



Amnesty International UK

HUMAN RIGHTS INQUIRY
THE FCO'S
HUMAN RIGHTS WORK
2010-11

Submission to the
House of Commons
Foreign Affairs Committee

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**Submission to the House of Commons
Foreign Affairs Committee**

HUMAN RIGHTS AND DEMOCRACY: 2010 FCO REPORT

**Amnesty International UK
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Amnesty International UK

1. Amnesty International UK is a national section of a global movement of over three million supporters, members and activists. We represent over 230,000 supporters in the United Kingdom. Collectively, our vision is of a world in which every person enjoys all of the human rights enshrined in the Universal Declaration of Human Rights and other international human rights instruments. Our mission is to undertake research and action focused on preventing and ending grave abuses of these rights. We are independent of any government, political ideology, economic interest or religion.

Introduction

2. Amnesty International UK welcomes the publication of the *Human Rights and Democracy: 2010 FCO Report* ("the FCO Report"). While we may have disagreements with some of its content and points of emphasis, it is nonetheless a useful document providing an overview of the work that the UK Government is doing to protect and promote human rights worldwide. It also provides the UK Government with the opportunity to present its policies and practices and to explain its positions on relevant issues. As such it contributes to a greater understanding of the UK Government's work in this field and is a necessary document for keeping the UK public informed of UK Government policy.

3. Amnesty International UK similarly welcomes this opportunity to contribute to the work of the FAC ("the Committee") in its scrutiny of FCO human rights policy. The Committee plays an important role through its examination of this work and the recommendations that it makes for its improvement. That it continues to undertake this work is vital to the continued accountability of UK Government policy and practice in this field.

4. This submission addresses the questions asked by the Committee on the announcement of this inquiry and is guided by the word limit set. As such, it does not include all of Amnesty International UK's observations and recommendations regarding the work of the UK Government on human rights or the FCO Report. Amnesty International UK therefore welcomes the opportunity to provide oral evidence before the Committee in May. We would also be happy to submit additional information should the Committee find it of assistance.

Summary of main concerns:

5. Content and Format: Amnesty International UK welcomes the publication of the *Human Rights and Democracy: 2010 FCO Report*, which we consider to be a useful document, the examination of which is important for holding the UK Government to account. We would suggest, however, that the new style of formatting is less clear than in previous years and the detail contained therein is less comprehensive. It would also be helpful if the progress it speaks of regarding human rights is more clearly benchmarked against defined targets and indicators.

Changes in FCO's approach under the Coalition Government:

6. The Middle East and North Africa Regional Crisis: The speed and the extent of popular demands for change across the Middle East and North Africa region appear to have taken the UK Government and the rest of the international community by surprise. Necessarily, these events will require the UK Government to change its terms of engagement with the region from the practice and policies of its predecessors.

7. The eruption of protests in many of the countries in this region has been fuelled by years of repression and human rights abuses. In our view, previous UK Governments did not do enough to support human rights in the region. The current UK Government must reassess its approach by not overlooking human rights and repression in favour of arms sales, trade more generally, or national security cooperation. Women's human rights must not be ignored.

8. It is important for the FCO to ensure also that UK military involvement in Libya does not cause the UK Government to neglect the pressing need and historic opportunities for reform elsewhere in the region. Whilst the events that are playing out are rightly led by the people of the region, it is important that the UK Government is also clear about its support for a future that respects human rights and equality, and ensures accountability for the human rights violations that are currently taking place. To this extent, we welcome the referral of the situation in Libya to the International Criminal Court.

9. Security and human rights: Amnesty International UK urges the UK Government to match rhetoric with action on security and human rights and abide by their obligations under international law. This it should do by ensuring that the Detainee Inquiry complies with international human rights standards and that the policy of Deportations with Assurances is dropped and replaced by an effective strategy on torture prevention.

Effectiveness of FCO's human rights work:

10. Furthering women's human rights: Amnesty International UK is concerned that the UK Government has not fully understood its obligations on women's human rights under international law. This requires States to act with due care and effort to do all they can within their resources to respect women's human rights, to protect those rights, and to ensure that women can enjoy them fully. We urge the UK Government to ensure that their policies and practice are consistent with international law and that they are working for the realisation of women's rights in all they say and do.

