

Amnesty International
Submission to the Foreign Affairs Committee's Human Rights Inquiry:
The FCO's Human Rights Annual Report 2008

April 2009

Summary

- It may seem obvious that diplomatic relations vary according to the state and issue. However, as well as hindering improvements in human rights internationally, this can risk damaging the UK's authority and standing as a human rights champion. There is a need for greater **consistency** in the application of and respect for human rights in the UK's foreign policy. This is particularly true in relations with strategic or trade partners as well as in counter-terrorism policies.
- The UK has a role to play in improving the **transparency of detention** practices. Far too many detainees continue to be held for long periods of time without charge or fair trial. There is also important work to be done **improving the human rights protection of women and girls** in conflict situations, including tackling the climate of impunity within conflict zones.
- In other conflicts and post-conflict situations, there is a need for **justice system reform** and **efforts to end impunity**. All human rights abuses must be subject to thorough independent and impartial investigation; those responsible for such abuses must be brought to justice. To cite one specific example, a culture of impunity prevails throughout the **Occupied Palestinian Territories** (whether it is abuse committed by Israeli settlers, Palestinian armed groups, or the Israeli Defence Force). This abuse is rarely investigated and the perpetrators are rarely prosecuted. The Government should use its influence to encourage all parties to meet international obligations and standards in this regard, ensuring that laws are upheld and respected.
- The UK continues to play a leading role in efforts to end use of the **death penalty**; this is pressing in several post-conflict situations as well as long-term state abusers.
- The UK has considerable global reach, in part because of its range of bilateral and multilateral relationships. It is essential that the Government continue its positive work in support of international institutions and mechanisms. It is now necessary to work more creatively to **build and strengthen multilateral alliances** to address concerns about the weakness of this international infrastructure. The UK's work implementing **UNSCR 1325 and 1820 on women, peace and security** and in pursuit of a robust and comprehensive **Arms Trade Treaty** are critical.
- There is a need to improve protections in the area of **overseas business practices**; voluntary initiatives offer insufficient human rights protection. The Government should recognise its duty to hold companies to account for their impacts abroad and establish more robust standards.

Introduction

1. The FCO Annual Report (the Report) is an important document that offers an opportunity to hold the Government to account for its international work on human rights. Much of this work is commendable; in many areas the UK works hard to uphold and promote international human rights law and standards. However, there are areas in which the UK falls short of the vision set out by the Foreign Secretary in his foreword to the Report. In large part this relates to the way the UK works with allies such as Saudi Arabia, Pakistan or China, where strategic interests appear to trump human rights concerns.

2. The Government might argue that these are difficult areas and that diplomatic relationships require quiet as well as public diplomacy. However, Amnesty International (AI) believes that consistent and steadfast promotion of human rights should be fundamental to the UK's role in the world. Only a short-term approach could consider there to be tension between human rights and the UK's national interest.

3. In this submission, AI has focussed on a small number of themes and countries. We have made a separate submission on counter-terrorism issues. Our annual report contains more detailed country information. AI also made a recent joint submission to the Committee on Arms Export Controls outlining concerns in this area.

Arms Trade Treaty

4. The need for a global Arms Trade Treaty (ATT) remains acute. Alongside its international partners, the UK continues to play a lead role promoting the ATT. However, AI is concerned that a small minority of sceptical states may influence the outcome of current ATT discussions and weaken the eventual treaty.

5. An ATT will only save lives and protect human rights if it is truly comprehensive, robust and effectively implemented. The eventual treaty must enshrine the core principles of international human rights, humanitarian law and sustainable development if it is to be effective at saving lives. It must also cover all aspects of international arms transfers, including import, export, transit, transshipment, overseas production and arms brokering activities.

6. AI is concerned about discussions limiting the ATT's scope to the seven categories on major conventional weaponry from the UN Register of Conventional Arms (UNRCA), plus small arms and light weapons, often referred to as '7+1'. This would exclude many categories of weapons and police and internal security equipment that are used in the commission of human rights violations, including ammunition and explosives, many types of military vehicles, vessels and aircraft, and many categories of ordnance including short-range missiles and bombs. It would also exclude components and parts, which are central to international supply chains that dominate the increasingly global nature of the production of conventional weapons. The Government appeared to endorse such a narrow scope in its statement to the recent Open Ended Working Group in March 2009, although it did make explicit reference to the need to regulate the components for 7 +1.

7. The Government and its ATT allies should make an explicit public commitment to establish by 2011 an ATT founded on core principles of international human rights, humanitarian law and sustainable development and covering all aspects of international arms transfers, including import, export, leasing, gifts and aid, transit, transshipment, overseas production and arms brokering activities. The Government should respond to the change in the US administration by increasing its engagement on the ATT with the US at the political level and through contacts among officials, and by encouraging the UK defence industry to engage its US counterparts. The Wassenaar Arrangement military list should be used as the basis for the equipment covered by an ATT; it is comprehensive, multilateral, enjoys the support of a majority of arms exporting states, and is an agreed international standard for the classification of conventional weapons.

