



House of Commons
Foreign Affairs Committee

The FCO's Human Rights Work 2010–11

Eighth Report of Session 2010–12

Volume I: Report, together with formal minutes, oral and written evidence

Additional written evidence is contained in Volume II, available on the Committee website at www.parliament.uk/facom

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The Foreign Affairs Committee

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Summary

Support for human rights overseas has become an established element in statements of UK foreign policy under successive governments. We welcome the Government's stated commitment to the promotion of human rights overseas as one of its central foreign policy objectives, and we commend the work that the Foreign and Commonwealth Office (FCO) does to further this aim. We recommend that the Government demonstrates this commitment in its foreign policy decisions.

We welcome the FCO's continued production of an annual human rights report. We also welcome the Foreign Secretary's decision to establish an Advisory Group on Human Rights.

The events of the 'Arab Spring' should stand as a reminder to the FCO that failing to take a stronger and more consistent stance against human rights violations by overseas regimes can carry risks for the UK. Any suggestion that the FCO downplays criticism of human rights abuses in countries with which the UK has close political and commercial links is damaging to the UK's reputation and undermines the department's overall work in promoting human rights overseas. We report concerns on this front with respect to UK policy towards Saudi Arabia, Syria and Bahrain in particular. We consider that the FCO should have included Bahrain as one of its "countries of concern" in its 2010 human rights report, and we recommend that the FCO takes a more robust and significantly more consistent position on human rights violations throughout North Africa and the Middle East.

We are not as confident as the FCO that there is little conflict between its simultaneous pursuit of both UK commercial interests and improved human rights standards overseas, and that the two objectives can be complementary.

The events of the 'Arab Spring' have revealed serious shortcomings in the system of UK arms export controls as regards the possible use of British-supplied equipment for internal repression. The Government has announced a review of policy and practice with respect to such equipment, the results of which had not been made public when we approved this Report on 13 July 2011. We look forward to the Government sharing the results of its review with Parliament in a timely and proper fashion.

We recommend that the FCO give higher priority to working to internationalise standards for human rights in business behaviour. This is essential if the UK's efforts to promote human rights internationally are not to be undercut by the behaviour of other countries and their companies.

We draw attention to the need for the FCO to work more closely with other departments and agencies to ensure that its human rights agenda is shared across Government. We highlight the FCO's relationships with the Department for International Development (DFID), the Department for Business, Innovation and Skills (BIS), and UK Trade and Investment (UKTI); and policy areas including trade policy, women in conflict situations, and children's rights.

We welcome the Government's recognition that the UK's own human rights practices, in particular with respect to counter-terrorism policy, affect its international reputation and ability to pursue effectively improvements in human rights standards overseas. We therefore welcome the publication of the consolidated guidance to intelligence and service personnel on the interviewing of detainees, and the initiation of the Gibson Inquiry into possible UK complicity in the mistreatment of detainees after 2001.

We find it difficult to support the Government's approach to human rights engagement with China in the continuing absence of any evidence that it is yielding results, and when the human rights situation in China appears to be deteriorating. We ask the Government to set out any hard evidence it has that its current approach is effective, and we recommend that the Government engages in more explicit, hard-hitting and consistent public criticisms of human rights abuses in China.

We agree with the Foreign Secretary that the 'Arab Spring' represents an opportunity for an historic advance in human rights and political and economic freedoms. The human rights agenda in the Middle East and North Africa region is now vast. We recommend that the FCO place human rights—and in particular political and civil rights—at the heart of its work with the region in coming years.

Conclusions and recommendations

Human rights policy at the FCO since 2010

The new Government's approach

1. We conclude that support for human rights overseas has become an established element in statements of UK foreign policy under successive governments. We welcome the Government's stated commitment to the promotion of human rights overseas as one of its central foreign policy objectives, and we commend the work that the FCO does to further this aim. We recommend that the Government demonstrates this commitment in its foreign policy decisions. (Paragraph 12)
2. We recommend that, in its response to this Report, the FCO explain why it does not plan to publish the forthcoming strategy—promised in its 2011–15 Business Plan—to enhance the impact of various tools of UK 'soft power', including the promotion of human rights. We further recommend that it should do so. (Paragraph 14)
3. We conclude that the events of the 'Arab Spring' should stand as a reminder to the FCO that failing to take a stronger and more consistent stance against human rights violations by overseas regimes can carry risks for the UK. In particular, any suggestion that the FCO downplays criticism of human rights abuses in countries with which the UK has close political and commercial links is damaging to the UK's reputation, and undermines the department's overall work in promoting human rights overseas. We recommend that the FCO takes a more robust and significantly more consistent position on human rights violations throughout North Africa and the Middle East. (Paragraph 21)
4. It is difficult for us to support the Government's approach to human rights engagement with China in the continuing absence of any evidence that it is yielding results, and when the human rights situation in China appears to be deteriorating. We recommend that in its response to this Report the Government set out any hard evidence it has that its current approach is effective. We further recommend that it engages in more explicit, hard-hitting and consistent public criticisms of human rights abuses in China. (Paragraph 27)

The 2010 FCO Human Rights and Democracy Report

5. We welcome the FCO's decision to continue producing an annual human rights report. (Paragraph 32)
6. We conclude that the FCO's decision to switch to a plain, text-only format for the hard copy of its annual human rights report was justified. We welcome the savings in printing costs achieved in this way. We recommend that the FCO restore the index, to ensure that the hard copy is easily useable as a stand-alone document. (Paragraph 37)
7. We recommend that the FCO's annual human rights report set out more clearly the department's key objectives for its human rights work in the coming year, along with

the rationale for their identification and the means by which the department proposes to pursue them. We further recommend that the report include a section reflecting on the extent to which the department achieved its objectives for the preceding year and on explanations for its success or otherwise. We do not wish this recommendation either to result in the FCO giving undue weight to human rights objectives that can be easily measured, or to generate additional data-collection requirements for the department. We recommend that, at least as regards the FCO's bilateral work, a single list of the human rights objectives set out in the Country Business Plans for states identified as "countries of concern" should be compiled. (Paragraph 42)

8. We recommend that the FCO's annual human rights report once again include a consolidated list of human rights projects in receipt of FCO programme funding during the year in question, so as to facilitate access to information and thus further strengthen the report's role in ensuring accountability. (Paragraph 44)
9. We recommend that the annual human rights report remain an FCO-only publication, in order to maintain a clear mechanism of accountability for the department's human rights work. However, we further recommend that the report devote greater attention to setting out areas of FCO co-operation with other departments on overseas human rights matters. We regard this as especially appropriate given the department's lead responsibility, under its Business Plan, for the strategy to enhance the impact of the UK's promotion of human rights overall. (Paragraph 47)
10. We recommend that the FCO continue to include a section in its annual human rights report covering selected individual countries in detail. While we agree with the Minister that some countries' inclusion is probably self-evident (namely that of the most egregious human rights abusers), we recommend that the FCO explain much more clearly the criteria adopted and the decision-making process employed in arriving at the annual selection of "countries of concern". In particular, we recommend that the FCO indicate the extent to which countries have been included because they have been a particular focus of FCO and/or UK Government action. We further recommend that the FCO include countries where human rights standards have improved markedly over the preceding year, particularly if the FCO was active in encouraging the improvements. (Paragraph 54)
11. We welcome the initiation of quarterly online updates of the "countries of concern" section of the annual human rights report. (Paragraph 55)
12. While we do not support the idea that the annual human rights report should cover all countries, we welcome the fact that human rights information is included in the country profiles of many countries on the FCO website. We recommend that this practice be extended to all countries, and that the information refer to all relevant issues and be regularly updated. We further recommend that the FCO ensure that the availability of this information is flagged on the human rights pages of its website. (Paragraph 56)
13. Inasmuch as they are all countries where human rights are being seriously violated, we have no quarrel with the FCO's selection of "countries of concern" in its 2010

report, though we consider Bahrain should have been included. We share the FCO's deep concern about the human rights situation in all these states. (Paragraph 57)

FCO personnel and funding

14. We welcome the Foreign Secretary's decision to increase the FCO presence in a number of the "countries of concern" identified in the department's 2010 human rights report. We recommend that the increased staff be used in part to expand the FCO's human rights work in those states. We recommend that in its 2011 human rights report the FCO report on the difference which increased staff resources in some parts of the overseas network are making to its human rights work. We further recommend that, in its response to this Report, the FCO set out how it plans to sustain its human rights work in Iraq despite the planned reduction in the UK presence there. (Paragraph 62)
15. We conclude that excluding countries which are not eligible for Official Development Assistance from funding under the FCO's human rights and democracy programme risks excluding projects in countries where there are serious human rights issues and where the FCO has previously been active. This decision places an even greater premium on support being available for human rights-related projects from other funding streams. We recommend that, in its response to this Report, the FCO set out what support it is providing in 2011/12 for human rights projects in countries where projects were previously being funded from the human rights and democracy programme, but which are now ineligible for such funding. We further recommend that, when the FCO reports at the end of 2011/12 on projects supported under all its programme funding streams for the year, it pay particular attention to reporting on human rights-related aspects, and to reporting on projects supported in the 2010 "countries of concern". (Paragraph 64)

Advisory Group on Human Rights

16. We welcome the Foreign Secretary's decision to establish an Advisory Group on Human Rights. We recommend that, in its response to this Report, the FCO report on the work of the Group to date. We further recommend that a review of the activities and achievements of the Group be included in future issues of the FCO's annual human rights report. We also recommend the establishment of a third sub-group on internet freedom. (Paragraph 69)

Cross-Government work

17. We recommend that, in its response to this Report, the FCO tell us how it is working with DFID to ensure that its human rights policies are taken into account in the overseas development work of that department, and whether it will request DFID to give no less high a public profile to human rights than is the case with the FCO. (Paragraph 74)
18. We recommend that in its response to this Report the FCO set out the timetable and process for this year's review of the Government's protection of civilians strategy,

including an indication of whether these will be affected by the international military action to protect civilians in Libya. (Paragraph 77)

UK human rights practices: counter-terrorism policy

19. We welcome the Government's recognition that the UK's own human rights practices, in particular with respect to counter-terrorism policy, affect its international reputation and ability to pursue effectively improvements in human rights standards overseas. We therefore welcome the publication of the consolidated guidance to intelligence and service personnel on the interviewing of detainees, and the initiation of the Gibson Inquiry into possible UK complicity in the mistreatment of detainees after 2001. Given the importance of the Inquiry for the UK's international reputation, we are concerned that a year after it was announced there is little sign of it being able to begin its work. (Paragraph 90)
20. Given the importance for the UK's international legal obligations of ensuring that the countries with which the UK has Deportation with Assurances (DWA) arrangements do not practise torture, and given these states' poor records in this respect which prompted the DWA arrangements in the first place, we find it odd that the section on torture prevention in the FCO's 2010 human rights report barely mentions the countries concerned. We recommend that, in its response to this Report, the FCO tell us what work it is doing with Algeria, Ethiopia, Jordan and Lebanon to ensure that they do not practise torture. We expect to see the FCO's forthcoming updated global torture prevention strategy pay particular attention to countries with which the UK has DWA arrangements. We further recommend that, in its response to this Report, the FCO identify the further countries with which it plans to make DWA arrangements. (Paragraph 91)

FCO commercial work and human rights

Complementary or conflicting objectives?

21. We are not as confident as the FCO that there is little conflict between its pursuit of both UK commercial interests and improved human rights standards overseas. We recommend that, in its response to this Report, the FCO set out examples from its countries of human rights concern of a significant UK international commercial relationship or presence being associated with improved human rights standards in recent years. (Paragraph 101)
22. Given the FCO's claims about the continued importance of human rights in its work and the complementarity of human rights and commercial objectives, we were surprised and disappointed to see that the FCO's new "Charter for Business" made no mention of the FCO's role in helping businesses address the potential human rights implications of their overseas operations. We recommend that, in its response to this Report, the FCO explain why this omission was made. (Paragraph 102)
23. We recommend that in its response to this Report the FCO set out the training and guidance that it gives to its staff on how to balance their responsibilities to promote both trade and human rights. We further recommend that the FCO inform us

specifically about the steps that staff are directed to take, and the support available to them, in cases where they feel that they face a conflict between promoting UK commercial interests and upholding the FCO's human rights policies. (Paragraph 104)

24. We recommend that the FCO give higher priority to working to internationalise standards for human rights in business behaviour. We conclude that this is essential if the UK's efforts to promote human rights internationally are not to be undercut by the behaviour of other countries and their companies. We recommend that in its response to this Report the FCO update us on the negotiations to revise the OECD Guidelines for Multinational Enterprises. We further recommend that the FCO set out its plans to engage with the Working Group established by the UN Human Rights Council in June 2011 to take forward work on Professor Ruggie's Guiding Principles on Business and Human Rights. (Paragraph 107)
25. We conclude that it is a matter for concern that less than two months before the Bribery Act 2010 was due to enter into force, the FCO was still assessing its implications for its own work. We welcome the fact that the FCO has now issued guidance to its staff on the Act. (Paragraph 114)
26. We recommend that in its response to this Report the FCO inform us of any work it is doing to encourage non-parties to the OECD Anti-Bribery Convention to introduce national legislation—of equivalent standard to the OECD Convention—against bribery overseas. We further recommend that the UK Government uses its powers under the Bribery Act to pursue cases of alleged bribery overseas against both UK and foreign companies carrying on business in the UK. (Paragraph 115)

Arms exports

27. We conclude that the events of the 'Arab Spring' have revealed serious shortcomings in the system of UK arms export controls as regards the possible use of British-supplied equipment for internal repression. As one of the constituent committees which make up the Committees on Arms Export Controls (CAEC), we reiterate our support for the conclusions and recommendations contained in CAEC's Report of April 2011, namely that the present and the previous Government misjudged the risk that arms approved for export to certain authoritarian countries in North Africa and the Middle East might be used for internal repression. We urge the Government to make speedy progress in finalising the results of its current review of arms export controls and sharing them with Parliament. (Paragraph 127)
28. We conclude that the recent policy of revoking arms export licences to countries in the Middle East and North Africa appears to have been inconsistently applied, inasmuch as no licences to Saudi Arabia, Syria or Yemen have been revoked, despite the fact that the risk of repressive use of equipment sold by British companies to those countries for their own use, or supplied by Saudi Arabia to other states such as Bahrain, appears to be as high as in the countries to which licences have been revoked. We recommend that the Government's review address specifically the issue of policy towards Saudi Arabia. (Paragraph 128)

Cross-Government working: UKTI and BIS

29. We conclude that the absence of a reference to human rights or corporate responsibilities overseas in UKTI's new five-year strategy suggests that there is a lack of strategic co-ordination between the branches of Government responsible for promoting human rights overseas and for promoting British trade. We recommend that in its response to this Report the FCO respond to the suggestion that there should be a cross-Government strategy on business and human rights. (Paragraph 132)

Current issues in human rights policy

Thematic human rights issues

30. We recommend that in its response to this Report the FCO set out the work that the Parliamentary Under-Secretary of State at the Home Office is doing in support of the National Action Plan on Women, Peace and Security; and explain her role in relation to the Plan, given that her home department is not one of the Plan's three co-owners. (Paragraph 136)
31. We recommend that the FCO ensure that the results of the 2011 review of the National Action Plan on Women, Peace and Security are fully reported to us, as its departmental scrutiny committee, when the review is published in October 2011. We further recommend that the FCO's 2011 human rights report also report on progress in implementing the Plan. (Paragraph 138)
32. We recommend that in its response to this Report the FCO update us on the Government's plans for signature and ratification of the new Council of Europe Convention on preventing and combating violence against women and domestic violence. (Paragraph 140)
33. We recommend that in its response to this Report the FCO inform us what expertise on children's rights is available within the Foreign Secretary's Advisory Group on Human Rights. We further recommend that the FCO inform us whether it plans to draw up a new child rights strategy; and if not, why not. (Paragraph 143)
34. We recommend that, in its response to this Report, the FCO update us on its assessment of prospects for reform of the blasphemy law in Pakistan, and on its wider work to encourage the protection of religious minorities in that country. (Paragraph 146)
35. We conclude that the Government is correct to oppose the adoption by the international community of a new legal standard on the "defamation of religions". (Paragraph 148)

International institutions

36. Although the UN Security Council remains the decisive forum for international action on human rights, we are encouraged by recent signs that the UN Human Rights Council is beginning to operate as a more effective international watchdog on

UN Member States' human rights records, and in particular that the international community is beginning to use election to and suspension from the Council as a mechanism to deploy against human rights violators. We recommend that, in its response to this Report, the FCO update us on the extent to which it achieved its objectives for the 2011 review of the Human Rights Council. We welcome the Government's announcement that it plans to stand again for election to the Council in 2013. We recommend that the FCO provide more information on the arrangements it has put in place to continue to engage effectively with the Council in the period before 2013 following the end of the UK's term of membership in June 2011. (Paragraph 153)

37. We recommend that, in its response to this Report, the FCO set out its assessment of any impact that the issuing of arrest warrants for Colonel Gaddafi and other senior Libyan regime figures by the International Criminal Court may be having on prospects for a resolution to the Libyan crisis. (Paragraph 157)
38. We recommend that, in its response to this Report, the FCO explain more fully why it does not regard an international accountability mechanism as appropriate to the Sri Lankan situation at this stage, and under what conditions it might change its position. (Paragraph 160)
39. We commend Channel 4 for its documentary 'Sri Lanka's Killing Fields', which showed horrific scenes of crimes carried out in 2009. We reaffirm the view of our predecessor Committee and call on the UK Government to press for the setting up of an international war crimes inquiry to investigate allegations of atrocities carried out by both sides in the Sri Lankan civil war. (Paragraph 161)
40. We strongly welcome Ratko Mladic's extradition to the International Criminal Tribunal for the former Yugoslavia, as an important step in ending impunity for grave international crimes committed in the former Yugoslavia, and in continuing to move the Western Balkans away from its recent history of inter-ethnic conflict. We congratulate all those, including in the UK, who contributed to the long-running effort to see General Mladic on trial in The Hague. (Paragraph 163)

Regions and countries

41. We welcome the way in which the Government has put the UK at the forefront of international support for political and economic liberalisation in the Middle East and North Africa in response to the 'Arab Spring'. We agree with the Foreign Secretary that the 'Arab Spring' represents an opportunity for an historic advance in human rights and political and economic freedoms. However, the political outlook across the region is far from clear and may yet deteriorate. The human rights agenda in the region is now vast, ranging from urgent humanitarian and security risks facing civilians to the necessarily slow embedding of human rights norms in the security and other state institutions of democratising states. In Bahrain, we welcome the regime's establishment of a commission to investigate recent events, but we remain concerned that immediate action is needed to ensure an end to torture and politically-motivated detentions. We recommend that the FCO place human rights—and in particular political and civil rights—at the heart of its work with the Middle East and North Africa through the 'Arab Partnership' in coming years. We

further recommend that the FCO devote a major dedicated section of its 2011 human rights report to reporting in detail on the human rights work which it is undertaking in the region. (Paragraph 170)

42. We reiterate our previous support for a process of political reconciliation in Afghanistan, involving talks with the Taliban. However, we conclude that it is essential that the UK Government continue to use its leverage with President Karzai's administration to ensure that it carries through its undertakings in respect of human rights, and in particular to secure implementation of the National Priority Programme for human rights and civic responsibilities, the National Action Plan for Women and the law on elimination of violence against women. (Paragraph 177)
43. We conclude that, given its past military and political involvement with Iraq, the UK has a particular responsibility to try to secure improvements in human rights standards in that country. We recommend that the FCO continue to offer practical and financial support to the Iraqi government and people to assist in the promotion of freedom of expression and assembly, personal security, women's rights, protection of religious minorities, amelioration of prison and detention conditions, and other basic human rights. We further recommend that the Government—in conjunction with its international partners—take active steps to investigate conditions in Camp Ashraf, and do all in its power to hold the Iraqi authorities to their commitment to protect the rights of its inhabitants. (Paragraph 183)

1 Introduction

1. The Foreign Affairs Committee in previous Parliaments conducted an inquiry into human rights each year from 1998 to 2009, on the basis of the annual human rights report which the Foreign and Commonwealth Office (FCO) began publishing in the first of those years. Shortly after we were elected at the start of the present Parliament, in July 2010, we decided to continue our predecessors' practice. Our decision reflected the importance we attached both to the FCO's—by now well-established—report, and to human rights work within the wider work of the department. The FCO published its 2010 human rights report on 31 March 2011 (hereafter referred to as the *FCO Report*).¹ We launched our 2011 inquiry on the same day.²

2. We invited written evidence assessing the FCO's human rights work in 2010–11. We said that we would particularly welcome submissions which addressed:

- the content and format of the FCO's report;
- the extent to which there [had] been any changes in the FCO's approach to human rights under the Coalition Government, compared to the previous Government;
- the effectiveness of the FCO's human rights work, and how this [could] be assessed; and
- the relationship between the FCO's human rights work and the emphasis which the Government [was] placing on the promotion of UK economic and commercial interests in UK foreign policy.³

3. Our inquiry focussed not only on the *FCO Report* but also on some broad issues arising from the change of Government. The initiation of an annual FCO human rights report in 1998 was one of the most distinctive initiatives taken by the previous Government in the field of foreign affairs, serving to highlight the prominence of overseas human rights promotion as an element in UK foreign policy. After 12 years of human rights reporting, by the FCO and by our predecessors, we were interested in the way in which the incoming Government dealt with this part of its predecessors' legacy. We were interested in particular in any potential tension between overseas human rights promotion and the sharper focus on promoting UK commercial interests which the present Government was giving to UK foreign policy.