11. Tougher domestic and stronger international control on arms sales: Amnesty International UK has grave doubts that the UK Government's stated aim to be effective in its support for human rights is realisable without change in this area. It is our impression that subjective and political criteria are what matters in decision-making on arms sales. We urgently press the UK Government to change its policy and practice on arms control. It must regularise its operations – engage in more appropriate risk-analysis, give more assertive leadership and support more effective international law.

The promotion of commercial interests:

12. Trade and investment policy to reflect international law: More effective cross-departmental and intra-departmental work needs to be embarked upon to ensure that there is greater coherence and consistency of approach to business and its impact on human rights. More effort needs to be made by the UK Government to promote stronger international frameworks for governing the human rights impacts of companies through the inter-governmental bodies of which the UK is a member. In sum, trade and

investment strategy should reflect the State's duty to protect human rights under international law and the responsibility of companies to respect human rights likewise.

13. Conclusion: Whilst the MENA region provides the central challenge for 2011, other human rights challenges remain; including supporting respect for human rights and women's rights in Afghanistan and other parts of the world. It is also vital that the UK Government plays a full role in maintaining respect for regional and international human rights structures and standards. Finally, human rights are also about the bravery and courage of individuals standing up for other human rights on the ground. We ask the UK Government never to forget those who seek change for good and maintain a determined and genuine commitment to the pursuit of human rights at all times.

Committee Questions:

1. The Content and Format of the FCO Report:

14. The FCO Report records developments between January and December 2010, with the inclusion of some key events in early 2011 (but not all). Unlike previous years, the FCO Report has been published as a Command Paper as opposed to a glossy publication. Whilst understanding that the UK Government's intention in doing so is to reduce costs, in our view the formatting of the FCO Report is less clear as a result and its content consequently less accessible.

15. In addition, Amnesty International UK is of the view that the information contained within the FCO Report is less substantial than in previous years. Whilst the range of topics covered is broadly equivalent to those covered by previous governments (and there are more "countries of concern"), the detail into which the FCO Report goes is less comprehensive. In our view the focus of the material in the FCO Report also needs to be "sharpened". More benchmarking against clearly defined indicators of progress and concrete and measurable human rights outcomes would be desirable.

16. The Secretary of State in his Foreword to the FCO Report refers to his commitment to increase the amount of online human rights reporting by UK diplomats and his ambition to supplement the FCO Report with such online information sharing. At present the FCO human rights web pages compare unfavourably for information with other government department web pages (for example, DfID). We welcome this pledge towards greater transparency therefore and hope that this will lead to more detailed human rights analyses of human rights issues around the world and reporting on projects or expenditure towards human rights goals. We look forward also to evidence to support the UK Government's assertion that UK work on trade and security around the world also has a concrete impact on enhancing human rights. We would be interested to learn of any benchmarks that the UK Government may have set to measure such impact.

2. Changes in the FCO's approach to human rights under the UK Government compared to previous government:

17. At the headline level, the UK Government retains the same emphasis on security as the previous Labour Government; is making trade and the promotion of commercial interests a much more important driver of its foreign policy; and is approaching human rights in its foreign policy in approximately the same way. However, in practical terms, it is still quite early to fully assess change and continuity. We offer the following observations:

2.1 The Middle East and North Africa Regional Crisis

18. The speed and the extent of popular demands for change across the Middle East and North Africa (MENA) region appear to have taken the UK Government and the rest of the international community by surprise. Necessarily, these events will require the current government to change its terms of engagement with the region from the practice and policies of its predecessors.

19. The eruption of protests in many of the countries in this region has been fuelled by years of repression and human rights abuses. Previous UK Governments did not do enough to support human rights in the region. The current UK Government must reassess its approach by not overlooking human rights and repression in favour of arms sales, trade more generally, or national security cooperation. Women's rights must not be ignored.