Human Rights, Development and Poverty Reduction

8. The UK is proud of its record on poverty alleviation. However, while the Government has long had an avowed rights-based approach to development, we believe that it has paid insufficient attention in policy and practice to the role of international human rights law in ensuring accountability and enabling empowerment in this field or to the impact of 'Financing for Development' on poverty alleviation. **AI urges the Government to redouble its efforts and bring rights more to the forefront of its poverty alleviation work.**

9. Likewise, while AI commends the Government for its focus on the Millennium Development Goals, the MDGs set lower targets for development than are required by international law, only partially reflect the economic, social and cultural rights that states are obliged to address and are silent on the issue of discrimination. **The Government should ensure that international standards on poverty alleviation are met and that the most vulnerable groups in society are the focus of their efforts.**

10. It is vital that international institutions and legal standards that affect development are strengthened. The Report rightly remarks on progress in this area through the adoption of an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. **The Government should support the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; this would be a powerful signal of the UK's commitment to the role of human rights in poverty alleviation worldwide.**

Business and Human Rights

11. The UK's obligations abroad extend to holding privately owned-companies based in the UK accountable for the impact that their activities have on human rights outside the UK. This reflects comments by several UN Treaty Monitoring Bodies as well as reports by the UN Special Representative covering business and human rights.

12. The initiatives referenced in the Report as pertaining to ethical business practice overseas (Voluntary Principles on Security and Human Rights, OECD Guidelines and Extractive Industries Transparency Initiative) relate only to commitments that companies agree to enter into voluntarily. These measures do not offer sufficient protection for human rights on the ground.

13. The Government should recognise its duty to hold companies to account for their impacts abroad and establish more robust standards. As a minimum, companies should be required to undertake human rights impact assessments of their activities. In the longer term, a specialised Commission to investigate complaints against UK companies relating to abuse in other countries is required.

Conflict and international institutions

14. International institutions and mechanisms continue to struggle to respond robustly to conflict. This reflects a lack of political will, and in some cases problems with membership structures and funding pressures.

15. The UK took swift action at the **UNSC** on the resolution for a ceasefire in Gaza, but international action to tackle the crisis in Sri Lanka has stalled due to the Chinese and Russian positions. The UNSC resolutions that were eventually passed on Darfur have yet to be fully implemented, and there remain too few peacekeepers on the ground. In this context, AI welcomes the **ICC's** issue of an arrest warrant for President Bashir in March 2009 for war crimes and crimes against humanity in Darfur. It is critical that the Government continue to take a firm stand in its support for the ICC's work in this area.

16. The **Human Rights Council** (HRC) struggled to reach agreement on tackling the 2008 crisis in Eastern DRC and despite a UNSC decision to send 3,000 extra troops to the region, they have yet to arrive. The Council process of Universal Periodic Review (UPR, whereby all 192 UN Member States are reviewed in 2008-11) offers new opportunities to assess country situations. AI welcomes the USA's decision to consider standing for election to the Council.

17. The UK continues to support multilateralism and a range of funding and programmes that contribute to conflict prevention. However, AI is concerned that funding for the **Global Conflict Prevention Pools** will be reduced as a result of increased spending on peacekeeping. **Rather than cutting the Global Conflict Prevention Pools, the Government should consider increasing funding directed at the root causes of conflict.**

18. The UK consistently speaks of its desire to strengthen multilateralism in order to tackle global challenges. However, further effort is required to achieve international consensus and build and strengthen the alliances required.

Women, peace and security

19. AI welcomes, as noted in the report, the fact that the UK was one of the first countries to draw up a national action plan to implement UNSC Resolution 1325 (2000) on women, peace and security. We also welcome UNSC Resolution 1820 (2008); the UK has played a leading role in pushing the UNSC to recognise that stopping sexual violence in conflict zones is important to achieving international peace and security. These Resolutions aim to ensure women's equal participation in conflict prevention, conflict resolution and post-conflict peace building, and to increase the human rights protection of women and girls in conflict situations.

