time to produce meaningful results, the willingness of the Belarusian authorities to take part in this Dialogue is welcome.

In 2009, along with EU partners, we agreed to retain the policy of suspended travel restrictions. We were disappointed that Belarus did not make enough

progress on human rights for us to be able to remove sanctions entirely. The five areas that the EU will focus on when we review this policy in October 2010 are political prisoners and politically motivated criminal prosecution; liberalisation of the media environment; reform of the election code; conditions for work of NGOs; and freedom of assembly and political association.

Belarus plans to hold local elections in spring 2010, and will hold a Presidential election before February 2011. These are important opportunities for the authorities to demonstrate a commitment to improving the level of democracy. We welcome the dialogue that has been maintained with the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) following the Parliamentary elections in September 2008, and look forward to seeing more information about the proposed reform of the electoral code. However, we were disappointed that an important change – the right of observers to view the ballot papers as they are counted – was not included in the proposed reforms.

Freedom of Association and Assembly

We remain concerned about the continued harassment of those who exercise their right to peaceful assembly. Although there has been a decrease in cases of administrative arrests against democratic activists during public political events, administrative fines for taking part in non-sanctioned events are still quite common. The authorities grant permission to very few demonstrations. The excessive use of violence by the police and special troops against peaceful demonstrators continues to occur. Particularly worrying are reports towards the end of 2009 from activists of "mock kidnappings". A number of activists say that they have been forced into a car, threatened and beaten, had their mobile phones taken and are then released in remote locations. They suspect the security services of being behind these incidents. We are monitoring this new development closely, and have raised our concerns with the Belarusian authorities.

NGOs, political parties and trades unions also continue to face harassment. Expensive registration fees and excessive legal requirements are basic obstacles to NGO activity. NGOs can find it difficult to rent property for meetings, and individuals who sign up in support of organisations report that they receive threatening phone calls encouraging them to withdraw their names. Any organisation

independent of the government is perceived by the authorities as a threat.

Registration is frequently rejected for minor irregularities in applications, including spelling mistakes and for criminal convictions of founding members – even when those convictions relate to their activity on behalf of the organisation they are attempting to register. Nasha Vyasná (Our Spring), an internationally respected human rights organisation, was refused registration for the third time in 2009. Political parties are also subject to these laws – the Christian Democratic Party, the Party of Freedom and Progress, and the Belarusian Party of Working People were all refused registration in 2009. No new political party has been registered since 2000.

In December 2005, Article 193-1 was added to the Criminal Code as part of a series of amendments that provided for harsh punishment “for activities directed against people and public security”. Belarusian human rights defenders and international human rights organisations have condemned this article, arguing

that it was being used to apply pressure to activists and discourage them from supporting organisations that had not been able to register. In November, the authorities suggested they would make it an administrative, rather than a criminal, offence to act in the name of a non-registered organisation, punishable by a fine rather than prison. While we welcome this step, it only partially addresses the problems faced by NGOs.

Protestant churches continue to face a difficult environment. The most high-profile of these is the New Life Church, which in December lost its appeal against a decision to evict it from its current property on the grounds that the building, a renovated cowshed, did not have approval for use as a church. It is illegal for religious organisations to rent property in which to worship.

Our Embassy in Minsk works closely with EU partners to raise our concerns about human rights issues with the Belarusian authorities. We maintain regular contact with civil society organisations devoted to human and civil rights, and observe their public demonstrations and court cases.

Freedom of Expression

The Belarusian state controls all media outlets, meaning that only officially approved views are heard by most of society. Independent journalists are still frequently harassed. The Polish-based TV and radio stations Belsat and Radio Ratsyja have been unable to accredit their correspondents in Belarus, and journalists working for these organisations have received official warnings from the Prosecutor's Offices and the KGB.

There are some signs of change. A number of independent newspapers have been given access to state-run distribution. This includes *Norodnaya Volya* and *Nasha Niva* in November 2008, and the local *Bobrujski Kurier* and *Volnaje Hlybokae* in July. European Radio for Belarus has received permission to open a correspondent's office for a year.

Access to the internet is 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. A more restrictive media law introduced in 2008 has not had any effect on internet access so far, although it remains possible that it will have some impact in future, particularly in the run-up to elections in 2010 and 2011.



Belarus opposition supporters hold a portrait of disappeared businessman Anatoly Krasovski in Minsk on September 16

Disappearances

2009 marked the 10th anniversary of the disappearance of three opposition representatives, Yuri Zakharenko, former Minister of the Interior, Victor Gonchar, former Vice-President of the Belarusian Parliament, and businessman Anatoly Krasovski. The Belarusian authorities have failed to open an independent investigation into these disappearances.

We support the efforts of activists in Belarus to maintain public awareness of the disappearances, including through a monthly Day of Solidarity since 16 September 2005, the anniversary of the 1999 disappearance of Gonchar and Krasovski. Although the EU suspended most of the travel restrictions on the Belarusian authorities in 2008, we have maintained restrictions on four people identified by the Council of Europe's 2004 Pourgourides Report as key actors in the disappearances and the cover-up that followed.

Death Penalty

Belarus continues to use the death penalty. EU Member States are working with local and international NGOs to promote public debate, and publicise EU views on the death penalty. We continue to urge Belarus to abolish the death penalty or, as an initial measure, to introduce a moratorium.

The Council of Europe (CoE) information point in Minsk has launched a campaign against the death penalty. During a visit in December, Jean-Louis Laurens, the CoE's Director-General for democracy and political affairs argued that no referendum was needed for the introduction of a moratorium, and expressed the hope that no executions would take place for the duration of the campaign. We support the CoE Parliamentary Assembly decision to offer Belarus honorary membership of the Council only after a moratorium is declared.

There are some positive signs. A referendum in 1996 found that 80 per cent of the population were in favour of the death penalty. Encouragingly, independent polling in September found that 55 per cent of people supported abolition. In November, President Lukashenko pledged that an information campaign would be launched to discuss the death penalty, which we hope will lead to a national moratorium.

Politically Motivated Detention

In May, Amnesty International announced that they

considered 11 young people to be prisoners of conscience. They are currently serving sentences of restricted freedom after participating in a peaceful demonstration in January 2008.

We are also concerned about the cases of other activists not recognised as prisoners of conscience. We welcomed the release from prison of Yury Lyavonau in August. But Mikalai Autukhovich and Uladzimir Asipenka remain in pre-trial detention since their arrest on 8 February. We welcome indications from the authorities that their trials will be open, but are urging that these take place as soon as possible.

Burma



"How much longer can Myanmar afford to wait for national reconciliation, democratic transition and full respect for human rights? The cost of delay will be counted in wasted lives, lost opportunities and prolonged isolation from the international community... Myanmar's human rights record remains a matter of grave concern." UN Secretary-General Ban Ki-moon, 4 July

The human rights situation in Burma continued its downward trend in 2009. Daily life in Burma continues to be characterised by the denial of almost all fundamental rights, and a pervasive military and security presence. Expressions of opposition to the regime often result in arrest and extended detention without trial. Despite international pressure, the regime made no attempt in 2009 to engage in substantive political dialogue with the democratic opposition and ethnic groups. Both were disenfranchised by the National Convention process and flawed referendum in May 2008 on the new Constitution, which is designed to ensure continued military control of the country. The key event in Burma in 2010 will be elections, based on the Constitution, that form the final step in the military authorities' seven-step "Roadmap" towards "disciplined democracy". Opposition and ethnic groups now have to decide whether to participate in a skewed electoral process, which offers them little prospect of any real power, or to stand aside. We expect further human rights abuses in 2010 as the regime maintains a tight grip on internal security in the months leading up to elections.

The military remains the major perpetrator of human rights abuses in Burma. However, other actors, including some ethnic militia, business corporations

and illegal groups, for example, involved in drugs and people trafficking, form part of a broader landscape characterised by corruption and little or no accountability for human rights abuses. In this respect, it is telling that Burma has ratified few international human rights conventions. Abuses are particularly prevalent in areas where no ceasefire exists between ethnic groups and the military. We continue to receive credible reports of forced labour, land confiscation, the recruitment and use of child soldiers, rape and disappearance. The regime's economic mismanagement, particularly of the rural economy, means large parts of Burma remain mired in poverty and there are significant unmet needs in those areas most affected by Cyclone Nargis in May 2008.

Throughout 2009, the UK maintained its leading role in international efforts to condemn human rights abuses, and press for the release of political prisoners and a credible transition to democracy. We played a significant role in achieving three strongly worded UN resolutions, at the Human Rights Council in Geneva in March and September and at the United Nations General Assembly in November, highlighting the regime's ongoing human rights abuses, including the plight of Aung San Suu Kyi and fellow prisoners of

conscience. EU sanctions were renewed for a further year with strong UK support in April, and we were instrumental in securing further targeted measures in response to the verdict in Aung San Suu Kyi's trial in August. We also secured a strong statement from G8 leaders at a summit in July, underlining that elections would not be credible unless Aung San Suu Kyi and all other political prisoners were released and able to participate in the political process.

Alongside our political and diplomatic efforts, the UK remains one of the largest donors of humanitarian aid to the people of Burma. Our assistance is channelled through the UN, international NGOs and Burmese community-based organisations. DFID contributed £45million in emergency relief following Cyclone Nargis, which struck Burma in May 2008. In recognition of the desperate needs of people throughout Burma, DFID's regular, non-emergency programme for Burma is increasing from £12 million in 2008–09 to £25 million in 2009–10 to £28 million in 2010–11. We continue to encourage other donors also to increase their efforts. DFID's programme includes funding for the multidonor Three Diseases Fund to fight HIV/AIDS, TB and malaria; basic education; improving the earning capacity of poor



Activists in Cambodia protest against the arrest of Aung San Suu Kyi in May

families in rural areas; support for the development of civil society organisations; assistance for people affected by conflict, including Burmese refugees in Thailand and internally displaced people inside Burma; and emergency aid for people facing food shortages as a result of rat infestations in Chin State.

An improvement in the human rights situation in Burma can only come about through a genuine transition to democracy and national reconciliation. But in the run-up to the 2010 elections, the prospects for progress are poor. The military regime's main aim is to entrench military rule and its leaders are all but impervious to the need for an inclusive political dialogue involving opposition leaders and leaders of ethnic minorities, as the long-term solution to Burma's manifold challenges.

Political Prisoners

At the end of 2009, there were approximately 2,100 political prisoners in Burma and we assess that this number could even increase in the run-up to 2010 elections. In a tactical move intended to deflect international pressure the regime announced "prisoner" releases ahead of the United Nations General Assembly in September. But only a small proportion of those released were political detainees, who were close to the end of their sentences and at least as many people were arrested for their political activities as were freed in 2009.

Aung San Suu Kyi, leader of the main opposition party, the National League for Democracy (NLD), and Burma's most prominent prisoner of conscience, was due to be released in 2009 under the terms applied by the military rulers. In May, she was subjected to a show trial and sentenced in August to a further 18 months' house arrest for being the victim of a lapse in security, which allowed an intruder into her home. The regime's motivation was transparent, using the pretext of the intrusion as the means to prevent her participation in elections planned for 2010. On 24 October, Aung San Suu Kyi began her 14th year out of the last 20 under house arrest.

Throughout 2009, members of Aung San Suu Kyi's party, the NLD, continued to be arrested on an almost weekly basis. An increase in the number of arrests of journalists and editors, social-welfare organisers and civil society actors was also reported towards the end of 2009. Detention without trial remains commonplace. Some detainees are released after a few days; others are taken into custody in unknown

The Show Trial of Aung San Suu Kyi

On 6 May, Burmese authorities arrested American John Yettaw who had swum across a lake to make an uninvited visit to Aung San Suu Kyi's house in Rangoon. As a result, she and her two live-in companions were arrested on 13 May and charged with breaking the rules of her house arrest. They were held in Insein prison and from May to July were placed on trial in a process the UN determined illegal. Diplomats and local journalists were permitted access to a few of the tightly orchestrated sessions, as pressure mounted on the Burmese regime to reach a fair and just outcome to the trial.

The trial concluded on 11 August, sentencing Aung San Suu Kyi to three years' hard labour, commuted to an 18-month-period of further house arrest. The sentence was also imposed on her companions, who until then had no restrictions on their freedom. Setting the tone for the widespread international condemnation of the regime's actions, Prime Minister Gordon Brown described the verdict as "further proof that the military regime is determined to act with total disregard for accepted standards of the rule of law and in defiance of international opinion". With strong UK support, the UN Security Council issued a statement on 13 August making clear its serious concern at the conviction and sentencing of Aung San Suu Kyi and urging the regime to begin a dialogue with all concerned parties and ethnic groups. The Prime Minister also wrote immediately to UN Secretary-General Ban Ki-moon, and all countries represented on the UN Security Council, calling for a global arms embargo against Burma. The UK also worked with EU partners to impose quickly further EU sanctions, targeting the regime's economic interests and the judges involved in the trial.



British Ambassador to Indonesia Martin Hatfull condemns the sentencing of Aung San Suu Kyi to a further 18 months detention, at a press conference in Jakarta

locations, awaiting military trials. People have been sentenced in closed military courts, which not even family members are permitted to attend. A number of prisoners, such as the Generation of 88 Student Leaders, including Min Ko Naing, Ko Ko Gyi and Htay Kywe, were moved between late 2008 and early 2009 from Insein prison to prisons in remote border areas where conditions are harsh. This relocation is a deliberate policy designed to isolate prisoners of conscience from their families and supporters. Some family members must now travel for up to five days to provide the food, medicine and support without which many prisoners would struggle to survive.

The UN Special Rapporteur on Human Rights in Myanmar, Tomás Ojea Quintana focused his September report on the ongoing mistreatment of political prisoners. Access to prisoners remains heavily constrained and the International Committee of the Red Cross (ICRC) has been unable to recommence its independent prison visits, halted in 2006. It does, however, still provide limited financial support to prisoners' families. Our Embassy works with the Assistance Association for Political Prisoners (Burma), the ICRC and other NGOs as advocates for the plight of those in poor health, subject to mistreatment or isolated in prisons remote from their families.

Freedom of Expression

In a small positive development, media censorship reduced slightly during 2009. News journals were able to report more freely on humanitarian

assistance efforts, diplomatic relations, elections and constitutional affairs. Independent radio stations began broadcasting in the two main cities, Rangoon and Mandalay, and attracted much popular support. Despite this, no criticism of the regime was tolerated. Several editors and a number of journalists were detained in 2009, accused of being social activists and of being critical of the government. According to a December report by the Committee to Protect Journalists, Burma is one of the five worst countries in the world for imprisoning journalists, with nine currently detained. Others have been freed but can now no longer work for their previous publications. Military intelligence and surveillance remains pervasive. Phone lines are regularly tapped, use of mobile phones severely restricted, and some internet sites blocked. A number of bloggers have been arrested, most recently in November. In many towns and villages, local security officers frequently visit homes late at night to check for unregistered house guests. Individuals under suspicion, whether foreign or national, are constantly tailed. NLD and other opposition members face particular harassment, and sometimes physical assault, and have been prevented from opening party regional offices. U Win Tin and NLD leaders are under constant surveillance. Members of social, cultural or educational organisations routinely risk harassment and arrest for their activities.

Freedom of Religion

Burma is a predominantly Buddhist country. However, since Buddhist monks led the protests against rising



A September protest in the Philippines calling for the release of Burma's many political prisoners

Digital Diplomacy – 64 for Suu and the Political Prisoners Campaign

During Aung San Suu Kyi's trial, the FCO worked with NGOs to deploy innovative new media to campaign for her release. 64forsuu.org was the first political campaign to use Twitter with an integrated website to harness the influence of key world figures and support diplomatic efforts by making clear the depth of public outrage. Over 18,000 people contributed 64 words of support for her 64th birthday on 19 June, including the British Prime Minister Gordon Brown, Paul McCartney, Bono, HM Queen Rania Al Abdullah of Jordan, George Clooney and many others. We estimate that the campaign message reached five million people in its first five days alone. You can still add messages of support at:

<http://www.64forsuu.org/>

Of course many of Burma's political prisoners are less well known. On 7 December, the FCO, working with the Assistance Association for Political Prisoners (Burma), Human Rights Watch and Burma Campaign UK, launched a web campaign to highlight the plight of the more than 2,100 prisoners

of conscience in Burmese jails. Weekly profiles put faces and names to those whose continued imprisonment prevents their participation in the political process. As Foreign Office Minister Ivan Lewis said on the 11th anniversary of the 1988 student uprising, "What these political prisoners have in common with each other, and what the regime has against them, is an unwavering commitment to peace and national reconciliation... Their incarceration demonstrates how much human potential goes unrealised in Burma". For more information see: <www.fco.gov.uk/en/global-issues/human-rights/burma-campaign/burma-prisoners>.



Aung San Suu Kyi's image projected onto the EU Parliament building in June as part of worldwide campaigning for her release

fuel and food prices in late 2007 (the so-called Saffron Revolution), the Burmese Buddhist community and individual monasteries have been targeted for surveillance. In October around 30 monks were arrested. Monastic schools are constantly monitored by military security.

The population is four per cent Muslim and four per cent Christian, and there continued to be reports of discrimination by the Burmese authorities against these communities in 2009. Christians from the Chin ethnic group working in government are allegedly denied promotion unless they change their religion. Pastors are singled out for forced labour and there are reports that it is extremely difficult to obtain permission to repair churches.

Forced Labour

The military regime continues to use forced labour in parts of the country, particularly the central dry zone and ethnic-minority border areas. Under-age military recruitment continues, including by some ethnic militias, although the International Labour

Organisation (ILO) made some progress in returning child soldiers to their families. During 2009, the ILO complaints mechanism, through which victims of forced labour can seek some redress from the authorities, continued to offer some limited assistance. The ILO has worked to increase awareness and 71 new cases were received by October, 40 more than at the same point in 2008. But this number remains tiny in view of the scale of the problem and the mechanism had little or no impact in non-ceasefire areas, where forced labour is most widespread. Cooperation from the authorities remains inconsistent. The regime tends to view complaints as politically motivated, making resolution difficult, and those facilitating complaints risk arrest.

The trafficking of children and women for sexual exploitation, as domestic servants or factory labour, continues to be a serious issue of concern, particularly in border areas near China and northern Thailand, as well as Malaysia. The ILO assesses that trafficking within the country is also a serious problem, although the Burmese authorities deny this.



Recently arrived Karen refugees on the Thai–Burma border in June

Ethnic Groups

Despite a number of ceasefire agreements in place since the 1990s, ethnic and minority groups continue to be subjected to a range of human rights abuses, including forced displacement and the use of violence against civilians. Ethnic groups are largely excluded from the political process, passed over for social and economic infrastructure and investment and their language and cultural rights denied.

During 2009 the regime sought to subsume the military wings of all cease-fire groups into a border guard force under the control of the Burmese army in order to consolidate its control in advance of elections in 2010. This risks provoking further conflict with serious impact on civilians. The Burmese army's attack on the Kokang in August provided a foretaste, resulting in a number of civilian deaths and casualties, and an estimated 30,000 refugees fleeing over the border into China. There are already an estimated 150,000 Burmese refugees in camps in Thailand, and around half a million internally displaced people in eastern Burma.

We were deeply concerned about developments in Karen State in June when up to 4,000 people were forced to flee to Thailand because of an offensive by the Burmese army. Numerous civilian casualties resulted, adding to the suffering of the Karen people. The EU issued a strong statement condemning the attacks. We were also gravely concerned at the attack by the Burmese army in Shan State in July. There were credible reports that Burmese troops had burned down houses and granaries, forcibly relocating ethnic Shan people.

In Northern Rakhine State on the border with Bangladesh, the Rohingya people continued to face particular oppression. The regime's refusal to recognise them as citizens means they have few rights to work, to access the few basic services on offer or to travel outside their villages. This continues to result in significant numbers of Rohingya fleeing to neighbouring countries. The UK and the EU have encouraged regional governments to treat arrivals in accordance with international law and to help address the root cause through their greater influence with the Burmese authorities.

China



China's human rights record remained a serious cause for concern in 2009. China has made good progress on economic and social rights in the last 30 years, bringing more people out of poverty than any country in history. But progress has been far slower on civil and political rights with a marked deterioration in some areas. In February, the Universal Periodic Review (UPR) process provided a valuable opportunity for international engagement on China's human rights record. UN Member States made a number of recommendations. Regrettably, China accepted none with any timeline attached and rejected many without giving reasons. We were extremely disappointed that China rejected all four UK recommendations: ratification of the International Covenant on Civil and Political Rights (ICCPR); restricting the use of the death penalty; providing a standing invitation to UN Special Rapporteurs; and greater access to Tibetan areas. China adopted some positive recommendations made by countries such as the Netherlands and Japan. For instance, Japan recommended that China continue its efforts to further ensure ethnic minorities the full range of human rights, including cultural rights.

Three issues were of particular concern in 2009: the increasing harassment of defence lawyers; the treatment of detainees in relation to ethnic unrest in Tibet 2008 and in Xinjiang in 2009; and the detention of human rights defenders and political dissidents. The execution of the British National, Akmal Shaikh, in December illustrated serious concerns over the approach to mental health issues in the judicial system.

Other issues of particular concern 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; 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.

Positive trends in 2009 included indications of increased government accountability in some areas. Citizens have better, though still restricted, access to official information. They are starting to take the government to court, and there are more examples of officials being held accountable for culpable negligence. However, cases of administrative detentions of petitioners indicate that full accountability remains some way off.

Despite continued restrictions on domestic journalists, foreign journalists have benefited from a more liberal reporting regime. Restrictions are still in place in areas such as Tibet. We continue to urge the government to lift these. In a welcome step, China produced its first human rights action plan in 2009. The plan does not, however, include targets for reforms to enable China to ratify and fully implement the ICCPR.

In 2009, the UK published *The UK and China: A Framework for Engagement*, the first time the UK had set out in detail its approach to relations with another country. Human rights feature prominently in Pillar Three of this framework, which focuses on promoting sustainable development, modernisation and internal reform. We use a three-pronged approach: high-level lobbying, led by the Prime Minister; detailed technical dialogue between officials and experts in human rights fields; and providing £1.5 million for human rights projects in China in the period 2008–11, funded by the FCO's

Strategic Programme Fund (SPF). Project work aims to contribute to reducing the number of executions in China, introducing a human rights approach to prison management, and improving the regulation of pre-trial detention, among other things.

Ratification of and compliance with the International Covenant on Civil and Political Rights

China signed the ICCPR in 1998, but has still not ratified it. Ratification would show a firm Chinese commitment to improving the human rights situation in a number of areas. Consequently, China's ratification of ICCPR remains a key objective for the UK. Setting a timetable for ratification would be a major step forward and was a key UK recommendation at China's UPR in February. The Chinese government maintains that legal, judicial and administrative reforms are under way to bring China's domestic laws in line with the provisions of the ICCPR, but that this is a lengthy and complex process.

No UN Special Rapporteur was invited to visit China last year, despite assurances given during their UPR, and during Human Rights dialogues that an invitation would be issued for a visit in 2009 (the last Special Rapporteur visit was in 2005).

Access to Justice and Harassment of Defence Lawyers

We continue to have serious concerns about access to justice, in particular about the lack of an independent judiciary, treatment of detainees and harassment of defence lawyers.

Concerns remain about administrative detention of petitioners, which prevent full accountability. The Chinese media confirmed the existence of "black jails" (*hei jianyu*) following publication of a Human Rights Watch (HRW) report. These facilities are primarily used by provincial and municipal officials to stop local residents complaining to national authorities about corruption and personal injustices. Their extralegal status gives rise to concern about possible use of torture as highlighted in the HRW report. In December, Chinese state media reported that 76 facilities in Beijing, staffed by 10,000 provincial government officials, were being used to detain petitioners temporarily.

Harassment and intimidation of human rights lawyers appears to have increased. Defence lawyers faced

The Execution of Akmal Shaikh

The British national Akmal Shaikh was executed on 29 December in Urumqi, Xinjiang, following his conviction for drug smuggling. This tragic case highlighted many of the shortcomings in the handling of death penalty cases in China. The Prime Minister, the Foreign Secretary and Foreign Office Minister Ivan Lewis condemned the execution in the strongest terms. The EU and France also issued statements. We had a number of concerns about the case, including lack of transparency and inadequate professional interpretation. But our over-riding concern was that the Courts did not seek a mental health assessment, despite clear indications that Mr Shaikh was suffering from mental health problems at the time of his arrest. British officials and Ministers raised the issue of Mr Shaikh's mental health from the initial stages of the case. Mr Shaikh himself formally requested a psychiatric assessment on 2 April. The Prime Minister expressed his dismay that the Chinese Courts refused the request. A debate has developed among Chinese legal experts over the past year on who should be able to ask for a mental health assessment and the grounds on which a judge should agree.



A candle burns for Akmal Shaikh during a vigil at the Chinese embassy in London on 29 December

increasing pressure not to take on sensitive cases, such as those related to riots in Xinjiang. Lawyers are often prevented from seeing their clients or getting access to evidence. On 1 June, at least 20 human rights lawyers had their licences withdrawn, sending a strong signal to others not to take on sensitive cases. In addition, prominent human rights lawyer Gao Zhisheng was reportedly detained by police at his family home on 4 February. He has not been seen in public since and his whereabouts are unknown at the time of writing. The UK has regularly expressed its concerns and on the anniversary of the disappearance Foreign Office Minister Ivan Lewis issued a statement urging "the Chinese government to provide accurate

information on Gao's situation to ease the concerns of his family and friends and to provide reassurance about his condition".

We continue to urge the Chinese government to protect lawyers' ability to work without fear of intimidation, harassment or prosecution. A Lawyers' Law, designed to protect the work of lawyers, came into force in 2008 but has not been fully implemented. According to an online survey in May, 73.4 per cent of all respondents (10,000 lawyers and some others) thought that there had been no progress on lawyers' access to clients. The Great Britain–China Centre is working with two Chinese partners to explore ways in which lawyers, prosecutors and police together can ensure effective implementation of the Law. This FCO-funded project includes a pilot scheme to enable standardised access to case files and clients for defence lawyers in Chongchuan district. In 2009, workshops were held to provide a comparative approach to international standards on fair trial rights, and to explore UK experience. A detailed report on conflict between the Lawyers' Law and Criminal Procedure Law was produced. The project will produce policy and legislation recommendations to address these conflicts.

Death Penalty

China executes more people than any other country. Amnesty International recorded 2,390 known executions around the world in 2008 – 1,718 of them were in China. However, execution figures remain a state secret, and the real number is believed to be much higher (estimates range from 2,000 to 10,000). China retains the death penalty for 68 crimes.

Nevertheless, there has recently been some movement towards restricting the use of the death penalty in China. In July, Zhang Jun, Vice-President of the Supreme People's Court (SPC) announced that legislation would be improved to restrict the number of death sentences and that the SPC would tighten restrictions on the use of capital punishment. There have been two significant procedural reforms; all death penalty appeals must now be held in open court and, since 2007, the SPC reviews all death sentences. China claims this has led to a reduction in executions, although it is impossible to verify without accurate statistics. We continue to urge the authorities to publish statistics on the death penalty. In July, China announced that by the end of 2009, all executions would be by lethal injection rather than by shooting.



Ethnic Uighur women surround a riot policeman in Urumqi on 7 July

In October, two Tibetans were sentenced to death in connection with the unrest in Lhasa in March 2008. Foreign Office Minister, Ivan Lewis, issued a statement following the executions in which he said: "We respect China's right to bring those responsible for the violence in Tibet last year to justice. But the UK opposes the death penalty in all circumstances, and we have consistently raised our concerns about lack of due process in these cases in particular...I call on China to review urgently the cases of those who remain under sentence of death for their alleged involvement in last year's unrest."

A number of people were sentenced to death in connection with the riots in Urumqi in July. We condemned the violence and loss of life and made clear that those responsible should be brought to justice. But we also made clear that those arrested should be given fair and transparent trials. We remain concerned that independent observers were not allowed at the trials and defendants were unable to choose their own legal counsel. At the end of 2009, 22 death sentences, eight of them suspended, had been handed down.

With EU partners, we urged the Chinese authorities not to carry out the sentences but nine people were executed in November. The EU condemned the executions.

The Great Britain–China Centre organised the first two training sessions in an FCO-funded project to promote judicial discretion and the restriction of the application of the death penalty in Wuhan and Zhengzhou in November – 30 judges attended. Female and national minority judges (including members of the Yi, Bai, Wa and Tibetan communities) were well represented. Judge Michael Mettyear,

from the UK Sentencing Guidelines Council, and Dr Shane Darcy, from the Irish Centre for Human Rights, participated as foreign experts.

Xinjiang

Simmering social and ethnic tensions between ethnic Uighur and Han Chinese erupted into violent riots in the capital Urumqi on 5 July. At least 197 people died in the subsequent unrest, with many more injured. We became increasingly concerned about the lack of transparency and due process in the handling of those detained following the unrest.

In November, a "Strike Hard" security campaign was launched. During such campaigns the threshold for arrests and convictions is lowered. This results in an increase in the number of people sentenced following shortened judicial proceedings, and the establishment of special tribunals, which are likely to breach internationally agreed fair-trial standards. We raised our concerns with the Chinese government, most recently at the EU–China Human Rights dialogue in November 2009.

Tibet

The Chinese authorities say that Tibet is now stable and secure but the security presence in Tibet and in nearby provinces suggests underlying tensions remain. Foreign Office Minister, Ivan Lewis, said of his visit to Tibet in September, "I saw rapid social and economic development and met individuals and organisations who are doing good work for the benefit of Tibet. But I also left with the impression that the extremely important underlying human rights issues there - regarding freedom of religion and expression, cultural and linguistic rights, or the rule of law - are yet to be properly addressed".



Foreign Office Minister Ivan Lewis meeting with monks of the Drepung Monastery during his visit to Tibet in September

The Prime Minister, the Foreign Secretary and other Ministers regularly raise Tibet with their counterparts. The UK Government considers Tibet to be part of the People's Republic of China. We support meaningful autonomy for the region within the framework of the Chinese constitution. We have consistently made clear the importance we attach to full respect for the human rights of Tibetan people. This includes respect for their distinct culture, language and religion. We remain of the view that only peaceful dialogue between the Chinese government and the Dalai Lama's representatives will result in a lasting and peaceful solution to the problem of Tibet and respect for the full human rights of the Tibetan people. We continue to urge both sides to resume dialogue and to approach talks in good faith.

We are concerned about restrictions on religious freedom in Tibet resulting from political involvement in the management of monasteries. We remain concerned about reports of patriotic education campaigns in schools and monasteries, which require Tibetans to reaffirm their loyalty to the state and denounce the Dalai Lama. Ivan Lewis raised this most recently in November during his meeting with Mr Lie Que, Chairman of the Tibet Autonomous Regional People's Congress.