4. We make no attempt in this Report to comment on all the many issues dealt with in the *FCO Report*. We have been selective in focussing on matters that were raised with us in evidence, or which on other grounds were of particular concern to us. In one respect our practice differs from that of our predecessor Committee. In this Report we have largely

1 FCO, *Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report*, Cm 8017, March 2011 (hereafter *FCO Report*)

2 Foreign Affairs Committee, "Announcement of new inquiry: *The FCO's human rights work 2010–11*", press notice, 31 March 2011

3 *Ibid.*

addressed issues about particular countries in the course of our discussion of more general themes in the FCO's human rights work, rather than by seeking to duplicate the extensive country-by-country reporting contained in the *FCO Report* (as well as in a number of other regular official and NGO publications). It should be emphasised that any lack of specific reference to individual countries, or particular cases of alleged abuses, in our Report should not be taken to indicate any lack of interest or support on our part for the FCO's work in promoting human rights in those countries or in campaigning against those abuses.

5. We took oral evidence from Kate Allen, Director of Amnesty International UK (hereafter referred to as Amnesty), David Mepham, UK Director of Human Rights Watch, and Jeremy Browne MP, the FCO Minister responsible for human rights. We received written submissions from Amnesty, Human Rights Watch and 15 other organisations, campaign groups and individuals. The FCO also responded to requests from us for further written information on a number of points.⁴ We would like to thank all those who contributed to our inquiry.

6. Our Report has three substantive chapters. In Chapter 2, we review the FCO's approach to human rights work under the current Government, including the *FCO Report*. We devote Chapter 3 to human rights-related issues arising from the Government's focus on the promotion of UK commercial interests in its foreign policy. In Chapter 4, we comment on a number of current issues for FCO human rights policy.

⁴ Written evidence from the FCO, Amnesty and Human Rights Watch is printed in this volume of our Report. Written evidence from witnesses who did not also give oral evidence is published in a 'virtual' second volume, available on the Committee's website at www.parliament.uk/facom. In references, evidence published in the 'virtual' web-only volume is indicated by a 'w'.

2 Human rights policy at the FCO since 2010

The new Government's approach

7. The priorities for the FCO announced in summer 2010 by the new Foreign Secretary, Rt Hon William Hague MP, did not include an explicit reference to human rights. In this respect, Mr Hague's priorities did not differ from the "Strategic Framework" for the FCO announced by his predecessor, Rt Hon David Miliband MP, in January 2008.⁵ Mr Hague's three priorities for the FCO were to "safeguard Britain's national security [...], build Britain's prosperity [...] and support British nationals around the world", as part of "an active and activist foreign policy, working with other countries and strengthening the rules-based international system in support of our values".⁶ In the Government's first months in office, the most notable aspects of its foreign policy were its declared wish to build strengthened bilateral relationships with emerging powers outside the traditional Euro-Atlantic area, and the increased emphasis it was giving to commercial interests in the UK's foreign relations (see Chapter 3). However, in his first major speech as Foreign Secretary, to the FCO on 1 July 2010, Mr Hague declared that "our foreign policy should always have consistent support for human rights and poverty reduction at its irreducible core".⁷

8. Mr Hague set out his approach to human rights work more fully in a speech entitled "Britain's values in a networked world", delivered at Lincoln's Inn in September 2010. Mr Hague said that:

Some people may be concerned that [the Government's] clear focus on security and prosperity means that we will attach less importance as a Government to human rights, to poverty reduction and to the upholding of international law. The purpose of this speech is to say that far from giving less importance to these things, we see them as essential to and indivisible from our foreign policy objectives. There will be no downgrading of human rights under this Government and no resiling from our commitments to aid and development. Indeed I intend to improve and strengthen our human rights work [...] These and other values are part of our national DNA and will be woven deeply into the decision-making processes of our foreign policy at every stage.⁸

9. Mr Hague commended what he saw as a number of achievements by the previous Government in the human rights field, including "the humanitarian interventions in the Balkans and Sierra Leone, the campaign to decouple the diamond trade from conflict in Africa, and agreement to limit the global use of landmines and cluster munitions". However, he distanced himself from the previous Government's "ethical foreign policy

5 HC Deb, 23 January 2008, col 52–53WS

6 Letter to the Chair from the Foreign Secretary, 2 September 2010, printed with "Developments in UK Foreign Policy", oral evidence taken before the Foreign Affairs Committee on 8 September 2010, HC (2010–11) 438-i, Ev 26

7 William Hague, "Britain's foreign policy in a networked world", FCO, London, 1 July 2010

8 William Hague, "Britain's values in a networked world", Lincoln's Inn, London, 15 September 2010

approach”, which he characterised as having proved to be “misguided in application and based on flawed thinking” and marked by “sweeping generalisations”. Mr Hague promised a “more realistic” approach. He went on:

We understand that idealism in foreign policy always needs to be tempered with realism. We have a liberal-conservative outlook that says that change, however desirable, can rarely be imposed on other countries, and that our ability to do so is likely to diminish with time. We know that we have to promote our values with conviction and determination but in ways that are suited to the grain of the other societies we are dealing with, particularly in fragile or post-conflict states.⁹

10. Giving evidence to us, Jeremy Browne MP, Minister of State at the FCO with responsibility for human rights, likewise stressed the limits to the UK Government's influence over other countries' human rights practices.¹⁰

11. Kate Allen of Amnesty noted “some differences” between the previous and current Governments, but overall judged that the Government was “approaching human rights in its foreign policy in approximately the same way” as its predecessor. Apart from the prominence the Government was giving to trade interests, David Mepham of Human Rights Watch similarly did not see any “huge conceptual shift” compared to its predecessor.¹¹

12. We conclude that support for human rights overseas has become an established element in statements of UK foreign policy under successive governments. We welcome the Government's stated commitment to the promotion of human rights overseas as one of its central foreign policy objectives, and we commend the work that the FCO does to further this aim. We recommend that the Government demonstrates this commitment in its foreign policy decisions.

13. The first version of the FCO Business Plan for 2011–15, published in November 2010, committed the department to devising a strategy to enhance “the impact of the UK's promotion of human rights”, as part of a wider strategy to enhance the impact of several tools of UK ‘soft power’. The Business Plan stated that the overall strategy would be completed by March 2011.¹² The FCO's monthly report against its Business Plan for March 2011 said that, as regards the human rights element of the plan, the work was complete.¹³ However, the revised version of the 2011–15 Business Plan which was published in May 2011 moved the completion date for the overall project to the end of the year.¹⁴ FCO Minister of State Lord Howell told the House of Lords on 28 April that the project had

9 William Hague, “Britain's values in a networked world”, Lincoln's Inn, London, 15 September 2010

10 Qq 64, 83

11 Q 6

12 FCO Business Plan 2011–2015, November 2010, p 15, via “Business plans published”, 8 November 2010, www.number10.gov.uk/news/business-plans-published-2/. The other tools of UK ‘soft power’ to be covered by the strategy were the UK contribution to conflict prevention; UK educational scholarships; the British Council and BBC World Service; and links with democratic political parties overseas.

13 Structural Reform Plan Monthly Implementation Update, March 2011, via www.fco.gov.uk/en/publications-and-documents/publications1/annual-reports/business-plan

14 FCO Business Plan 2011–2015 (updated version), May 2011, p 19, via “Department Business Plans updated”, 13 May 2011, www.number10.gov.uk/news/department-business-plans-updated/

been delayed by the outbreak of the various overseas crises with which the FCO had had to deal in the first part of 2011. Lord Howell also told the Lords that the Government did not plan to publish the new 'soft power' strategy.¹⁵

14. We recommend that, in its response to this Report, the FCO explain why it does not plan to publish the forthcoming strategy—promised in its 2011–15 Business Plan—to enhance the impact of various tools of UK 'soft power', including the promotion of human rights. We further recommend that it should do so.

Lessons learned? Middle East/North Africa and China

15. Our witnesses highlighted two major areas where they suggested that there were questions about the appropriateness of the FCO's past approach on human rights—the Middle East and North Africa, and China.

Middle East and North Africa

16. We conducted our inquiry in the midst of the 2011 'Arab Spring', the wave of popular mobilisation for economic opportunity and political democratisation and liberalisation seen in many Arab states in the Middle East and North Africa. The *FCO Report* dealt with events in 2010 and the very start of 2011, and—as regards these countries—had been largely overtaken by events by the time it was published.¹⁶ Following the outbreak of the 'Arab Spring', the UK Government put itself at the head of international support for reform and liberalisation in the region. In March, the Foreign Secretary declared the 'Arab Spring' to be "a historic shift of massive importance" and "the most important development of the early 21st century".¹⁷ Amnesty stated that the developments in the region had prompted the Government to become "more assertive in articulating the importance of upholding the rights to freedom of expression and freedom of association".¹⁸

17. Our witnesses also argued that the outbreak of demands for change, and the response of those regimes repressing opposition, had exposed shortcomings in the Government's previous approach—namely that it had failed to give sufficient attention to poor human rights standards in many Arab states. For example, Human Rights Watch stated that the Government appeared to have been "too willing to give [Libya] the benefit of the doubt".¹⁹ More broadly, Kate Allen said: "We knew and Governments knew what was happening in those regions. We knew that those governments were totally indifferent to the human rights of their people, and that they abused those human rights on a regular basis for many years". Ms Allen concluded that the 'Arab Spring' held "some real lessons for foreign policy".²⁰

15 HL Deb, 28 April 2011, col 307

16 Although on 31 March 2011, simultaneously with publication of the Report, the FCO published online updates to the Report's "countries of concern" section, covering the period 1 January–31 March; see paragraph 53.

17 William Hague, "A turning point for Africa?", speech to *The Times* CEO Summit Africa, London, 22 March 2011

18 Ev 41

19 Ev 37

20 Q 8

18. Witnesses regarded the consistency of the Government's approach between different countries as a particular issue in the Middle East and North Africa, and one having resonance beyond that region. Of countries in the region, the *FCO Report* identified Iran, Iraq, Israel and the Occupied Palestinian Territories, Libya, Saudi Arabia, Syria and Yemen as “countries of concern” (see paragraphs 48–57). Human Rights Watch argued that Bahrain was a “glaring omission” from the list, on the grounds that “serious human rights abuses existed before 2011” and a “noticeable crackdown” had begun already in August 2010.²¹ In relation to Saudi Arabia, Human Rights Watch charged that:

the UK's traditional quiet diplomacy towards the Saudis creates the justified impression of a double standard in UK human rights policy, given frequent and public denunciations of similar violations in, for example, Iran. [...] it creates doubt among Saudi activists and the international human rights community as to the seriousness with which the UK Government is pursuing its human rights goals towards Saudi Arabia. [...] the UK Government should be more assertive and public about its human rights concerns in Saudi Arabia.²²

19. Sir Emyr Jones Parry, former UK Permanent Representative to the UN, writing to us in his current capacity as Chairman of the Board of Trustees of REDRESS (the NGO that works on behalf of torture survivors), criticised the *FCO Report* for its relatively mild treatment of Saudi Arabia and Bahrain specifically as regards torture. Sir Emyr said that the passage on torture in the report's “country of concern” section on Saudi Arabia was “muted and not contextualised”; and that the omission of Bahrain from the list of “countries of concern” was “unfortunate, given the history of torture there and the close links between Bahrain and the UK”. Sir Emyr highlighted the fact that British nationals had been tortured in Saudi Arabia, and that a dual UK-Bahraini national appeared to have been tortured in Bahrain. Sir Emyr said:

Egypt has demonstrated how the West failed to be sufficiently robust on values and rights, and tolerated policies and practices which it has taken the courage of the people of Egypt to bring us closer to ending [...] Silence, defended by discrete diplomatic pressure to make clear British opposition to torture, fails to put us publicly on the right side of the argument and has demonstrably not produced improvements within the countries concerned.²³

20. In February 2011, speaking to the National Assembly of Kuwait, the Prime Minister acknowledged that, in the past, British governments in their policy towards Middle Eastern countries had sometimes chosen to pursue what they perceived to be British “interests” rather than British “values”:

For decades, some have argued that stability required highly controlling regimes, and that reform and openness would put that stability at risk. So, the argument went, countries like Britain faced a choice between our interests and our values. And to be

21 Ev 36

22 Ev 38

23 Ev w43

honest, we should acknowledge that sometimes we have made such calculations in the past. But I say that is a false choice.²⁴

21. We conclude that the events of the ‘Arab Spring’ should stand as a reminder to the FCO that failing to take a stronger and more consistent stance against human rights violations by overseas regimes can carry risks for the UK. In particular, any suggestion that the FCO downplays criticism of human rights abuses in countries with which the UK has close political and commercial links is damaging to the UK’s reputation, and undermines the department’s overall work in promoting human rights overseas. We recommend that the FCO takes a more robust and significantly more consistent position on human rights violations throughout North Africa and the Middle East.

China

22. The previous Government pursued a policy of ‘constructive engagement’ with China, including through a formal human rights dialogue at official and expert level. The current Government is persisting with the dialogue, as part of a “three-pronged approach to [...] engagement on human rights with China”. The 19th round of the dialogue was held in January 2011. The other two elements of the approach are high-level lobbying, and the funding of human rights projects with Chinese official and NGO partners.²⁵

23. Our predecessor Committee was consistently sceptical about the then Government’s approach, and particularly about the value of the formal dialogue. In its last human rights report, published in 2009, it concluded that there “remain[ed] little evidence that the British Government’s policy of constructive dialogue with China [had] led to any significant improvements in the human rights situation”.²⁶

24. Witnesses to our current inquiry continued to doubt the value of the formal dialogue. Kate Allen said:

over those 19 rounds—which is now well over a decade—it has certainly never been clear to us at Amnesty that any progress has been achieved. It is not clear to us what the Foreign Office is trying to achieve in that dialogue. [...] it feels to me as if perhaps even the Foreign Office has forgotten what it is trying to achieve [...] because it doesn’t seem to us that there are any improvements we can look to.²⁷

The International Campaign for Tibet said that it was

concerned that these annual dialogues have become a familiar ritual that ultimately are not resulting in positive change on the ground. They can even be counter-productive in that they allow the Chinese government to claim an ‘achievement’ on human rights when in fact no progress has been made.²⁸

24 David Cameron, speech to the National Assembly, Kuwait, 22 February 2011

25 *FCO Report*, pp 158–159

26 Foreign Affairs Committee, Seventh Report of Session 2008–09, *Human Rights Annual Report 2008*, HC 557, para 183

27 Q 5

28 Ev w13

25. Witnesses criticised the dialogue in particular because of its lack of transparency and because it was conducted in private, in contrast to more public criticism of China's human rights practice by UK Government figures. Whether private engagement and a less strident public approach is a more effective means of securing human rights progress, or simply more politically palatable to the UK's interlocutors, is an issue which arises with other countries as well as China—such as Saudi Arabia, for example. David Mephram told us that Chinese human rights defenders were calling for the West to engage in more outspoken public criticism of the Chinese regime. He also said that international publicity tended to improve the treatment of those being persecuted.²⁹ Kate Allen told us that “private conversation is changing nothing and the Government need to think about different ways of challenging the Chinese Government”.³⁰

26. Jeremy Browne acknowledged that the human rights situation in China was in some respects deteriorating. He told us that he had seen reports that the crackdown there was “at its most intense and draconian levels since Tiananmen Square 22 years ago”.³¹ The *FCO Report* stated that “there was no significant progress on civil and political rights in China in 2010 and in some areas there were negative developments”.³² However, the Minister defended the Government's approach, including its mix of public and private engagement. He argued that one form of engagement might prove to be effective in one case, and another in another; and said that he had been advised that “megaphone chastisement” might quite often have the opposite effect to that desired.³³

27. It is difficult for us to support the Government's approach to human rights engagement with China in the continuing absence of any evidence that it is yielding results, and when the human rights situation in China appears to be deteriorating. We recommend that in its response to this Report the Government set out any hard evidence it has that its current approach is effective. We further recommend that it engages in more explicit, hard-hitting and consistent public criticisms of human rights abuses in China.