20. How the UK Government reacts to the changes in the MENA region represents the greatest test of its foreign policy thinking to date and will provide a litmus test for the place of human rights within that policy:

- Amnesty International UK has documented serious and extensive human rights violations across this region over many decades. **Those concerns remain, not only in respect of those countries like Syria and Bahrain that have responded to demonstrations with lethal force, but also in countries like Egypt where a change of leadership has occurred.**

- In the early months of 2011, faced with change in Tunisia and demonstrations in Egypt and beyond, the UK Government appeared to be uncertain of how to react. Gradually and importantly, it became more assertive in articulating the importance of upholding the rights to freedom of expression and freedom of association. **UK Government support for the rights to freedom of expression and freedom of association needs to be maintained and applied consistently to the region.**
- Although Amnesty International UK neither called for, nor opposed, military intervention in Libya, the organisation did welcome the strong emphasis on civilian protection in UN Security Council Resolution 1973. **We believe that it is vital in this armed conflict that all sides and all forces operating in the country observe international human rights and humanitarian law, and take all steps to minimise civilian casualties.**

21. Recommendation: It is also important for the Foreign Office to ensure that UK military involvement in Libya does not cause the Government to neglect the pressing need and historic opportunities for reform elsewhere in the region. Whilst the events that are playing are rightly led by the people of the region, it is important that the UK government is also clear about its support for a future that respects human rights and equality, and ensures accountability for the human rights violations that are currently taking place. To this extent, we welcome the referral of the situation in Libya to the International Criminal Court.

2.2 Security and human rights:

22. One of the concrete policy changes the UK Government has exhibited over the last year is the attempt to "restore human rights" to the UK's approach to counter-terrorism, both domestic and abroad. There have been a number of positive developments in this area of foreign and security policy over the last eleven months: the establishment of the Detainee Inquiry; the review of UK counter-terrorism legislation; increased representations regarding Shaker Aamer; publication of guidance to intelligence officers on engaging with detainees held overseas; and likewise to FCO staff on reporting of torture overseas.

23. However, whilst these actions are welcome, they fall short of accomplishing any ambition of restoring human rights principles as central to counter-terrorism and national security policy:

- **We have real concerns that the forthcoming Detainee Inquiry will not comply with international standards for investigations into torture**, in particular the requirement for openness, public scrutiny and effective participation of victims. On this issue we note that whilst it is positive that the Foreign Secretary and Deputy Prime Minister have raised Shaker Aamer's case with the US Secretary of State, he also alleges that UK personnel were present whilst he was being mistreated. He must be able to give evidence to the Inquiry.
- The UK Government has published its guidelines to intelligence officers on conduct towards detainees overseas, which is being judicially reviewed by the Equality and Human Rights Commission. **Amnesty International UK shares some concerns that ambiguities in the guidance to intelligence officers may allow for conduct which violates the UK's international legal obligations.**
- A major problem in the UK Government's approach to Security and counter-terrorism remains its continuation of the previous Labour government's policy of pursuing **Deportations with Assurances**. Indeed, it appears determined to extend the policy. We are sure that it will not escape the Committee's attention that most of the current Memoranda of Understanding (MoUs) are with countries in the MENA region, with governments that appear to lack the support of their own people. A number of these countries have signed or ratified international treaties that outlaw torture yet continue to practice it on a systematic basis. As a consequence, the MoUs cannot be expected to have credibility; they are unenforceable, bilateral agreements with countries that fail to respect international law and, often, their own domestic law. The pursuit of these agreements risks undermining international norms around *refoulement* and the absolute prohibition of torture, as well as the UK Government's own claims to a coherent human rights policy and coherent approach to the MENA region. They should be abandoned and an emphasis placed on measure to help eradicate torture and ill-treatment.

24. More broadly, the National Security Council is the new body established by the UK Government and perhaps one of its most important innovations, for both domestic and international policy. Amnesty International UK knows little about its operations but understands that it is influential. We believe that the Committee should enquire carefully about its workings and the extent to which it takes human rights concerns into account.

25. Recommendation: Amnesty International UK urges the UK Government to match rhetoric with action and abide by their obligations under international law. This it should do by ensuring that the Detainee Inquiry complies with international human rights standards and that the policy of Deportations with Assurances is dropped and replaced by an effective strategy on torture prevention.

3. Effectiveness of FCO's human rights work and how this can be assessed:

26. Monitoring and evaluating the efficacy of policy and practice in the realm of social change is notoriously difficult. Change often requires years of dogged attention – at other times it occurs unpredictably and with breathtaking speed. This means that whilst an assessment of the FCO's effectiveness in human rights terms should obviously have a clear eye on results, it should also look carefully at the analysis that it presents to the world and the actions it takes to promote and protect human rights on the global stage.