Freedom of Expression

There were increasingly severe restrictions on freedom of speech and association in 2009. Censorship of the internet and media grew. Tight restrictions are in place on domestic journalists, with political controls meaning that there is almost no independent media. There are still only limited forms of open communication to and

from Tibet – a block on international text messages remains in place following the 2008 unrest. Making or receiving international phone calls from Xinjiang has been impossible and internet connections have been disabled since the riots, although there were reports of limited access to two government-run websites at the end of December. Reports suggested over 6,000 websites were blocked in the run-up to the 20th anniversary of events in Tiananmen Square on 4 June. YouTube, Facebook and Twitter remain inaccessible in China.

Despite easing of restrictions on foreign journalists, many still struggle to get access to Tibet or Xinjiang. We welcomed the transparency shown by the Chinese authorities in Xinjiang towards Western media at the time of the unrest, but this access was not extended beyond the height of the riots in July. Since then, Western journalists have been prevented from entering Xinjiang.

A worrying number of people were imprisoned in 2009 for attempting to exercise their right to freedom of expression. Officials from the British Embassy in Beijing made repeated efforts to attend the trials of individuals in priority cases but were denied access. Three significant cases of concern are representative of restrictions in China.

Liu Xiaobo is a prominent human rights defender who played a key role in the drafting and dissemination of Charter 08, a blueprint for judicial and democratic reform. He was charged under laws against "inciting subversion of state power and overthrowing the socialist system". With our EU partners, we called for an end to the prosecution of Mr Liu Xiaobo and his immediate release. Despite this, on 25 December, he was sentenced to 11 years' imprisonment with a further two-year suspension of political rights. Diplomats from 14 EU and like-minded countries, including the UK, went to the court for the trial and sentencing, but were denied access. We supported the EU statement expressing grave concern on Liu's sentence. Foreign Office Minister Ivan Lewis also issued a statement expressing concern that international fair trial standards had not been followed and urging the Chinese to follow due process for the appeal. We were very disappointed that Liu Xiaobo's appeal in January 2010 was unsuccessful.

Hong Kong

During 2009, the “One Country, Two Systems” principle, set out in the 1984 Sino-British Joint Declaration, generally worked well. The rights and freedoms guaranteed in the Joint Declaration and Hong Kong’s 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. In December 2007, the Chinese National People’s Congress Standing Committee ruled out universal suffrage for the elections in Hong Kong in 2012, but stated that the Chief Executive “may” be elected by universal suffrage in 2017 and the Legislative Council “thereafter”.

On 21 February 2008, Donald Tsang, the Chief Executive of the Hong Kong Special Administrative Region Government (SARG), formed a Task Group on Constitutional Development. The Task Group reported its conclusions to the Hong Kong SARG later that year. On 18 November, the SARG launched a public consultation on the next stage on democratisation. In the consultation document, the Hong Kong SARG set out its initial proposals for the 2012 elections. Following the three-month public consultation the government will submit a final proposal to the Legislative Council. Two-thirds of legislators must then vote in favour of each of the two parts of the package, that is, arrangements for the Legislative Council elections and the Chief Executive elections, for each to be passed.

The UK hopes that following the public consultation, the Hong Kong SARG will introduce a final set of proposals that are sufficiently progressive to command the support of the required number of legislators. The UK believes the 2012 elections should



Pro-democracy demonstrators in Hong Kong on 1 January 2010 call for universal suffrage and the release of political prisoners, including Liu Xiaobo

be significantly more democratic than those held in 2007 and 2008, to prepare the way for full universal suffrage in 2017 and 2020. We have actively engaged in the debate, consistently supporting early progress towards universal suffrage. The British Consul-General in Hong Kong set out the UK Government’s views on the proposals to the *South China Morning Post* on 21 December.

Kunchok Tsephel, founder of the Tibetan literary website Chodme (Butter Lamp), which aims to promote traditional Tibetan arts and culture, was detained on 26 February and sentenced to 15 years’ imprisonment. We have serious concerns that Kunchok Tsephel’s trial was not compliant with international fair trial standards. It took place behind closed doors and he had no access to a defence lawyer. Tsephel’s family are reported to have had no contact with him since his detention. We have raised his case with the Chinese authorities.

Increasingly, the authorities are using criminal charges to shut down the activities of human rights defenders.

Xu Zhiyong and three others established the Open Constitution Initiative in 2003. This organisation consists of lawyers and academics advocating the rule of law and greater constitutional protections. In 2009, the organisation published a report criticising the Chinese government’s policy in Tibet. On 14 July, the organisation was fined 1.46 million Renminbi. The centre was declared illegal and closed by the authorities on 17 July. Xu was detained on 29 July for tax evasion but subsequently released on bail pending further investigation. This is another example of the challenges faced by independent civil society organisations operating in China.

In January 2010, Google issued a statement claiming that an attempt had been made to access the accounts of human rights activists and signalling its willingness to withdraw its Chinese website. We are committed to promoting freedom of speech, including online, and will continue to monitor developments closely.

North Korean Refugees

China does not recognise as refugees undocumented North Koreans crossing into China. Consequently, they do not have legal status in China. There are reportedly 20,000 to 40,000 North Koreans currently in this position. Many may be there for economic reasons but it is impossible to confirm their status, as the UNHCR is denied access to the border region. They live under constant fear of deportation. Each month hundreds are believed to be forcibly repatriated. A majority are women, many of them trafficked into China to work in the sex industry or sold into marriage to Chinese men. Children born to North Korean parents in China are effectively stateless and cannot access education and healthcare services. We are concerned that these migrants are subjected to torture if they are returned to Democratic People's Republic of Korea (DPRK).

However, there are some small signs of progress. The Chinese now allow North Korean children with a Chinese parent to be registered as Chinese residents. This allows them access to education and healthcare. However, this can depend on the status of the Chinese parent and such children remain vulnerable. We raise our concerns regularly with Chinese officials encouraging them to grant UNHCR access to the border region. Most recently Ivan Lewis raised this issue during his visit in September. We also work actively through the EU to raise specific cases with the Chinese and to apply pressure on China to review its policy towards North Korean refugees.

Colombia



The overall human rights situation in Colombia remains a serious concern. The government has made efforts to strengthen the rule of law in areas previously controlled by illegal groups.

However, as the UN Universal Periodic Review (UPR) report on Colombia in March highlighted, there remain some underlying structural problems which limit the full enjoyment of human rights, particularly with regard to exclusion, marginality, poverty, inequality, land ownership, impunity and a lack of access to justice.

In 2009, the Colombian government did take a more open and cooperative approach to engaging on human rights, including extending official invitations to the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary executions; the Special Rapporteur on Human Rights Defenders; the Special Rapporteur on the Human Rights of Indigenous People; the Special Rapporteur on the Independence of Judges and Lawyers; and the Secretary-General's Special Representative on Human Rights Defenders. Colombia also voluntarily accepted the implementation of the Mechanism to Supervise and Present Reports contained in Security Council resolution 1612 on Children in Armed Conflict.

Despite attempts by the government to strengthen the rule of law, the activities of illegal armed groups and drug traffickers continue to have a severely negative impact. Illegal armed, terrorist and guerrilla groups continue to kill and abuse. An increase in new armed groups and supposedly demobilised paramilitaries returning to criminal ways was of great concern in 2009. We support the Colombian government's determination to tackle these threats in accordance with international humanitarian law.

In March, the Foreign Secretary announced the results of a policy review of UK bilateral assistance to Colombia. The most important change to take place as a result of this review was the ending of the UK's bilateral human rights projects with the Colombian Ministry of Defence. We judged that the project had achieved its objective of developing a roadmap to promote Colombian military adherence to international humanitarian law. The responsibility now falls to the Colombian government to ensure this is embedded and consistently practised by the armed services.

Human Rights Defenders and Civil Society Groups

As a result of their human rights activity, many human rights defenders and civil society groups, including trades unionists, journalists and members of NGOs, face the risk of attack from illegal armed groups and criminals. The environment in which civil society groups operate has been worsened by messages, often from high-level government officials, equating their human rights work to support for terrorist organisations, thus putting their lives at risk. The resulting mutual distrust has contributed to the continued suspension of dialogue on the coordination and implementation of the National Action Plan on



The Foreign Secretary meeting Colombian human rights lawyer Eduardo Carreno on 27 October

Human Rights for 2007–10. The National Action Plan, to be agreed with civil society, was meant to cover issues such as the right to life, freedom and integrity; human rights culture and citizenship; access to justice and the fight against impunity; economic, social and cultural rights; the fight against discrimination; and the promotion and respect of cultural identities.

The Colombian government has increased its protection programme for individuals at risk but civil society groups do not believe that this will be sufficient, particularly without the withdrawal of previous damaging statements. The UK has encouraged the Colombian government to make statements in support of human rights defenders, including trades unionists, and their right to freedom of expression. In addition, the confidence of civil society in government has suffered as a result of the systematic surveillance and illegal wire-tapping of civil society organisations, journalists, high court officials and opposition members by the Colombian Department of Administrative Security.

The UK is working to bridge this breakdown in trust by funding an Oxfam project that promotes the participatory role that civil society can play in engaging with municipal authorities on human rights issues. The UK makes regular representations about the plight of human rights defenders to the Colombian government. Individual cases are highlighted during these exchanges and assurances requested either for suitable security measures to be put in place to guarantee their security or for the

expedition of thorough investigations. The British Embassy in Bogotá also visits the offices of human rights organisations to visibly demonstrate our support.

We are involved in a number of activities to help human rights defenders in Colombia. Foreign Office Minister, Chris Bryant, visited Colombia in October and urged President Uribe to ensure that human rights defenders in Colombia were properly supported and protected. The Foreign Secretary also met Eduardo Carreno, a Colombian human rights lawyer, during his visit to the UK in October, to discuss the problems human rights defenders face and to launch an international campaign in the House of Commons on the work of human rights defenders in Colombia. In August, Embassy officials organised a visit to the city of Popayan to meet family members of the murdered human rights activist Ever Gonzales and discuss the investigation with the authorities. The visit led to the reopening of cases, which had been filed due to lack of progress.

Impunity

Although there has been some progress in judicial investigations into key human rights cases, impunity remains a serious problem. The judicial system faces huge backlogs, with witnesses, judges and prosecutors open to threats, intimidation and corruption. The new accusatorial justice system is helping to speed up the judicial process. In 2009, the UK funded an evaluation of this system in an effort to help relevant institutions develop legal and regulatory

Violence against Trades Unionists

Colombia continues to be a dangerous place for trades unionists. Violence and intimidation of union members throughout Colombia remain one of the most serious issues the country faces. We reported on the dangers and difficulties faced by trades unionists in our 2008 Annual Report, and this trend continued in 2009. While reports of the number of trades unionists killed vary, conservative estimates suggest that at least 28 union members were murdered in 2009.

The UK remains deeply concerned at this situation. We continue to press the Colombian government to take further action to tackle it. We have urged them to provide greater protection for trades unionists and their families, to reduce the length of time taken to investigate murders and forced disappearances of unionists, and to work with unions and employer organisations to strengthen labour relations in Colombia.

We, along with a number of other international donors, are currently supporting an independent research project under the auspices of the UN Development Programme (UNDP) to look into the history and causes of anti-trades unionist violence in Colombia, with a view to formulating recommendations to reduce these attacks and strengthen labour relations dialogue.

adjustments to improve its effectiveness further. Concern has also been voiced over the application of the Justice and Peace Law, which formed the cornerstone of the government's demobilisation programme, and the low number of convictions resulting from its application. Out of 3,637 individuals facing charges under the law, fewer than half had started giving their testimonies by the end of 2009. Furthermore, only 20 of those have been partially indicted and, to date, there have been no convictions.

In 2009, the Colombian national police reported over 15,800 homicides in Colombia, a 2 per cent decrease from the previous year. Despite the efforts made by the Colombian government to investigate, prosecute and punish homicides, an EU-funded report on impunity in Colombia, published in February, estimated that there was a conviction rate for murderers of only 2.7 per cent.

The UK currently supports five initiatives to strengthen public institutions and develop public policy proposals

to improve the performance of the criminal justice system. One example is our support for a project via the UN Office on Drugs and Crime, which seeks to increase the ability of the criminal justice system to tackle impunity and operate in accordance with international human rights standards. Currently being implemented in one pilot judicial district, it involves the training of all actors in the judicial process, from police investigators to lawyers and judges.

Internally Displaced Persons

Officially, Colombia has 3.3 million Internally Displaced People (IDPs), although the real figure is more likely to be around 4.5 million (including over two million children). This is the second highest rate in the world. Indigenous and Afro-Colombian communities are particularly vulnerable, mainly because they occupy land of strategic importance to guerrilla groups, cocaine cultivation or narco-trafficking. Of these displaced people, 82 per cent are considered to live below the poverty line. In 2009, the Colombian government reported a 56 per cent reduction in the forced displaced population compared to the previous year, and estimated that 80 per cent of this population had access to basic health services. In 2009, around 30,000 IDPs were able to return to place of origin. The government also reported investing over £20.2 million in income-generation projects for IDPs. Colombia needs to redouble its efforts to ensure that all those displaced receive the full attention of the state, both socially and economically. Ending impunity for those responsible for their forced displacement will be essential to achieving a lasting solution.

The UK is currently working to assist displaced people realise their rights by:

- > strengthening the Ombudsman's Office's ability to protect housing, land and property rights for displaced people by developing a pilot plan on land protection and restitution that can be rolled out nationwide; and
- > increasing the Colombian military's knowledge and awareness of displacement issues to help them better understand their role in protecting these vulnerable groups.

Indigenous Rights

The UN Special Rapporteur on the Human Rights of Indigenous People visited Colombia in July. He congratulated the government for the "significant



A child walks amidst empty coffins during a demonstration to protest the murder of 12 members of the indigenous Awa community in August

initiatives” undertaken, particularly in the area of health and education, to improve the extremely difficult situation faced by the indigenous community. But there remains a significant way to go in realising the rights of indigenous people, particularly in the areas of right to land, forced displacement, nutrition, threats and murder. The Awa community has been particularly affected. The Awa were the victims of three massacres and mass displacements in 2009: In two attacks in February, 27 members of the community were murdered and in August, 12 were killed, including seven children. These events were roundly condemned by the international community. A number of measures were called for, including increased prevention and protection measures for vulnerable groups and a swift investigation into the incidents.

The UK has funded a small project to support the National Indigenous Organisation of Colombia, which included the visit of the UN Special Rapporteur on the Human Rights of Indigenous People. We hope this will encourage a change in the critical situation facing indigenous people in Colombia.

Extrajudicial Killings

Between 2001 and 2009, 465 cases and 940 victims of extrajudicial killings were reported in Colombia, including 197 registered extrajudicial killings in 2008 alone. Following his visit in June the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions described these killings as systematic, carried out by significant elements within the military. But he confirmed that there was no evidence to suggest they were carried out as a matter of official government policy.

The number of extrajudicial killings has decreased dramatically in 2009. A Colombian research organisation reported that only four new cases were registered during the first six months of 2009, with an additional 82 victims reported from 48 cases that occurred in previous years. The international community has called for further evidence that the measures put in place by the Colombian Ministry of Defence to address extra judicial killings at the end of 2008 are being implemented and for the rigorous and rapid investigation of allegations. We will continue to follow progress and to lobby on individual cases where necessary.

Cuba



New Year's Day 2009 marked 50 years since the Cuban Revolution. In its anniversary year Cuba could rightly celebrate its achievements in providing universal access to healthcare and an impressive 99.8 per cent literacy rate. But there have been few concrete improvements in the human rights situation on the ground during 2009 and there are signs that repression may be increasing. Cuba is an authoritarian, centralised, one-party state where people are regularly denied their civil, political and economic rights.

In line with the 1996 EU Common Position on Cuba, human rights remain a priority in the UK's relations with Cuba. During the annual review of Cuban policy in June, EU Foreign Ministers expressed serious concern at the lack of human rights progress, and reaffirmed the relevance of the Common Position and "dual track" engagement with the Cuban government and Cuban civil society. UK ministers and officials continue to raise human rights with the Cuban government in bilateral and multilateral fora, and support activities to promote and improve human rights in the country. Human rights have also formed an essential part of the EU's political dialogue with Cuba since its establishment in 2008.

Through this engagement we hope to encourage the Cuban government to take seriously its international human rights commitments, actively address areas of concern and allow independent scrutiny of human rights, for example, by permitting international human rights organisations to visit the country. It is positive that Cuba ratified the International

Convention for the Protection of All Persons from Enforced Disappearance in February. Cuba also took part in its Universal Periodic Review (UPR) at the UN Human Rights Council that February, although we had some concerns about the manner in which they engaged with this process. We were disappointed that the Cuban government did not accept any of the UK's recommendations, including ratification and implementation of the two key human rights conventions: the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, both of which Cuba signed in February 2008. The government also rejected all recommendations from other countries relating to our main human rights concerns on the grounds that they represented interference in Cuban citizens' right to self-determination.

Our Embassy in Havana closely follows the human rights situation throughout Cuba and, along with EU partners, maintains contacts with a range of members of civil society and the political opposition. Visits to families of political prisoners and attending peaceful protests as observers are intended to demonstrate our concern over human rights to the government.

Fundamental Freedoms

Although fundamental rights are guaranteed under the Cuban constitution, these rights may not be exercised "contrary to the existence and objectives of the socialist state", and Cuba's penal code effectively criminalises dissent. Charges of "pre-criminal social dangerousness" – a pre-emptive charge based on the likelihood of a person committing a crime in the future – are often used to target potential or actual dissent. The unofficial Cuban Commission for Human Rights and National Reconciliation estimates that there may be between 3–5,000 people sentenced with up to four years in prison under "pre-criminal dangerousness" charges, including prostitutes, alcoholics and unemployed people. We wrote to the Cuban Justice Ministry in March asking for official figures for people held on this charge. Ten months later we had not received a response.

Although President Raúl Castro has talked about economic reforms, there have been no substantial structural changes in the past year, other than positive moves in agriculture. Property rights are extremely limited. Cubans cannot, for example, freely buy and sell houses and cars, even if they legally own them. Private enterprise is permitted only on a very small scale and the state employs the vast majority of the



Cuban military applaud during celebrations for the 50th anniversary of the revolution on 1 January

Workers' Rights: *Under Cuban Skies*

On 3 August, four independent trades union activists from the Independent National Workers' Confederation of Cuba were summoned to a police station in Havana and detained until the following day. Maria Elena Mir Marrero and her colleagues allege they were threatened with further harassment and physical harm unless they stopped their activities. They believe that the summons and detention were because of their participation in the film *Under Cuban Skies: Workers and their Rights* (produced by Washington-based Montalvan & Associates LLC with the Cuba Study Group). It highlights violations of workers' rights in Cuba, including the denial of the right to form independent trades unions and the right to strike.



Workers' rights activists in the film *Under Cuban Skies*

population who struggle to get by on a state salary of the equivalent of approximately US\$15 a month. This leads many to rely on the black market and makes them vulnerable to criminal charges. The government also controls trades unions. Although workers are consulted on issues of concern, collective bargaining and the right to strike are denied, and independent trades unions are illegal.

Freedom of movement remains an issue of concern. Cuba limits domestic migration into the capital, and for travel outside the island Cuban citizens require expensive, government-authorised exit permits. If a Cuban citizen stays outside the country for longer than their exit permit validity, they risk being denied re-entry to their own country and are rendered effectively stateless. Denial of exit permits is often used as a further means of controlling dissent. In October 2009, acclaimed blogger Yoani Sánchez was barred from travelling to the US to receive an award from Columbia University's School of Journalism – the fourth time she has recently been denied permission to travel abroad. However, during 2009 a handful

of dissidents have been granted permission to leave if travelling for non-political reasons or leaving the country permanently. Notably, former neurosurgeon and regime opponent Dr Hilda Molina was finally granted an exit permit to visit her son in Argentina after a 15-year wait.

Access to Information

Access to information is severely restricted in Cuba. Reporters Without Borders ranks Cuba 170 out of 175 countries in its 2009 Press Freedom Index. The Cuban media is state-run and heavily censored to reflect only official government views. There is virtually no access to international media or publications, and private access to foreign broadcasting is illegal. Books seen as counter-revolutionary are not available in Cuba, and setting up an independent library is seen as an act of dissent. Cuba has one of the lowest rates of internet use in the Americas, despite high literacy and educational attainment. Internet access is censored and monitored, and it is prohibitively expensive and slow – with an hour's connection costing almost a third of a Cuban citizen's monthly salary.

Independent journalists can fall foul of Cuba's laws on dissent, as can Cuba's nascent blogging community. Despite the difficulties, blogging in Cuba is a growing phenomenon and covers a wide spectrum from official pro-government bloggers to its critics. Yoani Sánchez's "Generation Y" blog is the best known and the government has recently stepped up efforts to silence her.

Political Prisoners and Repression of Dissent

Given that political opposition is not tolerated, dissenters, including human rights defenders and independent journalists, risk serious consequences. These range from imprisonment, short-term arrests, trumped-up criminal charges, intimidation, denial of opportunities to work and of the right to travel within or outside of the island, and occasionally violence. There are signs that this repression may be increasing. The lack of separation of powers in Cuba means that the judiciary is not independent and trials of dissidents are often politically influenced.

The Cuban government does not publicise official information about its prisons and independent human rights organisations are not permitted to visit. According to the Cuban Commission for Human Rights and National Reconciliation there are over 200 political prisoners, including 53 of the 75 dissidents arrested in the "Black Spring" of 2003. English PEN

Pro-government Cubans harass and intimidate the *Damas de Blanco* on Human Rights Day 2009



and Reporters Without Borders draw attention to over 20 journalists, writers and librarians detained in Cuba's prisons and Amnesty International recognises 57 Cuban prisoners of conscience. One of the 75, Nelson Aguiar Ramírez, whose case the EU repeatedly raised with the Cuban government due to his poor health, was released in 2009.

Political prisoners' families allege routine use of solitary confinement, denial of medical care and restrictions on family visits. Reports indicate that overall prison conditions are poor for both common and political prisoners. During Cuba's UPR at the UN, the UK recommended that Cuba establish a recurrent system of review of its prisons by UN or other relevant independent observers. This recommendation was not adopted by Cuba.

We hope that after issuing an invitation in January, the Cuban government will agree a date and actively facilitate the visit of Manfred Nowak, UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, who wants to visit all categories of detention facilities and every type of detainee in Cuba.

A group of female relatives of imprisoned dissidents – known as the *Damas de Blanco* – are campaigning for the release of political prisoners. In March, they marked the occasion of the sixth anniversary of the 2003 "Black Spring" with peaceful marches through Havana, handing out flowers. Although they are usually not prevented from walking in peaceful

protest, they were met by an angry mob shouting insults at them, known as an "act of repudiation". The same tactics were used to disrupt and intimidate them as they walked peacefully through the streets of Havana both before, and on, Human Rights Day in December 2009.

Supporting a Human Rights Defender

Dr Darsi Ferrer, an opponent of the regime, was arrested in July allegedly for possessing two bags of black-market cement. In January 2010 he remained in prison awaiting trial. The EU is concerned that his arrest and detention may have been linked to his political activities and beliefs. British and other European diplomats visited his wife, Yusnaimy Jorge, in August to show our concern. A British diplomat also went to observe the annual peaceful protest on UN Human Rights Day, usually organised by Dr Ferrer, and this year held in his absence to show support for him. The event, involving around 12 protestors, was disrupted by a counter-demonstration of several hundred people which turned violent, with Dr Ferrer's supporters bundled into cars. They were detained but released later that day. The mob also surrounded the British diplomat when he was speaking to the media, forcing him to leave the area. Plain-clothes state security officers appeared to be coordinating the counter-demonstration, which the Cuban government claimed was spontaneous.

The Democratic People's Republic of Korea



The Democratic People's Republic of Korea (the DPRK) has one of the worst human rights records in the world. The DPRK denies access to human rights organisations, including the UN. But

information from a variety of sources, much of it from defectors from the DPRK, paints a picture of serious and widespread abuse. This includes political prisons and labour rehabilitation camps; regular use of the death penalty (including extrajudicial and public executions); routine use of torture and inhumane treatment of its people; and severe restrictions on the freedom of speech, movement, assembly and information.

The DPRK operates a population classification system in which the ruling elite and those most loyal to the regime enjoy better access to food than others, especially those hostile to the authorities. There are recurrent concerns about the treatment of refugees returned from China, which we raise at all opportunities. Although healthcare is free by law, the DPRK's economic difficulties have led to a shortage in medicines and a deteriorating public health system.

The DPRK has repeatedly invoked sovereignty, non-interference and cultural differences to avoid its human rights responsibilities. Humanitarian aid workers and diplomats in the capital, Pyongyang, are subject to severe internal travel restrictions. Some regions remain inaccessible "for reasons of national security". The DPRK's approach to human rights also has wider humanitarian impacts. Many potential donors are unwilling to provide assistance unless the DPRK cooperates by offering greater access to those most in need.

The regime is determined to maintain its grip on power. It recently introduced a number of measures, including revaluation of the currency, intended to tighten control over all economic activity and to stifle the previously expanding market sector. But without further reforms and an opening up of the economy, there will not be the economic development needed to improve living standards and quality of life.

One positive development was DPRK's engagement with UNICEF and the Committee on the Rights of the Child, including an invitation to the Committee to review progress in improving children's rights. Some



Human rights groups in Seoul protest against DPRK abuses

positive legal and practical steps concerning the rights of people with disabilities were also taken in 2009. After the adoption in 2003 of a law reforming the incarceration of people with disabilities in special education units, the DPRK now intends to reintegrate such people fully into society.

The DPRK says it has increased spending on health through a Strategy for the Promotion of Reproductive Health 2006–10, a Strategy for Prevention of AIDS for 2002–07, and a Primary Heath Care Strategy 2008–12. However, according to the UN there remains a shortage of reliable medicines and medical equipment. Progress will be slow in the absence of improved access for the World Health Organisation (WHO) and international NGOs working in the health field to assess the extent of the problem and the needs of the most vulnerable. The DPRK says it has also increased spending on education in recent years. It formulated a National Programme of Action of the Well-Being of Children 2001–10, reflecting some of the UN Millennium Development Goals. Without independent verification it is difficult for the international community to assess the impact of these initiatives.

We regularly raise human rights issues in our contacts with the DPRK at ministerial and official level. We have told the DPRK government that we stand ready to help, including through the provision of technical assistance, in return for further progress on human rights. To date, the DPRK has shown no interest in our offer.

The EU raised its concerns during the Troika visit to the DPRK in October and pressed them to resume the human rights dialogue with the EU, which was suspended in 2003. The EU re-iterated its offer of expertise and constructive cooperation in specific areas in an attempt to overcome the DPRK's insistence that dialogue is not possible until the EU drops the resolution on the situation of human rights in the DPRK it tables annually at the UN General Assembly.

The DPRK consistently denies the existence of any human rights problems and rejects as unjust both this resolution and that tabled each year at the UN Human Rights Council. However, the DPRK engaged with the UN Universal Periodic Review (UPR) process in December. It submitted a national report asserting that their constitution ensures the protection of citizens' rights to freedoms of opinion, expression and assembly, and that all religions are treated equally.

At the UPR the UK expressed concern on a range of issues, including the right to life, freedom of religion, freedom of association and the existence of political prison camps. Our recommendations included granting access to UN Special Rapporteurs. Others raised concerns about political prisoners, food distribution, torture, the death penalty, forced labour, abductees, freedoms of expression, assembly and religion, and returnees from China (see page 100). The DPRK responded to most concerns at the review. In addition to previous statements on the rights to freedoms of opinion, expression, religion and assembly, the DPRK asserted that prison camps did not exist and that political views were not subject to control. It said that solving the food challenge was a top priority.

Through our Embassy in Pyongyang, and with the DPRK Embassy in London, we take every opportunity to raise human rights issues. In October, our Embassy in Seoul hosted a briefing by NGOs for 80 diplomats, press and South Korean officials to raise awareness of human rights abuses and the UPR. Our Embassy in Pyongyang sponsors a range of small-scale projects to promote longer-term cooperation with the DPRK. This includes the installation of a central heating system at a local nursery school; upgrading the sanitation and incineration system at a local hospital; and provision of 75 hand-propelled tricycles to a disability association. Our Embassy in Seoul sponsored the publication of four reports on prison camps, torture, children's and women's rights in October. The South Korean NGO that produced the reports used them to

lobby the UN Human Rights Council Member States to raise these issues at the DPRK's UPR. In November, Foreign Office Minister Ivan Lewis hosted a DPRK human rights roundtable, attended by Lord Alton, Chair of the All Party Parliamentary Group on North Korea, NGOs and academics. This was an opportunity for the Minister to express his strong concern about human rights in the DPRK and to discuss UK engagement.

Food

The DPRK government prevented the UN Food & Agriculture Organisation (FAO) and World Food Programme (WFP) from carrying out the crop and food assessment planned for October. The international community therefore cannot make an accurate assessment of food shortages, nor work with the DPRK and international agencies to tackle them. The UK recommended improved access to the DPRK at the UPR.

Official DPRK statistics indicate a small increase in the October rice harvest. Some external assessments suggest weather conditions and lack of fertiliser point to a decline in the harvest. The WFP remain concerned that high rates of malnutrition continue among millions of children and women in the DPRK. The situation is more acute during the winter as temperatures drop and energy needs become greater for the vulnerable. The international community, including the Republic of Korea and the US, has indicated that it will provide assistance if there is another major food crisis. In the past, the DPRK has usually been reluctant to ask for help.

Continued DPRK obstruction of UN agencies may impact on the effectiveness of humanitarian projects. For example, because of restrictions on access, the WFP is now delivering food in only 62 counties and districts, down from 131 last year. DPRK actions tend to undermine donor confidence. The recent currency devaluation is likely to make it even harder for ordinary North Koreans to use local markets to supply the food that the state system fails to provide.

Freedom of Religion

There is no freedom of religion in the DPRK. Although there are Anglican, Catholic and Russian Orthodox churches in Pyongyang, we believe these to be show churches, for the benefit of foreign visitors. We include religious freedom in our regular lobbying on human rights issues in the DPRK, and have worked closely with religious NGOs in the run-up to the UPR.

Torture

According to the DPRK's national report submitted ahead of their UPR, measures have been introduced requiring judicial authorities to uphold the right to a fair trial and to prohibit torture or beatings. However, due to the lack of transparency and independent verification, we cannot assess whether the judiciary and other law-enforcement entities uphold these rules. At the UPR, the DPRK delegation admitted that there are public executions, and it seems that extrajudicial killings also take place. At the UPR, the UK recommended that the DPRK become a party to the UN Convention against Torture and take the necessary national measures to comply with its provisions. The DPRK response is due in March 2010.

The Democratic Republic of Congo



In 2009, the Democratic Republic of Congo (DRC) continued to struggle with the effects of more than a decade of regional and internecine conflict.

Since 1998, the International Refugee Committee (IRC) estimates that over five million people have died directly and indirectly as a consequence of conflict in the DRC. The UN estimates that there are 1.6–1.7 million internally displaced persons (IDPs) in the DRC. Since the Sun City peace

agreement to end the Congo wars in 2003, conflict in the region has continued between a variety of armed groups, with the main actors being the Democratic Forces for the Liberation of Rwanda (FDLR), the National Congress for the Defence of the People (CNDP) and the Congolese army (FARDC). In March, the CNDP signed a peace deal with the government of the DRC and integrated into the FARDC. However the integration process has led to its own problems as the already weak administrative systems struggle to assimilate the extra men.