The 2010 FCO Human Rights and Democracy Report

Continued production of the report

28. After we decided in July 2010 to conduct an annual human rights inquiry, we wrote to the Foreign Secretary to ask whether the FCO under his leadership would continue to publish an annual human rights report. In his reply, dated 19 August 2010, Mr Hague said that he would be “giving this matter careful consideration”. He went on: “In the current financial climate, and in light of the recent freeze on all marketing and advertising activity, we need to look carefully at both the need for a formal report and options for presenting that information, including, perhaps, greater use of on-line resources”.³⁴

29 Q 51

30 Q 51

31 Q 93

32 *FCO Report*, p 158

33 Qq 64, 66

34 Ev 45

29. On 22 August, it was reported that “civil servants [had] been told to stop working on the next edition of the FCO Annual Report on Human Rights”. The reported move was criticised by human rights NGOs and some MPs as signalling a downgrading in the importance being given to human rights at the FCO, particularly as compared to commercial work (see Chapter 3).³⁵

30. On 23 August, the Foreign Secretary was quoted in the press as saying that the FCO was considering how the report could “most effectively be produced in the current financial climate”, as compared to the “expensive glossy colour publications of the past”.³⁶ On 31 August, Mr Hague published an article in which he said that there would continue to be an annual FCO human rights report to Parliament, as well as efforts to improve the FCO’s reporting on human rights worldwide so as to make it more accessible to the public.³⁷ Giving evidence to us on 8 September, as part of our rolling inquiry into *Developments in UK foreign policy*, Mr Hague confirmed that the FCO would continue to publish an annual human rights report.³⁸

31. While they had criticisms of the report (as in previous years), our witnesses all valued the document and welcomed its continued publication. For example, Kate Allen said that it was something Amnesty “value[d] enormously” and for which it had “real respect”.³⁹

32. We welcome the FCO’s decision to continue producing an annual human rights report.

Publication format

33. As intimated by the Foreign Secretary in summer 2010, the 2010 *FCO Report* differed from those of immediately preceding years in being a plain, text-only document, with no photographs or colour printing. The FCO told us that producing the report cost £14,835, of which printing costs for 500 hard copies were £5,249. This compared to a cost of £28,910 for the 2009 report, a saving of nearly 50%.⁴⁰

34. To a much greater extent than was the case for earlier reports, the FCO intends the 2010 report to be used as an online resource, rather than a hard-copy document. To coincide with publication of the report, the FCO launched a revamped human rights section of its website. The report is hosted there not only as a complete document but also in sections, which can be accessed directly through links from the main page, and which are individually searchable. The FCO is facilitating the sharing of the report through social networking and other websites. The FCO is also due to update every quarter the online version of the “countries of concern” section of the report (see paragraph 53). According to

35 “Britain scraps report on human rights abuses”, *The Observer*, 22 August 2010

36 “Report on human rights won’t be cut”, *Daily Telegraph*, 23 August 2010; “Hague under fire for cuts to human rights budget”, *The Guardian*, 23 August 2010

37 “Human rights are key to our foreign policy; We must harness Britain’s generosity and compassion to help the rest of the world, says William Hague”, *Daily Telegraph*, 31 August 2010

38 “Developments in UK Foreign Policy”, oral evidence taken before the Foreign Affairs Committee on 8 September 2010, HC (2010–11) 438-i, Q 20

39 Q 1

40 Ev 46

the FCO website, the department switched to an “online first” approach” for the report because it wanted to make it “more visible, accessible and easy to distribute”, and to “reach a large and engaged online audience”.⁴¹ Among our witnesses, the Church of England’s Mission and Public Affairs Council welcomed the FCO’s decision to publish the report in both hard copy and online form, suggesting that the former provided “a more secure continuing archive” and the latter greater accessibility.⁴²

35. Presumably in reflection of the fact that the 2010 report is designed to be used primarily as an online resource, it has no chapter or section markings on each page, and no index. Amnesty said that the formatting of the report was “less clear [...] and its content consequently less accessible” than in the past.⁴³

36. The FCO also invited online comment on the report, “after some discussion”. According to the FCO website, “this gives stakeholders and the public a direct route to leave feedback for policymakers. It also upholds our values of supporting democracy and freedom of expression, and supports our transparency objectives”.⁴⁴ Jeremy Browne responded to a number of the posted comments in an online video on the FCO website in April.⁴⁵ The FCO told us that:

FCO officials monitor the comments and publish those that comply with our moderation policy. So far, we have received many thoughtful public comments and questions on a wide range of areas including: the selection of countries of concern; the benefits of the report; religious freedom; lesbian, gay, bisexual and transgender issues; and countries including Bahrain, Cuba, Zimbabwe, Syria and Eritrea. Periodically, we respond to selected questions submitted via the site to provide accurate information and engage with our stakeholders. Where appropriate, the relevant policy teams may use this feedback as part of their policy making process, as well as examining the comments for new information.⁴⁶

37. We conclude that the FCO’s decision to switch to a plain, text-only format for the hard copy of its annual human rights report was justified. We welcome the savings in printing costs achieved in this way. We recommend that the FCO restore the index, to ensure that the hard copy is easily useable as a stand-alone document.

Purpose and content

38. The 2010 *FCO Report* is over 100,000 words long—longer than its predecessor.⁴⁷ It contains seven sections: “Promoting British Values”; “Human Rights and National Security”; “Human Rights in Promoting Britain’s Prosperity”; “Human Rights for British

41 Blog postings via www.fco.gov.uk by Amelia Bates, FCO Digital Communications Manager: “Human rights reporting – a democratic process”, 31 March 2011, and “Human rights reporting - a reflection”, 20 May 2011

42 Ev w7

43 Ev 40

44 Blog posting via www.fco.gov.uk by Amelia Bates, FCO Digital Communications Manager: “Human rights reporting - a reflection”, 20 May 2011

45 <http://fcohdreport.readandcomment.com/get-involved/>

46 Ev 48

47 Jeremy Browne online video, April 2011, <http://fcohdreport.readandcomment.com/get-involved/>

Nationals Overseas”; “Working through a Rules-based International System”; “Promoting Human Rights in the Overseas Territories”; and “Human Rights in Countries of Concern”. A copy of the report was sent to all foreign governments via UK posts overseas.⁴⁸

39. Statements by the FCO and by our witnesses suggested that the annual human rights report is seen as having a number of different functions. The report may be seen as:

- a public report of the FCO’s human rights work, for the purposes of public and parliamentary accountability;⁴⁹
- a source of information for the public about human rights worldwide;
- a document used internally, as a basis for the FCO’s own work in the forthcoming year;⁵⁰ and
- a policy instrument in its own right, inasmuch as it acts as a spur to action by foreign states with human rights shortcomings highlighted in the report. This may occur either through positive engagement with the report, as Jeremy Browne told us had taken place in exchanges with the Colombian Ambassador to London,⁵¹ or as a result of the public ‘shaming’ involved in being criticised in the document.⁵²

40. As regards the overall content of the report, the suggestion we heard most frequently was that it should be tied more closely to the FCO’s human rights objectives—that is, that the report should set out more clearly the specific goals of FCO human rights work in the given year, why these were selected, how the FCO pursued them and the reasons for its choice of methods, the extent to which they were achieved, and any lessons learned for the future. Amnesty, Human Rights Watch and the Church of England’s Mission and Public Affairs Council all made proposals along these lines.⁵³ Our witnesses felt that this would make the report more useful both inside and outside the department, above all in terms of providing accountability.

41. As regards the FCO’s human rights objectives in particular countries, the Minister told us that the Country Business Plans which set out the planned work of FCO overseas posts include such objectives where relevant.⁵⁴

42. We recommend that the FCO’s annual human rights report set out more clearly the department’s key objectives for its human rights work in the coming year, along with the rationale for their identification and the means by which the department proposes to pursue them. We further recommend that the report include a section reflecting on the extent to which the department achieved its objectives for the preceding year and on

48 Qq 72–73 [Jeremy Browne, Susan Hyland]

49 For example, Q 71 [Jeremy Browne], Ev 39 [Amnesty], w7 [Church of England’s Mission and Public Affairs Council]

50 Q 70 [Jeremy Browne]

51 Q 72

52 For the FCO’s overall view of the purposes of the human rights report, see William Hague, “There will be no downgrading of human rights under this Government”, speech at report launch, FCO, London, 31 March 2011.

53 Qq 5 [Kate Allen], 33 [Kate Allen, David Mephram]; Ev 39–40 [Amnesty], w8 [Church of England’s Mission and Public Affairs Council]

54 Q 83

explanations for its success or otherwise. We do not wish this recommendation either to result in the FCO giving undue weight to human rights objectives that can be easily measured, or to generate additional data-collection requirements for the department. We recommend that, at least as regards the FCO's bilateral work, a single list of the human rights objectives set out in the Country Business Plans for states identified as "countries of concern" should be compiled.

43. Kate Allen noted critically that the 2010 *FCO Report*, like its immediate predecessors, did not set out in consolidated fashion the human rights projects which the FCO was supporting with programme funding.⁵⁵ The report published in 2006 was the last to include this information.

44. We recommend that the FCO's annual human rights report once again include a consolidated list of human rights projects in receipt of FCO programme funding during the year in question, so as to facilitate access to information and thus further strengthen the report's role in ensuring accountability.

45. Human Rights Watch recommended that the annual human rights report become an all-of-Government publication, rather than an FCO-only one. It argued that the work of departments other than the FCO had "very significant" implications for human rights overseas, and that the report in its current form did not reflect this. Human Rights Watch suggested that this left a gap in terms of assessing the overseas human rights impact of the Government's actions overall.⁵⁶ In this context, we note that the first two annual human rights reports, published in 1998 and 1999, were joint publications between the FCO and the Department for International Development (DFID), with joint forwards by the then Secretaries of State.

46. Jeremy Browne put forward two arguments against making the human rights report an all-of-Government publication:

- The report in its current form was "the Foreign Office holding itself to account for the foreign policy-led work that the Foreign Office does on human rights", whereas, if the report became the joint responsibility of all departments, there would be a loss of accountability: "there is a danger that if the report is 'owned' by everybody, it is owned by nobody".⁵⁷
- Producing an all-of-Government report would be a more cumbersome and time-consuming process.⁵⁸

47. We recommend that the annual human rights report remain an FCO-only publication, in order to maintain a clear mechanism of accountability for the department's human rights work. However, we further recommend that the report devote greater attention to setting out areas of FCO co-operation with other departments on overseas human rights matters. We regard this as especially

55 Q 28. For FCO programme funding, see paragraphs 59, 63–64.

56 Ev 33

57 Q 70

58 Q 70

appropriate given the department's lead responsibility, under its Business Plan, for the strategy to enhance the impact of the UK's promotion of human rights overall.

Identifying "countries of concern"

48. The FCO's human rights report has since 2005 identified specific "countries of concern", and contained detailed reporting on the human rights situation in those countries. The 2010 *FCO Report* identified 26 "countries of concern"; coverage of them accounted for around two-thirds of the report. All 22 of the countries identified in the 2009 report remained on the 2010 list, namely: Afghanistan, Belarus, Burma, China, Colombia, Cuba, Democratic Republic of Congo, Iran, Iraq, Israel and the Occupied Palestinian Territories, North Korea, Pakistan, Russia, Saudi Arabia, Somalia, Sri Lanka, Sudan, Syria, Turkmenistan, Uzbekistan, Vietnam and Zimbabwe. The additions in 2010 were Chad, Eritrea, Libya and Yemen.

49. The choice of "countries of concern" in each year's report tends to generate controversy. Online comments on the 2010 *FCO Report* (to which Jeremy Browne responded in his video message on the FCO website) included queries about the absence of Bahrain, India, Malawi and Swaziland from the list.⁵⁹ As we noted in paragraph 18, Human Rights Watch told us that Bahrain was a "glaring omission" from the selection.⁶⁰ Human Rights Watch also said that Ethiopia and Rwanda should also have been included, not only because of the seriousness of the human rights concerns in those countries but also because of the UK's status as a major development assistance donor to them, potentially giving the UK some leverage over their human rights practices.⁶¹ Kate Allen similarly wanted to see Ethiopia on the list, along with Egypt and India, on the grounds that the UK had (or had sought) formal or less formal assurances from these states about the treatment of individuals being deported or extradited.⁶² We received written submissions expressing concerns about human rights issues in some other countries not on the FCO's list, in particular Bangladesh and Thailand.⁶³

50. The list of "countries of concern" has grown from 20 countries identified in 2005 to 26 in 2010. Only two states have ever been removed from the list: Indonesia in 2006 and Nepal in 2009. Pakistan, Somalia, Sri Lanka and Syria were all added between 2006 and 2009. While criticising the omission of some states from the 2010 list, David Mepham also recognised "an argument for digging a bit deeper into fewer countries".⁶⁴ Jeremy Browne also suggested that the FCO felt a need to balance the inclusion of more countries against the risk that this would dilute the focus on those included.⁶⁵

59 <http://fcohrdreport.readandcomment.com/get-involved>

60 Ev 36

61 Ev 36–38

62 Q 48

63 Ev w40 [Bangladesh Hindu Baudha Christian Unity Council], w21 [National United Front for Democracy Against Dictatorship]

64 Q 48

65 Q 130

51. The FCO has stated repeatedly that the list is not an exhaustive one of all the states where the department has serious human rights concerns.⁶⁶ Rather, in compiling the list, the FCO said that it

also considered whether the country had been the target of a high level of UK engagement on human rights in 2010, and whether it would be likely to effect positive change in the wider region if their human rights record improved. [...] The reports in this section are [...] designed to provide an insight into some of the key concerns and actions of the FCO.⁶⁷

In addition, Jeremy Browne noted that some of the “countries of concern” were “fairly self-selecting”. Overall, he did not think that the list could be drawn up on the basis of “coldly objective criteria”.⁶⁸

52. The Church of England’s Mission and Public Affairs Council recommended that the annual human rights report cover every country. The Council noted approvingly that this was the practice of the US State Department, in that body’s annual human rights report. In the US case, reporting on the human rights situation in all UN Member States is a statutory requirement, placed on the State Department by Congress.⁶⁹ The Mission and Public Affairs Council suggested that a shift to broader coverage in the FCO report might be enabled by the shift to online publishing.⁷⁰

53. Following publication of the 2010 report, the FCO is for the first time to publish online updates of the “countries of concern” section on a quarterly basis. The update for January-March 2011 was posted on 31 March, concurrently with publication of the report. When we finalised this Report in mid-July 2011, the update for April-June had not yet been posted. The Foreign Secretary has said that the FCO’s new approach “will be a welcome improvement in the regularity of human rights reporting”.⁷¹

54. We recommend that the FCO continue to include a section in its annual human rights report covering selected individual countries in detail. While we agree with the Minister that some countries’ inclusion is probably self-evident (namely that of the most egregious human rights abusers), we recommend that the FCO explain much more clearly the criteria adopted and the decision-making process employed in arriving at the annual selection of “countries of concern”. In particular, we recommend that the FCO indicate the extent to which countries have been included because they have been a particular focus of FCO and/or UK Government action. We further recommend that the FCO include countries where human rights standards have improved markedly

66 For example, *FCO Report*, pp 7, 119; Jeremy Browne online video, <http://fcohrdreport.readandcomment.com/get-involved/>

67 *FCO Report*, p 119

68 Q 130

69 Under the 1961 Foreign Assistance Act, as amended, and the 1974 Trade Act, as amended; see www.state.gov/g/drl/rls/hrrpt.

70 Ev w7

71 William Hague, “There will be no downgrading of human rights under this Government”, speech at launch of *2010 Human Rights and Democracy Report*, FCO, London, 31 March 2011

over the preceding year, particularly if the FCO was active in encouraging the improvements.

55. We welcome the initiation of quarterly online updates of the “countries of concern” section of the annual human rights report.

56. While we do not support the idea that the annual human rights report should cover all countries, we welcome the fact that human rights information is included in the country profiles of many countries on the FCO website. We recommend that this practice be extended to all countries, and that the information refer to all relevant issues and be regularly updated. We further recommend that the FCO ensure that the availability of this information is flagged on the human rights pages of its website.

57. Inasmuch as they are all countries where human rights are being seriously violated, we have no quarrel with the FCO's selection of “countries of concern” in its 2010 report, though we consider Bahrain should have been included. We share the FCO's deep concern about the human rights situation in all these states.

FCO personnel and funding

58. The only FCO personnel with a remit to work exclusively on human rights are in London. The FCO's Human Rights and Democracy Department is part of the Political Directorate and has a staff of 25. The FCO told us that the Department provided “human rights expertise, technical support and training to the wider office, as well as leading on thematic human rights issues”.⁷² Overseas posts do not have staff with an exclusive human rights remit. According to the FCO, “human rights are mainstreamed across the [department], meaning that all desks and posts have a responsibility to monitor and promote human rights in their countries where appropriate”.⁷³

59. The FCO has a strategic programme fund for human rights and democracy, of around £5 million in each of 2010/11 and 2011/12. Other FCO funding programmes may also commit resources to human rights work where this meets their objectives. FCO Minister of State Lord Howell told the House of Lords on 5 April 2011 that it was “impossible to give a precise figure” for FCO funding for human rights work, because “FCO programmes integrate their human rights activities with all other programme work”.⁷⁴ Total FCO spending on its funding programmes in 2011/12 is £139 million. The Foreign Secretary has announced that overall FCO programme funding will fall in future years, although it will remain above £100 million.⁷⁵

60. Jeremy Browne argued that it was unnecessary to have staff in overseas posts with an exclusive human rights remit. “Every single one of our ambassadors is a human rights officer”, he said.⁷⁶ However, David Mepham suggested that, just as there are dedicated trade and commercial staff in some overseas posts, in a country where there were grave

72 Ev 48

73 Ev 48; see also the FCO's reply to parliamentary questions at HC Deb, 26 April 2011, col 387W.

74 HL Deb, 5 April 2011, col 361WA

75 HC Deb, 1 February 2011, col 42–44WS; HC Deb, 11 May 2011, col 1167

76 Qq 76, 79

concerns about human rights it might be desirable for the UK to have some dedicated human rights personnel, in the shape of “some specialist [...] who understands the issue and understands the country”.⁷⁷

61. On 11 May 2011, the Foreign Secretary announced changes to the FCO's overseas network, including an increase in staff numbers in Angola, Argentina, Botswana, Brazil, Burma, Chile, China, Columbia, India, Indonesia, North and South Korea, Malaysia, Mexico, Mongolia, Nigeria, Panama, Pakistan, Peru, the Philippines, Taiwan, Thailand, Turkey and Vietnam. The FCO is also to open or reopen posts in Brazil, El Salvador, Kyrgyzstan and South Sudan, and potentially in Madagascar and Somalia.⁷⁸ The FCO told us that these decisions on the overseas network “took into account the need, in some of these places, to engage on human rights, promote good governance and help prevent or reduce conflict”.⁷⁹ Of the countries targeted for an increased FCO presence, Burma, China, Colombia, North Korea, Pakistan and Somalia are among the “countries of concern” identified in the 2010 *FCO Report*. However, the Foreign Secretary said that some of the expansion elsewhere would be possible because of the reduction in the UK presence in Iraq and, in time, Afghanistan, which are also both “countries of concern”.⁸⁰

62. We welcome the Foreign Secretary's decision to increase the FCO presence in a number of the “countries of concern” identified in the department's 2010 human rights report. We recommend that the increased staff be used in part to expand the FCO's human rights work in those states. We recommend that in its 2011 human rights report the FCO report on the difference which increased staff resources in some parts of the overseas network are making to its human rights work. We further recommend that, in its response to this Report, the FCO set out how it plans to sustain its human rights work in Iraq despite the planned reduction in the UK presence there.

63. The FCO's 2011/12 human rights and democracy programme is only funding projects in countries that are eligible to receive Official Development Assistance (ODA).⁸¹ This is a change from preceding years, when the programme was a global one. The FCO told us that the change was in order to support the Government's objective of spending 0.7% of GNI on ODA by 2013.⁸² We reported on the FCO's efforts to increase the amount and the share of its spending which is countable as ODA in our Report on *FCO Performance and Finances* in January 2011.⁸³ Excluding non-ODA-eligible countries from funding under the human rights programme means that, of the “countries of concern” identified in the 2010

77 Q 28

78 HC Deb, 11 May 2011, col 1167

79 Ev 48

80 HC Deb, 11 May 2011, col 1167

81 FCO, Human Rights & Democracy Programme Strategy 2011–12, via www.fco.gov.uk/en/global-issues/human-rights/around-the-world/programmes-projects. The list of ODA-eligible countries is provided as an Annex.