27. At the macro level, this means that on broad issues of human rights policy - such as that of international justice and the International Criminal Court, for example - the UK Government sees its policies through to fruition. This applies therefore not only to its policy regarding Colonel Gaddafi and Libya, but also to its position on Israel's actions during Operation Cast Lead, for example. On the micro level, specific actions of individual FCO Missions abroad need to be in line with FCO "head office" policy and practice on human rights, i.e. through the consistent application of FCO decisions worldwide. This applies for example to the application of the *EU Human Rights Defenders Guidelines*, the *Business and Human Rights Toolkit* and UK Government policy with regards to the death penalty.

28. Additionally, Amnesty International UK wishes to highlight two specific areas of concern and to indicate how effectiveness can be measured in relation to them:

3.1 Furthering Women's Human Rights: Peace, Democracy and Stability:

29. Amnesty International UK welcomes the UK Government's ongoing work to promote and protect women's rights globally, as reflected in some sections of the FCO Report. However, whilst avowing a commitment to women's human rights and equality, the FCO Report fails to provide adequate detail of UK Government achievements with regard to women's human rights throughout its work (mainstreaming) instead focusing on women rights only when discussing peace and security, forced marriage and FGM and through inclusion in some countries, such as Afghanistan.

30. In our view, in order to be truly effective, the UK Government needs to work consistently and with due diligence to respect, protect and fulfil women's rights and equality in all their bilateral and multilateral relationships – and it needs to show clearly how it is doing so. It is also imperative that the FCO understands the potential impact of all aspects of UK Government work on women's human rights – and it needs to show that it has this understanding.

31. Amnesty International UK wishes to highlight where the FCO can be more effective in its work on women's human rights in the following ways:

- **Over a billion people live in countries affected by violent conflict where abuses of human rights are rife. An estimated 80% of those who flee their homes to escape armed conflict are women and children. In order to forge stable and sustainable societies, it is vital that women are included therefore in all conflict and post-conflict reconstruction and peace processes. The events in the MENA region provide an opportunity for the UK Government to champion women's rights and their meaningful participation in the changes taking place. The government has stated its belief that political processes must be led by the people of the region. However, in the Middle East and North Africa, like many other parts of the world, women face particular**

obstacles to participation in the public sphere. The UK Government has been too quiet on the rights of women in the region at this time. It is essential that women are equal partners in shaping the future of their countries. Only those proposals for change that are built on the foundations of equality and non-discrimination will be sustainable.

- Amnesty International UK welcomes the publication of the National Action Plan on Women, Peace and Security (NAP) by the UK Government, which indicates how the UK Government proposes to fulfil its obligations on UN Security Council Resolution 1325 regarding the involvement and treatment of women in conflict and post-conflict reconstruction. The UK Government has improved upon the original 12-point plan published in March 2006 and it is now a more sophisticated piece of work. **We are concerned however that the UK Government is not doing enough to tackle the fundamental institutional barriers to operationalising the NAP and implementing UNSCR 1325 that exist.** Amnesty International UK believes that senior level leadership and cross-departmental coordination on UNSCR 1325 is required to operationalise the NAP. We are also of the view that funds and other resources need to be clearly allocated to activities committed to in the Plan if it is to work.
- In our view also, the UK Government could do more to support **Women's Human Rights Defenders, particularly in Afghanistan and for example, DRC and Zimbabwe, but also elsewhere.** This can be done through the work of FCO missions abroad, through a more systematic and sustained application of the EU Human Rights Defenders Guidelines. It is crucially important that the UK Government understands the very particular threats that Women Human Rights Defenders face, and works to ensure that they provide them with appropriate and effective support. The Conservative Human Rights Commission's report on the situation of Women Human Rights Defenders (published in March 2010) is a useful document in this regard.

32. Recommendation: Amnesty International UK is concerned that the UK Government has not fully understood its obligations on women's human rights under international law. This requires States to act with due care and effort to do all they can within their resources to respect women's human rights, to protect those rights, and to ensure women can enjoy them fully. We urge the UK Government to

ensure that their policies and practice are consistent with international law and that they are working for the realisation of women's rights in all they say and do.