Congolese men, women and children are at greatest risk of serious abuses in eastern DRC. However, human rights abuses, such as arbitrary arrest and detention, extortion, beatings, and sexual and gender-based violence occur throughout the DRC. The problems are compounded by the need for administrative and institutional development – the state has a limited presence in many parts of the country leading to a lack of education, employment, security and justice. The UK provides development assistance to the DRC to help it overcome these difficulties, while actively lobbying the government of the DRC to address human rights issues, including impunity for perpetrators.

On 4 July, the DRC government made the welcome announcement of a "zero tolerance" policy against



Displaced people attempting to escape fighting between the Congolese army and the FDLR in February

human rights abuses committed by the security forces. However, action in this area has been limited and we continue to press for this policy to be implemented.

The DRC's Universal Periodic Review (UPR) was carried out in December. The main themes raised were the need for greater action on impunity and sexual violence, increasing limits to freedom of expression, and the need for greater protection for human rights defenders. While the DRC made an effort to address the concerns raised during the UPR, they still have much work to do. We were disappointed that attempts to reinstate the special procedure mandate for the DRC at the Human Rights Council in March, which would have allowed increased international attention to these issues, was unsuccessful (see page 62).

Security Situation

The humanitarian situation in eastern DRC remains critical with reports that serious human rights abuses have continued throughout 2009. State security agents, militia groups and other actors are accused of committing serious abuses, including rape, summary executions and the use of child soldiers.

The Democratic Forces for the Liberation of Rwanda (FDLR)

Following the integration of the CNDP militia group into the FARDC, the FDLR is the main militia group active in eastern DRC. The FDLR is a Hutu militia group, some of whose leaders participated in the genocide in Rwanda in 1994. They are the major cause of insecurity in eastern DRC. Action against them is essential to bring peace to the region. Between 3 March and 31 December, the UN-supported Congolese military operation, Kimia 2, was carried out in the eastern provinces of North and South Kivu. Its objective was to reduce the threat to Congolese civilians in eastern DRC by forcibly disarming the FDLR.

Kimia 2 succeeded in ending FDLR control of major population centres, and reducing its control of mines and roads. However, there was a significant humanitarian cost. This military action is just one part of a comprehensive approach to tackling the FDLR, which also includes work to encourage them to voluntarily disarm and return to Rwanda, and action against the FDLR leadership in Europe.

In 2009, there was a significant increase in voluntary disarmament of FDLR combatants through disarmament, demobilisation, repatriation,

resettlement and reintegration programmes. An average of around 100 FDLR combatants have returned to Rwanda each month, compared to an average of 50 in 2008. Between 1 January and 24 November, 3,396 FDLR combatants and dependants were repatriated to Rwanda.

We welcomed the arrest on 17 November in Germany of FDLR leader Ignace Murwanashyaka and his deputy Stratton Musoni, both accused of committing war crimes and crimes against humanity in eastern DRC. A successful prosecution will be a big step towards tackling impunity, sending the message that such crimes will not be allowed to happen without consequence.

Congolese Army (FARDC)

Serious human rights violations are committed by elements of the Congolese army, including ex-rebel groups (CNDP and others) who were integrated into the army after an agreement with the DRC government in March. We welcome President Kabila's policy of "zero tolerance" of abusers, including those within the armed forces. We continue to push for the implementation of this policy across the board, and welcome the creation of joint MONUC–FARDC investigation teams in eastern DRC to examine allegations of abuses. There have been some recent convictions of FARDC members for rape, but victims have yet to receive any form of compensation from the DRC government. We welcome the announcement in November of the creation of a compensation fund for victims of sexual violence. The UN's Joint Human Rights Office will support the development of this fund.

Far more needs to be done to tackle impunity within the FARDC. Together with the EU, we will continue to push for further action against the five FARDC senior commanders accused of rape. We support the EU Army Reform Mission to the DRC, which assists the DRC government in reforming the FARDC. We continue to urge the DRC government to establish a vetting mechanism to remove the worst abusers from the FARDC. The UK is joint-funding a data collection exercise on the perpetrators of abuses, which should help in the creation of this mechanism.

Security Sector Reform

Far more needs to be done to reform the security sector in the DRC, to tackle impunity and address the root causes for human rights abuses. An ill-disciplined and underfunded national army has consistently



UN troops greet children while on patrol in Eastern DRC in January

exploited the local population. The National Congolese Police also bear responsibility for significant levels of abuse.

Soldiers in the FARDC often do not receive pay, proper equipment, housing or uniforms. As a consequence, when they are deployed they often prey off the local population. Recent integration of CNDP forces into the FARDC has added to this confusion. Basic administrative reform is imperative so that the FARDC can become a properly accountable and effective force. We continue to work with the DRC government to achieve this through:

- providing UK-funded expertise to support the DRC government develop a plan to garrison its soldiers, which should make it easier to ensure that food and pay reach them;
- supporting police reform, and developing capacity within DRC institutions, notably within the DRC parliament, to hold the security sector to account through DFID's Security Sector Reform and Accountability Programme; and
- supporting FARDC training and refurbishing some of their training centres. This includes building a centre for military administration training; refurbishing the Army Logistical School; and providing training both in the responsible use of arms and ammunition and in logistics and communications to 225 junior officers, which will help strengthen the chain of command.

In addition, through our financial contributions to the EU's Common Foreign and Security Policy (CFSP) budget we support two EU missions operating in the DRC, which offer advice and expertise to the authorities on police and military reform. The EU Army Reform Mission provides advice to the FARDC on administrative and organisational matters, including registering members of the armed forces and helping ensure soldiers receive their salaries. The EU Police Reform Mission to the DRC provides training and advice to the DRC authorities on police reform.

Protection of civilians

Protection of civilians is the highest priority for MONUC, whose mandate was renewed in December. We welcome the measures that MONUC has taken to improve civilian protection in 2009. These include the implementation of Joint Protection Teams, whereby civilian and military staff deploy together to work with local communities and understand their protection needs; and MONUC's policy of making support to units of the FARDC conditional on their human rights performance. In November, following reports that soldiers of the FARDC 213th brigade had committed serious human rights violations against the civilian population in North Kivu, MONUC withdrew logistical support from this brigade. We fully support this decision.

International Criminal Court

Bosco Ntaganda, ex-Military Chief of Staff of the CNDP rebel group, which was integrated into the FARDC in March, is accused by the International



Congolese women walk past an anti-sexual violence poster in eastern DRC

Criminal Court (ICC) of committing war crimes in Ituri in 2002 and 2003. Despite his arrest warrant being made public, the DRC authorities have yet to hand him over to the ICC. This is an issue of extreme concern to the UK. The UK Ambassador regularly stresses to the DCR government the importance of complying with the ICC's arrest warrant.

Sexual Violence

Sexual violence continues to be a weapon of war in eastern DRC. Human Rights Watch report that between January and September, over 7,500 cases of sexual violence in North and South Kivu were recorded – double the number for the same period in 2008. Reported cases of sexual violence only represent a fraction of the problem as victims are often either afraid or ashamed to come forward.

The UK continues to lobby the DRC government to address the issue of sexual violence and hold perpetrators to account. We also played a prominent role in international discussions of the problem, including at the Security Council. We co-sponsored UNSCR 1888, which reaffirms the obligations of

states to end impunity for gender-based violence and to address sexual violence in peace-process and mediation efforts.

In addition to our advocacy efforts, in 2009 we also supported practical efforts to tackle the problem through:

- security sector reform and human rights training for the FARDC;
- funding a women's rights NGO to publish guidance, translated into local languages, on practical ways to deal with sexual violence information on victim's rights;
- supporting a Justice Rehabilitation project in eastern DRC, whose work includes improving women's access to justice and raising awareness of the 2006 law on sexual violence; and
- contributing £35 million to the UN's Humanitarian Pooled Fund in 2009–10, which has helped treat some 40,000 victims of sexual violence over the last two years.

Child Soldiers

The use of child soldiers is widespread in the DRC. This is reflected in the charges faced by all the Congolese defendants indicted by the ICC. The DRC has made considerable progress in recent years in releasing child soldiers from the FARDC. But the integration of rebel groups into the FARDC has led to increased numbers of child soldiers in the army. We continue to raise this issue with the DRC authorities.

In 2009, we funded the Congolese children's rights umbrella NGO REJEER to support their lobbying and awareness-raising activities related to the law on child protection, which was passed earlier in the year. We are now focused on pressing for the Ministerial decrees necessary to implement this law.

Freedom of Expression

Journalists continue to face intimidation by local and national authorities. A Radio Okapi journalist was killed in Bukavu in August, the third journalist in three years to be killed. Judicial follow-up in these cases has been either very poor or non-existent. In July, the French broadcaster Radio France Internationale, widely listened to in DRC, had its signal cut by the DRC government who accused the station of demoralising troops fighting in the east. In September, death threats were sent to three female journalists in Bukavu. Revised accreditation letters for international correspondents now state that they are subject to the military penal code, an attempt to limit the circumstances in which they can report on-going military operations. The UK and EU partners, together with the representatives of the US, Canadian and Swiss governments, have formally raised concerns about the security of and working conditions for journalists with the Communications Minister.

Human Rights Defenders

In March, we lobbied for the release of a prominent human rights defenders Floribert Chebeya, from the NGO, "The Voice of the Voiceless". In September, members of the human rights organisation, ASADHO, received multiple threats after publishing a report accusing the Congolese authorities of corruption in Katanga. The president of ASADHO in Katanga was sentenced to one year in prison, in absentia, on 21 September. We continue to follow up on cases of concern.

Iran



It has been a particularly grim year in 2009 for human rights in Iran, largely defined by the government's brutal response to widespread protests after the disputed presidential elections in June. Freedom of assembly was curtailed, and peaceful protestors and political activists were subjected to repeated, well-documented abuses. However, human rights in Iran have been a source of shared concern and widespread criticism for many years, and the post-election crackdown only served to compound these concerns and further illustrate Iran's failure to live up to its international obligations. Iran's people are committed to fighting for the human rights and fundamental freedoms to which their government is committed under international agreements. Yet the reality is that many face harassment and imprisonment for doing so. The international community has a responsibility to speak out in support of these individuals, and to promote human rights wherever violations occur.

Iran is party to four major United Nations human rights treaties: the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Racial Discrimination. However, Iran has made a formal reservation to the Convention on the Rights of the Child that it will not apply any of the articles and provisions of the Convention that are incompatible with Islamic law. Iran also has a poor record of cooperation with these treaty bodies; and despite numerous requests, no UN special mandate holder has been granted access to Iran since 2005.

Presidential Elections

The human rights situation in 2009 has been largely defined by the government's response to the disputed result of the presidential elections in June. Intense campaigning between the four rival candidates generated great interest and resulted in a high voting turnout. On 13 June, incumbent President Mahmoud Ahmadinejad was declared the winner by a large margin, sparking allegations of fraud by many Iranians, including three of the four candidates. Massive demonstrations were held across the country in favour of opposition candidate Mir Hossein Moussavi, triggering a disproportionate and brutal reaction from security forces and the



A rally in Tehran following disputed election results in June

government-directed Basij militia. In stark contrast to the excitement and relative openness that had characterised the campaigns, Iran quickly became a scene of violent and systematic human rights violations as police and security forces used excessive force to quell protests and silence dissent. In a televised address to the nation on 19 June, the Supreme Leader called for an end to street protests against the outcome of the election. However, rather than warning security forces to act with restraint and in accordance with the law, he warned that if people continued to take to the streets the consequences would lie with them, seemingly giving the green light to security forces to resort to violence.

Official Iranian government sources say that 35 people were killed during the immediate post-election unrest; others quote much higher figures. In reality the true figure may never be known. The death of 27 year-old Neda Agha-Soltan became the defining image of the protests, after her dying moments, captured on video, were uploaded onto the internet for the world to see.

In the demonstrations that followed, thousands of students, lawyers, journalists, human rights defenders and opposition members were arrested and detained. Most were released without charge, but many of those detained were denied independent legal representation and pressured to make false confessions. The mass trials of approximately 300 individuals were broadcast live on Iranian state television in August, and at least five of the accused were sentenced to death.

Reports of maltreatment and abuse of detainees emerged, and in July, Supreme Leader Ali Khamene'i ordered the closure of Khazirak prison after allegations emerged that some detainees were tortured and raped. To date no transparent and credible investigations have been carried out into any of these allegations, and conditions in detention centres throughout the country remain a source of major concern.

It remains extremely difficult to confirm details about who has been arrested, where they are held, why and

under what circumstances. This uncertainty is partly a consequence of stringent restrictions on freedom of expression and information, including on internet and text-message use. Immediately after the election, access to internet, mobile telephones and text-messaging services was temporarily blocked. Foreign journalists were barred from reporting, and many had their press cards withdrawn or were expelled from the country. These included the BBC's resident correspondent Jon Leyne, effectively closing down the BBC's bureau in Iran. Several Iranian journalists were intimidated, beaten up and arrested, and Canadian-Iranian reporter Maziar Bahari was kept in detention for 118 days, after his camera crew were accused of filming demonstrations. Many reformist newspapers and blogs were closed down, including the *Etemaad-e Melli* newspaper for publishing details of rape and torture allegations. Six months later intimidation by the authorities in all aspects of political life remains prevalent, and sporadic demonstrations continue throughout the capital and other major cities in Iran.

In the worst clashes since the days immediately following the elections, at least 15 protesters were killed and more than 300 arrested on 27 December, when crowds gathered to mark the holy day of Ashura, and mourn the passing of Grand Ayatollah Montazeri. One of those killed was Seyed Ali Moussavi, nephew of defeated election candidate Mir Hossein Moussavi. Accounts of the lack of restraint by the security forces and an excessive use of violence during Ashura, a time of religious commemoration and reflection, are particularly disturbing. As part of further intimidation of the opposition, Emadoddin Baghi, Chairman of the Association for the Defence of the Rights of Political Prisoners, was arrested on 28 December in connection with his human rights activities. Dr Noushin Ebadi, sister of Nobel Peace Prize Laureate Shirin Ebadi, was also arrested in connection with her sister's human rights work. Both arrests constitute unacceptable pressure on two courageous civil society activists, and an attempt to silence the countless individuals in Iran who continue to fight for democracy and respect for fundamental rights.

In attempts to disassociate itself from responsibility, the Iranian regime has repeatedly claimed that the protests and violence were orchestrated by foreign influences. Allegations that protestors were somehow manipulated by Western governments and media are not only without foundation, but an insult to the thousands of Iranians who bravely demanded that their vote be counted in the face of repression. We

have consistently condemned the violence meted out against those who simply ask that their basic freedoms are respected. We have repeatedly made clear our concerns about the deteriorating human rights situation in Iran, and have worked hard alongside partners to ensure a strong response at EU and UN level.

Our concerns about Iran's human rights record remain, as highlighted in last year's report, and the situation has continued to deteriorate in 2009. Many articles in the Iranian Penal Code continue to be used to suppress freedom of expression and association. Extensive use of the death penalty, torture, excessive use of force, unfair trials and legislation, which discriminates against women, remain key areas of international concern.

Death Penalty

Executions in Iran have increased year on year since 2004. Iran executes more people per capita than any other country. An estimated 318 people were put to



Neda Agha-Soltan became the defining image of post-election protests

death in 2009, over 100 of whom were executed in the weeks immediately following the elections. Many basic minimum standards surrounding the application of capital punishment are absent, with prisoners often executed in groups, in public or by inhumane methods, such as stoning. We were deeply shocked to learn of the stoning to death of Vali Azad in March, sentenced to death on charges of adultery.

The UK is concerned that many death sentences are imposed as a result of trials which do not ensure the rights of the accused. Three men, reportedly members of the People's Resistance Movement of Iran (PRMI) were hanged in public in Zahedan on May 30, less than 48 hours after an explosion in a mosque, which the UK condemned. The men were in detention at the time of the bombing; however, officials said they had "confessed" to bringing explosives into the country. Thirteen other reported PRMI members were hanged on 14 July.

Use of the death penalty against persons under 18 at the time of the offense is prohibited by the ICCPR and the UN Convention on the Rights of the Child. Iran is a party to these treaties, yet it continues to execute minors. Since 1990, Amnesty International has documented at least 46 juvenile executions in Iran. In many cases, juvenile offenders under sentence of death in Iran are kept in prison until they pass their 18th birthday, after which their executions are scheduled. Upon appeal some have their sentence overturned. Others may be reprieved by the family of the victim and asked to pay compensation, under Sharia law. Some, however, do not benefit from such measures and are consequently executed.

Mola Gol Hassan, executed alongside nine adults on 21 January, was the first of four juvenile offenders to be put to death in 2009. On 1 May, 23 year-old Delara Darabi was hanged after being sentenced to death at the age of 16, and Behnoor Shojaee, 17 at the time of his alleged crime, was executed on 10 October, the day recognised by the international community as the World Day against the Death Penalty. Mosleh Zamani was the fourth juvenile offender to be executed in 2009, hanged on 8 December alongside four other unidentified prisoners.

At least seven other minors have been granted temporary stays of execution following international intervention. However, they remain at risk, as do the other 130 minors currently thought to be on death row in Iran.

Women's Rights

According to the latest World Economic Forum Global Gender Gap Report, Iran has dropped from 116 to 128 in the 2009 rankings. The report measures the size of the gender inequality gap in 134 countries, focusing on economic participation, educational attainment, political empowerment, and health and survival. Domestic legislation in Iran remains deeply discriminatory in relation to women. Many articles of the Civil Code discriminate in the areas of marriage, divorce, nationality and custody of children. Under the Penal Code, a woman's testimony is worth half that of a man's, women receive half as much compensation for injury or death, and girls face prosecution as adults at a much younger age than boys.

In 2009, women's groups have become increasingly active in campaigning for change. Various campaigns have been launched by local activists, such as the One Million Signatures Campaign, and the Maydaan Movement, which campaigns for gender equality and an end to stoning. However, as the popularity of both campaigns has increased, so too has repression and harassment of their members. Throughout the course

Delara Darabi: Prisoner of Colours



After six years on death row for a crime many believe she did not commit, Delara Darabi was executed on 1 May at the age of 23. Human rights defenders in Iran and around the world campaigned tirelessly for her release, and Delara quickly became the face

of juvenile offenders on death row in Iran. Her execution was unexpected. Not only had there been no formal notification 48 hours before the hanging, as required under Iranian law, but just a fortnight earlier, Ms Darabi had been granted a two-month stay of execution by the head of the judiciary. News of her execution attracted domestic outrage and widespread international condemnation. We publicly expressed sadness and outrage at Delara's death, and as part of concerted EU action we summoned the Iranian Ambassador to strongly condemn the actions of the Iranian authorities and urge them to abolish the death penalty for minors once and for all. For more information, see: <www.savedelara.com>.



Protestors at the Iranian Embassy in Ankara hold a portrait of executed Kurdish activist Ehsan Fattahian

of 2009, countless women were arrested or prosecuted for non-violent activity to promote women's rights, and women played a courageous and prominent role in the post-election protests. As a result, at least 11 members of the One Million Signatures Campaign were summoned to the Revolutionary Courts for questioning. Many more members of the group have been banned from leaving the country.

Minorities

Repression of Iran's religious minorities has continued in 2009. This can involve persecution, discrimination, restrictions on employment, and expulsion from university and high school.

Last year's report drew attention to seven Bahá'ís arrested in early 2008. Despite concerted international efforts on their behalf, the group remains in detention. They have been formally charged with a range of offences, including "spreading corruption on earth" but have yet to stand trial. In February, the Iranian government declared all Bahá'í administrative arrangements illegal. Christians attempting to proselytise were often arrested, and converts from Islam risked harassment and arrest. In March, two Christians, Marzieh Amirizadeh and Maryam Rostampour, were arrested and detained for 259 days without charge. Despite repeated attempts to force them to recant their faith, the women refused, even when threatened with the death penalty. Two Sunni religious representatives were killed in Kurdistan at the beginning of October, and pressure against

secular religious leaders is on the rise. The religious intolerance of the regime also has an impact on Shiite groups that do not share the official version of Islam promoted by the authorities.

Members of Iran's ethnic minority groups from the Ahwaz, Kurdistan, Khuzestan, Baluchistan and Turkmenistan regions also face increasing intimidation. Large numbers have been detained on charges of endangering national security. The days after the election result saw a series of mass executions in Iran's border regions, viewed by many as a warning sign to the local populations. On 11 November, Ehsan Fattahian was executed after a ten-year sentence to be served in exile was increased to a death sentence by a higher court. We expressed concern at reports that Fattahian was tortured during detention, as well as irregularities during his trial. Many members of minority groups remain on death row accused of terrorism, treason, or acting against national security.

Freedom of Expression

According to Article 19, Iran is believed to have more journalists and bloggers in prison than any other country. It is clear that the Iranian government has failed to fulfill its international obligations to protect the right to freedom of expression. Restrictions on print media, broadcasting and reporting, and arbitrary arrests and harassment of journalists and bloggers continued apace in 2009, worsening significantly after the June elections. Legislation was proposed that would make the creation of blogs promoting

Glimmers of hope in defending human rights

Despite the danger they face, human rights defenders, lawyers and NGOs within Iran are committed to fighting for the fundamental rights and freedoms of all Iranians. While it is difficult to measure the direct impact, they tell us that international pressure does make a difference and can help them to secure a positive outcome in individual cases. To that end we raise our human rights concerns with the Iranian authorities whenever possible. We did so on at least 70 occasions in 2009, either bilaterally, with EU partners or through the UN.

Journalist Roxana Saberi, arrested for purchasing alcohol and subsequently charged with espionage, was released in May on a two-year suspended sentence following international outcry at the eight-year prison sentence initially handed down. Similarly, journalist and film-maker Maziar Bahari, arrested during the post-election demonstrations, was released on humanitarian grounds in October after mounting international pressure on his behalf. In November, juvenile offenders Safar Angoti, Mostafa Naghdi and Amir Khalegi were pardoned and released from death row after years of campaigning led by their families and lawyers. And after months of intensive lobbying by several NGOs and religious groups, Christians Marzieh

Amirizadeh and Maryam Rostampour were released after 259 days in Tehran's Evin prison. In December, the UN General Assembly adopted a resolution on the human rights situation in Iran for the seventh consecutive year. The adoption of this resolution is a clear signal of international concern, and sends a message of hope to the victims of violations and human rights defenders in Iran.

In all of the above cases international pressure from governments and NGOs alike played a key role in supporting the efforts of Iranians on the ground and securing a positive outcome for the individuals concerned. How a state responds to criticism of its human rights record is an important measure of its commitment to human rights, yet Iran refuses to engage constructively on such matters. The Iranian authorities have criticised the UK and the EU for what they perceive as interference in internal affairs. However, we strongly believe that focusing international attention on the human rights situation in Iran is one of the most effective ways to ensure the government is held to account. It is important that both the government and people of Iran know that the international community cares and will continue to speak out in support of universally upheld principles.

"corruption, prostitution and apostasy" punishable by death. The Penal Code already contains a number of vaguely worded articles relating to "national security" which prohibit a range of activities, many connected with journalism or public discourse. Prominent blogger Hossein Derakhshan, referred to in last year's report, remains in detention despite not having been formally charged. Omid Reza Mirsayafi, a 29 year-old blogger serving two and a half years in prison for anti-state propaganda, died in prison in March after he failed to receive medical assistance, under circumstances that remain unclear.

Despite this, Iran's younger generation is politically curious and media-savvy, and the demand for alternative news sources has grown steadily over the years. In 2009, there were an estimated 100,000 blogs in Farsi, and social networking sites, such as Twitter, YouTube and Facebook, played a significant role after the elections, despite regime attempts to block them. The launch of BBC Persian TV in January responded to the strong need for balanced news and

analysis, and created an important forum for dialogue via its interactive programming. Despite attempts to block the service it has attracted a large following, and in a country where restrictions on freedom of expression are far reaching and deeply entrenched, the impact of offering uncensored news, analysis and a forum for dialogue is considerable.

Iraq



In 2009, there were signs of considerable progress in the human rights situation in Iraq, but significant human rights challenges remain. Iraq has had to deal with the legacy of decades of appalling violations under Saddam Hussein's regime, the recent bloodshed, and the attempts by terrorists to trigger a return to widespread sectarian violence.

Despite this, Iraq has consolidated democracy in 2009. The January provincial elections passed peacefully and



An August protest of journalists concerned about freedom of expression in Iraq

led to peaceful changes of power in governorates across the country. The elections in the Kurdish Regional Government in July led to the emergence of a new opposition grouping. And at the beginning of December, after lengthy but constitutional discussions, Iraqi politicians agreed the detailed arrangements for national elections in March 2010. Of the next Council of Representatives 25 per cent will again be reserved for women.

Despite high-profile attacks, security is gradually improving across the country and Iraqi politics and society are now characterised by a relatively open, free and inclusive debate. The Foreign Secretary welcomed this progress in his opening remarks to the FCO's Human Rights Forum on Iraq on 17 December: "Since 2003, Iraq has not only had to come to terms with the former regime's legacy but move forward and allow the Iraqi people to enjoy new democratic freedoms of expression and human rights...All Iraqis deserve their rights and all must continue to promote them". Much of the FCO's work on human rights in Iraq is spearheaded by the Prime Minister's Special Envoy for human rights in Iraq, the Rt Hon Ann Clwyd MP (see page 123). She raised pressing human rights issues – detention, death penalty, women's rights – in 2009 with the President and other senior officials.

Following the success of the 2008 Human Rights Forum for Iraq, three further working groups were held throughout 2009 to discuss women's rights, rule of law and civic society freedoms. Open and frank conversations were held with NGOs, UK Parliamentarians and Iraqi officials, and a number of important action points agreed. These discussions helped drive FCO human rights work throughout 2009, for example, as a result of concerns about the draft NGO law expressed during the working group on civil society freedoms. The FCO agreed to tackle the issue, and the Prime Minister's Special Envoy for Human Rights in Iraq wrote in November 2009 to the Chair of the Civil Society Organisation Committee in the Iraqi Parliament, outlining the concerns and recommendations of the working group.

In November 2008, the Iraqi Council of Representatives passed legislation to establish the Iraqi National Human Rights Commission. This will be a separate body to the Ministry of Human Rights and will conduct independent investigations and request reviews of legislation. We will encourage the Ministry of Human Rights to maintain its important role in ensuring human rights are promoted throughout Iraq and raised at Cabinet level. It is disappointing to see that the National Human Rights Commission has not yet been set up. Human rights norms are enshrined



The first 50 Iraqi police women to graduate from the Baghdad Police Training Academy in November

in Iraq's Constitution and Prime Minister al-Maliki and his government have repeatedly made clear their commitment to those principles and their application across Iraq. The challenge is to make them a living reality for the Iraqi people.

Security and Law and Order

Insecurity and the weakness of the rule of law have been serious obstacles to an effective functioning human rights-based culture in Iraq. Militia and extremists continue in their attempts to kidnap, kill and maim, but the Iraqi government has made significant improvements in the overall security situation. The Iraqi people have shown their frustration at those that offer nothing but violence by democratically voting in the provincial and regional elections. Political leaders are held to account on security issues. Prime Minister al-Maliki is publicly committed to improving the security situation; this formed the cornerstone of his campaign for the provincial elections in January. With the improvements in security and continued international support, the Iraqi Security Forces are growing in confidence and the Iraqi Police Service is improving in its capability to maintain public order, investigate crimes and arrest suspects.

Women's Rights

Despite improvements in the last year, women in Iraq continue to suffer systematic abuses of their human rights. Reports suggest that many women, particularly those in rural areas, have limited access to education, employment and healthcare. Widows and households headed by women are especially vulnerable. Ten per cent of all households are headed by women (80 per cent of whom are widows). Local traditions also discourage them from taking employment.

Prime Minister al-Maliki has repeatedly called for women to play an increasing role in the political process and state-building. On 25 November, the International Day for Elimination of Violence against Women, Prime Minister Barham Salih in the Kurdish region announced that the regional government would continue its efforts to reduce discrimination against women. Under the electoral arrangements established in 2005, 25 per cent of seats to the Council of Representatives are reserved for women. This quota was exceeded in some areas in the provincial elections in January. We hope that the 2010 elections result in a similar, or improved, level of representation of women in the Council of Representatives.

Domestic violence and “honour” killing remain a problem in Iraq. Thousands of Iraqi women are beaten or killed each year. Some NGOs in the Kurdistan region of Iraq offer shelters for women escaping violence. However, such shelters operate in an undefined legal framework and the NGOs who run them, especially in central or southern Iraq, are cautious about publicising their services. In the Kurdish region honour killings are now punished as harshly as other murders and are not viewed differently under the law. Female genital mutilation is also widespread. But the Kurdish Regional Government and a growing percentage of the population are increasingly acknowledging its existence and the need to address the issue. Independent research carried out in 2008, indicated that in some parts of northern Iraq the number of women and girls who have undergone a form of circumcision may be as high as 80 per cent. Figures for central and southern Iraq are unknown. However, it is understood the practice exists across all of Iraq.

For many, improved security in 2009 has led to greater freedom of movement and employment, although others still feel constraints. In November, the first 50 female police officers graduated from the same nine-month course as their 1,050 male counterparts, with an additional class in self-defence.

Women in Iraq have held more rights than many others in the region following the 1959 Personal Status Family Law that protected women's rights in marriage, child custody, divorce and inheritance. Concerns that Article 41 of the new Iraqi constitution will devolve family law matters to religious and ethnic community leaders remain. This issue was raised with the PM's Special Envoy in December and at the Human Rights Forum also in December.

We were encouraged to see an increase in the number of Iraqi business women and professionals operating inside Iraq in 2009. Many local Iraqi NGOs continue to offer legal and business advice to those wanting to start their own businesses, as well as micro loans. The UK enjoys a successful working relationship with the Iraqi Human Rights Minister and acting State Minister for Women's Affairs. Through the work of the Prime Minister's Special Envoy on Human Rights in Iraq, we have been able to raise women's rights with the most senior government officials. The UK has funded a number of important projects in 2009, which educate and promote women's rights in Iraq. Projects include work on altering general public

understanding and attitude to gender and human rights in the Kurdish region and raising awareness of female genital mutilation.

Death Penalty

The Iraqi authorities resumed executions in April 2009 following the appointment of a new Minister of Justice. Obtaining precise information from the Iraqi authorities on the number of prisoners on death row and details of executions is often difficult. The head of the Supreme Court, Medhat al-Muhmad said in a statement that “77 death sentences were enforced in 2009”. However, international organisations estimate at least 117 people were executed in 2009, and at the end of the year around 900 prisoners were on death row. These figures mean Iraq has one of the highest rates of capital punishment in the world.

The Iraqi High Tribunal continues to try members of the former Iraqi regime. Following the conclusion of the trials against Ali Hassan al-Majeed (“Chemical Ali”), which included charges of crimes against humanity and genocide, he received four death sentences. He was executed on 25 January 2010. The former Deputy Prime Minister Tariq Aziz remains in custody, awaiting trials on further counts of murder.