82 Ev 49; see also HC Deb, 1 February 2011, col 42–44WS.

83 Foreign Affairs Committee, Third Report of Session 2010–11, *FCO Performance and Finances*, HC 572, paras 61–69. The FCO provided further information on its efforts on this front in its response to that Report; see FCO, *Third Report from the Foreign Affairs Committee, Session 2010–12: FCO Performance and Finances: Response of the Secretary of State for Foreign and Commonwealth Affairs*, Cm 8060, May 2011, pp 8–9

FCO Report, projects in Israel,⁸⁴ Russia and Saudi Arabia could not be funded from this source. The FCO told us that in 2010/11, around 90% of funding under the human rights programme was already spent in ODA-eligible countries.⁸⁵

64. We conclude that excluding countries which are not eligible for Official Development Assistance from funding under the FCO's human rights and democracy programme risks excluding projects in countries where there are serious human rights issues and where the FCO has previously been active. This decision places an even greater premium on support being available for human rights-related projects from other funding streams. We recommend that, in its response to this Report, the FCO set out what support it is providing in 2011/12 for human rights projects in countries where projects were previously being funded from the human rights and democracy programme, but which are now ineligible for such funding. We further recommend that, when the FCO reports at the end of 2011/12 on projects supported under all its programme funding streams for the year, it pay particular attention to reporting on human rights-related aspects, and to reporting on projects supported in the 2010 "countries of concern".

Advisory Group on Human Rights

65. In his September 2010 Lincoln's Inn speech, the Foreign Secretary announced that he was establishing an Advisory Group on Human Rights. Mr Hague published the make-up of the group in November. The group numbers 13, comprising two practising lawyers, five academics (four of whom also have positions in the UN human rights system) and six NGO figures (including our two witnesses: Kate Allen of Amnesty International UK and David Mepham of Human Rights Watch, who replaced his predecessor Tom Porteous in the group). The group is chaired by the Foreign Secretary. Members of the group participate in a personal capacity and are not paid for their role. The group's discussions are held on a non-attributable basis. The group has established a six-monthly meeting pattern, having met in December 2010 and June 2011.⁸⁶

66. The Foreign Secretary told the House that the creation of his Advisory Group was intended to "ensure that [he had] the best possible information about human rights challenges and benefit[ted] from outside advice on the conduct of our policy".⁸⁷ Jeremy Browne said that the group was "meant to give us a sounding board and help us to think

84 Projects in the Palestinian Administered Areas could still be funded. For the purposes of the "countries of concern" section of its human rights report, the FCO treats Israel and the Occupied Palestinian Territories as a single "country". For the purposes of defining ODA eligibility, the OECD's Development Assistance Committee (DAC) (the authoritative body in the field) treats Israel and the Palestinian Administered Areas as separate territories (using this nomenclature). The Palestinian Administered Areas are eligible for ODA; Israel is not. See "Official development assistance – definition and coverage", October 2010, via the topic page for "Development" at www.oecd.org.

85 Ev 50. In addition to the human rights programme, other FCO funding programmes in 2011/12 are: counter-terrorism and counter-proliferation; counter-narcotics and rule of law in Afghanistan; transition to a low-carbon economy; projects for development and to "support UK prosperity"; the Arab Partnership, with an FCO fund set initially at £5 million (see paragraph 168); a programme for the Overseas Territories; the Westminster Foundation for Democracy; scholarships; and bilateral programmes managed by posts; HC Deb, 1 February 2011, col 42–44WS.

86 Q 84 [Jeremy Browne]; *FCO Report*, pp 4–5; William Hague, "Britain's values in a networked world", Lincoln's Inn, London, 15 September 2010; HC Deb, 11 November 2010, col 21–22WS; FCO, "Foreign Secretary chairs first meeting of Human Rights Advisory Group", press notice, 3 December 2010, and "Foreign Secretary chairs meeting of Human Rights Advisory Group", press notice, 8 June 2011

87 HC Deb, 11 November 2010, col 21–22WS

issues through and draw on people's insights".⁸⁸ In 2011, the group is focusing on freedom of religion and the relationship between trade and human rights.⁸⁹

67. The FCO is establishing a number of sub-groups to the Advisory Group to consider selected issues in more detail. These are to be chaired by Jeremy Browne, as the FCO Minister responsible for human rights, and might include different external specialists to the main group. In May, Mr Browne told us that two sub-groups had been established: on the death penalty, and on torture. Mr Browne said that a third possible group, on internet freedom, was under consideration.⁹⁰

68. Human Rights Watch told us that the establishment of the Advisory Group "create[d] a forum for frank but constructive dialogue".⁹¹ Kate Allen was similarly pleased "to have a Foreign Secretary who welcomes experts into [...] discussions on a regular basis".⁹² Neither Ms Allen nor Mr Mepham anticipated that their roles on the Advisory Group and as NGO representatives would come into conflict.⁹³ The creation of the Group was also welcomed by the Church of England's Mission and Public Affairs Council.⁹⁴

69. We welcome the Foreign Secretary's decision to establish an Advisory Group on Human Rights. We recommend that, in its response to this Report, the FCO report on the work of the Group to date. We further recommend that a review of the activities and achievements of the Group be included in future issues of the FCO's annual human rights report. We also recommend the establishment of a third sub-group on internet freedom.

Cross-Government work

70. A number of witnesses highlighted the need for consistency and coherence across Government in relation to the promotion of human rights overseas. They were concerned that the issue should not be seen as one for the FCO alone, and that the FCO should ensure that its concerns and objectives were shared by other relevant departments.⁹⁵ UNICEF UK urged inter-departmental co-operation on children's rights (see paragraph 142), whilst Amnesty expressed concerns about cross-Government work on women, peace and security (see paragraph 134) and about human rights in the work of the Department for Business, Innovation and Skills (BIS) and UK Trade and Investment (UKTI) (see paragraph 129). We highlight two further cross-Government issues below.

88 Q 84

89 Q 85; *FCO Report*, pp 4–5; FCO, "Foreign Secretary chairs meeting of Human Rights Advisory Group", press notice, 8 June 2011

90 Q 84

91 Ev 33

92 Q 7

93 Qq 9–10

94 Ev w7

95 For example, Qq 28 [Kate Allen], 33 [David Mepham]

Human rights and development

71. Human Rights Watch suggested that the omission of Ethiopia and Rwanda from the list of “countries of concern” in the 2010 *FCO Report* might partly reflect the dominance of DFID in UK policy towards these countries, both of which are major recipients of UK development assistance. Human Rights Watch expressed its belief that, while the FCO was well aware of abuses taking place in these two states, DFID preferred the Government not to raise its concerns in public.⁹⁶

72. More broadly, David Mepham characterised DFID’s approach to human rights in relation to development as “a real issue”. He suggested that in some cases where the UK had a well-established development relationship, “to raise human rights concerns is seen as rocking the boat”.⁹⁷

73. The Government is pursuing greater alignment between the FCO and DFID. We welcomed this in our recent Report on *The Role of the FCO in UK Government*, and noted there that the Country Business Plans for 2011–15 which were being drawn up by Heads of Mission would encompass all UK Government activity in the relevant country.⁹⁸

74. We recommend that, in its response to this Report, the FCO tell us how it is working with DFID to ensure that its human rights policies are taken into account in the overseas development work of that department, and whether it will request DFID to give no less high a public profile to human rights than is the case with the FCO.

Protection of civilians

75. During our inquiry, the issue of the protection of civilians in conflict was in the spotlight because of the UN-mandated international military action being carried out in Libya in pursuit of this objective. Oxfam focused part of its submission to our inquiry on this issue. The previous Government published a three-year cross-Government strategy (FCO-Ministry of Defence-DFID) on this issue in March 2010, just before the General Election.⁹⁹ Demonstrating the cross-governmental nature of the issue, some of Oxfam’s recommendations to our inquiry concerned action on peacekeeping mandates at the UN, where the FCO is in the lead; but Oxfam also urged the UK to provide more military personnel to UN peacekeeping missions once combat forces in Afghanistan are drawn down. Oxfam also referred to UK support for overseas security sector reform projects, work which again might engage the military as well as a range of civilian bodies. Oxfam said that, in the interests of the UK’s international credibility, UK support for security sector reform overseas must ensure that international human rights and humanitarian law obligations were effectively “operationalised” in the police, military and judicial sectors of

96 Ev 36–37; see also Qq 48, 54–55 [David Mepham].

97 Qq 54–55

98 Foreign Affairs Committee, Seventh Report of Session 2010–12, *The Role of the FCO in UK Government*, HC 665, paras 128–132, 144. On this issue, see also the letter of 27 October 2010 from Simon Fraser, FCO Permanent Under-Secretary, to Sir Gus O’Donnell, Cabinet Secretary, published as Annex B to FCO, *Seventh Report from the Foreign Affairs Committee, Session 2010–12: The Role of the FCO in UK Government: Response of the Secretary of State for Foreign and Commonwealth Affairs*, Cm 8125, July 2011

99 FCO, DFID, MOD, *UK Government Strategy on the Protection of Civilians in Armed Conflict*, via www.fco.gov.uk/en/publications-and-documents/publications1/protection-civilians-armed-conflict

the states in receipt of assistance. Oxfam said that this was not yet the case in Afghanistan (see paragraph 176).¹⁰⁰

76. The Government's protection of civilians strategy is to be reviewed annually, starting in 2011.¹⁰¹ Oxfam said that it hoped that the review process would "incorporate a wide range of external expertise and perspectives, culminating in findings that are publicly available".¹⁰²

77. We recommend that in its response to this Report the FCO set out the timetable and process for this year's review of the Government's protection of civilians strategy, including an indication of whether these will be affected by the international military action to protect civilians in Libya.

UK human rights practices: counter-terrorism policy

78. The Government argues that the UK's capacity to secure human rights improvements overseas is affected by its own human rights practices. In his July 2010 speech, the Foreign Secretary told the FCO that the existence of "the networked world requires us to inspire other people with how we live up to our own values rather than try to impose them, because now they are able to see in more detail whether we meet our own standards and make up their own minds about that".¹⁰³ In our recent Report on *The Role of the FCO in UK Government*, we welcomed the Foreign Secretary's position on this issue, concluding that the FCO had "a [...] vital contribution to make [...] in ensuring that the Government is aware in its decision-making of international perceptions of its policies in the UK with respect to human rights and good governance".¹⁰⁴

79. The Government has acted in support of this approach in particular with respect to counter-terrorism policy. In his September 2010 Lincoln's Inn speech, Mr Hague suggested that "the experiences of Iraq and the world since 9/11 [had] caused a serious erosion of trust in the integrity of British foreign policy, and the widespread view that we fell short of international standards while seeking to combat terrorism".¹⁰⁵ Kate Allen told us that "we see many, many other Governments citing what has happened in the war on terror to excuse their own appalling practices",¹⁰⁶ and that retaining the moral high ground was therefore "absolutely essential".¹⁰⁷ In successive human rights and other Reports, our predecessor Committees tracked in detail many of the human rights issues raised by the 'war on terror', including torture and other aspects of the treatment of detainees, rendition, deportation with assurances (DWA), the role of private military and security companies, and the use by the US of the detention facility at Guantánamo Bay.

100 Ev w33

101 *FCO Report*, pp 65–66

102 Ev w34

103 William Hague, "Britain's foreign policy in a networked world", FCO, London, 1 July 2010

104 Foreign Affairs Committee, Seventh Report of Session 2010–12, *The Role of the FCO in UK Government*, HC 665, para 66

105 William Hague, "Britain's values in a networked world", Lincoln's Inn, London, 15 September 2010

106 Q 16

107 Q 24

80. Among other reforms to counter-terrorism policy, the Government has:

- published for the first time consolidated guidance given to intelligence and military personnel on the interviewing of detainees;¹⁰⁸ and
- initiated a formal inquiry into whether the UK was implicated in the mistreatment of detainees held by other countries in the ‘war on terror’ after the attacks of 11 September 2001. The inquiry is to be chaired by Rt Hon Sir Peter Gibson, the former Commissioner for the Intelligence Services and a former senior Court of Appeal judge. Because police investigations into the actions of MI5 and MI6 officers remained ongoing, as of early July 2011 the Gibson Inquiry had not yet been able to begin its work. Once it does so, the Prime Minister has requested the Inquiry to report within a year.¹⁰⁹

81. Human Rights Watch, Amnesty and Sir Emyr Jones Parry of REDRESS told us that there were a number of loopholes and weaknesses in the consolidated guidance that left them concerned that the UK might still fall short of its international obligations against torture.¹¹⁰ Andrew Tyrie MP, Chairman of the All-Party Parliamentary Group on Extraordinary Rendition, said that the guidance was defective because it did not address rendition and was incomplete as regarded unlawful detention.¹¹¹

82. Kate Allen and David Mepham both stressed the importance of the Gibson Inquiry establishing clearly what happened and why, with respect to the possible involvement of UK personnel in the mistreatment of detainees. They urged that the Inquiry should lead to changes of practice if necessary.¹¹² However, Human Rights Watch said that it was “concerned about the Government’s commitment to ensure the inquiry’s effectiveness, in terms of the Government’s willingness to allow as much evidence as possible to be heard in public, to permit the scope of the inquiry to include all allegations of complicity by UK agents in overseas torture, including in Pakistan, and to commit the resources necessary to allow it to do so”.¹¹³ Sir Emyr Jones Parry and Amnesty similarly raised concerns about openness, public scrutiny and the effective participation of victims in the Gibson Inquiry.¹¹⁴ Sir Emyr was concerned that one year might be insufficient for the Inquiry to carry out its work, and that the Inquiry lacked powers to compel the production of documents and the appearance of witnesses.¹¹⁵ Mr Tyrie told us that the Government was mistaken to exclude military detention operations from the scope of the Gibson Inquiry; and said that the Inquiry needed to be proactive in pursuing all relevant information—for example, from the

108 www.cabinetoffice.gov.uk/resource-library/uk-involvement-detainees-overseas-counter-terrorism-operations

109 *FCO Report*, pp 51–53; HC Deb, 6 July 2010, col 175–178; letter from the Prime Minister to Sir Peter Gibson, 6 July 2010, via www.cabinetoffice.gov.uk/resource-library/uk-involvement-detainees-overseas-counter-terrorism-operations

110 Ev 34 [Human Rights Watch], 41 [Amnesty], w44 [Sir Emyr Jones Parry]

111 Ev w41–42

112 Qq 12 [David Mepham], 16 [Kate Allen]

113 Ev 34–35

114 Ev 41–42 [Amnesty], w43–44 [Sir Emyr Jones Parry]

115 Ev w44

US on rendition ‘circuit flights’.¹¹⁶ When the Inquiry’s terms of reference were announced publicly on 6 July, the British section of the International Commission of Jurists questioned whether the Inquiry, because of its limited powers, would fulfil the Government’s legal obligation to conduct an ‘effective investigation’ into allegations of torture.¹¹⁷

83. The Gibson Inquiry is not concerned with legal liability, but Kate Allen and David Mepham both urged that it lead to greater accountability.¹¹⁸ Human Rights Watch urged that prosecutions be brought for complicity in torture, and that evidence be disclosed in even non-criminal torture-related cases such that victims are not denied remedy.¹¹⁹

84. Human Rights Watch said that, while UK Ministers stressed that the UK does not condone torture, they refused to state explicitly that the UK was not complicit in it. Human Rights Watch also said that the *FCO Report* sought to differentiate between torture and cruel inhuman and degrading treatment or punishment “in a way that [had] no basis in international law”.¹²⁰

85. The FCO intends to continue and extend the use of Deportation with Assurances (DWA) arrangements with foreign countries.¹²¹ DWA arrangements arise because the UK may wish to deport to their country of origin foreign nationals who are believed to represent a threat to UK national security, when there may be a risk that the country in question would employ torture or other cruel, inhuman or degrading treatment against them, including the death penalty. Under the UN Convention against Torture, the UK has an obligation not to send anyone to a state where there are “substantial grounds for believing” s/he would be in danger of being tortured (the *non-refoulement* obligation). By providing assurances about the treatment of returned individuals, DWA arrangements are intended to enable the UK to carry out deportations without contravening its international legal obligations. The UK has DWA arrangements with Algeria, Ethiopia, Jordan and Lebanon.¹²² Jeremy Browne told us in May that, given developments in that country, the previous DWA arrangement with Libya was no longer in force.¹²³

86. In their evidence to our predecessor Committees, Amnesty and Human Rights Watch consistently rejected DWA arrangements. Both organisations were strongly critical of their continued use by the present Government. David Mepham characterised “the idea that you

116 Ev w41. Allegations about military detention operations in Iraq and Afghanistan after 2003 are being addressed separately by the Ministry of Defence; see the letter from the Prime Minister to Sir Peter Gibson of 6 July 2010, via www.cabinetoffice.gov.uk/resource-library/uk-involvement-detainees-overseas-counter-terrorism-operations. The terms of reference for—and a protocol on the handling of information supplied to—the Gibson Inquiry, as agreed between the Government and the Inquiry, were published on 6 July 2011, as we were finalising this Report; see www.detaineeinquiry.org.uk/2011/07/news-release-terms-of-reference-and-protocol-published.

117 JUSTICE (the British section of the International Commission of Jurists), “Government rules muzzle Torture Inquiry”, press release, 6 July 2011; see also “Lawyers to boycott torture inquiry as UK rights groups label it a sham: Anger over secret hearings and no quizzing of agents; Cabinet secretary to get veto on final disclosures”, *The Guardian*, 7 July 2011.

118 Qq 12 [David Mepham], 16 [Kate Allen]

119 Ev 34. The Government plans to bring forward a Green Paper on the handling of sensitive information in judicial proceedings; see the letter of 4 November 2010 to the Chair from Alastair Burt MP, FCO Parliamentary Under-Secretary of State, at Ev 46.

120 Ev 34

121 *FCO Report*, p 49

122 *Ibid.*

123 Q 69

can send back terrorism suspects to a country, which is known to practise torture, on the basis that they will give you an assurance that they will not torture the individual concerned” as “unacceptable”. Mr Mepham argued that DWA arrangements undermined the UK’s otherwise strong stand against torture, and that deportation of suspects did not in any case help the UK counter terrorism, given the ease of international communications.¹²⁴ Kate Allen and Human Rights Watch also highlighted the difficulty of monitoring the treatment of a single named detainee after his return from the UK.¹²⁵ Sir Emyr Jones Parry said that there were “fundamental problems with deporting persons on the basis of assurances”.¹²⁶ Mr Mepham urged that foreign nationals suspected of criminal activity be prosecuted in the UK rather than deported.¹²⁷ Sir Emyr criticised the *FCO Report* for failing to address the possible statutory changes that might allow UK prosecutions to take place, as an alternative to DWA arrangements.¹²⁸

87. Jeremy Browne pointed out that deportations carried out under DWA arrangements could be challenged in the courts, and that the courts had on occasion ruled that a deportation could not take place.¹²⁹ He said that “there is no evidence so far to suggest that [DWA arrangements] do not work and that the assurances that are provided are not actually then delivered on”.¹³⁰

88. Amnesty urged that the DWA policy be “dropped and replaced by an effective strategy on torture prevention”.¹³¹ All the countries with which the UK has DWA arrangements have acceded to the UN Convention against Torture. However, of the four countries concerned, the section on torture prevention in the *FCO Report* made only brief reference to Lebanon, and no reference to Algeria, Ethiopia or Jordan. The FCO is to launch an updated global torture prevention strategy in 2011.¹³²

89. Overall, Human Rights Watch judged that the Government’s changes to counter-terrorism policy “fail[ed] to bring UK counter-terrorism law and policy fully in line with international human rights standards”. Human Rights Watch said that the Government had “missed an opportunity for bolder reform to end abusive policies that have tarnished the UK’s reputation at home and abroad”.¹³³ Amnesty said similarly that the Government’s measures fell “short of accomplishing any ambition of restoring human rights principles as central to counter-terrorism and national security policy”.¹³⁴

90. We welcome the Government’s recognition that the UK’s own human rights practices, in particular with respect to counter-terrorism policy, affect its international

124 Qq 18, 26

125 Q 25 [Kate Allen]; Ev 34 [Human Rights Watch]

126 Ev w43

127 Qq 12, 17–23

128 Ev w43

129 Q 68; see also *FCO Report*, p 50.

130 Q 68

131 Ev 40

132 *FCO Report*, p 20

133 Ev 33

134 Ev 41

reputation and ability to pursue effectively improvements in human rights standards overseas. We therefore welcome the publication of the consolidated guidance to intelligence and service personnel on the interviewing of detainees, and the initiation of the Gibson Inquiry into possible UK complicity in the mistreatment of detainees after 2001. Given the importance of the Inquiry for the UK's international reputation, we are concerned that a year after it was announced there is little sign of it being able to begin its work.