20. Modest progress continues to be made in mainstreaming gender considerations in peace-keeping initiatives, but impunity remains rife in conflict zones. Most acts of violence against women are never investigated, and perpetrators commit their crimes safe in the knowledge that they will never face arrest, prosecution or punishment. **AI calls for women's full participation in decisions affecting their lives, including processes relating to conflict prevention, conflict resolution and peace-building. AI urges the Government to implement international law and commitments that protect and promote women's and girls' human rights. This includes implementation of landmark UNSC Resolution 1325 on women, peace and security, as well as Resolution 1820 on sexual violence in conflict-affected situations. We urge the Government to implement the UN Secretary General's recommendation that a dedicated mechanism be established to monitor violence against women within the framework of Resolution 1325.**

Israel and the Occupied Territories

21. The Report comprehensively summarises a range of human rights concerns that AI has highlighted in its work. We welcome the Report's commitment to press hard for full respect of human rights in dialogue with the Israeli and Palestinian authorities. However, there is little evidence that the Government's current approach is achieving tangible improvements. The Government should consistently call for action by both the Israeli and Palestinian authorities to ensure that all human rights abuses are subject to thorough independent and impartial investigations, and that those responsible for such abuses are brought to justice. **A culture of impunity prevails throughout the Occupied Palestinian Territories, whether it is abuse committed by Israeli settlers, Palestinian armed groups, or the Israeli Defence Force. This abuse is rarely investigated and the perpetrators are rarely prosecuted. The Government should use its influence to encourage all parties to meet international obligations and standards in this regard, ensuring that laws are upheld and respected.**

22. The Report's section on the recent Gaza conflict highlights the UK's grave concern about allegations of war crimes. However, UK calls for the Israeli authorities to investigate allegations of crimes committed by its forces are inadequate. Time and time again, the Israeli authorities have shown themselves unable or unwilling to carry out such investigations in an independent and impartial manner. **It is critical that the Government and the international community support and urge all sides to**

cooperate with the UN Human Rights Council investigation and ensure that the perpetrators of human rights abuses are brought to justice in fair trials.

Strategic allies: Pakistan and Saudi Arabia

23. The Report identifies many of the serious human rights concerns in **Pakistan**. Armed groups continue to commit serious human rights abuses, including direct attacks on civilians, indiscriminate attacks, abduction and torture. The Pakistani Government's response has vacillated between often indiscriminate and disproportionate military and police operations and accommodation of tribal armed groups and the Pakistani Taliban.

24. Enforced disappearance and torture are widespread. In November 2008, a Senate Committee reportedly acknowledged that intelligence agencies maintain "countless hidden torture cells". The police hold detainees for long periods of time without bringing them before a magistrate, as required by law; in December 2008, hundreds were imprisoned under preventive detention legislation. **The Government should urge its Pakistani counterpart to refrain from disproportionate and indiscriminate military operations and to improve the accountability of the intelligence agencies.**

25. Women and girls suffer human rights violations at the hands of the state and, in the absence of appropriate government action, in the community, including 'honour' killings, forced marriage, rape and domestic violence.

26. The Government has done important work to promote an independent judiciary in Pakistan; AI urges the Government to provide technical expertise to advise on rules regarding the appointment and removal of judges and procedural guarantees for the independence of the judiciary.

27. The Report is overly optimistic about the degree of change in **Saudi Arabia** and underplays the seriousness of human rights concerns there.

28. Improvements in women's rights are limited and mainly apply to women with significant financial resources; women continue to encounter severe restrictions to their freedoms. By suggesting that most Saudis are content with institutionalised restrictions on women's freedoms, the Report risks undermining human rights principles.

29. Despite a fall in the number of people executed in 2008, the death penalty remains a serious concern. Trials are often secret and unfair. A large proportion of those executed are foreign nationals, many of whom have no access to a defence lawyer and no understanding of Arabic trial proceedings. Children are routinely sentenced to death.

30. Thousands remain detained without trial and are denied basic rights; these include terrorism suspects.

31. As part of the Two Kingdoms dialogue, the Government should work to develop meaningful benchmarks for human rights improvements. The Government should also make more use of the EU Human Rights Experts Group to encourage the Saudi authorities to introduce genuine human rights changes. In particular, new legislation should conform to international human rights standards and reforms to the criminal justice system must challenge the prevailing culture of secrecy.

Regional powers: China and Russia

32. The human rights situation in **China** has seen little improvement. China's hosting of the Olympics brought heightened repression throughout the country as the authorities tightened control over human rights activists, religious practitioners, ethnic minorities, lawyers and journalists. Hundreds of people remain in detention or unaccounted for after the protests and unrest in Tibet. The Chinese authorities have launched sweeping crackdowns on the Uighur population in the Xinjiang Uighur Autonomous Region. Tight control continues to be exercised over the flow of information, with many websites blocked, and journalists and internet users harassed and imprisoned.

33. Before the Prime Minister's last visit, the Government published its framework for engagement with China with a strong focus on addressing China's emergence as a global economic and political force. AI believes that these two facets weigh far more heavily on UK policy than the third pillar of the framework which covers, among other things, human rights.