On 31 December 2008, the last two Iraqi nationals held in UK military detention, Mr al-Saadoon and Mr Mufdhi were transferred to the Iraqi authorities. Ahead of the transfer we received assurances from

Combating Female Genital Mutilation

In 2009, the FCO provided funding to a specialist German NGO called WADI, which has been working to reduce the practice of female genital mutilation in the Kurdish region, and to increase the numbers of senior figures who speak out against it. The project was supported by the Kurdish Regional Government, the United Nations, the Dutch Ministry of Foreign Affairs, and various local human and women's rights groups, as well as several MPs and doctors from the region. The project raised awareness of Female Genital Mutilation across the region, using computer equipment and a specially produced film. Around 7,000 information booklets were distributed to MPs, health workers, Imams, teachers, social workers and community leaders to encourage them to speak out against the practice. Four TV short films focusing on the issue were also broadcast.

the Iraqi authorities that the death penalty would not be sought in these cases. We also received assurances that they would be detained in an acceptable manner. They were subsequently held in an Iraqi detention facility awaiting their trial by the Iraqi High Tribunal for the murder of two UK military service personnel. In September, the two defendants were acquitted due to insufficient evidence. However, the Public Prosecutor appealed against this verdict in November when it was ruled that a new investigation of the case should take place. This will include additional defendants, and the defendants who were previously acquitted, who will remain in custody while the investigation proceeds.

We continue to raise our opposition to the death penalty with President Talabani, and Prime Minister al-Maliki. The UK joined other EU Member States in demarches against the death penalty on 8 March, 13 April and 18 November. Together with EU Member States we will press the Iraqi government for more transparency in their systems and for executions to end.

Detention and Prisons

Detention and prison facilities remain an area of concern. Many prisoners are forced to wait several years in detention before facing trial, owing to the inability of the judicial system to cope with the large numbers of detainees and the lack of prisons, resulting in overcrowding and poor sanitation.

The UK has provided assistance in facilitating the refurbishment of a 1,500-space prison in Basra. However, it is clear that more equipment, such as computers, libraries and mechanical workshops, are needed to facilitate the rehabilitation process.

Gaining unrestricted access to Iraqi prisons is often difficult. However, the Prime Minister's Special Envoy for Human Rights in Iraq, the Rt Hon Ann Clwyd MP visited a women's and juvenile prison in Erbil in March. Embassy officials also visited a prison in the Kurdish region of Iraq in November. Both visits revealed the Kurdish Regional Government's commitment to providing adequate facilities and focus on rehabilitation. We will continue to encourage acceptable access in other parts of the country.

At the start of 2009, the US held around 15,000 detainees. With the closure of the US-run Camp Bucca, this number has now decreased to around 7,000. Under the US Status of Forces Agreement, the US aim to complete the release or handover to the Iraqi authorities of the remaining detainees by August

2010. This marks an important step in handing back full control to the Iraqi authorities.

Forensic Investigative Techniques

In 2009, the UK continued, through the Conflict Pool, to support the Iraqi government to increase its use of forensics and reduce its reliance on confession. The UK helped build and equip a laboratory in Erbil in July, which will provide training in a range of techniques, including biology, chemical analysis, fingerprint identification, firearm analysis and document examination. The UK also helps to facilitate bespoke training in Jordan, available to the judiciary throughout Iraq, in order to encourage the use of forensic evidence in the courts.

In October, the UK funded a visit of key Iraqis to the International Commission on Missing Persons facilities in Bosnia and Herzegovina to view best practices on how to deal with missing persons. Eight Iraqi personnel attended from the Ministry of Human Rights, Medico-Legal Institute and the Kurdish region. They were taught how to collect bone samples for DNA identification and exhumation of mass-grave sites. Many Iraqis have been affected in some way by the issue of a missing person and this is an important step in the healing process.

Police

The Iraqi Police Service plays a fundamental role in ensuring Iraq has a strong rule of law sector. It is vital that the police appreciate the importance of respecting human rights when dealing with the community, violations by law enforcement officials and excessive use of force.

The UK continues to provide assistance through the Conflict Pool, to the work of the British Civilian Police Team based at Baghdad Police College. In 2009, they provided over 30 investigation workshops to Iraqi detectives, which have led to the production of a revised training curriculum ready for use in 2010. The British Civilian Police Team has also assisted the Iraqi police in producing their first bespoke investigation manual, which provides instructions for officers arriving at a crime scene.

As part of an UN Development Programme project aimed at introducing the concept of Community Based Policing (CBP), the UK provides three serving police officers to the Basra region. Part of the training includes a whole module devoted to human rights and CBP.

The UK works closely with the EU Integrated Rule of Law Mission to Iraq. Their mandate is to strengthen rule of law in Iraq by providing professional development opportunities to senior Iraqis. Part of this work includes running training courses and work experience secondments for senior Iraqi police officers and penitentiary officers.

Camp Ashraf

Camp Ashraf is home to approximately 3,500 members of the Mujahedin e-Khalq, who claim to be the Iranian opposition in exile. In July, a violent confrontation between the residents and the Iraqi authorities took place, and 11 residents were killed. The UK, together with international partners, requested the Iraqi authorities carry out a review. The UK has raised regularly Camp Ashraf in discussions with the Iraqi authorities, including with the Prime Minister, the Human Rights Minister and the Minister of Internal Affairs. The UK does not consider the Mujahedin e-Khalq a credible opposition group, and strongly opposed their de-proscription as a terrorist organisation in 2008.

Lesbian, Gay, Bisexual and Transgender Rights

We have received numerous reports of violence being committed against individuals because of their sexual orientation. It is difficult to obtain precise information. The 2009 Human Rights Watch (HRW) report highlighted examples of attacks being carried out by militia groups. However, official figures do not show a significant overall increase in violence against, or systematic abuse of, the homosexual community by fundamentalists or militia groups.

The UK has raised concerns with the Iraqi Human Rights Minister who confirmed that homosexuality is not a criminal offence in Iraq. The Ministry of Interior has also stated that the killing of homosexuals is considered as murder, as it would be for any other individual, and the perpetrators will be prosecuted. We continue to monitor and discuss this issue with a range of NGOs, including a UK-based Iraqi LGBT group. In April, the former Foreign Office Minister, Bill Rammell, said: "The UK condemns the persecution of any individual because of their sexual orientation."

Minorities

The Iraqi constitution includes a commitment to freedom of religion, freedom of practice and freedom of worship for followers of all religions and sects and guarantees the protection of the places of worship. However, minority communities in Iraq still face

The Prime Minister's Special Envoy for Human Rights in Iraq

The Rt Hon Ann Clwyd MP was appointed as the Prime Minister's Special Envoy for Human Rights in Iraq in May 2003. Ms Clwyd reports on human rights issues directly to the Prime Minister, ensuring that human rights considerations have remained at the heart of UK policy in Iraq. Since her appointment, Ms Clwyd has been involved in a wide range of human rights issues in Iraq. During her visits to Iraq in 2009, she continued to press the Iraqi government on its human rights commitments and to provide support to the work of the Iraqi Human Rights Ministry. She also raised:

- > the rights of those detained in Iraq, their treatment while in detention and the speed at which prisoners are either released or face trial with the Minister for Human Rights and the then Prime Minister of the Kurdish region in March and with the Chief Judge of the Central Criminal Court in December;
- > trades unions rights with the Deputy Prime Minister, al-Issawi, and the parliamentary committee scrutinising new trades unions legislation;
- > the rights of women with religious and political leaders, members of the international and NGO communities and Iraqi activists; and
- > freedom of expression and of the media with the Speaker of the Council of Representatives, al-Samarrai.



The Foreign Secretary and the Prime Minister's Special Envoy for Human Rights in Iraq at the Iraq Human Rights Forum on 17 December

violence and persecution because of their political or religious beliefs. According to a recent report by HRW, attacks against minority groups in the Nineveh province in northern Iraq between July and September

resulted in the deaths of more than 157 people and 500 wounded from the Yazidi, Shabak, Turkmen and Kakai communities. The Christian community in Iraq has decreased markedly in numbers following attacks, mostly by Islamic fundamentalists, on individuals and places of worship.

FCO officials in London and Iraq regularly meet representatives of minority communities to hear their concerns. The Prime Minister's Special Envoy for Human Rights in Iraq, the Rt Hon Ann Clwyd MP frequently raises the protection of minorities on her regular visits to Iraq. We continue to urge the Iraqi government to deal appropriately with those who are found responsible for any acts of violence and intimidation because of political, ethnic or religious affiliation.

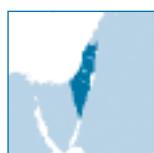
Freedom of Expression

Journalists enjoy relative freedom in Iraq and are generally able to voice their concerns and opinions freely. Media articles today show an increase in criticism of public officials and stories of corruption in business and in the government. However, there are still reports of journalists being threatened and deliberately targeted, and we have some concerns that draft media legislation on the role of journalists may lead to greater institutional control over the media. UK officials and the Prime Minister's special envoy expressed these concerns to the drafting committee.

In the FCO's forum on Human Rights in Iraq, journalists and NGOs cited increased use of Iraq's libel laws as a threat to media freedom in the country; they called for improved legislation to protect journalists. In November, *The Guardian* newspaper was found guilty in the Iraqi courts in a libel case relating to an article about the Iraqi Prime Minister. *The Guardian* has expressed concern about the legal process. The Foreign Secretary said: ".... Media freedom is vital in any democracy. If the case goes to appeal, I ask the Iraqi authorities to ensure that their courts, which are independent, follow due process in accordance with the Iraqi constitution."

The UK discusses freedom of expression with a variety of civil society organisations in Iraq. Through the Independent Media Centre in Kurdistan, the UK is supporting a project to create a professional and independent media in Iraq, including agreed professional reporting standards.

Israel and the Occupied Palestinian Territories



The UK remains deeply concerned about the situation in Israel and the Occupied Palestinian Territories. We welcome steps that Israel and the Palestinian Authority take to protect human rights. But Israeli actions in East Jerusalem and its restrictions on Gaza were of particular concern in 2009, as was the continued failure of Palestinian militants to renounce violence.

The UK remains committed to bringing about a two-state solution in the Middle East, with a viable Palestinian state, based on the 1967 borders and with Jerusalem as a shared capital, living alongside Israel in peace and security. We will continue to work closely with international partners to drive the Middle East Peace Process forward.

Israel

External Threats against Israeli Citizens

In 2009, terrorists in Gaza and Lebanon again forced many Israelis to live under the physical threat and psychological pressure of indiscriminate rocket fire against their communities.

Foreign Office Minister for the Middle East, Ivan Lewis, visited communities in southern Israel and witnessed the physical and psychological impact of this threat, which endures even though the numbers of rocket attacks reduced from 2008. We are concerned that countries in the region continue to rearm Hamas and other terrorist groups, including with more sophisticated weaponry with an increased targeting range.



Foreign Office Minister Ivan Lewis, during an August visit, examines a rocket launched into southern Israel from the Gaza Strip



Israeli settlers at the illegal outpost of Girat Tzuria on 27 July

Rocket-fire into northern Israel from Lebanon was isolated and infrequent in 2009, but we are concerned about arms smuggling across the Syrian–Lebanese border and these arms reaching Hizaballah in contravention of UN Security Council Resolution 1701.

Internal Human Rights Issues

The Israeli government generally upheld the human rights of its citizens in 2009, but a number of minority groups within Green-Line Israel continued to suffer inequality and discrimination in access to housing, education, employment, healthcare and welfare services.

Israel's Declaration of Independence and Basic Laws afford all Israeli citizens full social and political equality. But in many areas of government service-provision this stated equality is not a reality for Israel's Muslim, Christian, Arab, Druze and Bedouin citizens. Sikkuy, the Jewish-Arab Association for the Advancement of Civil Equality in Israel, has reported that Israel's Arab population received only 71 per cent of the education resources due to it, 64 per cent of the top job opportunities and training that it should expect, and only 49 per cent of its share of the welfare funding. In addition, the state funding gap between Arab and Jewish citizens increased every year for the last three years.

We are encouraged by the steps Israel intends to take to develop the economic potential of Israel's Arab population, such as the inclusion of 40 per cent of Israel's Arab population in revised National Priority

Zone plans, announced in December (although the inclusion of a number of settlements makes it problematic for other reasons).

We remain concerned that the Israeli government's Goldberg Commission's recommendations have not brought about the hoped for progress for Bedouin communities that we had expected; the demolition of Bedouin houses and villages continues.

We spent over £100,000 in 2009 to support projects and organisations that develop coexistence between Jewish and Arab children.

West Bank

Palestinians in the West Bank suffer from the effect of:

- > Israel's illegal expansion of existing settlements, the construction of new outposts, and violence carried out by settlers;
- > Israel's security measures to protect its Green-Line citizens and the settlements, including the Barrier, and restrictions to movement and access;
- > Israeli planning restrictions in Area C, resulting in house demolitions and evictions; and
- > Israeli military justice and, in particular, "administrative detention".

While our concerns about the situation in the West Bank are focused on the impact of the occupation,

the Palestinian Authority, despite its lack of sovereign control, also has responsibilities, including upholding the political and civil rights guaranteed by the Palestinian Basic Law. In particular, we are concerned about reports of politically motivated arrests and abuses in detention, but welcome steps being taken to address this.

Settlements and Settler Violence

The UK's and EU's clear policy on settlements is that they are illegal under international humanitarian law and their continued expansion is in direct contravention of the Israeli commitment in the 2003 Roadmap. According to Israeli NGO Peace Now, settlements occupy over ten per cent (nearly 600 square kilometres) of West Bank territory, significantly more than the settlements' official boundaries (which cover 9.3 per cent of the West Bank). We hope that the limited Israeli moratorium on new West Bank settlement construction announced on 25 November will become a step towards resuming peaceful negotiations, but remain concerned that it omits East Jerusalem and allows significant building to continue in the West Bank. The Israeli government has failed to remove at least 99 settlement outposts, which are illegal even under Israeli law. Israeli Central Bureau of National Statistics figures show that the settler population grew at an average of five per cent in 2008 and 2009 as opposed to 1.8 per cent population growth for the whole of what it defines as Israel (ie including East Jerusalem, the Golan Heights, and settlements in the West Bank).

The settlements, their infrastructure, and the roads that link them across the West Bank were built on expropriated Palestinian land, fragmenting the West Bank and often making travel from one Palestinian town to the next difficult and at times impossible. Many Palestinians have found themselves cut off from their livelihoods, especially farmland.

The number of attacks by settlers against Palestinian civilians decreased in 2009, with 937 injuries (and no fatalities) – the lowest numbers since 2005. However, in December 2009 tensions increased with 22 Palestinians injured (including nine children) in attacks by settlers. According to the Israeli human rights organisation Yesh Din, more than 90 per cent of complaints against settlers are closed without indictment. We welcome the arrest of suspects for the 11 December incident when settlers burnt the top floor of a building near Salfit serving as a mosque. And we recognise that there is also violence against settlers: a settler was shot dead by Palestinian gunmen

The Use of Israeli Military Justice

The British Consulate-General in Jerusalem observed nine administrative detention hearings, and one criminal hearing, at Ofer prison in November. The cases were heard in Hebrew, with the official translator often absent, limiting the defendant's ability to understand proceedings. Only the military judge and a military lawyer had access to the case files. Seven of the hearings lasted less than two minutes. Most resulted in an extension to detention for between two and ten days. The defence lawyers could not argue against the extensions granted to allow more time for interrogation, since they were not allowed to see the evidence against their client. In all cases the judge ruled against the defendant.

In 2006 the Israeli human rights organisation Yesh Din conducted a major project on the military courts. It found that over 95 per cent of convictions in military courts are plea bargains based on confession through interrogation. The defendant faces the choice between a long period of administrative detention ending in a short trial and long sentence or simply "admitting" to the charge presented to him and reducing the amount of time spent in administrative detention.

In the specific case that we were following, the court ruled in favour of the Israeli security services' lawyers that the defendant's lawyer could have no contact with his client for over two weeks because the interrogation was at a "crucial stage". After 63 days in detention, the defendant's case was dropped, but he was subsequently served two months' administrative detention on the basis of secret evidence. On 11 January 2010, the defendant was released without charge.

on 24 December at the settlement of Shevi Shomron following which the Israeli Defence Force killed three men in Nablus whom they alleged were responsible. We urge the Israeli government to apply the rule of law consistently with regard to settler violence, just as we condemn violence against Israelis from any source.

Movement and Access

One of Israel's principal measures to ensure the security of the settlements and of Green-Line Israel is the Barrier. Most of its 723-km route lies within the West Bank and not within Green-Line Israel: 8.6 per cent of the West Bank lies west of the Barrier. The 27,500 Palestinian residents living in this "seam zone" need permits to access their own homes. A further 3.4 per cent of the West Bank east of the Barrier

is completely or partially enclosed by the Barrier, affecting 250,000 Palestinians. Palestinians living close to the route of the barrier find their freedom of movement and ability to exercise ownership rights on their land severely restricted. Nearly 100,000 settlers live east of the Barrier.

The UK welcomes Israel's easing of some restrictions on movement and access in the West Bank in response to recent improvements in the security environment through improvements in the Palestinian Authority Security Forces and their increased coordination with the Israeli Defence Forces. This has included the removal, suspension, or downgrading of major checkpoints around Ramallah, Nablus, Qalqilya and Jericho. Although high levels of donor support continue to underpin economic growth, these measures also made a contribution. However, according to the UN Office for the Coordination of Humanitarian Affairs, there remain 578 obstacles to movement in the West Bank, 54 per cent more than in 2005. These include 69 permanent checkpoints and 21 partially manned checkpoints. We are also concerned about the increase in temporary checkpoints and increasing restrictions on movement between East Jerusalem and the rest of the West Bank.

Evictions and House demolitions

In 2009, the UN recorded the demolition by Israel

of 189 Palestinian-owned structures, including 56 residential structures, in Area C of the West Bank due to lack of permits, displacing 319 Palestinians. Some 3,000 demolition orders for buildings without permits remain outstanding.

Administrative Detention

As regards Israel's judicial and prison systems, we remained concerned by the number of prisoners, including many children, in detention without trial and by allegations of abuse of detainees. We are particularly concerned about the Israeli military courts system.

We welcome the drop in the number of Palestinians in Israeli administrative detention in 2009. However, according to the International Committee of the Red Cross (ICRC), 330 remain detained without charge, including three women and one child. Around a third had been in detention for one to two years and eight per cent for up to five years. Many are detained for minor actions such as throwing stones. Many do not have access to a fair criminal trial and often do not know why they have been detained. They have limited access to a lawyer or the evidence on which their detention is based, which the military judge usually declares "privileged" – related to intelligence or security so neither the defendant nor their lawyer is allowed to see it.

Allegations of Torture by Palestinian Authority Security Forces

Palestinian and international NGOs, including Human Rights Watch and Amnesty International, have made allegations of mistreatment of detainees by the Palestinian Authority Security Forces, including physical abuse and the use of stress positions and other coercive interrogation techniques. According to the Palestinian Independent Commission of Human Rights there have also been three high-profile deaths in Palestinian Authority Security Forces custody.

The UK is taking extensive action to help the Palestinian Authority (PA) eliminate the mistreatment of detainees. DFID has a detailed dialogue with the PA on security-sector reform and good governance. The UK, through the Conflict Pool, funds the 12-strong British Support Team in Ramallah, which works with the PA Ministry of the Interior to help the PA develop its governance and oversight structures. The British Support Team helps deliver leadership courses, including ICRC human rights training to senior and intermediate security

officers. It is also working with the PA to establish an Inspectorate-General responsible for investigating allegations of abuse against the Palestinian Authority Security Forces.

We have made clear to the PA at the highest level that the mistreatment of detainees is unacceptable. We welcome its response. On 25 August, the Palestinian Prime Minister, Salam Fayyad, pledged publicly that "agencies must be subject to the rule of law...The government will continue to...hold accountable all security service employees in line with human rights and freedoms". By the end of 2009, 42 members of the security forces had been suspended, dismissed or put in prison as a result of investigations by the military prosecutor. Independent Palestinian human rights organisations reported a marked improvement in the standard of detention in the West Bank, although they continue to express concern over the use of military courts to try civilians.



A Palestinian family evicted from their Sheikh Jarrah home in December

East Jerusalem

Evictions and Demolitions

According to the UN, between January and November 2009, 64 Palestinian structures were demolished in East Jerusalem, displacing 300 people. In some cases (for example, in Sheikh Jarrah), there is a systematic attempt by Israeli settler groups to take over an area of East Jerusalem. We regard Israeli settlement activity in occupied territory, including in East Jerusalem, as illegal under international law – and a significant obstacle to peace.

We remain deeply concerned about the continuing demolition of Palestinian homes in East Jerusalem. With very few exceptions, it is illegal under international law.

Israel argues that these buildings have been constructed without the required Israeli permits. We do not recognise that Israel has any right to impose such Israeli law on East Jerusalem. It is also extremely difficult for Palestinians in East Jerusalem to obtain an Israeli building permit – only 13 per cent of East Jerusalem is zoned for Palestinian construction (35 per cent has been expropriated for Israeli settlements).

While the demolition of Israeli structures does take place in West Jerusalem, it is almost always carried out against extensions, rather than entire residential structures.

Freedom of Movement and Residency Rights

We are deeply concerned that current restrictions on freedom of access to East Jerusalem, and restrictions on East Jerusalem residency rights, make it increasingly difficult for East Jerusalem to be part of wider Palestinian life and for East Jerusalem to function in the future as part of a Palestinian state. It remains difficult for Palestinians from the West Bank

Evictions and Demolitions: The Case of Sheikh Jarrah

On 2 August, at 5.30am, the al-Hanoun and al-Ghawi families – a total of 53 people – were forcibly evicted from their homes. The Israeli security forces did not give several of the women time to put on their hijab head-covering before being forced onto the street. Much of their furniture was destroyed. Israeli settlers moved into the buildings that day.

At the same time, the Jerusalem Municipality demolished the al-Kurd family tent for the sixth time, explaining that it had been erected without a permit. The al-Kurds were evicted from their home in Sheikh Jarrah, now occupied by settlers, in November 2008.

On 3 November, a large number of Israeli settlers, accompanied by armed guards, moved into part of the Rivka al-Kurd family home in Sheikh Jarrah. They threw many of the family's possessions out onto the street.

to enter East Jerusalem for work, education, medical treatment or religious worship. They must apply to the Israeli authorities for a permit, which can be refused without explanation. They must enter the city through a limited number of checkpoints, at which there are often lengthy queues. The opening times and operating procedures for the checkpoints can change suddenly and unexpectedly. The current route of the separation barrier also contributes to the isolation of East Jerusalem from the West Bank.

Palestinians from East Jerusalem risk losing their permanent right to live there if they cannot prove continuous residency for the previous seven years. According to the Israeli Ministry of Interior's most recently available report, Israel revoked the residency permits of 4,577 Palestinian residents of East Jerusalem in 2008, compared with a total of 8,558 between 1967 and 2007. According to Israeli NGO HaMoked, many of those whose residency has been revoked are students who have been studying abroad for extended periods and who will now not be able to rejoin their families in East Jerusalem.

In 2009, we supported European Council conclusions and EU statements calling on Israel to refrain from all provocative activity in East Jerusalem. We have also raised these issues directly with the Israeli government on many occasions.

We shall continue our financial support for projects in East Jerusalem that help Palestinians to understand and use the Israeli planning laws more effectively. Since 2008, these projects, worth £450,000 over four years funded from the Conflict Pool, have saved over 300 homes from demolition.



Palestinian workers queue at an Israeli army checkpoint next to the Barrier in Bethlehem

A Morning at Qalandiya Checkpoint

At 6am on 16 March, an FCO official went with the Ecumenical Accompaniment Programme to observe Qalandiya, the main checkpoint between Ramallah and Jerusalem. A crowd of Palestinians had to file through four narrow turnstiles to enter the checkpoint. A separate humanitarian gate operated for children and the elderly, sick and infirm. The gate was too small for the number trying to use it. The Israeli officers on duty did not manage or marshal the crowd; instructions were issued in Hebrew over a tannoy system. During the two-hour observation period, a child in a wheelchair and a heavily pregnant woman joined the crowd attempting to access the humanitarian gate. An Ecumenical Accompanier approached an Israeli officer and asked him to open a separate gate for the child, but the officer did not do so. The heavily pregnant woman also asked to use a separate gate, but was also refused. She attempted to make her way through the crowd to the humanitarian gate, but eventually gave up and left.

Around 7,000 pedestrians pass through Qalandiya every day with crossing from one side to the other taking between 60 and 90 minutes in each direction on a good day. Workers begin queuing to cross as early as four in the morning.

Gaza

During "Operation Cast Lead" between December 2008 and January 2009, the humanitarian situation in Gaza deteriorated significantly (see page 62 for further details on the UN Human Rights Council Fact Finding Mission on the Gaza Conflict).

We recognize Israel's right to protect its citizens, but after the ceasefire, Israel continued to impose severe restrictions on the Gaza border crossings under its control. Israel also controls the skies above Gaza and the sea off the Gaza coast. Israel prohibits Palestinians from fishing beyond three nautical miles from shore, which forces fishermen to fish with smaller nets and lose significant income. Given the extent of this control, Israel retains obligations as an occupying power under the Fourth Geneva Convention and must cooperate in facilitating the passage and distribution of relief consignments.



Palestinian children fill containers with water at the United Nations Relief and Works Agency in Gaza

Israel's broad restrictions on the movement of goods and people, including reconstruction materials and fuel, shoes and other civilian necessities, have devastated the legitimate economy and prolonged severe humanitarian suffering. While the tunnel trade continues to fuel an illicit economy there has been a steady decline in Gazan infrastructure and the quality of health, water and education services.

Egypt controls the Rafah crossing into Gaza, but this is primarily a pedestrian crossing. It is only opened by the Egyptian authorities in exceptional circumstances.

According to the Palestinian Central Bureau of Statistics, between January and March, 41.5 per cent of the Gaza workforce was unemployed, up from 32.3 per cent in 2008.

According to UN figures, about 1.1 million Gazans (75 per cent of the population) lack access to adequate safe and nutritious food to maintain a healthy and productive life. The Israeli government decision of 22 March, to permit unrestricted food products into Gaza once the source was cleared by Israeli authorities, is yet to be implemented. The inadequate supply of reconstruction materials has had a detrimental impact on water infrastructure. Around 80 million litres of raw and partially treated sewage flow into the sea daily. According to the World Health Organisation (WHO), only 5–10 per cent of the water extracted from the Gaza aquifer meets WHO safety standards.

The shortage of building materials has prevented the expansion of health facilities to meet the needs of a growing population. Patients need to be referred to hospitals outside Gaza for specialised medical

treatment. They have to go through an arduous and uncertain process to obtain the necessary exit permits. There have been allegations of Israel attempting to recruit patients who need a permit as informers.

Following the January conflict, we pledged nearly £50 million to Gaza to fund the activities of charities and aid agencies, providing humanitarian assistance and emotional support for traumatised children.

While Hamas's actions can be no justification for preventing aid reaching the people of Gaza, Hamas must remove the menace of rocket attacks against the people of southern Israel. Hamas has also moved violently against its political opponents and those deemed to

Gilad Shalit

Israeli soldier Gilad Shalit was abducted on 25 June 2006 by Hamas in a cross-border raid. He has been held captive in Gaza by Hamas since, without communication with his family and with no access for the ICRC.

British Ministers and the British Ambassador in Israel have met Gilad Shalit's family and emphasised our support for his immediate release. While we welcomed the video released by Hamas on 2 October as part of a prisoner-swap deal, the continued captivity of Gilad Shalit is utterly unacceptable and we continue to call on Hamas to allow the ICRC access to him and for his immediate, unconditional and safe release.



Still from video footage of Gilad Shalit released 2 October

be collaborators with Israeli forces. An April Human Rights Watch (HRW) report documents arbitrary arrests and detentions, torture, maiming by shooting, and 32 extrajudicial executions by alleged members of Hamas forces. And in July, Hamas officials initiated what they called a "virtue" campaign, saying they were concerned about increasing "immoral" behaviour in Gaza. Gaza residents told HRW that Hamas forces have questioned women seen socializing with men in public places and beaten three young men for swimming without shirts.

The UK will continue to make clear to the Israeli government that the situation in Gaza is unacceptable. We shall continue to press it to open the crossings into Gaza for the legitimate flow of humanitarian and reconstruction materials, trade and people. We shall continue to call on Hamas to halt abuses within Gaza, renounce violence and to release Gilad Shalit.

Pakistan



Pakistan's civilian government has faced a series of challenges in 2009, exacerbated both by a serious economic crisis and a concerted and violent campaign by terrorist groups.

This has included a campaign of suicide attacks by violent extremists in major cities throughout the country. Despite this, the Pakistani government has made some progress on improving the human rights situation. But serious concerns remain and we continue to urge the Pakistani government to fully guarantee the fundamental rights of all Pakistani citizens as laid down in the Pakistani constitution. Early in 2009, the Pakistani government restored the judges removed by former President Musharraf in 2007, including Chief Justice Iftikhar Chaudhry, a move which has helped to strengthen the independence of the judiciary. Pakistani civil society, particularly its media, remains strong and vocal, frequently calling the Pakistani authorities to account. Human rights abuses perpetrated by the Taliban galvanised civil society support for military action in Swat. Such abuses, particularly against women and girls, cause widespread outrage in Pakistan.

The UK engages with Pakistan on human rights issues in a variety of fora. In April, the Prime Minister initiated the UK–Pakistan Strategic Dialogue with the Pakistani government. This provides for regular summits covering the whole range of issues that concern the UK and Pakistan, including human rights.

The most recent summit was held between the Prime Minister and Prime Minister Gilani in London in December. This engagement is reinforced by the large number of bilateral visits at Ministerial and official level (11 Ministerial visits between Pakistan and the UK in 2009) and multilateral summits, such as that between the EU and Pakistan in June.

We also work closely with our partners in the EU to raise human rights with the Pakistani government, such as in the bi-annual EU demarche on human rights. The most recent EU demarche took place at the beginning of December. It asked the Pakistani government to update the EU on the progress towards meeting human rights priorities. However, Pakistan has not responded to the last three EU demarches; and the EU Presidency with UK support will continue to push hard for a substantive response.

We also engage through the EU Third Generation Cooperation Agreement, which outlines the terms of reference for the relationship between Pakistan and the EU and looks at the whole range of issues where the EU and Pakistan have mutual interests. The EU–Pakistan Summit held on 17 June underlined the critical importance of a stable, prosperous and democratic Pakistan to the EU. The Summit established a Sub-Group on Human Rights and Governance to meet regularly with the Pakistani government. Building on this meeting, we are working with our partners in the EU to deliver a successful follow-up Summit under the Spanish Presidency in Spring 2010, where human rights will be discussed.