91. Given the importance for the UK's international legal obligations of ensuring that the countries with which the UK has Deportation with Assurances (DWA) arrangements do not practise torture, and given these states' poor records in this respect which prompted the DWA arrangements in the first place, we find it odd that the section on torture prevention in the FCO's 2010 human rights report barely mentions the countries concerned. We recommend that, in its response to this Report, the FCO tell us what work it is doing with Algeria, Ethiopia, Jordan and Lebanon to ensure that they do not practise torture. We expect to see the FCO's forthcoming updated global torture prevention strategy pay particular attention to countries with which the UK has DWA arrangements. We further recommend that, in its response to this Report, the FCO identify the further countries with which it plans to make DWA arrangements.

3 FCO commercial work and human rights

Complementary or conflicting objectives?

92. Probably the most widely-noted aspect of the Government's foreign policy—at least until the events of the 'Arab Spring'—has been the greater emphasis being given to the pursuit of UK commercial interests. The Prime Minister has said that the UK must “plac[e] our commercial interest at the heart of our foreign policy”,¹³⁵ and the Foreign Secretary has described supporting British business as an “existential mission” for the FCO.¹³⁶ Mr Hague told us in September 2010 that he had “made clear that Ambassadors and High Commissioners [would] be expected to meet challenging targets for UK exports and inward investment to the UK”.¹³⁷ Kate Allen told us that “greater emphasis on trade issues” was probably the major difference between the current and previous Governments.¹³⁸

93. The 2010 *FCO Report* included a section entitled “Human Rights in Promoting Britain's Prosperity”. Although some of the issues covered in this section were discussed at various points in the FCO's 2009 report, the inclusion of a section with this title was an innovation, and clearly intended to send a message about the Government's priorities. In this section of its report, the FCO said that it was “committed to supporting better business environments in host countries and promoting more responsible business practice as a central strand of our human rights policy”.¹³⁹

94. The Foreign Secretary has argued consistently that pursuing UK commercial interests and promoting human rights overseas are not incompatible. Indeed, he has suggested that pursuing commercial interests may in some cases enhance the UK's ability to secure human rights improvements, by acting as a source of leverage. Giving evidence in February 2011 for our inquiry into *The Role of the FCO in UK Government*, he told us that “a foreign policy that did not have that commercial emphasis [...] would be in a weaker position to bring about all our other goals”.¹⁴⁰

95. Giving evidence to us, Jeremy Browne acknowledged the possibility of “short-term tensions” between commercial and human rights objectives.¹⁴¹ However, he suggested that over the longer term the two tended to go hand-in-hand—both because countries' increased openness to international trade and other forms of international economic interaction tended to encourage improved human rights standards, and because those pursuing their own commercial interests from outside would tend to come to the view that it was in their own interest also to pursue improved human rights in the country

135 David Cameron, speech to Lord Mayor's Banquet, Mansion House, London, 15 November 2010

136 “Man on an existential mission for British business”, *Financial Times*, 14 July 2010

137 Letter to the Chair from the Foreign Secretary, 2 September 2010, printed with “Developments in UK Foreign Policy”, oral evidence taken before the Foreign Affairs Committee on 8 September 2010, HC (2010–11) 438-i, Ev 26–27

138 Q 6

139 *FCO Report*, p 71

140 Foreign Affairs Committee, Seventh Report of Session 2010–12, *The Role of the FCO in UK Government*, HC 665, Q 297

141 Q 114

concerned.¹⁴² Mr Browne further suggested that the kinds of commercial sectors where the UK was most likely to be pursuing and attracting international interest, such as advertising, were most likely to be found in more open societies.¹⁴³ Mr Browne acknowledged that Singapore perhaps represented a counter-example to his general argument, and that its application to China was a “complicated question”.¹⁴⁴

96. Mr Browne told us that whether the FCO raised human rights concerns with an overseas state was not affected by the scale of the UK's commercial interest there.¹⁴⁵ He also said that the FCO continued to raise human rights concerns even where its interlocutors made it clear that this might prejudice the UK's prospects of securing commercial gains.¹⁴⁶

97. Our witnesses, overall, were sceptical about the FCO's claims that its pursuit of UK commercial interests need not conflict with its promotion of human rights overseas. Human Rights Watch said that the two aims “can be mutually supportive in many cases and especially over the longer term, but in the short term the two objectives can conflict”.¹⁴⁷ Amnesty described the two aims as “potentially at odds”,¹⁴⁸ and said that it “look[ed] forward [...] 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”.¹⁴⁹

98. Our witnesses highlighted two broad areas of potential inconsistency between commercial and human rights objectives:

- Oxfam argued that trade could only fulfil its potential to help people enjoy their human rights if it were fair and sustainable trade.¹⁵⁰
- Amnesty was concerned lest the FCO might increasingly focus its human rights work on countries with which the UK enjoyed or sought strong commercial ties, and neglect human rights work elsewhere.¹⁵¹

99. The organisation PLATFORM argued that investment in the fossil fuel sector in undemocratic countries, including by the UK, tended to contribute to increased human rights abuses, because of its impact in strengthening the regime in power. PLATFORM argued that the FCO had allowed UK oil interests to override human rights concerns in Algeria, Democratic Republic of Congo, Libya, Oman and Nigeria.¹⁵² PLATFORM highlighted Azerbaijan and Turkmenistan as cases where the UK had significant oil and

142 Qq 89–90

143 Q 90

144 Q 89

145 Q 88

146 Qq 90, 114

147 Ev 33

148 Ev 44

149 Ev 40

150 Ev w35

151 Ev 45

152 Ev w38. PLATFORM describes itself as “a London-based research organisation that has monitored the impacts of the British oil industry for over fifteen years, exploring the social, economic, environmental and human rights shifts that result from oil and gas exploration, extraction and transportation”; Ev w37

gas interests but where human rights standards were deteriorating.¹⁵³ Human Rights Watch argued similarly that “commercial interests in oil and gas from Central Asia weaken[ed] the UK’s willingness to push human rights concerns in that region”.¹⁵⁴ Human Rights Watch said that the tone of the section on Turkmenistan as a “country of concern” in the 2010 *FCO Report* did not “convey the full gravity of the abuses perpetrated by the Government of Turkmenistan”, and was such as to suggest that “considerations other than human rights influenced the assessment”.¹⁵⁵

100. The FCO’s new “Charter for Business” was launched in May 2011, setting out the department’s commitments to business. The document makes no mention of the FCO’s claimed role in promoting responsible business practice and assisting businesses to address the potential human rights implications of their overseas operations.¹⁵⁶

101. We are not as confident as the FCO that there is little conflict between its pursuit of both UK commercial interests and improved human rights standards overseas. We recommend that, in its response to this Report, the FCO set out examples from its countries of human rights concern of a significant UK international commercial relationship or presence being associated with improved human rights standards in recent years.

102. Given the FCO’s claims about the continued importance of human rights in its work and the complementarity of human rights and commercial objectives, we were surprised and disappointed to see that the FCO’s new “Charter for Business” made no mention of the FCO’s role in helping businesses address the potential human rights implications of their overseas operations. We recommend that, in its response to this Report, the FCO explain why this omission was made.

103. Oxfam highlighted the potentially difficult position of staff at FCO overseas posts in juggling their human rights responsibilities with their newly emphasised role in promoting UK commercial interests. Oxfam commented that staff were “being put under enormous pressure to support UK industry, and at the same time [...] expected to report human rights and other abuses that will make those sales harder”.¹⁵⁷ Amnesty felt that FCO staff, both overseas and in London, did not adequately understand the human rights impact of UK companies operating in the countries for which they were responsible. Amnesty told us that the FCO’s *Toolkit on Business and Human Rights*, a staff guidance document produced jointly with BIS, UKTI and DFID, was “not sufficiently supported by training and awareness-raising”.¹⁵⁸

104. We recommend that in its response to this Report the FCO set out the training and guidance that it gives to its staff on how to balance their responsibilities to promote both trade and human rights. We further recommend that the FCO inform us

153 Ev w38–40

154 Ev 33

155 Ev 38

156 FCO, “A Charter for Business”, May 2011, via www.fco.gov.uk/en/global-issues/economy/commercial-diplomacy

157 Ev w34–35

158 Ev 44. The Toolkit is accessible via www.fco.gov.uk/en/global-issues/human-rights/international-framework/business.

specifically about the steps that staff are directed to take, and the support available to them, in cases where they feel that they face a conflict between promoting UK commercial interests and upholding the FCO's human rights policies.

105. Increasingly the UK has international economic competitors that do not necessarily share its human rights concerns.¹⁵⁹ Jeremy Browne raised this with us as a significant obstacle to the FCO's attempts to pursue both UK commercial interests and international human rights. Mr Browne said:

A lot of our approach to countries like Burma has been slightly predicated on the assumption that [...] like-minded nations [...] control the supply of everything to a country like Burma, and that therefore we can demonstrate our commitment to the values we all share and coerce countries that do not share those values into compliance by cutting off their ability to buy essential goods. That model is becoming harder to sustain—in fact, it may already be past its peak—when other countries in the world that do not, or do not appear to, or whose Governments do not, share those values supply the country that we have sanctions against. At that point, we are doing this for show or to make an interesting moral statement but, in terms of its practical effect, it is very limited. [...] that requires a bit of a rethink about the tools that we have at our disposal.¹⁶⁰

We note, however, that the OECD has pointed out that UK companies may sometimes find themselves in competition with companies based in countries where higher standards in human rights protection are needed to secure export credit guarantees.¹⁶¹

106. This difficulty raises the issue of 'internationalising' standards for human rights in business, as well as standards in other related areas of business practice. The 2010 *FCO Report* referred to a number of the nascent international codes, sets of standards and other regimes in this field.¹⁶² In 2010–11, important developments were underway as regards two of the relevant regimes:

- In mid-June 2011, the UN Human Rights Council (HRC) endorsed the Guiding Principles on Business and Human Rights presented earlier in the year by Professor John Ruggie, Special Representative of the UN Secretary-General on business and human rights. The HRC established a Working Group to take forward promotion and implementation of the Principles.¹⁶³ The Principles represented the culmination of six years' work by Professor Ruggie (whose mandate ends in July 2011), and were based on

¹⁵⁹ See, for example, the evidence on this point from Liz David-Barrett, Research Fellow at the Oxford University Centre for Corporate Reputation, at Ev w17–21.

¹⁶⁰ Q 97

¹⁶¹ See Member States' Responses to the OECD Export Credit Working Group, "Survey on the Environment and Officially Supported Export Credits", 2009, via www.oecd.org.

¹⁶² The Joint Committee on Human Rights discussed several of these regimes in detail in its Report *Any of our business? Human rights and the UK private sector* in December 2009; First Report of Session 2009–10, HL Paper 5-I/HC 64-I, Ch 4 and Annex 3.

¹⁶³ Human Rights Council Resolution A/HRC/17/L.17/Rev.1, "Human rights and transnational corporations and other business enterprises", 17th Session, 15 June 2011

the “Protect, Respect, Remedy” framework he first elaborated in 2008.¹⁶⁴ Oxfam told us that it supported Professor Ruggie’s framework and regarded the Principles as “a significant step towards strengthening corporate accountability for human rights abuses”, although they could be stronger in asserting states’ and companies’ obligations.¹⁶⁵ In the 2010 *FCO Report*, the department said that it was “keen” to see the HRC adopt the guidelines,¹⁶⁶ and the Foreign Secretary welcomed the HRC’s decision to do so.¹⁶⁷

- Negotiations are underway to update the OECD Guidelines for Multinational Enterprises, to which the UK subscribes. The Guidelines set out voluntary standards of corporate behaviour and provide for National Contact Points to promote the Guidelines and investigate complaints about alleged violations. The UK National Contact Point is in BIS. The *FCO Report* said that the department wanted “to see the guidelines expanded to include practical guidance to assist companies respect human rights, including in their supply chain, and to improve the effectiveness of National Contact Points and of the complaints procedure across the OECD”.¹⁶⁸ Oxfam told us that it welcomed the UK’s position in this respect.¹⁶⁹

107. We recommend that the FCO give higher priority to working to internationalise standards for human rights in business behaviour. We conclude that this is essential if the UK’s efforts to promote human rights internationally are not to be undercut by the behaviour of other countries and their companies. We recommend that in its response to this Report the FCO update us on the negotiations to revise the OECD Guidelines for Multinational Enterprises. We further recommend that the FCO set out its plans to engage with the Working Group established by the UN Human Rights Council in June 2011 to take forward work on Professor Ruggie’s Guiding Principles on Business and Human Rights.

108. A further avenue by which human rights standards may be inserted into business practice is through national action to hold companies to account for their behaviour abroad. This raises the issue of extra-territoriality. Amnesty told us that the Government “should consider and implement a wider range of measures to hold UK companies accountable for human rights abuses abroad”. It went on: “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”.¹⁷⁰

164 See Joint Committee on Human Rights, First Report of Session 2009–10, *Any of our business? Human rights and the UK private sector*, HL Paper 5-I/HC 64-I, paras 87–106, and the website of the Special Representative at www.business-humanrights.org/SpecialRepPortal/Home.

165 Ev w35–36

166 *FCO Report*, p 76

167 FCO, “Foreign Secretary welcomes progress at the UN Human Rights Council”, press release, 17 June 2011

168 *FCO Report*, p 77

169 Ev w36

170 Ev 45

Bribery Act 2010

109. Policy regarding bribery overseas raises many of the wider issues engaged by the FCO's efforts simultaneously to advance both UK commercial interests and human rights and good governance. Our attention was drawn to the bribery issue most recently by former British diplomat Sir Edward Clay, who argued in his evidence to our inquiry into *The Role of the FCO in UK Government* that pursuing both goals might give rise to a conflict for officials working in FCO overseas posts in countries where bribery is common, and that this conflict might become especially acute in the context of the 2010 Bribery Act.¹⁷¹

110. The 2010 *FCO Report* included more extensive coverage of bribery than its predecessor, which did not refer to the term. The Report said that:

Bribery and corruption take money out of the hands of ordinary people, add to costs, and result in poor-quality, poor-value infrastructure. They also threaten the integrity of markets, undermine fair competition, distort resource allocation, destroy public trust and undermine the rule of law.¹⁷²

111. The UK Bribery Act 2010 came into force on 1 July 2011, after the Ministry of Justice (MoJ) issued further guidance on the legislation at the end of March. The Act is intended to implement the UK's obligations under the OECD Anti-Bribery Convention to criminalise the bribery of foreign public officials. The *FCO Report* described the Act as a “clear signal of our commitment to ensure that the fight against bribery and corruption supports UK companies”.¹⁷³

112. When we questioned him on the issue in late May 2011, Jeremy Browne told us that the FCO was still assessing the implications of the Bribery Act.¹⁷⁴ In subsequent correspondence, Mr Browne told us that FCO overseas posts were being instructed to “underline publicly that HMG will neither support nor condone bribery by UK companies or individuals”; provide “accurate, clear and up-to-date information on the [Bribery] Act to UK companies present overseas”; “build up a good knowledge of local business conditions”, so as to understand the concerns companies may have about bribery and corruption; ensure information on bribery was available through UKTI business information; and respond to complaints by companies of corruption by local officials. In his letter, dated 10 June, Mr Browne also said that the FCO was still assessing the detailed implications of the legislation for FCO staff overseas, especially locally-engaged staff, and would share with us the guidance it planned to issue once the assessment process was complete.¹⁷⁵ The FCO issued the guidance to its staff on 26 June and published some of it on 12 July in its response to our Report on the *Role of the FCO in UK Government*.¹⁷⁶

171 Foreign Affairs Committee, Seventh Report of Session 2010–12, *The Role of the FCO in UK Government*, HC 665, Volume II (Additional written evidence), Ev w28–29, via www.parliament.uk/facom

172 *FCO Report*, p 79

173 *Ibid.*, p 80

174 Qq 94–96; see also Ev 46 [FCO].

175 Ev 49

176 FCO, *Seventh Report from the Foreign Affairs Committee, Session 2010–12: The Role of the FCO in UK Government: Response of the Secretary of State for Foreign and Commonwealth Affairs*, Cm 8125, July 2011, Annex D

113. Liz David-Barrett, Research Fellow at the Oxford University Centre for Corporate Reputation, suggested that, without other conditions being in place, national anti-bribery legislation tended to cause the companies covered by it to withdraw from corruption-prone countries, leaving the field clear for firms not covered by such legislation, and thus potentially failing to achieve the objective of corruption-free economic development overseas. Ms David-Barrett based her argument primarily on the evidence available about the effects of the US Foreign Corrupt Practices Act, which has been in force since 1977. Ms David-Barrett recommended that the UK Government use its powers under the Bribery Act to pursue cases concerning alleged bribery overseas against companies carrying on business in the UK; and do more by way of advice and assistance to support UK companies that do business in corruption-prone countries.¹⁷⁷ She further urged the FCO to exert pressure on non-parties to the OECD Convention to enforce anti-bribery laws to the same standards as the Convention. Ms David-Barrett noted that China, India and Russia had all recently begun moves towards introducing national legislation prohibiting foreign bribery.¹⁷⁸

114. We conclude that it is a matter for concern that less than two months before the Bribery Act 2010 was due to enter into force, the FCO was still assessing its implications for its own work. We welcome the fact that the FCO has now issued guidance to its staff on the Act.

115. We recommend that in its response to this Report the FCO inform us of any work it is doing to encourage non-parties to the OECD Anti-Bribery Convention to introduce national legislation—of equivalent standard to the OECD Convention—against bribery overseas. We further recommend that the UK Government uses its powers under the Bribery Act to pursue cases of alleged bribery overseas against both UK and foreign companies carrying on business in the UK.

Arms exports

116. Government arms export policy is scrutinised in the House of Commons by the Committees on Arms Export Controls (CAEC): ourselves working together with the Business, Innovation and Skills, Defence, and International Development Committees, under the chairmanship of a Foreign Affairs Committee Member, Rt Hon Sir John Stanley. CAEC produced its most recent annual report in April 2011, and we have no wish to duplicate here work we have undertaken as part of that body.¹⁷⁹ However, a considerable share of the written evidence we received for our present inquiry concerned arms exports, with strong criticisms of the Government's current policy and practice being made by Amnesty, Human Rights Watch, Oxfam, Saferworld and the Campaign Against Arms Trade (CAAT); and matters have moved on somewhat since publication of the 2011 CAEC Report.