34. The Government remains firmly wedded to a policy of engagement and co-operation in its promotion of human rights with China. However, there is little evidence that this approach is achieving tangible results. The Government also remains muted in its public criticism of China's human rights record.

35. The Government has consistently refused to set benchmarks or timescales for its bilateral human rights dialogue with China. However, commitments made by China during the Universal Periodic Review process and in its newly published human rights action plan include some concrete targets for 2010. The Government should incorporate the delivery of these commitments into the objectives of its dialogue with China. In particular, it should maintain the pressure for a timetable for China's ratification of the International Covenant on Civil and Political Rights.

36. The **North Caucasus** remain an unstable region where there are serious concerns over torture, enforced disappearance and unlawful killings. **The Government should actively support calls made, during the HRC's review of Russia, for the UN Working Group on enforced disappearances and the Special Rapporteurs on torture and on extra-judicial, summary or arbitrary executions, to have access to Ingushetia and the North Caucasus.**

37. The law to combat extremism and legislation on libel and slander are being used to stifle dissent and silence journalists and activists. **The Government should press**

the Russian authorities for a thorough investigation of the recent murders of journalist Anastasia Baburova and human rights lawyer Stanislav Markelov.
Conflict zones: Iraq and Afghanistan

38. Despite a marked reduction in violence in **Iraq**, civilians continue to be killed or injured by armed groups as well as the MNF and Iraqi government forces. The MNF and Iraqi authorities hold thousands of detainees, most without charge or trial - some for up to five years. The Iraqi authorities hold some detainees incommunicado in secret detention facilities. Iraqi forces continue to commit gross human rights violations. Prison guards and security forces are reported to commit torture; detainees held by Interior Ministry officials are particularly at risk.

39. There is extensive use of the death penalty. Most death sentences follow flawed criminal procedures, with reports that ‘confessions’ are obtained under torture or other duress. Trials of former officials have been marred by political interference.

40. Violence against women remains serious, with women threatened and attacked for not complying with strict codes of behaviour, including dress codes. The Iraqi authorities continue to fail to provide adequate protection against violence. Several million Iraqis remain displaced, both internally and abroad.

41. The Kurdistan region is less affected by the conflict, but there are reports of security force abuse and violence against women.

42. The Government should urgently press its Iraqi counterpart to establish a moratorium on executions. The Government should further press the US and Iraqi authorities to charge and bring to trial detainees, or release them.

43. The security situation in the south and east of **Afghanistan** is poor, with increasing civilian casualties from insurgent attacks and operations by Afghan and international forces. **International forces must reduce civilian casualties and embrace accountability. The Government should:**

- **develop and implement a consistent, clear and credible mechanism for receiving complaints and investigating claims of civilian casualties or injuries resulting from its military operations; and**
- **create a unified, or at least coherent and consistent, system of assisting civilians.**

The Government should work with its NATO allies to ensure that victims of violations of international humanitarian law receive adequate redress, including compensation.

44. More than 600 detainees are held at Bagram and other US military facilities outside the protection of international human rights law and domestic law. NATO and US forces continue to hand over detainees to Afghanistan’s intelligence service, which perpetrates human rights violations including torture. Arbitrary arrest and detention by the police, other security agencies and private militias working with Afghan and international security forces, are widespread. **The Government should press its Afghan counterpart and other international allies to seek mechanisms to ensure fair trials for those in detention, including the option of mixed tribunals to try those apprehended in counter-insurgency operations. While there is a risk**

that they will face torture or other ill-treatment, UK forces should not hand over detainees to the sole control of the Afghan authorities.

45. The Afghan Government is often corrupt and/or ineffective. An electoral vetting process is required to keep out corrupt and abusive candidates ahead of the 2009/10 elections. **The Government should urge its Afghan counterpart to vet electoral candidates facing credible allegations of serious human rights abuse and links to armed groups; the Government should provide practical support in this respect.**

46. AI welcomes the Government's efforts to improve gender equality, but rates of domestic violence remain high, with little if any recourse to legal protection. The Report fails to mention the high numbers of forced and under-age marriage. Women who have sought to flee abusive marriages have been prosecuted for offences such as 'home escape' or 'moral' crimes. **The Government should support and protect women human rights defenders by offering temporary shelter to those at risk or contributing to local initiatives, including shelters. The Government should continue to fulfil its commitments under UNSCR 1325 through practical projects that promote understanding of women's roles in conflict prevention and resolution and peacebuilding.**

47. **To help address the failings of the judicial sector, the Government should provide funding and resources to strengthen the reform of the criminal justice system, including comprehensive training of the judiciary and police in order to implement international law and standards which promote and protect the rights of women.**

*Amnesty International UK
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