This direct dialogue is supported by substantial EU financial commitments. Between 2007 and 2010,



Civil society activists protest the death in custody of a Christian man accused of blasphemy

□ 200 million of general assistance will fund projects focused on specific themes, including humanitarian assistance, democracy and capacity-building for local governments and NGOs. Further support is provided to local NGOs by the European Commission. The UK also strongly supports the EU in requiring that Pakistan sign and ratify all major UN treaties related to human rights, prior to any further trade agreements between the EU and Pakistan.

The UK also funds programmes to promote human rights in Pakistan. These projects aim to raise awareness, benefit vulnerable communities, and engage political attention in order to effect longer-term political reform. For example, in 2009 we funded a project in primary schools to change Pakistani notions of identity and history and to encourage mutual tolerance, critical thinking and conflict prevention. The Citizen's Archive of Pakistan uses interactive media to teach children about alternative perspectives on Pakistani history. Using material gathered from older members of the community, the Archive seeks to teach children how to think more analytically about history, their identity and where this comes from, and works to disperse myths about the divisions between Muslims and non-Muslims. The Archive is working with the Sindh Education Minister and the federal Ministry for Education on including similar citizenship classes in the provincial curriculum.

UN Human Rights Treaties

We continue to urge the Pakistani government to ratify the International Covenant on Civil and Political Rights (ICCPR) and several other key international treaties, including the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment, and conventions relating to Enforced Disappearances and to Refugees. To support this we have funded a study, which was completed in 2009, into the legislative changes required to incorporate the ICCPR into Pakistani law. This study has been passed to Pakistani legislators in the National Assembly and the Ministry of Foreign Affairs. During 2009, we worked with civil society to build momentum around ratification of the ICCPR, using the report as a basis for our activity.

Independent Assessment of Human Rights

Key to any effective democracy is independent oversight of state activities. In 2009, we continued to press for the establishment of a National Commission for Human Rights. A draft bill for such a commission was approved in late 2008 by the Cabinet and is currently with the National Assembly Standing

Committee for Human Rights. We have briefed the media and civil society on the benefits of this Commission. We urge the Pakistani government to work to secure its passage and to ensure it is established in line with the Paris Principles of 1991, which relate to the functioning of national institutions involved in the protection and promotion of human rights.

Minority Rights

Pakistan must uphold the rights of all its citizens, including religious and other minorities. At federal level there are ten reserved seats out of 340 in the National Assembly for minority representatives. However, across wider Pakistani society there is no real legal or administrative protection offered to Pakistan's ethnic, social or linguistic minorities who are often the target of persecution and discrimination.

In 2009, we continued to see instances of discrimination against religious minorities in Pakistan. There are reports of enforced coercion of the Ahmadis who are not allowed to practise their religion freely. Religious discrimination is often predicated on the abuse of the blasphemy legislation, by accusing those following minority religions or sects of blasphemy, which is a criminal offence. It is vitally important that work is undertaken by the Pakistani government to ensure that the blasphemy laws – which are designed to protect all faiths – are properly applied. There is currently no requirement for credible and objective evidence to be used to prove blasphemy allegations against an individual. This encourages abuse of the system for personal vendettas or gain.

Attacks against religious minorities have been a feature of Pakistani society since its formation. However, such attacks have increased in intensity over the past few years, which highlights the urgency of reform of the blasphemy laws and the effective protection of such religious minorities. The attacks on Christians in Gojra, Korian and Sialkot in Punjab were sparked by accusations brought using the blasphemy legislation. We commend the action taken by the federal Pakistani government and the provincial Punjabi government to launch an investigation into the attacks, which has recently resulted in a series of recommendations to both local police forces and the federal Pakistani government about ensuring that these attacks are prevented in the future.

The federal Pakistani government has confirmed that they have appointed the Minister for Minorities as a

Activists protest violence against women in Lahore on 9 April



member of the Cabinet, implemented a five per cent quota for minority employment within government offices (two per cent more than the actual percentage of the population), and are working on amendments to blasphemy legislation to ensure that the laws are not abused in the future. The Pakistani government has also created a National Day for Minorities on 11 August and initiated Inter-Faith committees at local level to resolve disputes before they spark into violence. To support the federal and provincial Pakistani governments in addressing the misuse of the blasphemy laws, we are funding a project analysing their socio-political impact. This will increase the capacity of law enforcement officials, government representatives and civil society to implement and monitor proper procedures in blasphemy cases. Part of this project includes setting up an oversight group to monitor whether the correct procedures are followed to safeguard victims charged under blasphemy laws. In addition, we are funding a local media company to produce a short documentary raising awareness on blasphemy legislation and the impact of this abuse, which will be shown on national TV channels.

Women's Rights

More must be done to promote and protect women's rights in Pakistan. The World Economic Forum Global Gender Gap Report for 2009 ranks Pakistan 132 out of 134 countries in terms of the division of resources and opportunities between men and women. Recent conflicts have also left women more vulnerable to

abuse. The influence of the Taliban and a distorted interpretation of the codes of Islam as they apply to women has impacted on women in Pashtun communities, where horrific abuse, such as acid attacks, public flogging and beheading, has become more frequent. The UK continues to urge the Pakistani government to implement the recommendations of the CEDAW Committee, particularly those concerning the overhaul of all legislation that discriminates against women.

Many legislative instruments, such as the Hudood Ordinances, conflict with the equal rights laid out in the Pakistani Constitution and codify gender-based discrimination against women (the Hudood Ordinances were passed in 1979 as part of General Zia Ul-Haq's "Islamisation" of the laws of Pakistan, and implemented aspects of Sharia in Pakistan). The national legal framework does, however, offer increasing protection to women. In 2009, the government introduced the Bill for Protection Against Domestic Violence and the Bill on Protection Against Sexual Harassment in the Workplace, both of which should, if properly implemented, significantly improve women's rights.

To address the lack of support from the authorities for women facing abuse and violence within their own communities, the UK is working to increase awareness among police officials of gender-based violence and forced marriage in Punjab province. This work focuses

on a core group of 60 senior and junior officers to ensure they have an enhanced capacity to address such cases and can go on to train their colleagues. We also fund a media campaign based on animated narratives about forced marriage to support our Consular efforts to assist British nationals of Pakistani origin forced into marriage.

We are also working to build a Women Councillors' Network, which provides women across the political spectrum with a base to promote liberal and democratic values. In 2009, around 20 per cent of both the National Assembly and provincial assemblies were women, which is an increase on previous years.

Children's Rights

Following its ratification of the UN Convention on the Rights of the Child (CRC), the Pakistani government is implementing a National Plan of Action to address children's rights. However, serious human rights problems remain, including the employment of children in hazardous industries from a young age. Despite legislation dating from 1991, no employer has been successfully prosecuted and only small fines are paid. Many children are also born into or become bonded labour (slaves) to repay family debt. UNICEF estimates that in 2009 there were over three million children working in this way. Government sources admit it is likely to be higher.

Pakistan is also a source, destination and transit country for child prostitution and trafficking, although the government, through specially created anti-trafficking units, continues to work closely with NGOs and regional partners, such as the United Arab Emirates, to tackle this problem. This has resulted in the repatriation of hundreds of children over the last few years.

Progress on access to education for the poorest remains a significant challenge. Enrolment has, however, increased sharply over the past few years, with 20 million children now attending primary school. The UK is providing a £250-million programme for education and skills training over the next five years. A UK–Pakistan Education Task Force was set up in late 2009, headed by education reform expert Sir Michael Barber. This is working with the Pakistani government to improve educational delivery, as one of the commitments made under the UK–Pakistan Strategic Dialogue.

Border Areas: a Humanitarian Crisis?

The Pakistani government continues to face a challenging security environment in the Federally Administered Tribal Areas (FATA). In 2009, the Pakistan Army has conducted major operations in both Swat and South Waziristan against militants, resulting in an estimated current total of 460,000 internally displaced people. We continue to urge Pakistan to meet its humanitarian obligations to minimise the impacts of operations.

Lasting peace and security will require military gains to be maintained by reconstruction and development and commitment to a long-term political strategy for improving governance, justice and services. We work through the Friends of Democratic Pakistan, a group of international partners who have a keen interest in supporting democracy in Pakistan, to support the government to deliver this. We also continue to encourage the implementation of the Malakand Strategy, which aims to address long-term, post-conflict needs for rehabilitation and reconstruction in the Malakand division, and provides a model for the reconstruction of other post-conflict areas. At the EU–Pakistan Summit held on the 17 June, emergency humanitarian funding was increased to £124-million to help the most vulnerable citizens displaced from the Swat valley and other areas of Pakistan.

We are seriously concerned by reports of extrajudicial killings of militants and civilians by Pakistan's security forces. We have raised the importance of proper investigation of these claims with senior military and government figures and will continue to pursue this issue. We call on the Pakistani government to ensure that all operations occur within the parameters of international humanitarian and human rights law.

Death Penalty

In 2009, the death penalty was applicable to 27 different crimes. According to the UN Office on Drugs and Crime, 7,046 prisoners are currently on death row, where the detention regime is harsh and cells severely over-crowded. An influential NGO, the Human Rights Commission of Pakistan reports that 106 people were sentenced to death in 2009. In October, President Zardari sought the views of provincial governments on commuting all death penalty sentences to life, apart from offences related to terrorism. While this consultation period continues, there has been a de facto moratorium on the death penalty, which we strongly welcome. However, together with EU partners we are continuing to



Students from an FCO-funded workshop on "Educating the Young for Active Citizenship" in the Punjab

urge the Pakistani government to commute all death penalty sentences, revise the list of crimes for which the death penalty is applicable in line with the terms of the ICCPR, and improve legal safeguards surrounding capital cases.

Access to Justice

The Pakistani Constitution guarantees the right to a fair trial and all levels of the judiciary are nominally independent. However, inordinate delay, the inefficiency of the courts and the high cost of litigation constitute a major obstacle to justice. A defendant's right to counsel is limited. Most are not represented. Legal assistance is only available during the investigative phase if the accused can pay. A court-appointed defence lawyer is only available in capital cases. There is no provision for legal aid in any other type of case. Amendments to the Anti-Terrorism Act further weaken the legal safeguards for the accused by placing an evidential burden of proof on the accused.

The US State Department Human Rights Report, published in 2009, reports that many cases are referred to traditional forms of justice, such as jirgas or hujras, which tend to discriminate against women or other marginalised groups. The substantive and procedural frameworks are outdated and of poor quality. The legal profession suffers from low levels of proficiency and widespread corruption inhibits the

fair administration of justice. Awareness of the rights guaranteed under national law is very limited among the general population.

Torture

Torture is widely reported in Pakistan. A large number of incidents reportedly occur in police custody in attempts to extract confessions or force cooperation with a criminal investigation. Often this torture is combined with illegal or arbitrary detention, as police evade the legal obligation to present arrested persons before a magistrate within 24 hours. The actual incidence of torture is not documented, as most cases are never officially reported or recorded. This picture is supported by the allegations made by British nationals who have been detained in Pakistan.

During 2009, previous allegations of UK complicity in the torture or mistreatment of terrorist suspects in Pakistan (dating back to at least 2006) featured in press and NGO reports. The UK rejects in the strongest possible terms the suggestion that it is pursuing a policy of complicity in torture. We unreservedly condemn the use of torture as a matter of fundamental principle and work hard with international partners to eradicate this abhorrent practice worldwide. Our clear policy is not to participate in, solicit, encourage or condone the use of torture or inhuman or degrading treatment for any purpose. There is a limit to what can be said on

specific cases for various reasons, including that some are the subject of ongoing legal proceedings. However, English courts have rejected claims that UK complicity in ill-treatment resulted in an abuse of process in two cases.

Improving Detention Conditions in Pakistan

Conditions in prisons and police custody in Pakistan remain of serious concern. They are often overcrowded and under-resourced, leading to a variety of human rights abuses. These include inadequate access to food and medicine and cases of mistreatment. Delays in the judicial system mean many detainees – including young children – are kept in remand for years while they wait for their trial to come to court. The UK has a number of nationals detained in prison in Pakistan, whom we visit regularly to monitor and support their welfare.

As well as raising these issues via the EU and bilaterally, the High Commission in Islamabad is supporting several projects to tackle these issues, including:

- > funding a local organisation to create a dialogue between those who make the policy on criminal justice and those who have suffered because of flaws in the system;
- > supporting the Pakistani authorities in improving police handling of detainees by funding the UK National Police Improvement Agency to carry out an in-depth assessment of the Sindh Police, which we envisage leading to concrete improvements in their operational methods and structure;
- > encouraging a close dialogue between the UK and Pakistani police and prison authorities through several visits to the UK by senior officials from different provinces to share best practice on investigation and detention procedures; and
- > supporting Pakistan's development of forensics capability that will give them the tools to collect evidence, which can help reduce reliance on confessions in securing prosecutions.

The British High Commission, working closely with international partners, will continue to build on this work to support reform of the judicial and criminal justice system

Russia



We are clear that the human rights situation in Russia is serious. While we welcome the positive agenda set out by President Medvedev and the limited reforms achieved so far, the situation

on the ground has, in many areas, shown little sign of improvement. In some areas, such as attacks on human rights defenders and journalists, there has been a sharp deterioration. As a result, we have raised our concerns frankly with the Russian government throughout the year.

Our annual bilateral human rights talks with Russia were held in Moscow on 16 January. Discussion covered the rule of law; NGOs, civil society and the protection of human rights defenders; freedom of expression; equality and minorities; international institutions; and human rights in the context of counter-terrorism. We raised particular concerns about human rights violations in the North Caucasus, implementation of European Court of Human Rights (ECtHR) judgments, journalists' safety, and treatment of ethnic minorities in South Ossetia and Abkhazia. There was wide-ranging discussion of human rights practice in the UK. We have pursued follow-up action with the Russian authorities and are preparing for the next dialogue.

The Foreign Secretary visited Moscow from 1–3 November. He reiterated our concerns about human rights, including the risks faced by human rights defenders and journalists, specifically in the North Caucasus, with Foreign Minister Lavrov. The Foreign Secretary particularly stressed the importance of effective investigations into such attacks. He heard at first hand from NGOs and civil society about their experiences of the human rights situation in Russia and reasserted that the UK will continue raising human rights concerns as part of a comprehensive dialogue with the Russian authorities.

The UN Human Rights Council carried out its Universal Periodic Review of Russia's human rights record on 4 February. All UN members were able to ask Russia questions and make recommendations. The UK, along with a significant number of other states, raised concerns, including the lack of an independent media, enforced disappearances, prison conditions, racial discrimination, freedom of NGOs, treatment of minorities, violence against women, use of torture in the Chechen Republic, security of journalists and human rights defenders.

Human Rights Defenders

We are appalled at the number of human rights defenders who have been murdered in Russia during the last year. Russia's already poor record in protecting human rights defenders, especially those working in the North Caucasus, has been further damaged by these worrying trends. Both the UK and EU have urged Russia to protect the right of human rights defenders and lawyers to conduct their work without hindrance, intimidation or harassment. We want to see better support for human rights defenders; an end to the apparent impunity for those who attack them; and for all human rights violations against human rights defenders to be investigated fully, promptly and impartially. Those involved should be brought to justice in trials which meet international standards.

On 19 January, Stanislav Markelov, a human rights lawyer, was shot in central Moscow, along with Anastasia Baburova, a *Novaya Gazeta* journalist who was with him at the time. Investigators believe his murder may be connected with his professional activities. Markelov had defended Chechens in a number of high-profile cases, including before the ECtHR, and represented activists from anti-fascist groups. In the weeks before his murder he had received numerous calls and text-message death threats in connection to his work, and he had previously been beaten up by skinheads in a Moscow subway. The then Europe Minister, Caroline Flint supported the EU Presidency statement of 20 January condemning these killings. More recently, two suspects have been arrested and charged in connection with these murders.

Natalia Estemirova, a key figure in getting independent information out about the reality of life in Chechnya, was kidnapped and murdered in Chechnya on 15 July by unknown armed gunmen. Estemirova was the head of Russian rights NGO Memorial's Grozny office, and the most prominent human rights defender in Chechnya. Her murder caused outrage in Russia and internationally. The then Europe Minister made a statement about the murder, which can be found on the FCO website. We pressed the Russian government for a full, transparent investigation and the EU Presidency issued a similar statement and delivered a letter of protest to Russian authorities.

President Medvedev said that "...the crime will be investigated in the most thorough way. It is obviously connected to her professional work. She did very

useful things. She spoke the truth, and openly...this is the value of a rights activist". His comments on the value of Estemirova's work strike a welcome contrast with the Russian government's reaction at the time of Anna Politkovskaya's death in 2006 that her work was "not important in Russia".

In August, an implementing partner for a British Embassy project focusing on disability rights was murdered. Zarema Saydulayeva headed the local NGO "Let's Save the Generation", and worked on humanitarian and human rights issues in Chechnya. She was murdered along with her husband Alik Dzhabrailov. Although investigators have said these murders were unrelated to their professional activities, rights activists have cast strong doubts on this and suspect the involvement of local law enforcement bodies.



A woman laying flowers for human rights lawyer Stanislav Markelov and reporter Anastasia Baburova after their murders in January



Mourners at the funeral of human rights activist Natalia Estemirova on 16 July

The threat to human rights defenders in Chechnya prompted Russia's leading domestic human rights NGO, Memorial, to suspend operations in its Grozny office for five months. Memorial's work in difficult conditions has been recognised through the award of this year's Sakharov Prize for Freedom of Thought. The Sakharov Prize, named after Soviet scientist and dissident Andrei Sakharov, was established in December 1988 by the European Parliament as a means to honour individuals or organisations who had dedicated their lives to the defence of human rights and freedoms.

On 20 July, President Medvedev signed legislation amending Russia's 2006 NGO law. The amendments are designed to simplify registration and accounting requirements and reduce the number of audit checks. We welcome these changes, though limited, as a move in the right direction. While NGOs have welcomed the reduction of onerous reporting requirements, allowing them to focus on their core functions, several have said that the amendments do not go far enough and are still "based on the principle that bureaucracy controls civil society". Restrictions remain tight for foreign NGOs operating in Russia, or those receiving foreign funding.

Media Freedom

The number of attacks on journalists, particularly in the North Caucasus, increased in 2009. There is still a low success rate in investigating and prosecuting crimes against journalists. The Committee to Protect Journalists, an NGO, stated in September that: "Secrecy, corruption, lack of accountability, conflicts of interest and a shortage of political will are the main obstacles to achieving justice in the unsolved,

work-related murders of 17 journalists in Russia since 2000."

In 2009, Russia fell 13 places to 153rd on the press freedom index produced by Reporters without Borders. Pressure from the authorities results in self-censorship by journalists. A report written by the Carnegie Moscow Centre in January stated that "since journalists operate by the grace of the government, self-censorship has become ubiquitous, though the degree of self-restriction may vary significantly".

It was significant that President Medvedev chose to give his first media interview in April to *Novaya Gazeta*, an independent newspaper that challenges the state and uncovers corruption and human rights abuses. Four of its journalists have been murdered, one in 2009, and others have been beaten, arrested and continue to be watched closely by the police. The Canadian Journalists for Free Expression honoured *Novaya Gazeta* with the 2009 International Press Freedom Award for "extraordinary courage and overcoming tremendous odds to report the news". In a meeting with the International Press Institute, a media freedom organisation, on 2 October *Novaya Gazeta*'s editor-in-chief, Dmitry Muratov, said: "Following a very nervous discussion with my journalists, I had to limit reporting on the Caucasus region...I cannot guarantee the safety of my journalists."

In 2009, we have also followed the retrial of three men accused of the murder of journalist Anna Politkovskaya in 2006. The Russian Supreme Court on 25 June ordered a retrial which we hope will see those responsible – for both carrying out and contracting the murder – brought to justice through a fair procedure. Through the Strategic Programme Fund we are supporting NGOs working to promote freedom of expression in Russia's regions by empowering media organisations with knowledge of their rights under Russian media-internet law.

North Caucasus

Over the last year there has been widespread recognition, both within Russia and internationally, of the deteriorating security situation in the North Caucasus. Lack of accountability for law-enforcement structures in the region has led to increased human rights violations. The situation is exacerbated by the poverty, corruption and lack of democratic accountability, which pervades the region and undermines long-term security. Media and NGOs in

the North Caucasus are not able to report freely on authorities' actions in the region due to the threat of reprisals and restrictions on their movement.

We welcome President Medvedev's comments during a meeting of the Russian Security Council on the North Caucasus in August:

"You mentioned the influence of several factors, including international ones, such as the feeding of the underground with money, the problems of religious extremism. All these external factors exist, you are right. But the main reason is within the country, as regrettable as this may be. The conditions for the development of banditry and religious extremism were created as a result of the disintegration of the state, the roots are in our way of life, unemployment, poverty, the clans who don't give a damn about the people, who just divide up the streams of money coming here, fight for orders and then settle scores with each other, and in corruption, which has genuinely become very widespread within the law-enforcement agencies. Our task is to eliminate these phenomena."

Medvedev also identified stability in the North Caucasus as a concern during his state of the nation address in November, pledging a mechanism to encourage increased investment, and a new coordinator to assess the effectiveness of government measures in the region.

We regularly remind the Russian government that security measures which do not respect international human rights law are counter-productive, and that putting an end to human rights violations is a vital element in the achievement of a long-term solution to the region's problems.

While counter-terrorism operations came to an end in Chechnya in April as part of moves to normalise the situation there, they are still used on a temporary basis in some districts, as well as in neighbouring Ingushetia and Dagestan. Media and analysts' reports of shootings, explosions and security operations suggest that violent incidents increased rather than decreased in the aftermath of this decision. The Council of Europe's Committee for the Prevention of Torture (CPT) highlighted ongoing allegations of torture by local forces in Chechnya.

This year has seen a dramatic deterioration of the security situation in Ingushetia and Dagestan, to the

point that violent attacks are occurring on an almost daily basis. An assassination attempt was made on Ingush President Yevkurov on 22 June and a suicide bomb attack in Nazran, Ingushetia's main town, on 17 August killed 25 people. Reports of President Yevkurov's attempts to ensure accountability for abuses committed by security forces are encouraging. However, we remain concerned by ongoing reports of violations, including abductions, torture and extrajudicial killings – particularly those carried out by federal law-enforcement bodies in the course of security operations, which are rarely investigated. We have supported a number of NGOs working across the North Caucasus that are helping local people seek legal remedies: first domestically, then at the ECtHR.

Dialogue in the Risk Zone

A project implemented by the Social Partnership Foundation and funded by the Russia/CIS strand of the Conflict Pool, "Dialogue in the Risk Zone", works in North Ossetia and Ingushetia to build dialogue across borders and to develop mechanisms for cooperation between civil society and federal and local authorities for the resolution and mitigation of conflicts in the North Caucasus. On 8 September, it held a roundtable on ways to resolve conflict between the republics. The meeting, which many participants considered to be a first step towards the peaceful resolution of the conflict, brought together representatives from Ingushetia and North Ossetia for the first time in decades. President Yevkurov of Ingushetia, Russian Federation Human Rights Ombudsman Vladimir Lukin and the Council of Europe Human Rights Commissioner Tomas Hammarberg took part.

During 2009, we were able to see at first hand the work of project partners in the Karachay-Cherkessia region of the North Caucasus. The Conflict Pool-funded "Stabilising North Caucasus" project brings together five parts of the region to support local conflict prevention initiatives and building NGO capacity. On 28 September, it held a civil society forum together with federal and local partners, to analyse the options and resources available to civil society to support regional development and maintain inter-ethnic peace and social accord in the North Caucasus. Over 200 civil society representatives, experts, officials and students took part in a wide range of sessions to identify practical tools and solutions for local conflict prevention.



Inspecting a prison with local penitentiary system personnel in Krasnodarsky Krai, southern Russia, as part of an FCO-funded project

In the North Caucasus, funds from the Conflict Pool supports projects run by the NGO Article 19 and local NGOs working to enhance media professionalism and journalists' protection.

Access to Justice

We share Human Rights Watch's concerns raised in their July report about how ECtHR judgments are implemented in Russia. Where Russia has been found responsible for abuses in Chechnya, it has rightly paid compensation. However, Russia has failed to carry out meaningful investigations, fuelling an atmosphere of impunity and increasing the chances that similar cases will occur again.

We fund organisations that work with victims' families in the North Caucasus to improve access to justice through the ECtHR.

Both we and our project partners regularly urge Russia to re-open investigations in those cases where the court has determined that prior investigations were inadequate, and to ensure that progress is being made into those investigations that have been opened. A number of senior judges, and the Justice Minister, have called for more judicial reform to stem the flow of ECtHR cases. We support the Russian government's efforts to reform the domestic judicial system, to provide improved domestic remedies.

We welcome Russia's Constitutional Court decision on 19 November to extend its moratorium on use of the death penalty indefinitely. The current moratorium had been due to expire on 1 January 2010. However, this decision falls short of Russia's commitments to the Council of Europe, and we will continue to press for ratification of Protocol 6 to the European Convention on Human Rights (ECHR).

During the year the ECtHR has taken steps towards addressing Russian concerns on Protocol 14 to the European Convention. We urge Russia to complete ratification to advance reform of the ECtHR. Both the UK and Russia agree on the need for reform of the ECtHR to ensure it functions more effectively. The ECtHR has an increasing backlog of over 118,000 cases pending, of which 28 per cent have been lodged against Russia.

Penal Reform

The death in custody of leading Moscow lawyer Sergei Magnitsky in November highlighted the appalling conditions in which prisoners are kept. Overcrowding, poor living conditions and poor treatment of detainees are common. Figures provided by the Federal Penal Service in January showed that of the 900,000 people in detention, 795,000 are suffering from various diseases. Currently in detention are 14 per cent of all tuberculosis patients and 11 per cent of all registered HIV-infected individuals in Russia. We are concerned over reports that medical treatment is

sometimes deliberately denied to those in detention. We welcome President Medvedev's acknowledgement that detention conditions in some instances are inhumane, as well as recent proposals to reform the penal system, and urge the Russian government to follow through on these pledges.

Our SPF supports work on preventing torture within the penal system. This includes work with the Independent Council for Legal Expertise on raising awareness of the importance of complying with international human rights standards across the criminal justice system, with the aim of preventing torture, the trumping up of evidence, and false charges from being made by law enforcement agencies.

Racism and Xenophobia

Ethnic discrimination and anti-Semitism in the Russian Federation is still a major concern, particularly the level of xenophobic feeling and violent attacks on non-ethnic Russians. According to the Moscow Human Rights Bureau, in 2009, 218 xenophobia-related attacks

UK Support for Tackling Corruption in Russia

A FCO-sponsored project on Anti-Corruption Analysis of Laws trained law-makers from across Russia to systematically evaluate draft legislation in order to identify and close loopholes, which could be exploited for corrupt practices. As work began, anti-corruption began rising up the Russian government's agenda and the Russian government sought our implementer's help to develop a new anti-corruption law. The Duma passed this law, which makes anti-corruption analysis of laws a compulsory part of the preparation of Russian legislation, in 2009. The ruling party and opposition politicians have recognised the law as significant – an opposition politician said that it was the most important piece of legislation passed in this session of the Duma. Mikhail Dmitriev, head of the economic think tank that advises President Medvedev, commented:

"Anti-corruption analysis of laws was a very successful project. Four years ago, corruption was a low-level concern. The government didn't know about anti-corruption analysis of laws. However, the anti-corruption analysis of laws has made a real breakthrough. To say now that a draft law has passed anti-corruption evaluation significantly increases the value of that piece of legislation."

and conflicts were registered in Russia, resulting in the deaths of 75 people. This was a decrease in the number of attacks and deaths compared to 2008 (256 attacks and 113 deaths) although it is unclear whether this is due to a decrease in racist violence or a reluctance to report such incidents. It is likely that the violent attacks will continue, especially as nationalist groups seek to exploit increased xenophobia during the economic crisis.

We welcome the fact that the Russian government has acknowledged the problem of extremist attacks in Russia by drafting amendments to the Law on Extremist Activity. However, we remain concerned that these amendments still provide an opportunity to restrict political dissent and that they can be applied to protect public officials against criticism in a way that is contrary to international standards. We believe that there should be more proficient investigation of race-related crime as part of a comprehensive plan to combat racism.

Saudi Arabia



While there have been limited improvements in recent years, we remain deeply concerned about the human rights situation in Saudi Arabia, in particular over the use of the death penalty, women's rights and the quality of judicial procedure. In 2009, we repeatedly made clear to the authorities our concerns at Ministerial, Ambassadorial and working level.

In addition to Saudi Arabia's Universal Periodic Review (UPR) in February 2009, the Foreign Secretary had a substantive discussion of human rights with the Saudi Foreign Minister Prince Saud al Faisal in April. During this meeting, the Foreign Secretary encouraged the Saudi government to implement the three recommendations made by the UK at the UPR – to end the system of guardianship of women; to set a legal age of majority to prevent the execution of juveniles; and to enact a law of association guaranteeing the right to form civil society organisations. In 2009, we repeatedly encouraged the Saudi government to be ambitious and proactive in taking forward these recommendations. However, progress towards achieving this goal remains slow.

Saudi Arabia received a total of 70 recommendations at its UPR. It rejected 17 outright on four issues: to lift its reservations on the Convention on the



The Foreign Secretary and Prince Saud al Faisal meet members of the Saudi-British Youth Forum in Riyadh in April

Elimination of All Forms of Discrimination against Women (CEDAW) (under which they only implement CEDAW to the extent that it is consistent with the government's interpretation of Sharia law); to ratify the Optional Protocol to CEDAW; to ban all corporal and capital punishment; and to end the imposition of travel bans against people on the basis of their political or religious beliefs.

Although Saudi Arabia responded briefly to some of the questions raised by UN Members, it did not make any immediate commitments. Saudi Arabia gave its full response in June, accepting 50 of the 53 recommendations it had agreed to consider, while rejecting recommendations that it become party to the Rome Statute of the International Criminal Court, reform legislation on religious freedom and take action on the issue of forced labour.

We continue work with the governmental Human Rights Commission as it seeks to implement these recommendations. We do not expect this process to have a transformative impact because many of the Saudi responses promised non-time limited reviews rather than immediate changes. However, the UPR has provided an opportunity for the international community to engage with Saudi Arabia across a range of human rights issues.

King Abdullah bin Abdel Aziz al-Saud has taken positive steps to promote a better understanding of human rights by highlighting their importance

with a countrywide initiative. This statement was well received by the media and, coming from the King, is an encouraging development. In April, the National Society for Human Rights, one of the two government-licensed human rights bodies in Saudi Arabia, published its second report. The report, which was much more ambitious and comprehensive than its predecessor, called for an elected parliament, the abolition of the guardianship system of women and enacting a law of association.

Our strategy remains to work with those in Saudi society who are advocating reform, in order to build indigenous and governmental support for the full application of human rights standards. However, the fact that many of our concerns relate to cultural practices, which are widely supported in Saudi Arabia, poses a significant challenge.