3.2 The need for tougher domestic and stronger international control on arms sales: the UK Export Licensing Regime, International Arms Trade Treaty and prohibiting Cluster Munitions:

33. Amnesty International UK believes that the FCO Report reveals deep inconsistencies between UK Government policies facilitating arms sales and their stated aims of upholding human rights. This is particularly apparent in its approach to arms sales in the Middle East and North Africa region. Recent experience has demonstrated that the previous UK Government's licensing of a wide variety of weaponry and their components – licensing which the current UK Government continued – to countries including Bahrain, Egypt, Iraq, Jordan, Libya, Morocco, Saudi Arabia, Syria, Tunisia and Yemen - has just been plain wrong.

34. It is Amnesty International UK's belief that arms and equipment sold to repressive regimes are being used against civilians in the MENA region. In our view, the UK Government's human rights work can never been called "effective" whilst current arms sales policies and practices persist. Whilst we are pleased that the UK Government has initiated a review of arms export licensing decisions to the region, focussing on items that could be used in crowd control, the results of the review have yet to be announced to parliament or next steps outlined.

35. The UK Government is urged to consider the following:

- **The UK Government should revise its export licensing regime in a thorough, open and transparent review, involving parliament and other relevant stakeholders.** Licences must be rejected where there is a substantial risk of arms being used to commit or facilitate serious violations of international human rights or humanitarian law. The FCO Report states that actual evidence of equipment having already been used for abuse is often required before a licence is denied. This appears to indicate that UK Government policy and practice on arms sales is

not "risk-based" but "evidence-based". This seriously weakens arms control and makes it easier for lethal equipment to reach known abusers of human rights and humanitarian law. In our view, the UK Government should immediately update its arms export licensing criteria to accurately reflect its obligations under the *2008 EU Common Position on Arms Exports*, which contains much stronger commitments on export licensing than those currently employed.

- **The role that many arms suppliers have played in the current crisis in the MENA region has demonstrated the need for tougher international arms controls. The UK Government needs to take a more active leadership role than it is currently taking in its engagement with negotiations taking place internationally for an UN Arms Trade Treaty this year and next.** It must support a strong commitment to human rights, international law and armed violence, including gender-based violence and upholding the rights of victims. It must support comprehensive scope, including conventional weapons of all kinds, their parts and components and related technology, ammunition of all kinds and equipment used in crowd control and internal security.
- **The UK Government must continue to support the eradication of Cluster Munitions.** It is of concern that despite tabling a specific amendment on ending indirect financial support during the passage of the UK's ratification legislation in Spring 2010, it appears to be distancing itself from the previous government's ministerial statement on developing extra controls on preventing indirect finance via a multi-stakeholder review process. We urge the UK Government to confirm its intention to honour existing commitments made by the previous government to end indirect financial support for cluster munitions.

36. Recommendation: Amnesty International UK has grave doubts that the UK Government's stated aim to be effective in its support for human rights is realisable without change in this area. It is our impression that subjective and political criteria are what matters in decision-making on arms sales. These decisions impact irrevocably on many people's lives – and in many parts of the world. We urgently press the UK Government to change its policy and practice on arms control. It must regularise its operations - engage in more appropriate risk-analysis, give more assertive political leadership and support more comprehensive international law.

4. The relationship between the FCO's human rights work and the emphasis the UK Government places on the promotion of UK economic and commercial interests in UK foreign policy:

37. The UK Government has expounded on this aspect of its foreign policy vision through a range of policy speeches by the Prime Minister, Deputy Prime Minister and Foreign Secretary. The predominant theme running through most of these speeches has been the strengthening of Britain's trade interests, and increased dealings with emergent markets in Brazil, Russia, India, China and South Africa (BRICS), as well as Turkey, Pakistan, the Gulf and Commonwealth states. The Prime Minister himself has led several high level trade missions in the past eleven months, including to both India and China, during which human rights issues were given a very low profile.