177 Paragraphs 15–16 and 34–36 of the Guidance on the Bribery Act issued by the Ministry of Justice on 30 March 2011 set out the interpretation of “carrying on a business in the UK” and other jurisdictional matters which are to be applied for the purposes of the Act; Ministry of Justice, “The Bribery Act 2010: Guidance”, March 2011, www.justice.gov.uk/guidance/docs/bribery-act-2010-guidance.pdf.

178 Ev w18

179 Business, Innovation and Skills, Defence, Foreign Affairs, and International Development Committees, First Joint Report of Session 2010–11, *Scrutiny of Arms Export Controls (2011): UK Strategic Export Controls Annual Report 2009, Quarterly Reports for 2010, licensing policy and review of export control legislation*, HC 686

117. The CAEC Report pointed out that the Government's policy on arms exports had been brought sharply into focus by the 'Arab Spring' wave of uprisings and demonstrations which began in Tunisia and Egypt in January 2011, spread to other countries in North Africa and the Middle East, and in some cases had been met by an armed response resulting in the death or injury of civilians (see paragraph 166). The Report set out country-by-country examples of export licence approvals since January 2009 of arms that could be used for internal repression by authoritarian regimes in North Africa and the Middle East.¹⁸⁰ The Report also referred to the Government's stated policy on arms exports in relation to internal repression, as set out by FCO Parliamentary Under-Secretary Alistair Burt MP in mid-February, namely that the Government "will not issue licences where we judge there is a clear risk the proposed export might provoke or prolong regional or internal conflicts or which might be used to facilitate internal repression".¹⁸¹ The CAEC Report also gave details of the arms export licences which the Government had revoked since January 2011 in light of that policy, in relation to Bahrain, Egypt, Libya and Tunisia, in response to developments in the region. The Report welcomed the revocations, but noted that they represented a "vigorous backpedalling" on previous policy.¹⁸² The CAEC Report concluded that "both the present Government and its predecessor misjudged the risk that arms approved for export to certain authoritarian countries in North Africa and the Middle East might be used for internal repression".¹⁸³ The CAEC Chair, Sir John Stanley, commented that the number of revocations, 156 by the time the Committees concluded their Report, "reflect[ed] the degree of policy misjudgement that [had] occurred".¹⁸⁴

118. On 18 February 2011, Mr Burt announced that the Government was conducting a review of arms exports to the wider Middle East region.¹⁸⁵ The CAEC Report recommended that, with respect to equipment that could be used for internal repression, the review be extended to cover exports to authoritarian regimes worldwide.¹⁸⁶ The Report also recommended that the Government set out "how it intend[ed] to reconcile the

180 Business, Innovation and Skills, Defence, Foreign Affairs, and International Development Committees, First Joint Report of Session 2010–11, *Scrutiny of Arms Export Controls (2011): UK Strategic Export Controls Annual Report 2009, Quarterly Reports for 2010, licensing policy and review of export control legislation*, HC 686, Annex 4

181 *Ibid.*, para 133

182 *Ibid.*, paras 134–135. In its response to the Report, published on 7 July, the Government provided as requested a list of all arms export licences revoked since January 2011. The revoked licences were for Abu Dhabi, Bahrain, Egypt, Kuwait, Libya, Qatar and Tunisia; *Reports from the Business, Innovation and Skills, Defence, Foreign Affairs and International Development Committees, Session 2010–11: Strategic Export Control: Her Majesty's Government's Annual Report for 2009, Quarterly Reports for 2010, Licensing Policy and Parliamentary Scrutiny: Response of the Secretaries of State for Defence, Foreign and Commonwealth Affairs, International Development and Business, Innovation and Skills*, Cm 8079, June 2011, Annex 1.

183 Business, Innovation and Skills, Defence, Foreign Affairs, and International Development Committees, First Joint Report of Session 2010–11, *Scrutiny of Arms Export Controls (2011): UK Strategic Export Controls Annual Report 2009, Quarterly Reports for 2010, licensing policy and review of export control legislation*, HC 686, para 135

184 Committees on Arms Export Controls, "Publication of Report", press notice, 5 April 2011

185 FCO, "Foreign Office Minister comments on review of arms exports", press notice, 18 February 2011

186 Business, Innovation and Skills, Defence, Foreign Affairs, and International Development Committees, First Joint Report of Session 2010–11, *Scrutiny of Arms Export Controls (2011): UK Strategic Export Controls Annual Report 2009, Quarterly Reports for 2010, licensing policy and review of export control legislation*, HC 686, para 135

potential conflict of interest between increased emphasis on promoting arms exports with the staunch upholding of human rights”.¹⁸⁷

119. A number of our witnesses drew attention to the extent of recent Government “backpedalling” over arms exports. CAAT cited Libya as a case in point. It noted that the UK’s arms embargo against Libya had been lifted in 2004 not as a result of any improvement in Libya’s human rights record, but as a result of the wider political rapprochement between the West and the Gaddafi regime. CAAT commented that “Libya was immediately seen as a major marketing opportunity”. A Defence Co-operation and Defence Industrial Partnership between the UK and Libya was signed in 2007, and Libya was included on the list of the UKTI Defence and Security Organisation’s priority markets for 2010/11.¹⁸⁸ Export licence approval was granted in 2009 to supply Libya with a considerable number of arms or arms components that, in the view of CAEC, “could be used for internal repression”.¹⁸⁹ The total value of licensed arms exports from the UK to Libya in 2008–10 was £67.2 million.¹⁹⁰

120. On 22 March, FCO Minister of State Lord Howell of Guildford said in the House of Lords:

Perhaps a year or two ago, many people in this House would have been happy with the number of licences going to Libya, but it turns out that a great many of these—I think 118 of them—have been revoked, and rightly so. All licences for weapons of any kind of concern for Libya have been revoked. [...] We are applying the best possible filter and controls, possibly by world standards, that are available to ensure that weapons are not misused, or used for repression in horrible ways.¹⁹¹

121. In February 2011, during the early stages of the ‘Arab Spring’, the Prime Minister visited a number of Middle Eastern countries including Kuwait and other Gulf states. He was criticised by some for using his visit to promote British arms exports (his entourage included representatives of eight leading UK arms suppliers).¹⁹² Speaking in Kuwait, Mr Cameron defended the Government’s policy on arms sales to the region:

I simply don’t understand how you can’t understand how democracies have a right to defend themselves. I would have thought this argument is particularly powerful right here in Kuwait which, 20 years ago, was invaded by a thuggish bullying neighbour who disrespected your sovereignty, invaded your country and destroyed parts of your capital city. [...] Are we honestly saying that for all time, forever and a

187 Business, Innovation and Skills, Defence, Foreign Affairs, and International Development Committees, First Joint Report of Session 2010–11, *Scrutiny of Arms Export Controls (2011): UK Strategic Export Controls Annual Report 2009, Quarterly Reports for 2010, licensing policy and review of export control legislation*, HC 686, para 18

188 Ev w9 [Campaign Against Arms Trade]

189 Business, Innovation and Skills, Defence, Foreign Affairs, and International Development Committees, First Joint Report of Session 2010–11, *Scrutiny of Arms Export Controls (2011): UK Strategic Export Controls Annual Report 2009, Quarterly Reports for 2010, licensing policy and review of export control legislation*, HC 686, para 132 and Annex 4

190 Ev w11 [Campaign Against Arms Trade]

191 HL Deb, 22 March 2011, col 593 (quoted by Campaign Against Arms Trade, at Ev w9)

192 “David Cameron’s Cairo visit overshadowed by defence tour”, *The Guardian*, 21 February 2011

day, that countries like Kuwait have to manufacture and maintain every single part of their own defences?¹⁹³

122. Human Rights Watch told us that “recent developments in the Middle East and North Africa [...] have served to expose specific weaknesses in UK arms export policy and practice in a dramatic fashion”.¹⁹⁴ Saferworld told us that the FCO was to be commended for the speed with which it had revoked arms export licences in response to recent events, but added that “the fact remains that rigorous application of existing criteria would probably have meant that these licences would not have been issued in the first place”. Saferworld noted that the recent revocations set a precedent in that licences were revoked because of the *risk* of abuse of British-supplied equipment rather than because there was evidence that it *had been* abused.¹⁹⁵

123. Giving evidence to us on 16 March as part of our rolling inquiry into *Developments in UK Foreign Policy*, the Foreign Secretary said, in relation to sales of crowd-control equipment to Middle Eastern countries, that “we have seen instances in the past few weeks where grave concern has been caused to the Government and to other people in Britain about the use of some of that equipment”. He added that “We have to review how our export controls work in that regard, but I don’t think it should stop us from being able to trade with countries whose security is fundamental to global security”. He noted that the Gulf states which the Prime Minister had visited in February were “neighbours of Iran, and in a very troubled region of the world” and that their external security was in the British national interest.¹⁹⁶ Mr Hague confirmed that there would be a review of arms export controls, that it would focus in particular on crowd control equipment, and that it would be subject to full parliamentary scrutiny.¹⁹⁷

124. When he gave evidence to us on 23 May, Jeremy Browne told us that information would be provided to Parliament on the results of the Government’s review “reasonably soon”.¹⁹⁸ Asked whether external organisations such as human rights NGOs had been invited to contribute to the review, Mr Browne responded that they were welcome to submit their views in writing.¹⁹⁹ In a follow-up letter dated 10 June, Mr Browne told us that:

The Foreign Secretary asked the Foreign Office to review HMG’s policy and practice with regard to the export of equipment that might be used for internal repression, in particular crowd control goods. This was in response to grave concerns about the use of crowd control equipment in the events of the Arab Spring. FCO officials have consulted widely across HMG, particularly involving BIS (the UK export licensing authority) and MOD. Officials are currently working with Ministers to finalise the

193 “David Cameron hits out at critics of Britain’s arms trade”, *The Guardian*, 22 February 2011

194 Ev 35

195 Ev w29

196 “Developments in UK Foreign Policy”, oral evidence taken before the Foreign Affairs Committee on 16 March 2011, HC (2010–11) 881-i, Q 6

197 *Ibid.*, Qq 8–10

198 Q 113

199 Qq 101–103

package of measures that will be taken forward in response to the findings of the review. The Foreign Secretary told the Foreign Affairs Select Committee that any decisions taken will be discussed in Parliament, and we will finalise this work as expeditiously as possible before the summer recess.²⁰⁰

125. When we approved this Report on 13 July, with three sitting days remaining before the summer recess, the Government had not brought forward the results of its review. In its response to the CAEC Report, which it published on 7 July, the Government said that it would be reporting on the review to Parliament once the Foreign Secretary had “fully considered” its findings. The Government said that any results of the review would apply to UK arms exports worldwide, not only to the Middle East and North Africa.²⁰¹

126. We also asked Mr Browne in May why arms export licences to Saudi Arabia had not been revoked, given the risk that certain categories of British-supplied equipment could be used for internal repression, either in Saudi Arabia or in Bahrain. On the Minister’s behalf, Thomas Drew, Director for National Security at the FCO Directorate for Defence and Strategic Threats, replied that “it is a question of looking at this case-by-case—at specific equipment for specific areas. [...] There is no arms embargo against Saudi Arabia, therefore we have looked specifically item by item, which is why we came up with the conclusions that we did”.²⁰²

127. We conclude that the events of the ‘Arab Spring’ have revealed serious shortcomings in the system of UK arms export controls as regards the possible use of British-supplied equipment for internal repression. As one of the constituent committees which make up the Committees on Arms Export Controls (CAEC), we reiterate our support for the conclusions and recommendations contained in CAEC’s Report of April 2011, namely that the present and the previous Government misjudged the risk that arms approved for export to certain authoritarian countries in North Africa and the Middle East might be used for internal repression. We urge the Government to make speedy progress in finalising the results of its current review of arms export controls and sharing them with Parliament.

128. We conclude that the recent policy of revoking arms export licences to countries in the Middle East and North Africa appears to have been inconsistently applied, inasmuch as no licences to Saudi Arabia, Syria or Yemen have been revoked, despite the fact that the risk of repressive use of equipment sold by British companies to those countries for their own use, or supplied by Saudi Arabia to other states such as Bahrain, appears to be as high as in the countries to which licences have been revoked. We recommend that the Government’s review address specifically the issue of policy towards Saudi Arabia.

200 Ev 47

201 *Reports from the Business, Innovation and Skills, Defence, Foreign Affairs and International Development Committees, Session 2010–11: Strategic Export Control: Her Majesty’s Government’s Annual Report for 2009, Quarterly Reports for 2010, Licensing Policy and Parliamentary Scrutiny: Response of the Secretaries of State for Defence, Foreign and Commonwealth Affairs, International Development and Business, Innovation and Skills, Cm 8079, June 2011, sections 2, 24 and 25*

202 Q 108

Cross-Government working: UKTI and BIS

129. Amnesty argued that there was a “lack of joined-up thinking” across the FCO, BIS, DFID, the MoJ and other departments and agencies, including UKTI, regarding human rights promotion in relation to the UK's international trade and investment policies. Amnesty said that UKTI did not address human rights issues in its country briefings, despite the fact that they might carry reputational risk for companies; and that official trade delegations were often insufficiently aware of human rights issues in the countries they were visiting. Amnesty said that there was a need for an overall cross-government strategy on business and human rights.²⁰³

130. Jeremy Browne pointed out that the Minister of State for Trade and Investment, with responsibility for UKTI, was a joint FCO-BIS Minister, and that FCO Ministers and officials had “the opportunity to express [their] concerns, insights or enthusiasms directly to him”. He also said that, in his experience so far, UKTI staff working at FCO overseas posts “seem[ed] to be pretty woven into the overall operation, under the auspices of the ambassador”.²⁰⁴

131. UKTI launched its new five-year strategy in May 2011. The document made no reference to human rights or corporate responsibilities overseas.²⁰⁵

132. We conclude that the absence of a reference to human rights or corporate responsibilities overseas in UKTI's new five-year strategy suggests that there is a lack of strategic co-ordination between the branches of Government responsible for promoting human rights overseas and for promoting British trade. We recommend that in its response to this Report the FCO respond to the suggestion that there should be a cross-Government strategy on business and human rights.

203 Ev 44

204 Q 115

205 UKTI, “Britain Open for Business”, May 2011, www.ukti.gov.uk/uktihome/aboutukti/aimsobjectives/corporatestrategy.html

4 Current issues in human rights policy

Thematic human rights issues

Women's rights

133. Kate Allen criticised the *FCO Report* for being “patchy” in its treatment of women’s rights.²⁰⁶ Amnesty urged the FCO to continue to do more to “mainstream” women’s rights throughout its human rights work and reporting.²⁰⁷

134. Kate Allen highlighted the importance of women’s rights in conflict and post-conflict situations in particular. The UN Security Council passed a landmark resolution on this issue in October 2000 (UNSCR 1325). In November 2010, to coincide with the tenth anniversary of that Resolution, the Government published its National Action Plan on Women, Peace and Security, which is designed to ensure the Resolution’s implementation.²⁰⁸ The Plan is tri-departmental between the FCO, MOD and DFID. Ms Allen said that the Plan was “good [...] but could be better”: “it does not allocate responsibility at a senior level, it is vague on resources and there is no real cross-government, joined-up policy”.²⁰⁹ Amnesty recommended senior leadership, cross-departmental co-ordination and the allocated of dedicated resources to “operationalise” the National Action Plan.²¹⁰

135. The Plan stated that cross-Government leadership and coordination was to be provided through the appointment of a “senior representative” on tackling international violence against women. In November 2010, Lynne Featherstone, Parliamentary Under-Secretary for Equalities at the Home Office, was appointed to this role. In the *FCO Report*, her appointment was noted in the “Women’s rights” section, and not referred to in the separate section on “Women, peace and security” which discussed the National Action Plan.²¹¹

136. We recommend that in its response to this Report the FCO set out the work that the Parliamentary Under-Secretary of State at the Home Office is doing in support of the National Action Plan on Women, Peace and Security; and explain her role in relation to the Plan, given that her home department is not one of the Plan’s three co-owners.

137. The National Action Plan is to be reviewed annually and a full evaluation conducted after three years. The Plan stated that, in addition to a Ministerial statement, “Progress will

206 Q 29

207 Ev 42

208 FCO, MOD, DFID, “UK Government National Action Plan on UNSCR 1325 Women, Peace & Security”, November 2010, available via www.fco.gov.uk/en/global-issues/women-peace-security/national-action-plan

209 Q 29

210 Ev 43

211 *FCO Report*, pp 30, 65

be reported to Parliament [...] through the Associate Parliamentary Group on Women, Peace and Security”.²¹²

138. We recommend that the FCO ensure that the results of the 2011 review of the National Action Plan on Women, Peace and Security are fully reported to us, as its departmental scrutiny committee, when the review is published in October 2011. We further recommend that the FCO's 2011 human rights report also report on progress in implementing the Plan.

139. David Mepham highlighted the new Council of Europe Convention on preventing and combating violence against women and domestic violence. He said that the Government had played a “fairly negative role” in the concluding negotiations on the Convention, “putting in a lot of caveats and qualifications”, but that “quite a strong text” had nevertheless been agreed.²¹³ The Council of Europe Committee of Ministers adopted the Convention on 7 April 2011 and it was opened for signature in May. Human Rights Watch said that it was now “critical that the UK Government [...] ratify [the Convention] as soon as possible and without reservations”.²¹⁴ Home Office Parliamentary Under-Secretary James Brokenshire told the House on 13 June that there were “a number of articles [of the Convention] on which we require more detailed consideration before a final decision can be made on [its] signature and ratification”.²¹⁵

140. We recommend that in its response to this Report the FCO update us on the Government's plans for signature and ratification of the new Council of Europe Convention on preventing and combating violence against women and domestic violence.

Children's rights

141. David Mepham reminded us of the large share of the global population made up by children and young people aged under 18. He argued that the *FCO Report* did not cover children's rights as much as was warranted, and that the Government should “think rather more about that younger group of people” in its international human rights policy.²¹⁶

142. UNICEF UK and World Vision UK told us that the *FCO Report* gave the impression that the FCO was according a lower priority than in the past to children's rights. UNICEF in particular felt that the Report provided too little detail on children's rights issues, indicating that the FCO was not building children's rights sufficiently into its overall human rights work.²¹⁷ UNICEF and World Vision noted critically that the Child Rights Panel of expert and NGO representatives which had met under the previous Government seemed to have lapsed.²¹⁸ Both organisations were also concerned that the FCO appeared

²¹² FCO, MOD, DFID, “UK Government National Action Plan on UNSCR 1325 Women, Peace & Security”, p 5; see also pp 15, 49.

²¹³ Q 29

²¹⁴ Ev 35

²¹⁵ HC Deb, 13 June 2011, col 653W

²¹⁶ Q 30

²¹⁷ Ev w6 [UNICEF UK], w26 [World Vision UK]

²¹⁸ Ev w5 [UNICEF UK], w25 [World Vision UK]

to have no plans to replace its previous three-year child rights strategy, which came to an end in 2010. World Vision said that a new strategy should be cross-Governmental, and UNICEF urged the FCO to work more closely with DFID in particular.²¹⁹

143. We recommend that in its response to this Report the FCO inform us what expertise on children's rights is available within the Foreign Secretary's Advisory Group on Human Rights. We further recommend that the FCO inform us whether it plans to draw up a new child rights strategy; and if not, why not.