Conflict

In November, fighting broke out on Saudi Arabia's southern border after a Yemeni tribal group, which has been involved in an intermittent conflict with the Yemeni government since 2004, attacked a Saudi border post and occupied positions inside Saudi Arabia. Saudi forces retook the occupied positions but clashes between Saudi forces and the rebels continued until the end of the year. Human Rights Watch and Amnesty International have both expressed concern over allegations of civilian casualties on both sides of the conflict. As a result of the ongoing fighting, tens of thousands of people have been displaced on both

sides of the border. Saudi authorities have pledged to rehouse Saudi citizens displaced by the conflict and the additional security measures.

Death Penalty

The death penalty retains significant public support in Saudi Arabia and there is little sign of any movement towards its abolition. There were 67 executions in 2009. This compares to 97 executions in 2008 and 157 in 2007. The death sentence continues to be applied for offences including homosexuality and "witchcraft". In May and November, the EU made representations to the Saudi government about the number of executions carried out in the Kingdom.

There is significant concern among many international observers that Saudi Arabia is one of the last five countries in the world to execute minors. We are aware of two executions this year where the individuals were under the age of 18 when they committed the crime. Both we and the EU made our concerns clear about these cases to the Saudi government. In September, the EU encouraged Saudi Arabia to withdraw its reservations to the Convention on the Rights of the Child and to establish 18 years of age as the legal age of adulthood in civil as well as in criminal matters.

In May, a convicted paedophile was executed and his corpse crucified in a public square in Riyadh. We and the EU expressed our serious concern to the Saudi government. A further execution and crucifixion was carried out in December.

In July, the King awarded the King Abd Al Aziz Medal First Class, the highest civilian honour in the Kingdom, to the family of a murdered man who pardoned his killer. The move was widely seen as an encouragement by the King to Saudi citizens to show mercy.

This, along with the increasing use of punishments such as community service in other cases, were small but positive steps in 2009, which may play a part in changing public attitudes to capital and corporal punishment.

Women's Rights

On 14 February, Dr Nora al Fayez became the first woman to hold Ministerial rank in Saudi Arabia, in her new role as Deputy Education Minister for Girls' Affairs. New Ministers were also brought in at the Education, Health and Justice Ministries in a move

widely viewed as designed to speed up the pace of reform. But cultural and religious practices and the application of the government interpretation of Sharia law continue to prevent Saudi women from being equal citizens. Saudi Arabia ranks 130 out of 134 countries in the World Economic Forum's 2009 Global Gender Gap Index.

Women continue to come under the control of a male guardian. This system requires women to have the approval of their guardian to work or travel outside the Kingdom. In 2009, separate groups of Saudi women started campaigns both in opposition to, and in support of, the guardianship system. These campaigns demonstrated the significant obstacles to removing this system.

But society is slowly changing. Greater educational opportunities for women, including study in the UK, and economic pressures are forcing some women into work. The UK has supported these opportunities with several projects across the Kingdom, which provide support and assistance for women who wish to start or advance their careers, including:

- > the British Council-run Springboard programmes across Saudi Arabia, which equip women with essential business and marketing skills;
- > a project run by the Consulate General in Jeddah, which has helped give women more opportunities to start their own businesses; and
- > funding a pilot study with the Ministry of the Interior on developing a women's police force, building on the training and operational experience of the British police.

We also facilitated links between domestic violence charities in the UK and Saudi Arabia, funding seminars on case management and campaigning. In addition we visited and hosted delegations and provided training to improve the capacity of the Ministry of Social Affairs, the Ministry of the Interior and the Charity Commission to respond to domestic violence.

Frequent media coverage of successful Saudi female students at foreign universities has challenged local perceptions of women's roles. In 2009, a media debate took place about whether it was socially acceptable for Saudi women to work as maids. The fierce opposition to this move from men and women, both in the media and on the internet, demonstrated

the challenges facing those Saudi women who want to play a wider role in Saudi society.

The King Abdullah University of Science and Technology opened in September. It is the first coeducational institution in the Kingdom. The mixing of male and female students was controversial and drew criticism from some religious scholars. In September, the King dismissed one of these scholars from his official position. Although the King has shown willingness and taken positive steps to reform society, the situation regarding women's rights is still a serious cause for concern for the UK.

Religious Minorities

Islam is the official religion and all citizens are required to be Muslims. Renouncing belief in Islam is an offence punishable by death.

In the southern region of Najran, relations with the Ismaili religious minority improved in 2009 with the appointment of the King's son as the new governor. Prince Mishaal bin Abdullah has made a point of meeting Ismaili leaders and the King has released the last remaining prisoners convicted of rioting in 2001. But despite these positive developments, religious minorities continued to suffer discrimination and are under-represented in the senior government bureaucracy, municipal councils and public companies. Relations with the Shia community in the Eastern Province were contentious in 2009. Young Shias protested against the Gaza conflict in December 2008 and January 2009. In April, Shia pilgrims clashed with people they alleged were members of the religious police at the Baqi'a cemetery in Madinah. In May, an outspoken, if little followed, Shia cleric in the Eastern Province suggested that it might be in the interest of Saudi Shia to establish their own state in the Eastern Province. Throughout this period Shia leaders have alleged harassment and civil discrimination. The situation improved slightly in November when Shia leaders were quick to publicly support the government's actions against the Yemeni tribal group who attacked Saudi territory.

Freedom of Expression

Freedom of expression is very limited in Saudi Arabia. The internet is heavily censored. Newspapers, television and radio are government controlled and senior positions within media organisations are government appointments. As a result, Saudi media self-censors anything it considers too sensitive. The critical media response following the November

flooding in Jeddah was the first time organisations and local government officials had been accused of mismanagement and corruption. Some social networking sites carried graphic images of the destruction the floods caused. Again this was the first time that images showing such damage had been permitted by the Saudi government.

In September, the TV station LBC aired a programme where a Saudi man detailed his sexual encounters outside marriage. This led to a public outcry against both the man and the TV station. The female producer and other members of the production team were sentenced to lashing. In October, the King dismissed the sentence, but the controversy demonstrated the limits to freedom of expression in Saudi Arabia.

In June, Human Rights Watch and other international NGOs called on the Saudi government to drop charges against and release 67 men, most of them non-Saudi nationals, arrested for reportedly wearing women's clothing. The men were subsequently released.

The religious police (Muttawa) continue to enforce their standards of morality on the population. The

DNA Training in Saudi Arabia

The FCO has funded a project with the Ministry of the Interior in the Kingdom of Saudi Arabia to improve the capabilities of forensic investigators in analysing DNA samples, so that they can identify more efficiently those involved in terrorist activity. The use of DNA analysis reduces the need for confession-based evidence and provides rapid and valuable intelligence to identify those involved in terrorist activity.

Successful training programmes have taken place in the UK and the project achieved all its original aims and objectives – providing a technical training programme for new forensic graduate officers; empowering delegates with knowledge required to successfully interpret and evaluate complex DNA profiles; and providing Ministry of the Interior scientists and police officers with practical interpretative and evaluation experience. Senior analysts are expected to cascade advanced training, increasing the Saudi skills base nationally. The Saudi Ministry of the Interior has requested additional training, which will form part of a larger forensic training package to be funded by themselves.

new head of the religious police has tried to reduce incidents of abuse by his officers, but reports continue of the Muttawa taking advantage of their power.

Judicial Reform

Within the Saudi criminal justice system legal safeguards, such as guaranteed access to lawyers and evidence as well as public trials and juries, do not exist. Judges apply their own interpretation of Sharia law. There is no codified legal system, leading to wide variations in punishment for the same offence.

In 2009, the new Minister of Justice continued efforts to reform the Saudi legal system. Most of these efforts focused on administrative changes and have had little immediate impact in addressing international concern over the judicial process.

In June, the first sentences were handed down in 660 cases from the height of the terrorist campaign in 2003–5. The detainees had been held without trial for up to six years. Many prisoners arrested at the same time remain in prison. The trials themselves took place behind closed doors and like all trials in Saudi Arabia took place without a jury. Concerns were expressed about the quality of judicial procedures in these cases, with HRW and Amnesty International criticising many aspects of Saudi Arabia's counter-terrorism strategy. While we continue to push for open trials, we welcome the commencement of trials in these cases.

Somalia



Somalia has had no functioning government since its collapse in 1991. In late January, the Transitional Federal Parliament of Somalia elected Sheikh Sharif Sheikh Ahmed as the new

President of the Transitional Federal Government (TFG). He subsequently appointed a new cabinet of ministers. Despite significant international support and signs of political progress, implementation of the UN-led Djibouti Peace Agreement (August 2008) remains limited and Somalia's human rights situation remains very poor. The Djibouti Peace Agreement aims to ensure the cessation of all armed confrontation and a political settlement, promote peace and protect the population, and enable the unhindered delivery of humanitarian assistance.

The TFG has established a permanent presence in Mogadishu but continues to have little or no control over most of Somalia. Despite adopting a positive stance on human rights and acknowledging the need to integrate human rights into the work it undertakes, there has been no tangible implementation. The Somali people continue to face a dire humanitarian situation. Somaliland and Puntland in the north offer greater stability but reports of human rights abuses, albeit less severe, are commonplace.



An internally displaced
Somali girl receives
food aid at a camp
in Mogadishu on 12
December

Lack of access for the UK and the wider international community, caused by the security situation, has remained the greatest obstacle to obtaining first-hand assessments or pushing for improvements in the human rights situation. The points at which we can apply pressure for change and improvement are very limited and, in the main, consist of the TFG and regional administrations. There are large parts of Somalia under the control of organisations and individuals with whom we have no contact. The TFG has extremely limited influence and is understandably focused on improving security, establishing functioning institutions and political reconciliation, which should improve the human rights situation in the long-term.

To be effective and have a sustainable impact, measures to combat human rights abuses must be part of a broader approach to peace building. In Nairobi, we continue to hold regular meetings and consultations with the UN Political Office for Somalia, including with the two British nationals seconded to it during 2009, to ensure a coordinated approach to our support to Somalia. We also engage regularly with the TFG at a variety of levels. However, we do not have sufficient information to make an accurate assessment of the TFG's consideration of human rights issues as it tries to establish its presence in Somalia.

This year, the UN Political Office for Somalia opened a dedicated human rights unit to urge the TFG to ensure that human rights are at the core of all aspects

of government. In August, it hosted a conference on impunity, which was a key first step towards a possible Commission of Inquiry to look at Somali human rights abuses, both past and present. The conference was attended by TFG representatives. We will continue to support the initiative for a Commission of Inquiry, but believe it must be a Somali-led process.

Fighting and Instability

In January, Ethiopian troops withdrew from Somalia. This positive development saw tens of thousands of internally displaced persons return to their homes in Mogadishu. However, insurgent groups then began to target the TFG and the African Union Mission in Somalia (AMISOM).

Local clashes and low-level violence between clans has continued throughout the year. Following an upsurge of anti-government fighting in May, violent attacks in civilian areas have continued intermittently, causing hundreds of deaths and forcing those who had returned, plus over 200,000 more, from their homes. A suicide bombing at a graduation ceremony in Mogadishu on 3 December was further evidence of insurgent groups' complete disregard for human life and their desire to prevent progress in Somalia.

Together with our international partners we have sought to make significant improvements in the security situation, through coordinated support to both AMISOM and the TFG. The UK has provided



An Islamist hardliner publicly flogs a teenager accused of rape in September

financial and practical support to AMISOM, both directly and through the UN Trust Fund, including provision of medical supplies.

We understand that the use of child soldiers remains common across the country. We remain unable to monitor this or take steps to prevent it. A key priority for the UK will be working with the Somali authorities, the UN and AMISOM to build a sustainable and more accountable security sector, based on a coherent plan, incorporating respect for human rights.

Half of the population in south and central Somalia have urgent humanitarian needs. In the first nine months of financial year 2009–10, DFID delivered more than £11.5 million to support humanitarian efforts through the UN and international NGOs.

Media

International and local media reporting in Somalia is limited and operates in extremely difficult circumstances. Radio stations are often suppressed and journalists are regularly threatened and occasionally kidnapped or killed. According to the Committee to Protect Journalists, nine journalists were killed in Somalia in 2009.

Minority Groups

Many groups continue to face persecution in Somalia. We do not have sufficient accurate reporting to assess whether particular groups are specifically targeted, although we are aware of some reports that minority clans and religions face persecution. Violence against women, including rape, is understood to be widespread.

Access to Justice

Somalia continues to operate without functioning institutions. The approach to law enforcement at local and national level is normally based on Sharia law. Our lack of access means that details of local arrangements are unknown. Until a manageable level of security and stability is established and in place, this will remain the case.

The Somali parliament adopted Sharia law in March. This was an initiative by the new TFG to demonstrate its Islamic credentials to the Somali people. We do not know how this will be implemented but we will monitor this with respect to the upholding of human rights standards, including, in the longer term, the process of creating a functioning judiciary.

Frequent and disturbing human rights abuses by insurgent groups, including disproportionate punishments such as amputations and death by stoning, remain unpunished.

Piracy

We are concerned by the continuing threat of kidnap and hostage-taking posed by pirates off the Somali coast. Pirates usually target large commercial vessels and hold captured cargo and crew for ransom. International efforts to protect shipping in this area have been relatively effective, but the threat remains. The UK has been at the forefront of the EU Mission, Operation ATALANTA, which launched in December 2008 and had its mandate extended in 2009 for 12 months until December 2010. In coordination with NATO and international navies, this operation protects vulnerable shipping, including the delivery of essential aid to Somalia.

Somaliland

Somaliland's human rights record is poor. We have serious concerns about arbitrary arrests and detention by "security committees" outside of judicial structures, media restrictions and the freedom of speech and association. The UK supports poverty reduction, governance, stability, democracy and service-delivery programmes in Somaliland, and channels approximately 40 per cent of its development aid for Somalia as a whole to that region. In 2009, the UK continued to support efforts to improve healthcare and education in the region. This included the training of healthcare professionals and working through the UN to improve access to education by increasing school enrolment, the distribution of textbooks and the provision of alternative education programmes.

Attention this year has been on its Presidential elections, which have experienced repeated delays for a variety of reasons. The UK provided support to the voter-registration process and in resolving issues between the parties through facilitating the 30 September agreement, which set out a path to successful elections. All parties are now agreed on the process and we look forward to elections in 2010, which we anticipate will be closely contested. We hope that they will be carried out freely and fairly with respect to the human rights of the Somali people. After the elections, we will encourage the elected government through direct dialogue to address human rights concerns and to ensure adherence to its laws and constitution.

Sri Lanka



In May, the Sri Lankan government achieved a decisive military victory in its long-standing conflict against the Liberation Tigers of Tamil Eelam (LTTE). Over the course of the 26-year

conflict, law and order had been eroded and a culture of impunity developed, both in government and LTTE-controlled parts of the country. Following the end of the war the human rights situation has improved but remains a serious concern. Media freedom continues to be under threat and abductions of civilians, although reduced in number, continue.

The poor human rights situation is exacerbated by weak policing and judicial systems. The Sri Lankan Human Rights Commission – the state-run body tasked with monitoring and reporting on human rights violations is not politically or financially independent. As a result, the UN has reduced its official assessment of its effectiveness. Witness and victim protection is rudimentary and there are credible reports that witnesses to crimes allegedly committed by the security forces have been killed or threatened to prevent them giving evidence. While there are some positive signs that the government is tackling the culture of impunity, no action has been taken in cases alleging police malpractice in relation to suspected LTTE members. We continue to urge the government to identify and prosecute those responsible for the most serious human rights cases, such as the killing of Action Contre La Faim workers in 2006 and the assassination of a leading newspaper editor in January.

The UK has been at the forefront of international efforts to contribute to an improvement in the human rights situation in Sri Lanka, both in its direct dealings with the government and in concert with international partners. Lasting peace in Sri Lanka and genuine reconciliation between Sri Lanka's communities will depend in large part on the promotion and protection of the rights of all Sri Lankans, irrespective of their ethnic or religious background. The Presidential election in January 2010 gave President Rajapakse a new mandate. The Prime Minister and the Foreign Secretary encouraged the government to take this opportunity to make progress on national reconciliation. We have also been encouraging the government to address concerns such as the pre-election violence that resulted in five deaths and the arrest, on unspecified charges, of

Presidential candidate, Sarath Fonseka. We supported EU action on the Generalised System of Preference Plus (GSP+) (see page 69) in response to the human rights situation. We will also continue to urge the government to produce the National Action Plan on Human Rights that it gave an undertaking to draw up as part of the UN Human Rights Council's Universal Periodic Review (UPR) of Sri Lanka in 2008.

As the conflict entered its final months, between January and May, the LTTE are reported to have prevented civilians leaving their territory and to have used them as "human shields". Civilians were repeatedly displaced as the army advanced, creating almost 280,000 Internally Displaced Persons (IDP). Government restrictions on access to the north made it difficult for the UN, the International Committee of the Red Cross (ICRC) and other humanitarian agencies to deliver essential food supplies and medical assistance to these civilians. The government also prevented journalists from travelling to the conflict area, which added to the difficulties of obtaining an independent assessment of the way the war was being fought.

We were gravely concerned by reports of persistent heavy shelling of civilian areas and by the satellite images that confirmed damage to civilian sites, including the hospital at Puthukuduirippu. Civilians who were in LTTE territory in the latter stages of the war have confirmed that the LTTE carried out a range of abuses, such as forced recruitment of civilians (including children) and the shooting of civilians who attempted to leave the conflict zone. During the fighting the UK consistently called for a humanitarian ceasefire and urged both sides to abide by their obligations under International Humanitarian Law (IHL).

Since the end of the conflict we have been calling, along with the EU, for an independent and credible process to address possible violations of IHL. The Sri Lankan government has made little progress. In August, Channel 4 broadcast mobile-phone footage purporting to show a Sri Lankan army soldier carrying out a number of extrajudicial killings. On 7 January 2010, Philip Alston, the UN Special Rapporteur on extra judicial summary or arbitrary executions, stated that initial investigations suggested the video was genuine. The Sri Lankan government maintain that the footage is fake. Whether genuine or not, the concerns it raises underline the importance of a credible investigation to establish whether either



The Foreign Secretary talking to internally displaced people in the Vavuniya camp on 29 April

party to the conflict was responsible for violations. In October, President Rajapakse announced the formation of a committee to look into a US State Department report on possible violations. In late December, the President extended the deadline for the committee to report until the end of April 2010.

Internal Displacement

By the end of the war the Sri Lankan government had transferred approximately 280,000 civilians from the former conflict areas to camps in the north of Sri Lanka. Conditions have now improved to the extent that basic needs are being met.

The government denied the IDPs in the camps in Vavuniya their right to freedom of movement. They also initially imposed restrictions on access to the camps for humanitarian agencies although these have now eased. The UK has repeatedly called for:

- freedom of movement for the IDPs held in the camps in Vavuniya;
- their safe return to home areas as soon as is practically possible; and
- unrestricted humanitarian access for humanitarian agencies to provide both protection and assistance to IDPs in both the camps and places of return.

The UK has also offered practical assistance. Since September 2008, the Department for International Development (DFID) has allocated £12.5 million to

support the impartial humanitarian agencies provide vital assistance. This has included the provision of emergency shelter, support to improve water and sanitation conditions in the camps, and support to agencies to help in the de-mining process.

There remain significant protection concerns for both displaced and returning civilians, as well as for at least 11,500 suspected ex-combatants to whom the ICRC has no access and who themselves have no access to due legal process regarding their detention. There are additionally some 3,000 long-term medical cases still in hospitals and other medical establishments, and an unknown number of vulnerable people released to institutions who have lost links to their families and communities.

The Foreign Secretary visited Sri Lanka with French Foreign Minister Bernard Kouchner, in April, when they pressed for a humanitarian ceasefire and for improvements in the conditions of the IDPs. Des Browne, the Prime Minister's Special Envoy for Sri Lanka, conveyed similar messages when he took part in a cross-party visit by MPs in May. Mike Foster, the Parliamentary Under-Secretary of State for DFID, visited twice, in April and October, to witness the conditions in the camps and to press for improvements. During his second visit he announced that given our concerns about the length of time that the closed camps were remaining in place and lack of progress on freedom of movement or the returns process, the UK would cease funding for all new works in the existing camps with effect from the end



A protest against attacks on journalists and activists in Colombo on 10 June

of December. This was in line with funding decisions taken by other bilateral donors.

At the end of October, the government began to release IDPs from the camps in Vavuniya and allowed them to return to their home areas or to stay with family and friends. UN official figures report that as of 15 January 2010, around 187,500 people had been released from the camps, of which 158,500 have returned to their home areas, whilst 29,000 vulnerable people have been housed with host families or in institutions. Following the visit of Sir John Holmes, the UN Emergency Relief Coordinator, to Sri Lanka in November, the Sri Lankan government announced that from 1 December all IDPs remaining in the camps would have their freedom of movement restored. Since this announcement was made, restrictions have eased but the situation is still far from one of full freedom of movement.

Freedom of Expression

Sri Lanka ranks 162 out of 175 countries in the Reporters without Borders Press Freedom Index 2009. The environment for free expression deteriorated in the early part of 2009 as the conflict intensified. In January, an armed gang attacked the studios of Sri Lanka's biggest independent TV network, Maharaja Television, and a few days later the Chief Editor of the *Sunday Leader*, Lasantha Wickrematunga, was shot dead in broad daylight in a busy suburb of Colombo. Both the UK and the EU issued statements condemning the killing of Wickrematunga and calling

for a rigorous investigation. Media outlets that criticised the government's conduct of the war were at particular threat. On some occasions individual journalists were branded as "traitors" on official websites and subsequently threatened or attacked. A number of prominent journalists and media activists have left Sri Lanka during 2009 as a result of the climate of intimidation.

Although there has been a reduction in high-profile attacks on journalists since June, many journalists who continue to practise are self-censoring their work to reduce risks to their safety, and the overall environment for journalists remains threatening. A Tamil journalist, J S Tissainayagam, was sentenced to 20 years' imprisonment on 31 August

for charges related to his writing. In addition, Tamil-language newspapers (such as *Sudar Oli*, *Uthayan* and *Valampuri*) continue to operate in extremely difficult conditions, with their staff regularly receiving anonymous threats.

The UK has consistently urged the government of Sri Lanka to promote and protect the right to freedom of expression. The Foreign Secretary raised our concern at the sentencing of Mr Tissainayagam and the message this sent on media freedom in Sri Lanka to Foreign Minister Bogollagama on 9 September. The EU also raised its concerns in a statement on 3 September. We are aware that Mr Tissainayagam is appealing and we will continue to follow the case.

Disappearances and Abductions

Reports of abductions and disappearances of civilians continued throughout 2009. In the vast majority of cases the reported victims are Tamil civilians. There have been persistent allegations of Sri Lankan security-force involvement. Mr Vidyatharan, editor of a Tamil newspaper, was arrested in February at a family funeral in a manner that led his family initially to report the incident as an abduction. A Tamil human rights defender was abducted at gunpoint within hours of the courts releasing him from police custody in May. A Sinhalese student was abducted, tortured and subsequently released in August following a dispute with the son of a senior police officer. Although fewer in number, reports of abductions have continued throughout the latter stages of the year.

Supporting the Rehabilitation and Reintegration of Child Soldiers

In 2009, the Conflict Pool provided £392,000 through UNICEF and other local partners to support the rehabilitation and re-integration of former child soldiers in Sri Lanka. UNICEF has worked with the government to create a centre for the rehabilitation of children leaving armed groups. Since the centre was established last year nearly 300 former child combatants have received assistance. The centre provides children with education, vocational training and psychosocial support.

Following the end of the conflict in May 2009, there has been a large increase in the number of children received at the rehabilitation centre. Many will stay for at least a year, to receive support and learn new skills before they are gradually re-integrated back into society.



Paramilitary activities

There has been little LTTE activity in Sri Lanka following the end of the fighting in May but a number of other armed groups continue to operate. The Tamil Makkal Viduthalai Pulikal (TMVP) and cadres loyal to Muralitharan (aka Karuna), a Tamil government minister and former senior LTTE member, are reported to continue to carry arms in the east. The People's Liberation Organisation of Tamil Eelam and other Tamil paramilitary groups are alleged to have been active in IDP camps in Vavuniya. And in Jaffna in the far north, Eelam People's Democratic Party, a government-aligned Tamil political party, is reported to be continuing to engage in paramilitary activity and to threaten political opponents. There have been claims that some of these groups disarmed in the latter stages of 2009 but there has been no verifiable disarmament process. Reported instances

of paramilitary activity have decreased in the last few months of 2009 but allegations persist that these groups are perpetrating human rights abuses and pursuing criminal activity.

UNICEF reported very few cases of child recruitment in 2009 by paramilitary groups, other than the LTTE. A tripartite agreement signed by the TMVP, the Sri Lankan government and UNICEF in December 2008 has led to the release of the majority of child soldiers recruited in the east in the past few years. During the latter stages of the conflict, the LTTE continued to actively recruit children but following the war's end child recruits have been placed in government-led rehabilitation programmes.

Impunity

Throughout the conflict with the LTTE successive Sri Lankan governments have failed to take robust measures to address human rights violations. There has been no progress on investigations into a number of high profile cases, including the assassination of Mr Wickrematunga at the start of 2009. The Presidential Commission of Inquiry presented the results of its investigations in July into 16 high-profile human rights cases, including the 2006 murder of Action Contre La Faim aid workers. The Commission's report has not been made public and there has been no follow-up to date.

In 2009, the government also announced investigations into certain high-profile cases of police brutality, such as the killing of two youths in Angulana in the south in August. However, there has been no investigation into allegations that the police deliberately killed a number of leading underworld criminals while in custody in July and August. The police currently have extraordinary powers granted by Emergency Regulations, such as the ability to detain terrorist suspects for up to one year without referring them to an independent body and to search property without a warrant, put in place to counter LTTE terrorism and which remain in force.

UN Human Rights Council

In May, we supported the convening of a Special Session of the UN Human Rights Council (HRC) on Sri Lanka. Although we were unable to support the subsequent resolution, other aspects of the session were more positive. We believe it was appropriate that the HRC provided a forum for scrutiny of the situation at such a critical juncture (for further details see page 60).

Sudan



January 2010 marked the 5th anniversary of the Comprehensive Peace Agreement (CPA) between North and South Sudan and the start of the final 18 months of the

agreement during which elections and the referendum on the future of the South will take place. As we enter the final stages of the CPA, the human rights situation across Sudan remains grave.

The Interim National Constitution, agreed following the CPA, included a Bill of Rights that enshrined the principle of human rights at all levels of government and society. A key component of the CPA is the revision of legislation that contradicts the freedoms outlined in the CPA itself, the Bill of Rights and the Interim National Constitution. The Sudanese government has taken some steps to strengthen the human rights legal and institutional framework. This includes passing the National Human Rights Commission Act in December 2008, which provides the legal basis for establishing a dedicated, independent national human rights body in Sudan. However, we are concerned that 12 months on its provisions have yet to be implemented and the Commission is yet to be formed. The Sudanese government's participation with the UN, African Union and other international partners in the Advisory Council for Human Rights in Sudan and the Sudan–Darfur Human Rights Forum is welcome. However, this does not replace the need for a genuinely independent national Human Rights Commission. The Sudanese government has ratified many international and regional human rights treaties, but not fully implemented them domestically. Sudan has refused to sign the Convention on the Elimination of All Forms of Discrimination against Women because of concerns over incompatibility with Sharia and Sudanese tradition. Sudan has also signed but not ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The government is still considering these treaties, and we have offered our full support to help the government adhere to them.

We continue to have serious concerns including about arbitrary arrests and detention, women's rights, restrictions on freedom of expression, association, assembly and movement across the country, Hudood punishments (amputation, flogging and stoning), the death penalty, and a lack of justice and accountability

for serious crimes. In March 2005, the UK sponsored UN Security Council resolution 1593 referring Darfur to the International Criminal Court (ICC). In 2007, the ICC issued arrest warrants for Sudanese government minister Haroun and militia leader Kushayb. The Sudanese government has not cooperated with this request. In July 2008, ICC Prosecutor Ocampo announced his application for an arrest warrant for President Bashir on ten counts of genocide, war crimes and crimes against humanity (see page 65). On 4 March, ICC judges issued an arrest warrant on seven counts of charges of war crimes and crimes against humanity, but (by majority decision) found there were not sufficient grounds for a charge of genocide because of "legal technicalities". The Foreign Secretary subsequently issued a statement supporting the ICC as an independent judicial body, urging the government to cooperate with the Court and reiterating UK support to peace in Sudan. In keeping with the Court's independent status, we do not comment substantively on its decisions.

In Khartoum, our Embassy continues to work with other EU Missions to raise human rights issues. Meetings between the EU Heads of Mission and the Advisory Council for Human Rights provide a platform to deliver these concerns to the Sudanese government. EU Heads of Mission in Khartoum met with the Advisory Council in November to discuss implementation of the National Human Rights Commission; legislative reform and the National Security Bill; freedom of expression, press and right to assembly; and women's rights. The EU also made representations to the government on the rights of non-Muslims in the North of Sudan; ratification of the Convention against Torture; and the death penalty in Sudan.

In June, the UN Human Rights Council in Geneva voted in favour of extending the mandate of the special procedure on the human rights situation in Sudan (see page 61). Mohammed Othman was appointed to the role in September, with a 12-month mandate. He will have a key role in keeping the international community informed about the human rights situation in Sudan and providing technical assistance to the government to meet the challenges they face.

During his visit to Sudan in October, Minister of State for International Development, Gareth Thomas urged the Sudanese government to engage with the Independent Expert. The Sudanese government

Registering Female Voters in Gedaref State

The UK has pledged £12.5 million towards the elections due to take place in Sudan in April 2010. Our funding supports the technical preparations, civic education and conflict management. We must continue to maintain pressure from donors, and offer further support to the National Elections Commission and the UN Development Programme basket fund that provides technical support, if elections are to approach reasonable levels of credibility. This will be a significant challenge.

Encouraging as wide an electoral turnout as possible is particularly important to ensuring credible elections. On 25 November, UK staff visited the special voter registration centres for women in Gedaref State in Sudan. Mr Amin Omer Eraibi, the Head of Gedaref Elections High State Committee, showed us the colour-printed maps of voter constituencies in the state. He explained that in the rural areas, three-quarters of the people registered were women. The High State Committee had opened ten additional women-only registration centres. *"We wanted to reach out to all people, including women who would not register in the same registration centre with men. We hired additional women registration officers, trained them, and they are now registering a considerable number of women. Our target is to register an equal number of men and women... The readiness of so many international donors to assist us in this election process represents a great moral support for all my staff – to do a better and qualitative job with the voter registration."*



A child holds a poster encouraging women to register to vote

expressed their intention to do so. We will continue to remind the Sudanese government of their commitment.

UK activity on Sudan in the UN Security Council continues to focus on the UN Peacekeeping Mission in the Sudan (UNMIS) and the UN–African Union Peacekeeping Force for Darfur (UNAMID). Ensuring respect for human rights and the protection of civilians within the mandates of these Missions remains one of our highest priorities and we will continue to advocate for their inclusion.