38. Whilst there have been repeated statements that support for human rights principles are at the centre of the UK Government's approach to foreign affairs, Amnesty International UK is gravely concerned that this promotion of UK economic and commercial interests is potentially at odds with the UK Government's avowed intention to further the cause of human rights. We draw the Committee's attention to the following points:

- **There is at present no overall UK Government strategy on Business and Human Rights.** Such a strategy is necessary to ensure that the UK Government's trade and investment policies are consistent with the UK Government's international human rights obligations, and with the evolving policies that different Government departments are adopting in the sphere of business and human rights.
- Consequently, Amnesty International UK believes, **there is a lack of joined-up thinking across FCO, BIS, DFID, MoJ and other Government departments and agencies.** For example, UK Trade and Investment (UKTI), an arm of the Government that promotes international trade and investment by UK companies, does not address human rights issues in its country briefings. Colombia is described on UKTI's website as "enjoying a long tradition of economic and political stability". Would the FCO take a similar view? Human rights are not referred to amongst the challenges for businesses operating in Colombia, despite the many UK companies that have had their reputations tarnished because of associations with

human rights violations in that country. It is necessary for the FCO to do more to maintain and develop its business and human rights expertise and focus.

- **We also believe that trade-promotion delegations are insufficiently aware of human rights issues in the countries they are visiting and do not raise human rights issues adequately with their hosts.** This is particularly relevant to those situations where a UK company is operating by way of trade and investment activities in a host country.
- In our view also, **the FCO (country desk officers and staff within missions) do not adequately understand the human rights impact of UK companies operating in their countries.** The FCO-initiated *Toolkit on Business and Human Rights* is an important step in this direction but is not sufficiently supported by training and awareness-raising. As a result, FCO missions are not adequately enabled to intervene in contexts where UK companies are alleged to be contributing to human rights abuses and are not engaging effectively with companies on these issues.
- **The UK Government should consider and implement a wider range of measures to hold UK companies accountable for human rights abuses abroad.** Given the number and range of transnational companies based in the UK and the capacity of these companies to have significant impacts on human rights globally, the fact that there is only sporadic regulation of the extra-territorial impacts of corporate activity contributes to a serious regulatory failure. This is necessary to ensure greater protection of human rights globally. Failure to ensure that UK companies respect human rights in all their operations leaves especially the most vulnerable (including the poorest) exposed to serious and repeated human rights abuses.

39. Recommendation: Amnesty International UK is concerned that the current focus of UK Government foreign policy on trade and investment is being pursued at the expense of human rights. More effective cross-departmental and intra-departmental work needs to be embarked upon to ensure that there is greater coherence and consistency of approach to business and its impact on human rights. More effort needs to be made by UK Government to promote stronger international frameworks for governing the human rights impacts of companies through the inter-governmental bodies of which the UK is a member. In sum, trade

and investment strategy should reflect the State's duty to protect human rights under international law and the responsibility of companies to respect human rights likewise.

40. Amnesty International UK would also add that one of the reasons put forward by the UK Government for supporting human rights around the world is that countries which respect human rights and the rule of law are easier to trade with and for British businesses to operate in. Amnesty International agrees with the UK Government that stable countries which respect human rights are good for the whole world, including for trade and business reasons. The UK Government must not, however, lose sight of the fact that human rights are a good in themselves. They should not therefore only promote human rights in those countries with which it wishes to trade.

5. Conclusion:

41. The UK Government is still less than a year old and it remains early to fully assess its approach to human rights in foreign policy. This is particularly true given the unanticipated prominence that events in the Middle East and North Africa have assumed as a central challenge and opportunity for the UK. The human rights claims of the people of these countries are absolutely central to these events and must be central to the calculations of the UK Government, not only in Libya but Egypt, Syria, Bahrain and throughout the region.

42. However, whilst the MENA region provides a central challenge for 2011, other human rights challenges remain. These include supporting respect for human rights and women's rights in Afghanistan and many other parts of the world. It is also vital that the UK Government plays a full role in maintaining respect for regional and international human rights structures and standards. These structures and standards frame the accountability of governments and are essential for the protection of individuals and peoples worldwide.

43. Finally – and crucially - whilst systemic issues matter and it is obviously important to address major issues and countries of concern - human rights are also about the bravery and courage of individuals standing up for other human beings on the ground. This is particularly the case with respect to human rights defenders who vitally need international support and attention as they pursue their often dangerous task of promoting rights in their own countries and communities. We conclude by asking the UK Government never to forget those who seek change for the good and to maintain a determined and genuine commitment to the pursuit of human rights at all times.

44. Amnesty International UK thanks the Foreign Affairs Committee for the opportunity to submit evidence to this inquiry and looks forward to its determinations on this most important of issues.

For enquiries about this submission, please contact:

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Amnesty International UK