Freedom of religion or belief

144. We received a number of submissions highlighting freedom of religion or belief. The Church of England's Mission and Public Affairs Council and the Bahá'í Community of the UK both welcomed the coverage given to this issue in the *FCO Report*, which referred to the FCO's concerns and activities in Azerbaijan, Egypt, Indonesia, Kyrgyzstan, Laos, Nigeria and Turkey.²²⁰ The Mission and Public Affairs Council and the Bahá'í Community also both welcomed the priority being given to freedom of religion or belief in the work of the Foreign Secretary's Advisory Group on Human Rights, which the Mission and Public Affairs Council said represented "a significant advance on the FCO's Religious Freedom Panel of old".²²¹ The Bahá'í Community welcomed the swift and public condemnation by the Foreign Secretary and FCO Parliamentary Under-Secretary Alistair Burt of the sentences passed on seven Bahá'í leaders in Iran in 2010.²²²

145. The Centre for Legal Aid, Assistance and Settlement (CLAAS) argued that the *FCO Report* provided insufficient coverage of the situation of religious minorities in Pakistan, and of the country's blasphemy law in particular. CLAAS said that the amendment or repeal of that legislation was "an absolute necessity for the survival of religious minorities in Pakistan".²²³ In the report's section on Pakistan as a "country of concern", the FCO identified strengthening freedom of expression, religion and belief as one of its priorities for human rights work in Pakistan in 2011. The FCO said that it continued "to support those who wish to see reform through lobbying and project work", but that there was "little likelihood of much-needed reform in the near future" following the assassination of Punjab Governor Salman Taseer—who had spoken out for reform—at the beginning of 2011.²²⁴ In its online update of its Pakistan "country of concern" section at the end of March, the FCO noted the assassination of Minister for Minorities Shahbaz Bhatti, whom the *FCO Report* had identified as a key FCO interlocutor on this issue.

146. We recommend that, in its response to this Report, the FCO update us on its assessment of prospects for reform of the blasphemy law in Pakistan, and on its wider work to encourage the protection of religious minorities in that country.

219 Ev w5–6 [UNICEF UK], w26 [World Vision UK]

220 Ev w2 [Bahá'í Community of the UK], w7 [Church of England's Mission and Public Affairs Council]; see *FCO Report*, pp 26–30.

221 Ev w2 [Bahá'í Community of the UK], w7 [Church of England's Mission and Public Affairs Council]

222 Ev w2

223 Ev w16

224 *FCO Report*, pp 244, 250

147. The *FCO Report* set out the department's position against the adoption by the international community of a new legal standard on the "defamation of religions". The FCO said that such an approach would be "inconsistent with the international human rights legal framework, which exists to protect individuals and should not seek to protect concepts or specific belief systems from criticism".²²⁵ Our witnesses endorsed this policy, with Kate Allen arguing that "most religions [could] handle [...] criticism" and that it was individuals who needed protection.²²⁶

148. **We conclude that the Government is correct to oppose the adoption by the international community of a new legal standard on the "defamation of religions".**

International institutions

UN Human Rights Council

149. The UN Human Rights Council (HRC) was established in 2006 as the successor to the UN Commission on Human Rights. In successive Reports, our predecessor Committee tracked the HRC's—often difficult—early development. The HRC has tougher membership conditions than its predecessor, aimed at reducing the likelihood that its members will include states with poor human rights records. The HRC has nevertheless been subject to significant criticisms for having rights-abusing states among its members, for being unwilling to agree to international action on alleged rights abuses in some cases, and for being biased against Israel in particular. However, in its last human rights report, in 2009, our predecessor Committee welcomed an increase in the number of HRC resolutions which the UK Government had been able to support, as well as the new membership of the US in the HRC, following a reversal by the Obama Administration of its predecessor's stance.²²⁷

150. In the 2010 *FCO Report*, the department said:

Despite improvements in the Council's performance, it is difficult for us to achieve our objectives. The UK and like-minded states are in a voting minority and have to work hard to persuade other members that the UN should address human rights situations in specific countries. We believe that this is essential to the Council's credibility.²²⁸

151. Witnesses to our present inquiry felt that, albeit from a low start and in patchy fashion, the HRC was continuing to gain some credibility. David Mepham noted the "beneficial" impact of the United States' decision to join the Council. Giving evidence in May 2011, he told us that in the preceding year the HRC had "done quite a lot of good things and it's finally getting its act together in a way that we find quite encouraging".²²⁹

225 *FCO Report*, pp 29–30

226 Q 31

227 Foreign Affairs Committee, Seventh Report of Session 2008–09, *Human Rights Annual Report 2008*, HC 557, para 153

228 *FCO Report*, p 92

229 Q 43

Since late 2010, the HRC has:

- in response to a report it requested from the UN High Commissioner for Human Rights, established an international commission of inquiry into alleged human rights violations in Côte d'Ivoire following the disputed presidential election of November 2010, with the aim of bringing those responsible to justice;²³⁰
- established an international commission of inquiry into events in Libya, which found that government forces had committed crimes against humanity and war crimes, and that opposition forces had committed some acts which would constitute war crimes;²³¹
- seen the UN General Assembly suspend Libya's membership in the Council, the first time that an HRC member has been suspended;
- appointed a Special Rapporteur on the situation of human rights in Iran (a step welcomed in its evidence to us by the Bahá'i Community of the UK);²³²
- passed a strongly critical resolution on the repression of anti-government protests in Syria, including a call on the UN High Commissioner for Human Rights to despatch a mission to Syria to investigate alleged violations of international human rights law;²³³ and
- seen Syria fail to be elected as an HRC member, after the Asian group of HRC member countries dropped it from its list of nominees.

152. As of early summer 2011, two institutional developments at the HRC were engaging UK action:

- a) HRC review. Work was underway on the five-year review of the HRC required by the General Assembly when it established the Council. The review process is expected to conclude in summer 2011. In the *FCO Report*, the department said that it would “like the review to make the Council more effective”, but that it was “realistic about our chances of success”.²³⁴ Susan Hyland, Head of the FCO's Human Rights and Democracy Department, told us that the Government wanted to “improve the quality of the [HRC's] membership”—by making the membership criteria more robust; and by enforcing the membership conditions that exist already, by holding countries to account for commitments made in seeking election to the Council.²³⁵ However, Jeremy Browne noted that limiting membership too far risked also limiting the HRC's influence, and that there was a value to trying to “draw [countries] in”. He said that the

230 Human Rights Council Resolution A/HRC/RES/16/25, 16th Session, 13 April 2011

231 “Report of the International Commission of Inquiry to investigate all alleged violations of international human rights law in the Libyan Arab Jamahiriya”, A/HRC/17/44, 1 June 2011

232 Ev w2

233 Human Rights Council Resolution A/HRC/RES/S-16/1, 16th Special Session, 29 April 2011

234 *FCO Report*, p 92

235 Q 122

Government's preference was therefore to "try to draw [membership] as wide as we can without making [the HRC] completely ineffectual or perverse in its opinions".²³⁶

- b) UK membership. After two consecutive terms as a member, the UK was not eligible to stand for re-election to the Council at the elections held in May 2011. From June 2011, the UK was thus not on the HRC for the first time since the body's inception. The Government has already announced that it plans to run again for membership in 2013. Both Kate Allen and David Mepham commended the UK's role overall as a member of the HRC, and Kate Allen told us that she hoped the Government would "stay close" to the body during the UK's period of non-membership.²³⁷ Jeremy Browne told us that the Government planned to try to continue to influence the HRC's work, by trying to speak at the Council, and by lobbying and forming partnerships with HRC members, especially among EU Member States.²³⁸

153. Although the UN Security Council remains the decisive forum for international action on human rights, we are encouraged by recent signs that the UN Human Rights Council is beginning to operate as a more effective international watchdog on UN Member States' human rights records, and in particular that the international community is beginning to use election to and suspension from the Council as a mechanism to deploy against human rights violators. We recommend that, in its response to this Report, the FCO update us on the extent to which it achieved its objectives for the 2011 review of the Human Rights Council. We welcome the Government's announcement that it plans to stand again for election to the Council in 2013. We recommend that the FCO provide more information on the arrangements it has put in place to continue to engage effectively with the Council in the period before 2013 following the end of the UK's term of membership in June 2011.

International justice mechanisms

154. During our inquiry, the International Criminal Court (ICC) was in the spotlight because of the international community's decision to engage it with respect to the evolving conflict and human rights crisis in Libya. On 27 June, the ICC issued arrest warrants for Colonel Gaddafi and two other senior Libyan figures after concluding that there were "reasonable grounds" for believing them criminally responsible for two counts of crimes against humanity committed from 15 February 2011 until at least 28 February.²³⁹ The ICC Prosecutor's investigation and request for arrest warrants came after the UN Security Council unanimously referred the situation in Libya to the Court (in Resolution 1970 of 26 February). Libya joined six other countries where cases are being investigated or pursued by the Court—including Sudan, with respect to the situation in Darfur, on which the Court issued an arrest warrant for President Bashir in 2010.²⁴⁰

236 Q 123

237 Qq 43 [Kate Allen], 45 [David Mepham]

238 Q 120

239 ICC, "Pre-Trial Chamber I issues three warrants of arrest for Muammar Gaddafi, Saif Al-Islam Gaddafi and Abdualla Al-Senussi", press release, 27 June 2011

240 Apart from Libya and Darfur (Sudan), the other cases are in Central African Republic, Côte d'Ivoire, Democratic Republic of Congo, Kenya and Uganda.

155. The cases of Sudan and Libya, in particular, raise the issue of the potential tension between the swift pursuit of justice and the possible requirements of a political resolution to a conflict. It has been suggested that launching action against Colonel Gaddafi at the ICC might make it more difficult for the UK to achieve the end it seeks in Libya, namely Gaddafi's exit from power.²⁴¹ In late May, Jeremy Browne did not think that the ICC action would necessarily make it harder or easier to achieve a resolution of the Libyan situation, but he was firm in his support for the ICC action in any case.²⁴²

156. Like the Minister, Kate Allen and David Mepham argued against any ideas of amnesty or impunity. They contended that sustainable peace often could not be achieved without accountability. Ms Allen also argued that those responsible for human rights abuses needed to be held to account if international justice was to acquire a deterrent effect. However, David Mepham drew our attention to Article 16 of the Rome Statute establishing the ICC, which allows the Security Council to suspend an ICC investigation or prosecution by passing a resolution to that effect under Chapter VII of the UN Charter.²⁴³

157. We recommend that, in its response to this Report, the FCO set out its assessment of any impact that the issuing of arrest warrants for Colonel Gaddafi and other senior Libyan regime figures by the International Criminal Court may be having on prospects for a resolution to the Libyan crisis.

158. In April 2011, a UN panel of experts appointed by the Secretary-General published a report into the final stages of the conflict between the Government and Tamil separatists in Sri Lanka. The panel found that there were “credible allegations, which if proven, indicate that a wide range of serious violations of international humanitarian law and international human rights law was committed both by the government of Sri Lanka and the [Tamil Tigers], some of which would amount to war crimes and crimes against humanity”. The panel called for an independent international investigation, with a view to a possible international mechanism for accountability.²⁴⁴ In its last human rights report, in August 2009, our predecessor Committee already recommended that the Government should press for the setting up of an international war crimes inquiry, to investigate allegations of atrocities carried out by both sides in the Sri Lankan civil war.²⁴⁵ The Sri Lankan government has argued that publication of the panel of experts' report impedes the process of post-conflict reconciliation.²⁴⁶ Human Rights Watch told us that the Government should support the panel's recommendation.²⁴⁷ However, Jeremy Browne told us that the

241 See, for example, remarks by Rear Admiral Christopher J. Parry, former Director General of Development, Concepts and Doctrine, Ministry of Defence, in a podcast interview for the European Council on Foreign Relations, 20 April 2011, via <http://ecfr.podhoster.com/index.php?sid=2515>; International Crisis Group statement, “Libya: Achieving a Ceasefire, Moving toward Legitimate Government”, 13 May 2011; “Libya: Gaddafi ICC arrest warrant raises questions”, *BBC News Online*, 17 May 2011; Thomas Obel Hansen, “Ocampo targets Gaddafi: will International Criminal Court help end abuse of civilians in Libya?”, www.opendemocracy.net, 18 May 2011; George Friedman, “Libya and the Problem with The Hague”, *Stratfor Geopolitical Weekly*, www.stratfor.com, 11 July 2011.

242 Qq 124–125

243 Q 47 [Kate Allen, David Mepham]

244 “Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka”, 31 March 2011, pp ii, vii, www.un.org/News/dh/infocus/Sri_Lanka/POE_Report_Full.pdf

245 Foreign Affairs Committee, Seventh Report of Session 2008–09, *Human Rights Annual Report 2008*, HC 557, para 274

246 “Sri Lanka calls on UN not to release war crimes report”, *The Guardian*, 22 April 2011

247 Ev 38

UK Government “believes that the primary responsibility for addressing accountability and achieving reconciliation lies with the Government of Sri Lanka”.²⁴⁸

159. On 14 June, Channel 4 broadcast a widely-noted documentary entitled ‘Sri Lanka’s Killing Fields’, about the final weeks of the conflict between the Sri Lankan government and the Tamil Tigers.²⁴⁹

160. We recommend that, in its response to this Report, the FCO explain more fully why it does not regard an international accountability mechanism as appropriate to the Sri Lankan situation at this stage, and under what conditions it might change its position.

161. We commend Channel 4 for its documentary ‘Sri Lanka’s Killing Fields’, which showed horrific scenes of crimes carried out in 2009. We reaffirm the view of our predecessor Committee and call on the UK Government to press for the setting up of an international war crimes inquiry to investigate allegations of atrocities carried out by both sides in the Sri Lankan civil war.

162. In May 2011, Serbia captured and extradited former Bosnian Serb General Ratko Mladic to the International Criminal Tribunal for the former Yugoslavia (ICTY) in The Hague. General Mladic’s transfer leaves only one ICTY indictee, Goran Hadžić, still at large. In December 2010, under Resolution 1966, the UN Security Council established an International Residual Mechanism for Criminal Tribunals, which will be able to prosecute any ICTY cases remaining after 2013.

163. We strongly welcome Ratko Mladic’s extradition to the International Criminal Tribunal for the former Yugoslavia, as an important step in ending impunity for grave international crimes committed in the former Yugoslavia, and in continuing to move the Western Balkans away from its recent history of inter-ethnic conflict. We congratulate all those, including in the UK, who contributed to the long-running effort to see General Mladic on trial in The Hague.

Regions and countries

164. In this section we comment on challenges for UK human rights policy in a few regions and countries where the UK has a particular role in 2011 and beyond.

Middle East and North Africa

165. Amnesty told us that “how the UK Government reacts to the changes in the [Middle East and North Africa] 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”.²⁵⁰

166. As we prepared this Report in June and early July 2011, the developing situation in the Middle East and North Africa engaged a wide range of human rights issues:

248 Ev 47

249 www.channel4.com/programmes/sri-lankas-killing-fields

250 Ev 41

- Tunisia was under a transitional government pending elections to a Constituent Assembly in October, after mass protests led to the resignation in January of former President Ben Ali, who fled to Saudi Arabia. As of early July, the FCO website was noting that the transitional government had signed several key international human rights instruments and set up independent commissions to investigate human rights abuses by the former regime. Tunisian courts had convicted former President Ben Ali *in absentia* for embezzlement and abuse of public funds, and were continuing to investigate further allegations against him.
- Egypt was under the control of a military-backed transitional government pending parliamentary elections expected in September and presidential polls in November, after mass protests led to the resignation of former President Mubarak in February. Former President Mubarak and other former senior regime and police figures had been or were being tried for offences including the murder of protesters and corruption. By late June, apparent popular frustration with the pace of reforms and perceived weaknesses in the accountability process led to clashes with police. As of early July, in the Egypt country profile on its website, the FCO said that the longstanding emergency law—which remained in force—allowed for “human rights violations such as the use of administrative detention, military courts for civilians and torture”, and that the department was calling for its termination. The FCO also noted allegations of torture and mistreatment of detainees, and concerns about freedom of expression, sectarian tensions and religious discrimination.
- In Bahrain, the authorities were detaining and imprisoning large numbers of civilians after protests against the regime. In particular, the authorities had detained, reportedly mistreated, tried and in some cases imposed lengthy prison sentences on medical personnel who had treated injured civilians. Over 30 people were reported to have been killed by the security forces, and the regime had called in armed support from Saudi Arabia and other Gulf states. By early July, the Sunni regime had opened talks with the main Shia opposition group, in a “national dialogue” on political reform; and it was being reported that the regime had announced an investigation into the security forces’ handling of the unrest and that most of the Saudi troops were being withdrawn.²⁵¹ Subsequently the Bahrain regime has announced the establishment of a commission to investigate the events of recent months.²⁵²
- Saudi Arabia was trying a number of civilians, after limited protests against the regime.
- In Yemen, protesting civilians had been killed by security forces. As of early July, there appeared to remain a risk of a more widespread breakdown of internal order, amidst a political impasse after President Saleh left the country in early June to be treated in Saudi Arabia for injuries sustained in an attack on the presidential compound. While clashes were escalating between political factions and between regime security forces and al-Qaeda-linked militants in the south, demonstrations continued in support of President Saleh’s permanent exit and the formation of a transitional government, and against al-Qaeda influence.

251 “Bahrain: Sunni leaders begin talks with Shia groups”, *BBC News Online*, 2 July 2011

252 “Military courts for protesters scrapped as King seeks calm”, *The Times*, 1 July 2011

- In Libya, the UK had been participating since March in a UN-mandated NATO military operation to protect civilians, after Colonel Gaddafi had threatened violent mass reprisals against civilians in the city of Benghazi following the outbreak of an uprising against him. As we noted in paragraph 154, in late June the International Criminal Court issued arrest warrants for Colonel Gaddafi and two other senior regime figures.
- In Syria, the regime was using armed force against civilian protesters, as anti-regime demonstrations which broke out in March spread throughout the country. In early July, the BBC quoted Syrian human rights activists as saying that more than 1,350 civilians and 350 security personnel had been killed since the unrest began.²⁵³ The UN High Commissioner for Human Rights, Navi Pillay, told the UN Human Rights Council in mid-June that over 10,000 people were estimated to have been arbitrarily detained.²⁵⁴ Foreign media and human rights bodies did not have free access to Syria. While continuing to put down opposition demonstrations, the regime was continuing to announce political reforms and pursue “national dialogue”, most recently in a speech by President Assad on 20 June; but the Foreign Secretary told the House on 29 June that the speech was “disappointing” and that without an end to violence there could be “no credible attempt at national dialogue”.²⁵⁵ The UK was seeking a UN Security Council resolution condemning the behaviour of the Syrian regime, but the resolution was opposed by China and Russia.²⁵⁶
- The unrest in Libya and Syria had produced refugee flows to Tunisia and Egypt, and Turkey and Lebanon, respectively.