Press Censorship and Harassment of the Media

We welcome the announcement in September by the Sudanese government that pre-publication censorship will be stopped. We hope that this decision is implemented without exception. We will follow the situation closely. However, we continue to receive reports of government harassment of newspapers, the arrest of journalists, and censorship of reporting of sensitive subjects, such as Darfur, violence against students, the freedom of the press and police violence. We have called upon the Sudanese government of National Unity to encourage open democratic debate, as a crucial part of creating an environment conducive to credible elections conducted in an atmosphere of political freedom in April 2010. The elections will be a measurement of the degree to which press freedom is respected by the government.

Human Rights Defenders

The Khartoum Centre for Human Rights and Environmental Development, the Amel Centre for Treatment and Rehabilitation and the Sudan Social Development Organisation all had their offices closed and their licences revoked following the ICC announcement on 4 March. The government alleged that they had been collaborating with the ICC and therefore contributed to securing an arrest warrant for President Bashir. Despite the current difficulties and challenges, the Sudanese human rights organisations and activists continue to work where they can. The UK views an independent local human rights network as essential to protecting and promoting the human rights of Sudanese citizens, as Foreign Office Minister Baroness Kinnock emphasised when she met with human rights defenders in Khartoum in January 2010. We encourage the Sudanese government to provide a conducive environment for human rights defenders to continue their work in Sudan.

Women's Rights

The Sudanese government needs to make progress on implementing the National Policy for Women's Empowerment. Through the UK's £12.5 million commitment to supporting the elections, the UK has contributed to programmes which have sought to engage women in the electoral process. The programmes will support awareness-raising of women's rights, support and encourage women to put themselves forward to be candidates, and provide a gender adviser to the National Elections Commission to promote gender sensitive policies and practices. We have provided funding and assistance to engage women in the Darfur Peace Process through the Darfur–Darfur Dialogue and consultation, as well as supporting the economic

and social re-integration of women associated with armed conflict through the UK's £20-million contribution to the UN's Integrated Disarmament, Demobilisation and Re-integration programme.

Death Penalty

Through the EU, we have expressed our concern about the use of the death penalty throughout Sudan. We have urged the Sudanese government to establish a moratorium on the death penalty and to consider abolishing the death penalty across Sudan.

Darfur

In Darfur there continued to be systematic violations of human rights and a flagrant disregard for international humanitarian law by government,

Public Morality Offences: The Case of Lubna Hussein

On 3 July, Lubna Hussein, a Sudanese UN Mission in Sudan employee and freelance journalist, was arrested by the Public Order Police in a restaurant in Khartoum for wearing trousers. Along with 14 other Sudanese women arrested in the same raid, Lubna was charged with wearing "indecent clothing" in breach of Article 152 of the 1991 Criminal Procedure Code, which states that "any act committed by an individual in a public place, contradicting public morality or feelings will be punishable with whipping that should not exceed 40 lashes or a fine or both." Cases under Article 152 are usually heard in Public Order Courts with no legal representation allowed for defendants. Ten of the women arrested with her, including several non-Muslims, each received ten lashes and a fine. But Lubna and two other women asked for a lawyer, delaying their trials. Lubna waived her immunity as a UN employee and proceeded with the trial. On 9 September, the court found Lubna guilty and ordered her to pay a fine of 500 Sudanese pounds or imprisonment for one month. She refused to pay the fine. Under intense international and media pressure, Lubna was released after only one day in prison, after the Chair of the Union of Sudanese Journalists had paid the fine.

The British Embassy in Khartoum followed the trial closely and we raised the case with the Sudanese government at the Human Rights Council in Geneva. As Lubna subsequently pointed out to members of the Embassy, her case is one of thousands of instances of this sort in Sudan. We will continue to raise issues of this kind with the Sudanese government.



Lubna Hussein after her court case carrying a sign that reads "know your rights, avoid discrimination"

Promoting Justice and Reconciliation in Darfur: The AU Panel

The AU Panel on Darfur (AUPD), led by former South African President Thabo Mbeki, was set up by the African Union Peace and Security Council (AUPSC) to consider possible measures to promote reconciliation and healing in Darfur while also addressing the issues of accountability and combating impunity.

Between March and September, the Panel members held public consultations in the three Darfur state capitals and Khartoum, and private meetings in Sudan and neighbouring countries with all key Sudanese, regional and international stakeholders. The Panel's report was endorsed by AUPSC Heads of State and the government in Abuja on 29 October. It sets the Darfur conflict in the context of the wider issue of marginalisation of Sudan's peripheries. It fully recognises the scale of the atrocities, noting that the people of Darfur have suffered "horrendous atrocities" and "extreme violence and gross violations of human rights". The report contains frank messages for the Sudanese government including on its responsibilities and the need for unilateral action to promote peace, justice and reconciliation. Armed groups are also pushed on the importance of their participation in the peace process.

On the issue of justice the report describes a lack of confidence among Darfuris in the capacity of the Sudanese judicial system to act independently. It

recommends a hybrid court system involving non-Sudanese as well as Sudanese judges, strengthening of Sudan's judicial system, a truth and reconciliation commission, and payment of compensation. It recounts in factual and neutral terms the ICC's involvement, commenting that justice for the victims is essential and that the Sudanese system has not so far delivered this.

Some points in the report may need more work. But our overall assessment is that it is thorough, detailed and balanced, with a frank analysis of causes and consequences of the conflict. Its recommendations, if implemented, would have a significant impact on the situation in Darfur. The Foreign Secretary has written to AU Chairperson Ping welcoming the report in these terms.

We have called on all parties, especially the Sudanese government, to take concrete action to implement the report's recommendations, particularly on justice and reconciliation. We will continue to support the work of the Mbeki-led high-level Implementation Panel, established by AU PSC Heads of State in Abuja, to encourage effective coordination with existing mechanisms, and to work with the AU and other international actors on areas needing further consideration. The UN Security Council issued a statement on 21 December welcoming the report.

militias and rebel groups throughout 2009. Although the levels of fighting between the Sudan Armed Forces and rebel groups have decreased since their peak between 2003–05, levels of lawlessness and insecurity remain high and humanitarian access poor. The causes and the consequences of the conflict remain unaddressed. Without this there can be no sustainable peace in Darfur. The ability of humanitarian agencies to assist those affected by conflict in Darfur continues to be restricted by insecurity, government bureaucracy and harassment. Following the announcement of the ICC's decision to issue an arrest warrant for President Bashir in March, the Sudanese government expelled 13 international NGOs and closed down three national NGOs, significantly restricting the quality of programming in the region.

The UK continues to press for full access for humanitarian agencies in Darfur at all levels with the Sudanese government. We have called for the government to reverse its decision regarding

the expulsion of the international and national organisations. The Prime Minister, the Foreign Secretary, the Secretary of State for International Development and the Minister for Africa have raised the humanitarian situation with neighbouring countries and international organisations. Although the decision has still not been reversed in full, this pressure on the Sudanese government to work quickly with the UN and others to plug gaps averted a potential humanitarian crisis.

While the overall level of violence between government and rebel forces continues to decrease in Darfur, security for humanitarian agencies and workers continues to worsen. In addition to a constant stream of car-jackings and compound break-ins, there have been a series of kidnapping cases involving aid workers and peacekeepers since the ICC's indictment of President Bashir in March. This is severely affecting the humanitarian response as aid agencies withdraw staff and limit programmes, particularly in rural areas. The International Committee

of the Red Cross has suspended all their activities across Darfur, with the exception of Gereida. Not only will this affect the quantity of aid delivery but it will also limit the quality and level of trust between Darfuris and the NGO community.

With UK leadership, the October mission to West Darfur by the High Level Committee re-focused attention on the issue of security. Strong messages were delivered to state and national authorities on the need for government to do more to secure the safety of humanitarian workers.

We continue to support the joint African and UN Chief Mediator, Djibrill Bassolé, in his work to negotiate a peace settlement in Darfur between the Sudanese government and armed movements. Securing a sustainable peace deal for Darfur requires effective consultation and engagement with all parts of Darfuri society, as Baroness Kinnock stressed to members of Darfuri civil society when she met them in January 2010. For this reason the UK is funding additional work through the Darfur–Darfur Dialogue and Consultation to engage civil society and rebel groups in discussion of humanitarian issues. Some of this work contributed to the Dafuri civil society event,

which took place in Doha in November, providing an opportunity for the people affected by the conflict, including an encouragingly high proportion of Darfuri women, to have their voice heard in the negotiations for peace.

South Sudan

In the South, more people died in 2009 as a result of tribal fighting than in Darfur. This and attacks by the Lord's Resistance Army (LRA) have forced over 300,000 people from their homes – more than double the number from 2008. Corruption and the mismanagement of food stocks by the Southern Sudanese government have compounded the worsening humanitarian and security situation.

We are funding significant work in the South to strengthen law-enforcement capacity through our £50 million contribution to the South Sudan Recovery Fund, which provides support for policing, community-led security work, as well as to promoting reconciliation. Our Ambassador met with members of the Southern Sudan Human Rights Commission in June to discuss human rights issues, including the death penalty, women's rights, access to justice and the standard of detention facilities. In addition, the



UN helicopter bringing aid to Southern Sudan

UK has provided funding for basic training for Human Rights Officers within the Human Rights Commission and has recently awarded a Chevening Fellowship to one of the Human Rights Commissioners.

The UN Security Council continues to condemn the LRA's indiscriminate attacks in South Sudan. According to UN reports, LRA activities have caused the displacement of 70,000 people in Sudan this year alone. Regional military cooperation between Uganda, the Democratic Republic of Congo (DRC), South Sudan and Central African Republic to combat this threat continues. According to the Ugandan and DRC authorities, it is having an attritional effect on the LRA, which has severely disrupted its command structure and ability to communicate. We welcome cooperation among the countries in the region. We have called and will continue to call for measures to protect civilians to be given proper priority in these operations, and for there to be close cooperation with the UN missions in LRA-affected areas, in particular the UN Mission in DRC and the UN Mission in Sudan.

East Sudan

The human rights situation in East Sudan remains a concern. Our Ambassador visited the region in July to urge the implementation of the East Sudan Peace Agreement signed in 2006. The agreement has brought peace and helped deliver a successful demobilisation process for former combatants, including women and child soldiers. However, restrictions on freedom of expression and other political rights have limited the political space in the East. There are concerns about the ability of all political parties to be able to campaign freely in the region in the 2010 elections.

Women and children are particularly disadvantaged in the East. Female genital mutilation is near universal and girls' access to education is particularly low. In the absence of leadership from the state government NGOs are working to redress these issues. During her visit in July, the UK Ambassador visited a Médecins Sans Frontières-run project in Port Sudan, which promotes female health issues and builds awareness among the local communities of the harmful effects of female genital mutilation. She also visited women's self-help schemes to promote women's empowerment and education at Kubri al Butana al Jadeed in Kassala State, run by the Irish NGO GOAL Sudan, initially with DFID funding.

North Sudan

Rights of Non-Muslims

Although the CPA and the Interim Constitution stipulate the safeguarding of the rights of non-Muslims in Northern Sudan, non-Muslims continue to be charged with offences criminalised under the Sharia-inspired Criminal Act. For example, there are currently many Southern Sudanese women serving prison terms for crimes associated with possession of alcohol and continued arrests under Public Order offences, citing inappropriate dress (see page 154). Under the CPA, a Commission for the Rights of non-Muslims was established in early 2006. The Commission is tasked to protect the rights of non-Muslims in Khartoum and ensure that they are not adversely affected by the application of Sharia law in the capital. We have called on the Sudanese government to meet their responsibility to respect the rights of non-Muslims and have asked the Commission for the Rights of non-Muslims to ensure the necessary measures and legal mechanisms are in place to protect these rights.

Syria



Syria's human rights record continued to deteriorate in 2009. An Emergency Law, in place since 1963, continues to restrict the rights of Syrian citizens. This is based on the justification that Syria is still at war with Israel. We remain deeply concerned about arbitrary arrests, intimidation, torture, travel bans, lack of freedom of expression, and lack of respect for the rights of the Kurdish minority.

There is no accurate figure for the number of political prisoners in Syria. The NGO Freedom House estimates that 2,500–3,000 political prisoners remain imprisoned in Syria. Some Syrian human rights defenders and lobby groups estimate a much higher figure of around 4,000. In January, the NGO Syrian Human Rights Information Link published their annual list of political prisoners. Though not definitive, the list shows an increase in new political prisoners, from 800 imprisoned in 2008 to 974 in 2009.

In 2009, the UK has consistently raised its concerns about the human rights situation in Syria. A new EU joint strategy on human rights was instigated by the UK in 2009.

On 3 August, Foreign Office Minister Ivan Lewis raised major issues of human rights concern during his



A Syrian protester demonstrates against torture at a 2009 Human Rights Day protest in Beirut

meeting with Foreign Minister Muallam. The Foreign Secretary has publicly reiterated the UK's concerns in Parliament, making clear that "the UK is particularly concerned with the deterioration in the situation for opposition politicians and Syria's Kurdish population, and the restrictions of basic civil rights and freedom of the media".

Human Rights Defenders

The security services are pervasive in Syrian society. They monitor opposition figures, human rights lawyers and defenders. These groups are often subject to arbitrary arrest and detention. In addition, demonstrations are routinely broken up and participants arrested.

As well as a number of similar incidents there are also prominent examples of individual cases of human rights breaches. In March, the UN Working Group on Arbitrary Detention ruled that the detentions of political prisoners Nizar Ristnawi and Kamal Labwani were arbitrary and thus unlawful. Ristnawi is a founding member of the Arab Organisation for Human Rights (Syria), and Labwani is an advocate of peaceful democratic reform. It noted that the detentions of other individuals tried before the Syrian State Security Court were also arbitrary. It observed that defendants "are often accused of vague, widely interpreted and unsubstantiated security offences" and have "no legal redress for arrest or detention".

Syrian security services arrested 78 year-old Haitham al-Maleh, a leading Syrian human rights lawyer and founding member and ex-director of the Human Rights Association in Syria, on 14 October. We believe that the Syrians detained Mr al-Maleh after he criticised the regime on a programme broadcast on 13 October by UK-based Barada television. The security branch where Mr al-Maleh had been held referred him to the military court on 20 October, which interrogated him in a closed session. Three charges have been brought against him – "disseminating false information that weakens the morale of the nation", "insulting the President" and "bringing the Syrian judiciary into disrepute". The charge of insulting the President has subsequently been dropped.

On 12 November, Mr al-Maleh appealed against the charges filed by the military judge at the Court of Cessation. The outcome of that appeal is not yet known.

On 28 July, Mohannad al-Hasani was arrested by the Syrian intelligence services. He is a lawyer and human rights defender and head of the Syrian Organisation for Human Rights. His detention is related to his monitoring of trials at the State Security Court and he faces up to 15 years in prison. He has reportedly been beaten and remains in custody. On 10 November, he was also disbarred by the Syrian Bar Association. Mr al-Hasani has been accused of "weakening national sentiment", "spreading false or exaggerated

news", "harming the prestige of the State", and having "illegal links with people residing in an enemy country". The British Embassy and our EU partners will continue to monitor the situation of Mr al-Maleh and Mr al-Hasani and continue to press the Syrians for their release.

Freedom of Expression

The Syrian government monitors internet use closely. Internet cafés are a focus of the Syrian security services, which act to catch people who blog against the government. In 2009, three Syrian bloggers were imprisoned for writing anti-government statements. Websites, such as Facebook and YouTube, are blocked. The Ministry of Information closes media organisations that are critical. In June, the Ministry banned the distribution of youth magazine *Shabbalek* and the Lebanese newspaper *Al Ahkbar Daily* and in September, the Syrian security authorities closed the Syrian Centre for Media and Freedom of Expression.

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. In particular, there are a number of measures in place repressing Kurdish identity, through restricting the use of the Kurdish language in public, in schools and in the workplace. Kurdish-language publications are banned and celebrations of Kurdish festivities, such as Nowruz, the traditional Kurdish New Year, are prohibited.

In addition, as many as 300,000 Kurds continue to be denied recognised citizenship. Presidential Decree 49, which was passed in October 2008, still remains in force. This questions the rights of Syrian citizens to hold property rights in the border areas of the country and particularly affects the Kurdish population. Kurds in Syria claim that it effectively prohibits them from selling, buying or inheriting land.

At least 150 Kurds were detained as political prisoners in 2009. In February, 26 Kurds were arrested during a ten-minute silent demonstration in Qamishli. On 20 March, six people were arrested in Hassake during Kurdish New Year celebrations, including Suleiman Osso, a leader of the Yekiti Party, which represents Kurdish interests. Three others were arrested in nearby Kurdish villages. On the same day, in the northeast of Syria, the police used a bulldozer to break the main stages at the celebrations in five towns and villages. Security services also arrested over 120 Kurds in

Aleppo and were reportedly physically and verbally abusive to Kurdish women during a candlelit New Year party.

On 23 November, Kurdish conscript Sadik Hossein Mousa was reported to have died during military service. Nineteen such cases have been reported in the last five years: six deaths of Kurdish conscripts in 2004; one in 2006; eight in 2008; and four in 2009. The Syrian authorities say the deaths are suicides, but human rights defenders say autopsy evidence points to death by torture or shooting that could not have been self-inflicted.

Turkmenistan



In 2009, there were indications that Turkmenistan was backtracking on previous improvements and commitments to human rights. The Turkmen government continues to state that it is ready for dialogue with the international community but this is not matched by concrete action. In areas such as freedom of expression, the rule of law, and the treatment of political prisoners, the evidence is either of inaction or further retrograde steps.

The slow pace of change is exacerbated by the lack of representative government. Although Parliament was increased from 65 to 125 members in December 2008, this has not resulted in any increase in transparency or democratic political process, and there remains no real move towards introducing a parliamentary political opposition.

The UN system, the EU and individual EU Member States continue to offer support to the Turkmen authorities as they seek to fulfil their human rights commitments. A third EU-Turkmenistan Enhanced Human Rights Dialogue took place in Brussels in June. For the second time the Turkmen side accepted a list of individual human rights cases and agreed to respond in writing. Disappointingly, the Turkmen government has yet to deliver a full response or fully comply with the recommendations it accepted in the course of its UPR in December 2008.

In our contacts with the Turkmen authorities, the UK continues to encourage respect for human rights as an integral part of stable and prosperous development and integration with the international economy. Through our Embassy in Ashgabat, we



Turkmen senior prison officials making a familiarisation visit to a juvenile centre in Kazakhstan. The visit was organized and funded by an FCO Penal Reform project in Turkmenistan.

provided a targeted programme of support to the relevant government agencies as well as the very few non-governmental bodies operating in Turkmenistan. This includes work with the Turkmen government's National Institute for Democracy and Human Rights, which has allowed us to share UK experience of drafting human rights legislation, working with UN Special Rapporteurs and ombudsmen systems and other aspects of compliance with our international obligations.

Freedom of Expression

During 2009 there has been no improvement in respect of freedom of expression or freedom of association. Turkmenistan is classified by Reporters without Borders as one of 12 countries that is an enemy of the internet. All media is tightly controlled, with no independent newspapers or television or radio stations. News coverage consists primarily of a chronicle of official events with no independent editorial comment. Journalists who cooperate with foreign media have been subject to harassment and arbitrary detention. Working with the National Institute for Democracy and Human Rights, the British Embassy has provided advice on the reform of legislation regulating media activity and has sponsored workshops on media regulation with experts from the BBC World Service Trust, Oxford University and other bodies.

Civil Society

There is still great suspicion of NGOs, particularly those working on human rights issues. International NGOs find it impossible to obtain visas. No truly independent NGO has successfully registered in the last four years.

Registration is a pre-requisite for an NGO to operate in Turkmenistan. The government has shown no signs of changing this requirement in the near future.

We are also concerned that Médecins Sans Frontières closed down its operations in mid-December after more than ten years, as they have not managed to secure any suitable agreements from the government to continue operations. A Médecins Sans Frontières administrator will remain in Turkmenistan until the current agreement ends in June 2010 in the hope that the Turkmen authorities might reconsider.

The British Embassy will continue to support the small group of surviving NGOs. With the Soros Central Eurasia Project and the International NGO Training and Research Centre we are working to establish a local NGO training centre.

In 2009, the Turkmen government backtracked on its support for international scholarships when it placed a near total ban on all students trying to study overseas, by introducing new requirements to obtain special permissions from the education and migration ministries. The British Embassy, as local EU Presidency, was active in raising EU concerns with the government. This requirement was eased in late summer. However, there remains a total ban on any students trying to study at the American University in Bishkek, Kyrgyzstan.

Freedom of Religion

The UN Special Rapporteur on Freedom of Religion or Belief, Asma Jahangir, visited Turkmenistan in September 2008. Her report contained a number of recommendations, which, more than 18 months later, have yet to be fully implemented.

A number of religious groups continued to be refused registration in 2009. This includes Jehovah's Witnesses who have had their requests for registration turned down on many occasions. They have also had their meetings disrupted by law-enforcement agencies claiming to be looking for drugs. Turkmenistan has also backtracked on a commitment to investigate alternatives to military service for Jehovah's Witness followers. Registered religious groups are able to practise their beliefs discreetly, but there continues to be a ban on the importation of religious literature.

Discrimination

There is some discrimination against ethnic minorities in Turkmenistan. This generally takes the form of ethnic Turkmen being the favoured candidates for public-sector positions. Minorities are also excluded in new laws and public decisions. There are worrying signs that incidents of discrimination are on the increase, particularly with regard to ethnic Russians.

When jobs are advertised the wording makes it clear that the successful applicant will be a Turkmen national. Although ethnic Russians may hold Turkmen passports, for the purposes of employment they are not deemed to be Turkmen nationals and are not considered, even though there is nothing to prevent them from applying. Some new laws just stipulate "Turkmen", which can exclude any other ethnic minority regardless of whether they hold a Turkmen passport.

Political Prisoners

There were some welcome presidential pardons immediately after President Berdimuhamedov took office in 2007. But since then, there have been very few pardons for political prisoners.

It is disappointing that Gulgeldy Annaniyazov, a former political dissident, remains in prison after his return to Turkmenistan from Norway where he was given refugee status. His current whereabouts are unknown. After much lobbying by the international community, including by the British Embassy as local EU Presidency, the case of the environmental activist, Andrey Zatoka, was reviewed and his five-year sentence was reduced on appeal to a fine. He was permitted to renounce his Turkmen citizenship and to leave for Russia in November.

The release of political prisoners was one of the UK recommendations at Turkmenistan's UPR in 2008. This was rejected by the Turkmen government. The actual number of political prisoners in Turkmenistan remains unknown.

Rule of Law

In 2009, the Turkmen President set up an inter-departmental commission to examine Turkmenistan's implementation of the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT). This has led the Turkmen government to agree to implement a project proposed by the British Embassy aimed at

updating and revising the penal code, to bring it into line with international standards, and reforming the criminal justice system. It is expected that the amended draft of the penal code will be submitted to Parliament for passing into law early in 2010.

An important aspect of the UK assistance provided in the development of the new penal code has been to ensure the proper observance of children's rights. There were welcome signals from the government in 2009 that a separate section on juveniles will be incorporated into the new penal code. This will ensure considerable improvement in detention conditions for minors, including better access to education, unlimited family visits, increased parcel allowance including food provisions, unlimited telephone calls to their families, and a greater focus on rehabilitation rather than punishment.

Turkmenistan accepted the UK's recommendation at its UPR that it will work to improve access to justice and the independence of the judiciary. We provided support to back up these recommendations including a visit to assist the National Institute for Democracy and Human Rights. However, we continue to have serious concerns, particularly with regard to the implementation of child-labour laws, prison conditions and penal reform.

Prison conditions remain extremely worrying. The Turkmen government has still not granted the International Committee of the Red Cross (ICRC) access to Turkmen prisons. We continued to press the case for ICRC access throughout 2009, sharing expertise on ICRC mandate implementation and bringing in prison experts from countries in the region where the ICRC already has access. The Embassy also arranged a series of visits to the UK by senior Turkmen prison-management officials to share UK experience in implementing human rights standards in prisons.

We also continued to develop links throughout 2009 with the Turkmen Parliamentary Committee on Human Rights and Liberties Protection. The Chairman of the Committee and another member visited the UK in November, to familiarise themselves with UK best practice in implementing human rights into international and domestic law. This visit gave rise to the suggestion that Turkmenistan's prison system should come under the control of the Ministry of Justice rather than the Ministry of Interior, as at present.

We will continue to monitor the progress in the Turkmen parliament of proposals for reforming the penitentiary and juvenile justice system, the mechanisms of judicial protection, improving legislation on religious organisations, and on media regulation.

Uzbekistan



While some positive steps have been observed in 2009, serious concerns remain about the human rights situation in Uzbekistan. Little progress has been made towards implementing the recommendations accepted by Uzbekistan at its Universal Periodic Review (UPR) in December 2008.

In October, EU Member States took the unanimous decision not to renew the remaining sanctions on Uzbekistan, which had been imposed following the events in Andizhan in May 2005. This decision was made with a view to encouraging the Uzbek authorities to take further substantive steps to improve the rule of law and the human rights situation on the ground.

The EU remains ready to strengthen relations with Uzbekistan and help the Uzbek authorities improve the human rights situation. In this respect, we hope that agreement can be reached with the Uzbek authorities for the EU to open a full delegation office in Tashkent, to better drive forward increased engagement.

Freedom of Expression

Serious restrictions on freedom of expression remained in place in 2009. Although formal censorship was abolished in 2002, self-censorship and new laws continue to prevent criticism of the government. Internet service providers must use the state-controlled telecom operator, enabling the blocking of selected websites, including the BBC. Journalists have reported being beaten and detained, or otherwise harassed, by police or security services.

In July, Dilmurod Saidov, a journalist who had reported on alleged government agricultural abuses, was sentenced to 12½ years in prison on charges of extortion and forgery. According to the Committee to Protect Journalists' 2009 Prison Census Report, this took the number of imprisoned journalists in Uzbekistan to seven, the 6th highest in the survey.

Few international NGOs are able to operate in Uzbekistan because the authorities withhold accreditation to foreign NGO staff. Human Rights Watch (HRW) continues to operate without a full time representative in the country as the government has refused to grant accreditation to the organisation's previous three candidates, and banned the latest applicant from entering the country. In meetings with Uzbek officials the British Embassy has urged the Uzbek government to promote greater pluralism of views in the country, including through accreditation of an HRW representative.

Freedom of Religion

Legislation in Uzbekistan guarantees religious freedom, but the reality is different. The Law on Freedom of Conscience and Religious Organisations (1998) grants rights only to registered groups and bans proselytising. Registration is a complex and lengthy process, and officially registered "religious organisations" are subject to tight legal controls. All religious activity by unregistered groups is criminalised, leaving peaceful groups vulnerable to raids on their homes and meetings by the police and security services. They can also face interrogation, fines and even imprisonment. Many groups report having been denied registration on spurious grounds. Followers of Islam outside the state-sponsored version are also vulnerable to arrest for perceived extremism. We have a number of ongoing concerns:

- > Dimitri Shestakov, a Pentecostal pastor from Andizhan, is still in the Navoi labour camp, serving a four-year sentence on charges of organising an illegal religious group, inciting religious hatred and distributing extremist religious literature.
- > In November, Jens Gregersen, a Danish citizen, was reportedly deported from Uzbekistan for missionary work on behalf of the Jehovah's Witnesses.
- > Forum 18 News Service reported that an unprecedented number of followers of the Muslim theologian Said Nursi, at least 47 as of July, have been imprisoned in 2009.
- > The Baha'i community in Uzbekistan has also reportedly experienced harassment, with meetings being raided by law-enforcement agencies and pressure allegedly put on members to renounce their faith.

- In November, a British citizen resident in Uzbekistan since 1991 was detained by police and deported, apparently because of his leadership role within the Baha'i faith. Despite repeated requests for information, no proper explanation was given for the authorities' actions.

The British Embassy regularly raises its concerns about religious freedoms with Uzbek officials and urged the easing of registration procedures for religious groups at Uzbekistan's UPR.

Political Prisoners

We remain concerned by the number of human rights defenders and dissidents in prison. EU Member States have urged the Uzbek government to release all imprisoned human rights defenders and prisoners of conscience, with little success. Human rights defenders continue to report harassment and pressure that has forced some to leave Uzbekistan, or to cease their activities.

On 12 November, it was reported that Bakhtiyor Khamraev and Mimir Azimov, human rights defenders from Djizak region, were beaten by police following a meeting with the leader of the opposition Birdamlik Movement. This occurred just hours after Khamraev was quoted in a BBC report on child labour in Uzbekistan.

Bakhodir Choriev, leader of the Birdamlik (Solidarity) Uzbek opposition movement, who returned to Uzbekistan from the US in 2009, was reportedly deported back to the US on 12 December. Sanjar Umarov, founder of the opposition group Sunshine Coalition, and who was jailed in 2006 for economic crimes, was granted early release from prison on 7 November and allowed to travel to the US unimpeded. Human rights groups believe that his imprisonment was politically motivated. The British Ambassador welcomed the release in meetings with Uzbek officials.

Child Labour

There have been some encouraging steps on child labour, including ratification of International Labour Organisation (ILO) Conventions 138 and 182 on combating child labour, and the launch in 2008 of a Nation Action Plan to ensure implementation of



A UK-funded project to train neonatologists

these conventions. However, despite these positive developments, there have been reports of the continued and systematic mobilisation of children, some as young as 11, during the 2009 cotton harvest.

Rule of Law

In April, legislation was amended to allow the Human Rights Ombudsman of Uzbekistan unfettered access to prisons to monitor conditions. Prison conditions have reportedly improved. But reports of widespread hepatitis and tuberculosis and allegations of mistreatment of some prisoners by officials, particularly those sentenced on religious grounds, remain a source of concern. The Uzbek government's agreement in July to resume prison monitoring by the International Committee for the Red Cross for a further six-month period is a welcome step.

In November, the London Metropolitan Police hosted an Uzbek delegation, headed by Mr Alexandre Yakubov, Chief of the Uzbek Police Academy, to share UK experience of police training. The visit, funded by the Organisation for Security and Cooperation in Europe (OSCE), was aimed at improving staff training and professional development of personnel. The programme of the visit included various meetings at the Metropolitan Police Training School, the Crime Academy, New Scotland Yard, and included tours and briefings at Central Communication Command and Belgravia Police Station. The delegation also met representatives of the FCO.

In January 2007, the UN Committee against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment called upon the Uzbek authorities to do more to address impunity. While several law-enforcement officials have been disciplined following complaints about human rights abuses, the continued high number of allegations of torture, especially in pre-trial detention, remains a serious concern. Uzbekistan has also yet to allow the UN Special Rapporteur on Torture to carry out a requested follow-up mission to his 2002 visit, which we continue to urge them to do.

Electoral Reform

A number of changes to the electoral process were introduced ahead of the 27 December parliamentary elections. Some were broadly positive – an enhanced role for political parties, TV debates, and measures to ensure transparency in vote-counting at polling stations. The election represented a very limited step forward but it may in time help foster a more democratic culture. Other changes appear to be retrogressive. The provision for citizens' initiative groups to put forward candidates by petition was revoked. Also, 15 seats were automatically apportioned to the newly created Ecological Movement of Uzbekistan, and therefore not contested in direct elections. There seems to have been a lack of genuine competition, with none of the parties presenting a truly alternative manifesto, and opposition leaders routinely praising the Presidential party's record.

A Needs Assessment Mission carried out by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) in October did not identify any significant improvements in the electoral framework. The Uzbek Central Election Committee limited the potential scope of an OSCE election monitoring mission to 25 short-term observers. Taking all this into account, the OSCE ODIHR took the decision to deploy a more limited Election Assessment Mission. Their post-election report is expected to be published in late February 2010.

Healthcare

The Uzbek government has taken significant measures to improve healthcare provision, especially within the field of maternal and child health. This has included large projects in cooperation with the EU, UNICEF and the Asian Development Bank, alongside which the British Embassy funded a complementary project to train 16 Uzbek neonatologists in the treatment of

respiratory disorders in newborn care, who would then disseminate the training regionally. This training was coordinated by British NGO HealthProm, in partnership with the Uzbek Ministry of Health and the Asian Development Bank.

Vietnam



Until recently, the trajectory of change on human rights in Vietnam was positive. But there have been worrying developments during 2009 and there remain significant areas of concern, most notably freedom of expression, media freedoms and the death penalty.

Vietnam's major achievement in recent years is its socio-economic development. As it reaches middle-income country status Vietnam will face a new set of challenges to ensure socio-economic standards continue to improve. For these positive developments to be sustained rampant corruption must be tackled, overly bureaucratic systems reformed, and people allowed to share ideas and information freely.

The UK maintains a constructive dialogue on human rights issues with the Vietnamese government both bilaterally and through the EU, including at the biannual EU–Vietnam Human Rights Dialogue. Human rights are also a key pillar of our Development Partnership Agreement with Vietnam, led by DFID, which ensures the government is held to account for the support that the UK government provides.

In July, Vietnam sent a delegation to the UK to meet NGOs and officials from the FCO, Ministry of Justice and Department of Work and Pensions to learn from the UK's experience of implementing human rights treaties. We will be monitoring progress closely through both our bilateral and EU consultations with the Vietnamese government.

The UK is also funding a range of human rights-related project activity in Vietnam through the FCO's Strategic Programme Fund and the British Embassy's Bilateral Fund. This includes:

- > supporting the Danish Institute for Human Rights to work with the General Department of Police and, more recently, the People's Police Academy, to promote the application of international human rights standards in law enforcement and policing;



Nguyen Xuan Nghia on trial in October

- helping the British Council to develop the professional reporting skills of young journalists and to enhance the teaching programme for Vietnamese university undergraduates studying journalism;
- supporting Article 19's work with the Ministry of Justice on the drafting of new legislation on access to information;
- a project with the National Assembly to encourage members to engage with constituents through Yoosk, a knowledge-sharing, web-based platform that has been used by UK Government departments to enhance transparency and improve links with the public; and
- supporting the Vietnam Union of Science and Technology to establish a forum of Vietnamese civil society organisations.

The EU maintains a list of prisoners and detainees

of concern, which we regularly share with the Vietnamese authorities to seek their comments on the welfare of the detainees. In November, there were 40 prisoners of concern on the list. The EU takes opportunities to visit and meet with these detainees when access is not restricted by the Vietnamese authorities.

In September, the UN Human Rights Council adopted the Universal Periodic Review (UPR) outcomes on Vietnam. The UK welcomed Vietnam's engagement in this process. We believe it is vital for the Vietnamese government to deliver on the commitments it made through the UPR, including signing and ratifying the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and re-engaging with the UN Special Rapporteur on Religion.

Freedom of Expression

Over the past 12 months, there have been worrying signs of a further crackdown against peaceful

activists. A number of lawyers, bloggers and political activists were arrested or imprisoned in 2009. With our EU colleagues we raised our concerns with the Vietnamese government about the June arrest of Le Cong Dinh, a prominent lawyer who had previously represented a number of human rights defenders. His taped confession was broadcast on TV and the internet shortly after his arrest. On 20 January 2010, Mr Dinh and three co-defendants, Tran Huynh Duy Thuc, Nguyen Tien Trung and Le Thang Long, were all given lengthy prison sentences following their conviction on charges of carrying out activities aimed at overthrowing the people's administration. Immediately after their trial, we and EU partners made strong representation to the Vietnamese government about the grounds for their conviction and the severity of the sentences.

We also raised our concerns with the Vietnamese government about the severe prison sentences handed down to nine activists in October for conducting propaganda against the state:

- Tran Duc Thach, sentenced to three years in prison plus three years' house arrest for publishing poems and articles critical of the Communist Party of Vietnam (CPV) and the Vietnamese government.
- Vu Van Hung, sentenced to three years in prison plus three years' house arrest for publicly displaying a banner and posting documents on the internet criticising the CPV and the government's handling of corruption, inflation, and their policy on the disputed Spratly and Paracel Islands.
- Pham Van Troi, sentenced to four years in prison plus four years' house arrest for writing documents critical of the CPV and the government and posting them on the internet.
- Nguyen Xuan Nghia and five others, sentenced to between two and six years in prison plus between two and three years' house arrest for publicly displaying banners referring to the disputed Spratly and Paracel Islands, human rights, democracy and pluralism. Members of the group were also convicted of posting photos of the banners and other documents criticising the CPV and the government on the internet.

The British Embassy in Hanoi and our EU partners sent representatives to witness the trials in January 2010 and three of the trials in October 2009. We

believe that in all of these cases the individuals were peacefully exercising their right to freedom of expression. We regularly highlight to the Vietnamese government, both bilaterally and through the EU, the importance of the free flow of ideas, analysis and debate to Vietnam's long-term sustainable development.

Civil Society

The relationship between the Vietnamese government and civil society deteriorated in 2009. In July, the government imposed further restrictions on the activities of civil society organisations with Decision 97. This forces organisations to register with the authorities and prevents them from publishing their research independently. The influential Institute for Development Studies (IDS) took the decision to dissolve as a result. IDS felt it could no longer operate under such restrictions. The EU raised our concerns about this unwelcome development with the Minister of Science and Technology.

Media Freedom

In Vietnam tight domestic censorship of print and electronic media remains in place across all regions. Reporters Without Borders ranks Vietnam 166 out of 175 countries in their 2009 Press Freedom Index and classes Vietnam as an enemy of the internet (one of only 12 countries to be classified this way). The Vietnamese authorities use tight controls to censor online news and information and to monitor internet use and access. In January, new legislation made it illegal for bloggers to use pseudonyms and forced internet hosts to inform the authorities about their customers' activities and to report any blogs that appear to violate the law.

At the same time internet use continues to grow rapidly. More than 22 million Vietnamese had access to the web at the end of 2009. The media, business and the public have all embraced the internet. It is an increasingly important tool for Vietnam's future social and economic development.

Towards the end of 2009, we were concerned to discover Facebook was blocked by Vietnamese internet service providers. Estimates suggest over one million Facebook users in Vietnam were affected by this blackout. While the government denied responsibility, the UK and EU raised concerns and continue to press the government to remove restrictions on the internet that stifle freedom of expression and the free flow of information.

The ASEAN Inter-Governmental Commission for Human Rights

Asia-Pacific is the only region in the world without a formal human rights mechanism. The UK therefore welcomed the commitment in the Association of South East Asian Nations (ASEAN) Charter to establish a human rights mechanism within South-East Asia.

Vietnam took over the revolving ASEAN Chair in January 2010. We will be looking to the government to demonstrate leadership in developing the new ASEAN Inter-governmental Commission on Human Rights (AICHR), which was formally launched by ASEAN Heads of State in October. The Vietnamese Commissioner to the AICHR, Mr Do Ngoc Son, and the Vietnamese government will play a vital role in shaping the new working practices and the future direction of the Commission.

ASEAN has a tradition of non-interference in the internal affairs of Member States and takes an evolutionary approach to new institutions. The

new Commission is no exception and is likely at first to focus primarily on the promotion, rather than protection, of human rights.

The terms of reference for the AICHR were created by a High-Level Panel in consultation with civil society. All ten ASEAN members appointed a national representative to sit on the Commission. The UK is encouraged by the diversity of those chosen by their countries— from academics and members of human rights groups to legal professionals.

We hope that the cooperation and engagement with civil society and other interested parties in establishing the Commission will develop into a more formal relationship, to ensure the Commission's work is relevant to human rights issues affecting people in ASEAN countries. We stand ready to support the Commission as it develops its work to become the overarching institution responsible for the promotion and protection of human rights in ASEAN.



ASEAN ministers in July 2009

The UK remains willing to work closely with Vietnam in the development of its media sector, including sharing our experience on the use of libel and defamation law to encourage the Vietnamese to consider handling cases under civil law, rather than in the criminal courts. We continue to urge the government to take steps to ensure that its media reforms serve to enhance the role of journalists and media outlets as instruments to improve transparency and accountability.

Death Penalty

In June, the National Assembly approved amendments to the Penal Code reducing the number of capital offences from 29 to 21. This included the removal of crimes such as smuggling, hijacking of aircraft and ships, and offering bribes. While this is a step in the right direction, the government had originally proposed a reduction of 17 crimes. The National Assembly maintains that public opinion is against the complete removal of the death penalty at this time.

Figures on the death penalty remain a state secret. Consequently, the Vietnamese authorities are reluctant to share any data with members of the international community. However, by December media sources had reported that at least 73 people had been sentenced to death in 2009, although the actual numbers may have been much higher.

We continue to urge the Vietnamese government to adopt a more transparent approach to its application of the death penalty, and to consider the introduction of a moratorium on its use.

Freedom of Religion

Freedom of religion has improved over recent years. In May, the Vietnamese government accepted the UK's UPR recommendation to consider re-engaging with the UN Special Rapporteur on Religion, which we judge to be a positive sign. The government has also put in place a legislative framework, which aims to protect freedom of religion although implementation can be patchy, particularly at the provincial level. The ineffective handling by local authorities of the expulsion of a group of monks and nuns from the Bat Nha Monastery in September and their subsequent removal from the Phuoc Hue Monastery in December is an example of this. In November, the EU sent a delegation to the region to assess the situation and we raised our concerns with the government's Commission for Religious Affairs and the Ministry of Foreign Affairs on a number of occasions.

Governance and Accountability

The Vietnamese government has made some progress in developing a framework for tackling corruption by agreeing a National Anti-Corruption Strategy in May and ratifying the UN Convention on Anti-Corruption in August. However, there is no effective measure of implementation and government efforts tend to focus on prevention and enforcement, rather than tackling the root cause of weak accountability. Protection of whistleblowers, in particular, needs to be guaranteed. This includes journalists reporting on state corruption.

With financial and technical support from the international community, the Vietnamese government is continuing its comprehensive programme of legal and judicial reforms. Securing a more independent judiciary through longer and more secure tenures of judges remains a priority, along with increasing the number of practising lawyers.

We also continue to engage with the Vietnamese

government through high-level visits. Parliamentary dialogue was enhanced through the May visit to Vietnam by the All-Party Parliamentary Group on Vietnam, and several National Assembly delegations have visited the UK during the course of 2009. These visits all included discussions on human rights. Lord Davidson of Glen Clova, Advocate-General for Scotland, visited Hanoi in April and October to discuss legal and judicial reform and Vice-Minister of Justice, Mr Nguyen Duc Chinh, visited the UK in November to learn from the UK's experience of handling civil and criminal judgments, including the management of prisons following the transfer of responsibility from the Home Office to the Ministry of Justice. This is part of our ongoing support for the Vietnamese government's legal and judicial reform process.

Zimbabwe



Zimbabwe has seen lower levels of violence in 2009 than the widespread political violence of 2008. The power-sharing government established in February has resulted in economic stabilisation and a reduction in human rights violations. But the progress achieved this year is not irreversible and serious abuses continue.

Supporters of the Movement for Democratic Change (MDC) and members of civil society continue to suffer abuse and intimidation at the hands of the police and the army. Courts do not guarantee a fair and transparent trial. Farm invasions have increased, with police often actively complicit, and human rights abuses have continued at the Marange diamond mining area. The power-sharing "Inclusive Government" is formally committed to improving human rights in Zimbabwe; we are doing what we can to support it in achieving this aim through our increased and carefully calibrated re-engagement.

Inclusive Government

The start of 2009 saw Zimbabwe on the point of collapse. The rate of inflation was the second highest in global history and essential public services had ceased to function. Following months of stalemate after the disputed elections of 2008, a power-sharing "Inclusive Government" was formed in February with Robert Mugabe of the Zimbabwe African National Union-Patriotic Front (ZANU-PF) as President and Morgan Tsvangirai of MDC-Tsvangirai (MDC-T), the main opposition party, as Prime Minister. However,



The power-sharing "Inclusive Government" was formed in February

ZANU-PF retained control of the key instruments of power – the police, army and judiciary – which were largely responsible for the shocking human rights abuses of 2008.

All political parties in Zimbabwe signed a Global Political Agreement (GPA) in September 2008, which committed the Inclusive Government to a package of reforms designed to restore security and welfare to Zimbabwe's people and promote respect for human rights and the rule of law. We support the Inclusive Government in its efforts to realise peace, democracy and economic prosperity for the Zimbabwean people. Some progress has been made: the scrapping of the Zimbabwe dollar has brought an end to hyperinflation, public sector workers are being paid, and many basic services have resumed. Civil society is also now largely able to operate openly. But there has been minimal progress on fundamental improvements to human rights, governance and political freedoms. The continued harassment of human rights defenders, arbitrary arrests and intimidation, the increase in farm invasions since the advent of the Inclusive Government and the lack of press freedom all remain a concern.

We have intensified political dialogue, in recognition of the opportunity for reform provided by the Inclusive Government. The Prime Minister, Foreign Secretary and Development Secretary welcomed Prime Minister Tsvangirai and accompanying Zimbabwean Ministers to London in June. Ministers have met key members of the Inclusive Government several times this year and senior officials visited Zimbabwe to develop contacts with the government and learn more about their plans. These meetings reflect our concern to promote and support the ongoing progress of reform in Zimbabwe. We have been working with our EU and international partners closely to monitor the changing human rights dynamics on the ground, looking for signs of real change beyond the superficial improvements that have been made.

We coordinate our approach to Zimbabwe with other international donors. International donor meetings to discuss Zimbabwe in Washington on 20 March and in Berlin on 26 October reconfirmed international preparedness to support Zimbabwe's transition from crisis to recovery in line with progress on the ground. Our Embassy in Harare works with diplomatic counterparts to ensure effective monitoring

of the human rights situation and coordination of humanitarian aid. It is encouraging that the Inclusive Government has also begun its own direct dialogue with major international partners, such as the EU and the International Monetary Fund (IMF).

Implementation of the Global Political Agreement

The reluctance of ZANU-PF to implement the political and human rights reforms agreed in the GPA led MDC-T to withdraw from cabinet on 16 October and to appeal to the Southern African Development Community (SADC), as the broker and guarantor of the GPA, to enforce its implementation. We were encouraged by the outcomes of the SADC Maputo Summit on 5 November, at which leaders signalled their clear support for GPA implementation. Following South African mediation, an announcement on 21 December confirmed that the political parties had reached agreement on the formation of human rights, electoral and media commissions, and on media and land reform. Full implementation of the agreements will remain the key challenge. Negotiations are continuing on other deadlocked issues.

Following the MDC-T's withdrawal from cabinet, some elements of ZANU-PF resumed heightened levels of harassment and intimidation of civil society, although this abated following South African intervention.

We support the efforts of the southern African region to secure implementation of the GPA. The Prime Minister, Foreign Secretary and Minister for Africa regularly discuss Zimbabwe with their counterparts in the region.

Political Detainees

When the Inclusive Government was formed approximately 70 political detainees, including high profile MDC-T figures and human rights defenders, were in custody. Due court process for political detainees was a key MDC-T demand and most political detainees were released on bail within the following weeks. However, their bail conditions were extremely strict, severely restricting the ability of human rights defenders to continue their work effectively.

In May, 18 former detainees were temporarily re-arrested, and in October there was a fresh wave of politically motivated arrests. Human rights activists continue to live in fear. On 5 May, the Foreign Secretary expressed his disappointment at the return

Farm Invasions: Disregarding the SADC Tribunal Protections

The Southern African Development Community (SADC) is an inter-governmental organisation of 15 countries, including Zimbabwe. In 2005, SADC set up a Tribunal, which was to be the court of last appeal within the region. Its purpose was to give SADC citizens access to justice where it did not prevail in their own countries.

In 2007 and 2008, the SADC Tribunal gave protection to 78 farmers and their workers in Zimbabwe, after the government forcibly seized farms from many commercial farmers and displaced the workers. On 28 November 2008, the SADC Tribunal ruled that the land-seizure programme in Zimbabwe breached the country's international law obligations. The Tribunal ruled that the farmers were denied access to justice and subjected to racial discrimination. The Zimbabwean government was ordered to ensure the protection of those on the farms and to pay compensation. *Mugabe and the White African*, a documentary that tells the story of the SADC Tribunal case, has received critical acclaim and a British Independent Film Award.

The protection given by the Tribunal, however, has not been respected in 2009. Farm invasions have intensified since the formation of the Inclusive Government, with farm owners subject to the looting and burning of property, and the shooting and beating of workers. Police have, in some cases, been actively complicit, including by transporting thugs to farms and effectively "standing guard".

The Minister of Justice of the Zimbabwean government, Mr Patrick Chinamasa MP, declared in August that any decisions in the past or future made by the Tribunal with regard to Zimbabwe were null and void. Mr Chinamasa announced that Zimbabwe was unilaterally withdrawing from the jurisdiction of SADC.

Gertrude Hambira, General Secretary of the Union for Agricultural and Plantation Workers, toured the SADC region showing the film *House of Justice* in October. The film highlights the plight of individual farmers and workers in Zimbabwe and is being used as an advocacy tool to publicise the pressing difficulties in Zimbabwe and urge SADC leaders to uphold the Tribunal's ruling. We support Gertrude Hambira and other efforts to uphold the Tribunal's ruling.

to custody of the 18 political detainees, highlighting the reform needed in the judicial sector and making clear that "the release of all political detainees is one of the principal conditions for full international re-engagement".

The state security apparatus has also used the judiciary to target MDC-T Members of Parliament, potentially eroding their parliamentary majority. A number of MPs have been arrested on apparently trumped-up charges. Some have been suspended from parliament as a result. The performance of the country's judiciary and magistracy is variable, due in part to political interference and the patronage system that characterises Zimbabwe. We are encouraged by some evidence of professionalism by individual judges. The most notable example was the Supreme Court's ruling in September that Jestina Mukoko's (Director of the Zimbabwe Peace Project) constitutional rights were violated through her abduction and subsequent torture.

Of the group of MDC activists missing since a spate of abductions in late 2008 (their cases detailed in last year's report), five activists have yet to be found. Despite calls from human rights groups for an investigation into their disappearance, there has been no investigation.

Freedom of Association

Political space for civil society organisations and non-governmental organisations expanded during the year. They were largely able to operate freely across the country, hold workshops, including on the constitutional reform process, research reports and deliver humanitarian assistance.

The right to assembly has not been respected consistently in 2009. Some marches and demonstrations were held successfully, but two peaceful marches conducted by Women of Zimbabwe Arise in Bulawayo and Harare in June were broken up by riot police with batons. Protesters were beaten and denied medical treatment while in custody. In late October, senior figures of the National Association of Non-Government Organisations and Zimbabwe Congress of Trades Unions were arrested under the often misused Public Order and Security Act for holding meetings without permission. In response to the increase in politically motivated arrests in November, the EU issued statements, condemning these actions and urging the SADC to act in its capacity as guarantor of the GPA.

Media

The Access to Information and Protection of Privacy Act, passed in 2002, led to the closure of independent newspapers and television networks and continues to be used to restrict freedom of expression in Zimbabwe. The state television network, Zimbabwe Broadcasting Corporation, remains the only national network in Zimbabwe. Despite the inauguration of the Inclusive Government, the state media remains heavily biased in favour of ZANU-PF. Proposed new independent publications have not yet been awarded licences. The BBC, CNN and other international outlets have been broadcasting openly from Harare since July.

The Renewal of ICRC Access to Prisons

Overcrowding, unhygienic conditions, and inadequate bedding, sanitation, food and medical care typify Zimbabwe's prisons. Malnutrition compounded by diseases, such as cholera and HIV, added to record prison mortality rates. The little food that was provided consisted mainly of starch with little nutritional value. In Harare Central Prison, eight heads of cabbage mixed with water, shared between 1,500 inmates, served as the prisoners' daily vegetable ration. Prisoners in urban prisons, such as Harare, were getting just one "meal" a day. Children living alongside their incarcerated mothers and pregnant and breastfeeding women were of particular concern.

The formation of the Inclusive Government and the impact of media reporting, including a South African documentary entitled *Hell Hole*, led to a growing acceptance by the authorities of the seriousness of the situation. After years of negotiation, the International Committee of the Red Cross (ICRC) was granted access to the Zimbabwean detention system in April. We are supporting the ICRC in improving the food supply, access to healthcare, and in providing clothing, blankets and hygiene items. As elsewhere in Zimbabwe, cholera in prisons is now under control, and the ICRC are working on improving water and sanitation conditions in preparation for any future cholera outbreaks.

Along with the ICRC, we are supporting local groups in Zimbabwe who work to improve prisoners' welfare, by reporting on the needs of prisoners in specific prisons and providing legal advice to inmates.

Although President Mugabe agreed to an amnesty for 1,500 prisoners, which helped ease overcrowding in prisons, long-term solutions have not yet been implemented.

The repeal of repressive legislation, such as Access to Information and Protection of Privacy Act and Public Order and Security Act, is stipulated in the GPA, and will be necessary to secure a significant and sustained reduction in human rights abuses in Zimbabwe.

Humanitarian Situation and UK Aid

The humanitarian situation stabilised in 2009 following a better harvest, the end of the cholera epidemic and sustained international aid. However, Zimbabwe continues to experience serious humanitarian challenges.

In early 2009, over seven million Zimbabweans were receiving food aid. Although this year's harvest was better, the World Food Programme (WFP)

estimates that up to 2.8 million people may still need some assistance with food security at the peak of Zimbabwe's "hungry season" in February–March 2010. DFID contributed £9 million in financial year 2008–09 to the WFP-led response and has allocated a further £4m to WFP to strengthen food security this year.

In 2008–09, Zimbabwe suffered its worst recorded outbreak of cholera. Official UN figures recorded nearly 100,000 cases of cholera and approximately 4,200 deaths. International assistance, including a £10 million package from the UK, played a critical role in tackling the epidemic. DFID has provided a further £4.7 million to UNICEF to prepare and respond to further outbreaks of cholera during the rainy season of 2009–10, by providing cholera kits for vulnerable households, promoting safer hygiene practices, and repairing water and sanitation systems throughout the country.

The UK is the second largest bilateral donor after the US, giving £60 million in aid in 2009–10, the largest-ever UK aid programme to Zimbabwe. Our bilateral aid is channelled through the UN and NGOs, not the Zimbabwean government. It is both a response to immediate needs and an investment in Zimbabwe's future. It comprises essential food aid and healthcare, including support for the national response to HIV/AIDS, work in the water and sanitation sectors to reduce the risk of further cholera outbreaks, and the provision of seeds, fertilisers, technical assistance and school textbooks.

EU Action

The EU, through the European Commission, contributed a total of □90 million in assistance and humanitarian aid to Zimbabwe this year. The EU began direct dialogue with the Inclusive Government in June, to coincide with the visit of Prime Minister Tsvangirai to Brussels.

In response to the increase of the harassment and intimidation of civil society members in October, the



Relief agencies struggled to provide for seven million Zimbabweans in need of food aid in 2009

Tackling Conflict Diamonds and Promoting Human Rights through the Kimberley Process

In 2006, large deposits of diamonds were discovered in the Marange area in eastern Zimbabwe. As a result, thousands of jobless and homeless Zimbabweans went to the region to pan illegally for diamonds. State forces took control of the illegal diamond mining activity, reportedly using forced labour, violence and extrajudicial killings. Between November 2008 and January 2009, the Zimbabwean government stepped up efforts to control mining areas by launching "Operation Hakudzokwi" (you will not return), and an estimated 200 people were killed.

The Kimberley Process, which includes a Certification Scheme for trading diamonds, is one of the international community's main responses to

tackling "conflict diamonds". A Kimberley Process team of experts visited Zimbabwe in July and reported serious non-compliance with Kimberley Process procedures and confirmed reports of human rights abuses at the Marange diamond fields. In November, the Kimberley Process Plenary agreed an Action Plan for Zimbabwe, stipulating that no diamonds from Marange should be traded until an independently appointed monitor was in place.

We are concerned by reports of ongoing human rights abuses in the diamond fields. The UK, within the EU, will continue to monitor Zimbabwe's compliance with the Kimberley Process and the human rights situation in Marange.

EU expressed its concern about the arrests of civil society members, the re-arrest of Deputy Minister of Agriculture designate Roy Bennett, and the expulsion of the UN Special Rapporteur on Torture on 28 October.

EU-targeted measures remain in place – targeted against the individuals most closely associated with human rights abuses in Zimbabwe. The UK worked with EU partners to first agree a set of measures in 2002. They have been extended over subsequent years in response to increasing human rights abuses in

Zimbabwe. EU measures were most recently extended on 26 January, to cover a further 65 individuals and companies. A total of 203 individuals and 40 companies are covered by the targeted measures, which comprise an asset freeze and EU travel ban. There is also an arms embargo. The targeted measures do not harm ordinary Zimbabweans, do not affect the development of legitimate trade or business, and do not affect humanitarian assistance. These measures are intended to put pressure on hardliners to implement the reform they signed up to in the GPA.

Glossary

AICHR	ASEAN Inter-governmental Commission on Human Rights	EU	European Union
AIHRC	Afghan Independent Human Rights Commission	FAO	Food and Agriculture Organisation
AMISOM	African Union Mission in Somalia	FARDC	The Armed Forces of the Democratic Republic of Congo
APSA	African Peace and Security Architecture	FATA	Federally Administered Tribal Areas (Pakistan)
ASEAN	Association of South East Asian Nations	FCO	Foreign and Commonwealth Office
ATT	Arms Trade Treaty	FDLR	The Democratic Forces for the Liberation of Rwanda
AU	African Union	GPA	Global Political Agreement (Zimbabwe)
AUPD	African Union Panel on Darfur	GSP+	Generalised System of Preferences Plus
AUPSC	African Union Peace and Security Council	HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
BiH	Bosnia and Herzegovina	HRC	Human Rights Council
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	HRW	Human Rights Watch
CBP	Community Based Policing	ICERD	International Convention for the Elimination of all forms of Racial Discrimination
CCM	Convention on Cluster Munitions	ICC	International Criminal Court
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women	ICCPR	International Covenant on Civil and Political Rights
CERD	Committee on the Elimination of Racial Discrimination	ICESCR	International Covenant on Economic, Social and Cultural Rights
CFSP	Common Foreign and Security Policy (EU)	ICG	International Contact Group
CIS	Commonwealth of Independent States	ICPS	International Centre for Prison Studies
CMAG	Commonwealth Ministerial Action Group	ICRC	International Committee of the Red Cross
CNDP	National Congress for the Defence of the People (DRC)	ICTR	International Criminal Tribunal for Rwanda
CoE	Council of Europe	ICTY	International Criminal Tribunal for the former Yugoslavia
CPA	Comprehensive Peace Agreement (Sri Lanka)	IDF	Israeli Defence Force
CPT	Committee for the Prevention of Torture	IDHR	International Organisation for the Defence of Human Rights
CPV	Communist Party of Vietnam	IDP	Internally Displaced Person
CRC	Convention on the Rights of the Child	IDS	Institute for Development Studies (Vietnam)
CRPD	Convention on the Rights of Persons with Disabilities	IEC	Independent Election Commission (Afghanistan)
CSW	Commission on the Status of Women	IED	Improvised Explosive Device
DFID	Department for International Development	IHL	International Humanitarian Law
DPRK	Democratic People's Republic of Korea	ILO	International Labour Organisation
DRC	Democratic Republic of Congo	IMF	International Monetary Fund
DWA	Deportation with Assurances	INSTRAW	International Research and Training Institute for the Advancement of Women
ECC	Election Complaints Commission	IRC	International Rescue Committee
ECHR	European Convention on Human Rights	ISAF	International Security Assistance Force (Afghanistan)
ECOWAS	Economic Community of West African States	ISF	Internal Security Forces (Lebanon)
ECRI	European Commission against Racism and Intolerance	ITS	International Tracing Service
ECtHR	European Court of Human Rights		
ENP	European Neighbourhood Policy		
ERIS	Election Reform International Services		

LGBT	Lesbian, Gay, Bisexual and Transgender	UNOCHA	UN Office for the Coordination of Humanitarian Affairs
LRA	Lord's Resistance Army	UNAMA	UN Assistance Mission in Afghanistan
LTTE	Liberation Tigers of Tamil Eelam	UNAMID	UN-African Union Mission in Darfur
MDC	Movement for Democratic Change (Zimbabwe)	UNCHR	UN Commission on Human Rights
MDGs	Millennium Development Goals	UNDP	UN Development Programme
MINURCAT	UN Mission in the Central African Republic and Chad	UNGA	UN General Assembly
MOD	Ministry of Defence	UNHCR	UN High Commissioner for Refugees
MONUC	UN Mission in the DRC	UNICEF	UN Children's Fund
NATO	North Atlantic Treaty Organisation	UNIFEM	UN Development Fund for Women
NGO	Non-Governmental Organisation	UNMIG	UN Mission in Georgia
NLD	National League for Democracy (Burma)	UNMIS	UN Peacekeeping Mission in Sudan
ODIHR	Office for Democratic Institutions and Human Rights	UNSCR	UN Security Council Resolution
OECD	Organisation for Economic Cooperation and Development	UPR	Universal Periodic Review
OHCHR	Office of the UN High Commissioner for Human Rights	VPs	Voluntary Principles on Security and Human Rights
OIC	Organisation of the Islamic Conference	WFD	Westminster Foundation for Democracy
OPCAT	Optional Protocol to the Convention Against Torture	WFP	World Food Programme
OPTs	Occupied Palestinian Territories	WHO	World Health Organisation
OSAGI	Office of the Special Adviser on Gender Issues	ZANU-PF	Zimbabwe African National Union - Patriotic Front
OSCE	Organisation for Security and Cooperation in Europe		
PA	Palestinian Authority		
PASF	Palestinian Authority Security Forces		
PBC	Peacebuilding Commission		
PBF	Peacebuilding Fund		
PMSC	Private Military and Security Companies		
PRMI	People's Resistance Movement of Iran		
R2P	Responsibility to Protect		
REC	Regional Economic Community		
SADC	Southern African Development Community		
SALW	Small Arms and Light Weapons		
SARG	Special Administrative Region Government (Hong Kong)		
SPC	Supreme People's Court (China)		
SPF	Strategic Programme Fund		
TFG	Transitional Federal Government (Somalia)		
TMVP	The Tamil Makkal Viduthalai Pulikal (Sri Lanka)		
UDHR	Universal Declaration of Human Rights		
UN	United Nations		

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