167. The Foreign Secretary said in May that if the ‘Arab Spring’ led “to more open and democratic societies across the Arab world over a number of years, it [would] be the greatest advance for human rights and freedom since the end of the Cold War”. He went on:

Reform is not a threat to stability, it is the guarantor of it over the long term. It is not credible or acceptable to repress now and suggest that reform will follow later, or to use public order as an excuse to oppress critics. Nor will it be sustainable over the long term to promise economic reform without steady political development. Governments that curb human rights and roll back reform are stoking up anger and frustration that will spill over in the future. Across the region we urge Arab nations to address grievances through dialogue and democratic reform, not through violence. Long-term stability requires real steps towards representative institutions, political pluralism, a free media and economic fairness.²⁵⁷

253 “Amnesty accuses Syria of crimes against humanity”, *BBC News Online*, 6 July 2011

254 “Statement of Ms. Navi Pillay, United Nations High Commissioner for Human Rights to the Introduction of preliminary report on the situation of human rights in the Syrian Arab Republic”, Human Rights Council, Geneva, 15 June 2011, via www.ohchr.org

255 HC Deb, 29 June 2011, col 957–961

256 “UN resolution founders as Assad blames ‘saboteurs’ for inciting violence in Syria”, *The Independent*, 21 June 2011

257 William Hague, speech to Lord Mayor’s Banquet, Mansion House, 4 May 2011

168. In addition to action in the UN, EU and G8, and participation in the NATO operation in Libya, the UK's bilateral response to the 'Arab Spring' has been the announcement of an "Arab Partnership". This was based initially on a new £5 million FCO programme fund for 2011/12, "to address, in partnership with regional governments, the long-term underlying governance and social, economic and political participation issues affecting the Arab world".²⁵⁸ In May, the Prime Minister announced that the fund was being increased to £110 million over four years.²⁵⁹ This comprises £40 million jointly from the FCO and DFID to support political reforms, and £70 million from DFID for economic support, including to public finance reforms.²⁶⁰

169. As we agreed this Report in mid-July 2011, we agreed also to launch a new inquiry dealing with aspects of UK Government foreign policy and the 'Arab Spring', for which we plan to take evidence in autumn 2011. We intend to follow closely the FCO's work on human rights in the region as part of our inquiry.²⁶¹

170. We welcome the way in which the Government has put the UK at the forefront of international support for political and economic liberalisation in the Middle East and North Africa in response to the 'Arab Spring'. We agree with the Foreign Secretary that the 'Arab Spring' represents an opportunity for an historic advance in human rights and political and economic freedoms. However, the political outlook across the region is far from clear and may yet deteriorate. The human rights agenda in the region is now vast, ranging from urgent humanitarian and security risks facing civilians to the necessarily slow embedding of human rights norms in the security and other state institutions of democratising states. In Bahrain, we welcome the regime's establishment of a commission to investigate recent events, but we remain concerned that immediate action is needed to ensure an end to torture and politically-motivated detentions. We recommend that the FCO place human rights—and in particular political and civil rights—at the heart of its work with the Middle East and North Africa through the 'Arab Partnership' in coming years. We further recommend that the FCO devote a major dedicated section of its 2011 human rights report to reporting in detail on the human rights work which it is undertaking in the region.

Afghanistan

171. In March 2011 we published a Report on *The UK's foreign policy approach to Afghanistan and Pakistan*. We supported a process of political reconciliation in Afghanistan.²⁶² Although primarily concerned with political and military issues, the Report commented on aspects of the human rights situation in that country. It noted that in the 10 years since the US-led intervention, there had been "significant improvements in education, especially for girls, and in the fields of health, telecommunications, human

258 HC Deb, 1 February 2011, col 42–44WS

259 David Cameron, transcript of closing press conference at the G8 summit, Deauville, France, 27 May 2011, via www.number10.gov.uk

260 www.fco.gov.uk/en/global-issues/mena/uk-arab-partnership

261 For information about our inquiry, see our website at www.parliament.uk/facom.

262 Foreign Affairs Committee, Fourth Report of Session 2010–11, *The UK's foreign policy approach to Afghanistan and Pakistan*, HC 514, paras 77, 123

rights, and media freedom”.²⁶³ However, the Report also drew attention to fears that any power-sharing agreement involving the Taliban, and consequent constitutional or legislative changes, might jeopardise civil and political liberties, and the rights of women and minorities in particular.²⁶⁴

172. The UK Government is committed to a political settlement in Afghanistan which “is representative; gives no one group disproportionate influence; upholds human rights and the rule of law and is in accordance with Afghanistan’s Constitutional framework”.²⁶⁵ In its response to our Report, the Government stated that “Any political settlement should be inclusive and address the concerns of all Afghan citizens. [...] It is important that we ensure women have as full participation as possible in the political process”.²⁶⁶

173. The Government also drew attention to the commitments given by President Karzai’s administration:

At the London and Kabul conferences in 2010, the Afghan Government committed to ensuring that the human rights of the Afghan people are promoted and protected as enshrined in the Afghan Constitution. The Lisbon Summit Declaration stressed ‘the importance of Afghanistan standing by its Constitutional and international obligations on human rights, particularly of women, and of UN Security Council Resolution 1325 on women, peace and security.’ [...] The implementation of this resolution means that the Afghan Government and international community will work to ensure that in addition to protecting women’s rights in the conflict, women play a role in decision-making about the future of the country and in the wider political settlement process. Most recently President Karzai reaffirmed that women’s rights were central to the future of Afghanistan in his New Year speech of 22 March 2011.²⁶⁷

174. In the 2010 *FCO Report*, the FCO also emphasised the Afghan government’s commitments, drawing attention to its pledge in July 2010 to “finalise and begin implementation of the National Priority Programme for human rights and civic responsibilities” as well as to implement a National Action Plan for Women and the law on elimination of violence against women.²⁶⁸ The *FCO Report* devoted 12 pages to human rights in Afghanistan. On women’s rights, it commented that “women in Afghanistan continued to face huge challenges throughout 2010, including high illiteracy rates, domestic violence, forced marriages, poor access to healthcare and lack of livelihoods”. However, it noted “some encouraging gains”, including the role played by women in the June 2010 Consultative Peace Jirga (where they amounted to 25% of participants), the fact

263 Foreign Affairs Committee, Fourth Report of Session 2010–11, *The UK’s foreign policy approach to Afghanistan and Pakistan*, HC 514, para 201

264 *Ibid.*, para 138

265 FCO, “Quarterly report on progress in Afghanistan”, 27 October 2010

266 FCO, *Fourth Report from the Foreign Affairs Committee, Session 2010–11: The UK’s Foreign Policy Approach to Afghanistan and Pakistan: Response of the Secretary of State for Foreign and Commonwealth Affairs*, Cm 8064, May 2011, section 24

267 *Ibid.*

268 *FCO Report*, pp 120, 129

that there were nine female members of the High Peace Council, and women's success in winning 69 seats in the Lower House in the September 2010 parliamentary elections.²⁶⁹

175. In its evidence to our present inquiry, Human Rights Watch considered that the *FCO Report* provided a good overview of the UK's efforts to promote human rights in Afghanistan, but concluded that "its tone is much more positive than is justified by the realities on the ground". In particular, Human Rights Watch saw no evidence that the Afghan government's various commitments and undertakings had actually led to an improvement in human rights.²⁷⁰ Human Rights Watch stated that:

As pressure grows during 2011 for a way out of the conflict, the UK should do its utmost to ensure that any Afghan political settlement is genuinely inclusive and that it strengthens rather than weakens the observance of human rights across Afghanistan, especially the rights of women and girls as well as ethnic and religious minorities.²⁷¹

176. Oxfam argued that in Afghanistan the UK's generally progressive approach to security sector reform had "yet to be translated in practice". Oxfam claimed that the UK and many of its allies had "focussed too much on fighting the war and paid insufficient attention both to building accountable security forces trained to uphold the rule of law, and establishing effective, accessible mechanisms that deliver justice to Afghan people". Oxfam stated that, as greater responsibility is handed over to the Afghan National Security Forces, "there is a serious risk that violations of human rights and humanitarian law will escalate unless adequate accountability mechanisms are put in place".²⁷²

177. We reiterate our previous support for a process of political reconciliation in Afghanistan, involving talks with the Taliban. However, we conclude that it is essential that the UK Government continue to use its leverage with President Karzai's administration to ensure that it carries through its undertakings in respect of human rights, and in particular to secure implementation of the National Priority Programme for human rights and civic responsibilities, the National Action Plan for Women and the law on elimination of violence against women.

Iraq

178. There is continuing evidence of widespread human rights abuses in Iraq. On a positive note, the *FCO Report* drew attention to Iraq's participation in a Universal Periodic Review (UPR) process at the UN Human Rights Council in February 2010. The Iraqi government committed itself to the promotion of human rights, and accepted a number of recommendations from the UK and other countries. The Iraqi constitution embodies a number of human rights principles. International observers concluded that the elections

269 *FCO Report*, p 129

270 Ev 35–36

271 Ev 36

272 Ev w33

held in March 2010 were free and fair. The FCO argued that, despite some attacks on journalists, the right to freedom of expression in the media was generally upheld.²⁷³

179. The *FCO Report* also noted that “challenges remain”. Minority religious communities have been subject to persecution. It is alleged that torture and other forms of ill-treatment are used in Iraqi detention centres to extract confessions. Overcrowding and poor sanitation in prisons are commonplace. Many remand prisoners have to spend several years in detention before being brought to trial. Iraq retains the death penalty. The situation with regard to women’s rights is poor, with one in five women claiming to have been a victim of domestic violence, female illiteracy widespread, and female genital mutilation and so-called ‘honour killings’ still practised.²⁷⁴

180. Human Rights Watch told us that it broadly accepted the analysis of the Iraqi human rights situation in the *FCO Report*, but with three caveats: there was no reference to internally displaced persons or to persons with disabilities, both of which were significant human rights issues in Iraq; the report’s assessment of freedom of expression in Iraq was “overly optimistic”; and it made no mention of “attacks by the [Iraqi] government on freedom of assembly and the right to peacefully protest”.²⁷⁵

181. Nearly 3,500 Iranians in exile (mostly belonging to the dissident Mujahedin e-Khalq group) are still resident in Camp Ashraf, 40 miles north-east of Baghdad. The Iraqi authorities have signalled their intention of closing the camp and moving its residents elsewhere. The FCO reported that “the authorities have given assurances that none of the residents will be forcibly transferred to a country where they have reason to fear persecution”.²⁷⁶ There have been violent clashes between Iraqi security forces and the inhabitants of the camp on several occasions, most recently on 8 April 2011 when it is claimed that 31 residents were killed and 300 injured. FCO Minister Alistair Burt issued a statement saying he was “deeply disturbed” by reports of these deaths.²⁷⁷

182. British forces ended combat operations in Iraq in April 2009, and all British armed forces personnel in the country had withdrawn by the end of May 2011.

183. We conclude that, given its past military and political involvement with Iraq, the UK has a particular responsibility to try to secure improvements in human rights standards in that country. We recommend that the FCO continue to offer practical and financial support to the Iraqi government and people to assist in the promotion of freedom of expression and assembly, personal security, women’s rights, protection of religious minorities, amelioration of prison and detention conditions, and other basic human rights. We further recommend that the Government—in conjunction with its international partners—take active steps to investigate conditions in Camp Ashraf, and do all in its power to hold the Iraqi authorities to their commitment to protect the rights of its inhabitants.

273 *FCO Report*, pp 216–224

274 *Ibid.*

275 Ev 37

276 *FCO Report*, p 224

277 FCO, “Foreign Office Minister deplores the loss of life and injury at Camp Ashraf in Iraq”, press notice, 8 April 2011

Formal Minutes

Wednesday 13 July 2011

Members present:

Richard Ottaway, in the Chair

Mr Bob Ainsworth
Mr John Baron
Ann Clwyd
Mike Gapes

Andrew Rosindell
Sir John Stanley
Rory Stewart
Mr Dave Watts

Draft Report (*The FCO's Human Rights Work 2010-11*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 11 read and agreed to.

Paragraph 12 read, amended and agreed to.

Paragraph 13 read and agreed to.

Paragraph 14 read, amended and agreed to.

Paragraphs 15 to 20 read and agreed to.

Paragraph 21 read, amended and agreed to.

Paragraphs 22 to 26 read and agreed to.

Paragraph 27 read, amended and agreed to.

Paragraphs 28 to 36 read and agreed to.

Paragraph 37 read, amended and agreed to.

Paragraphs 38 to 41 read and agreed to.

Paragraph 42 read, amended and agreed to.

Paragraphs 43 to 56 read and agreed to.

Paragraph 57 read.

Amendment proposed, in line 3, after “report” to insert “, though we consider Bahrain should have been included”.—(*Sir John Stanley*.)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 6

Mr Bob Ainsworth
Mr John Baron
Ann Clwyd
Andrew Rosindell
Sir John Stanley
Rory Stewart

Noes, 2

Mike Gapes
Mr Dave Watts

Paragraph, as amended, agreed to.

Paragraphs 58 to 68 read and agreed to.

Paragraph 69 read, amended and agreed to.

Paragraphs 70 to 73 read and agreed to.

Paragraph 74 read, amended and agreed to.

Paragraphs 75 to 81 read and agreed to.

Paragraph 82 read, amended and agreed to.

Paragraphs 83 to 89 read and agreed to.

Paragraph 90 read, amended and agreed to.

Paragraphs 91 to 100 read and agreed to.

Paragraph 101 read, amended and agreed to.

Paragraphs 102 to 104 read and agreed to.

Paragraph 105 read, amended and agreed to.

Paragraphs 106 to 111 read and agreed to.

Paragraph 112 read, amended and agreed to.

Paragraph 113 read and agreed to.

Paragraphs 114 and 115 read, amended and agreed to.

Paragraphs 116 to 126 read and agreed to.

Paragraph 127 and 128 read, amended and agreed to.

Paragraphs 129 to 157 read and agreed to.

Paragraph 158 read, amended and agreed to.

A paragraph—(*The Chair*)—brought up, read the first and second time, and inserted (now paragraph 159).

Paragraph 159 (now paragraph 160) read and agreed to.

Another paragraph—(*Mike Gapes*) —brought up, read the first and second time, and inserted (now paragraph 161).

Paragraphs 160 to 163 (now paragraphs 162 to 165) read and agreed to.

Paragraph 164 (now paragraph 166) read, amended and agreed to.

Paragraphs 165 to 167 (now paragraphs 167 to 169) read and agreed to.

Paragraph 168 (now paragraph 170) read, amended and agreed to.

Paragraphs 169 to 181 (now paragraphs 171 to 183) read and agreed to.

Summary amended and agreed to.

Resolved, That the Report, as amended, be the Eighth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

Written evidence was ordered to be reported to the House for printing with the Report, together with written evidence reported and ordered to be published on 11 May.

[Adjourned till Wednesday 7 September at 2 pm.]

Witnesses

Wednesday 4 May 2011

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Kate Allen, Director, Amnesty International UK, and **David Mepham**, UK Director, Human Rights Watch Ev 1

Monday 23 May 2011

Mr Jeremy Browne MP, Minister of State, **Thomas Drew**, Director for National Security, Directorate for Defence and Strategic Threats, and **Susan Hyland**, Head, Human Rights and Democracy Department, Foreign and Commonwealth Office Ev 17

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3	Rt Hon William Hague MP, First Secretary of State and Secretary of State for Foreign and Commonwealth Affairs	Ev 45
4	Alistair Burt MP, Parliamentary Under-Secretary of State, Foreign and Commonwealth Office	Ev 46
5	Foreign and Commonwealth Office	Ev 46; Ev 50
6	Mr Jeremy Browne MP, Minister of State, Foreign and Commonwealth Office	Ev 47

List of additional written evidence

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1	Bahá'í Community of the UK	Ev w1
2	UNICEF UK	Ev w3
3	Church of England, Mission and Public Affairs Council	Ev w7
4	Campaign Against Arms Trade (CAAT)	Ev w8
5	International Campaign for Tibet	Ev w13
6	Centre for Legal Aid Assistance & Settlement (CLAAS)	Ev w16
7	Liz David-Barrett	Ev w17
8	National United Front for Democracy Against Dictatorship (UDD)	Ev w21
9	World Vision UK	Ev w25
10	Saferworld	Ev w28
11	Oxfam	Ev w32
12	PLATFORM	Ev w37
13	Bangladesh Hindu Baudhha Christian Unity Council	Ev w40

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| 14 | Mr Andrew Tyrie MP | Ev w41 |
| 15 | Sir Emyr Jones Parry, Chairman of the Board of Trustees, REDRESS | Ev w42 |

Oral evidence

Taken before the Foreign Affairs Committee

on Wednesday 4 May 2011

Members present:

Richard Ottaway (Chair)

Mr Bob Ainsworth
Mr John Baron
Ann Clwyd
Mike Gapes

Andrew Rosindell
Sir John Stanley
Rory Stewart

Examination of Witnesses

Witnesses: **Kate Allen**, Director, Amnesty International UK, and **David Mepham**, UK Director, Human Rights Watch, gave evidence.

Q1 Chair: I welcome members of the public to this first evidence session of the Foreign Affairs Committee, which is conducting an inquiry into the FCO's human rights work based on its report 2010–11. It allows us to question the heads of two leading UK branches of human rights NGOs about the FCO's recent human rights work. In particular, the aim is to generate assessments of recommendations that may be used in the Committee's second planned evidence session with the relevant FCO Minister, and in its planned report.

I would like to give a very warm welcome to our two witnesses: Kate Allen, who is the director of Amnesty International UK—which I suspect from now on will be known as Amnesty—and David Mepham, UK director of Human Rights Watch. I understand that you would like to make one or two opening remarks before we get into questions.

Kate Allen: Thank you very much, and thank you for the opportunity to come to the Committee today. By way of opening, I would like to say how much we at Amnesty International welcome this report and the opportunity that it provides to have real scrutiny of the Government's human rights work over the previous year. It is something that we value enormously. We will inevitably get into areas where we criticise the report, but I very much wanted to say at the outset that we have real respect for this report, which we use each year. We are very pleased to be able to discuss it today. The Chair has asked us to keep our comments short, so I will leave it at that for the moment.

David Mepham: May I add some very brief introductory comments? First, thank you, Mr Chairman and the Committee, for this opportunity to give evidence to the Foreign Affairs Committee on human rights issues. The point that I wanted to make right at the outset is that we are clearly discussing a report that is about events that took place in 2010, but necessarily, I suspect, in terms of some of the questions from Committee members, we will stray a bit into what is happening at the moment in various parts of the world.

I would say that it is impossible to overstate the significance of what we are seeing in the Middle East and North Africa. Really momentous and historic

events are unfolding in that region. Some of them began in the latter part of 2010, but they are unfolding as we speak today. While it is a moment of great danger in many ways in terms of how some of those regimes have responded with a repressive approach to the demands for human rights and for greater freedom, I also think, as a representative of a human rights organisation, that it is incredibly encouraging and inspiring that so many people in those countries are showing tremendous courage in standing up for basic human rights. They are saying, "We want the kind of things that people have in other parts of the world." For a long time, people argued about whether human rights and Islam were compatible or people talked about Asian values and whether people really want human rights. I think what we have seen in recent months, however, is a very powerful signal that people in many different parts of the world demand basic freedoms. The responsibility of a country such as ours and of the Foreign Office is to do everything that we can to support their efforts for greater freedom and greater respect for human rights. That is an important contextual point for our discussion.

Q2 Chair: We can all say amen to that. Let me start with a broad, general question. Since the previous Government introduced a human rights report in 1998, it has grown into quite a major part of the foreign policy calendar. Do you think that any general lessons have been learned as a result of this welcome growth in this area of foreign policy scrutiny? Do you think that any lessons have been taken on board?

Kate Allen: Yes, I do. As we have given evidence and as we have discussed the report over many years, I think that we have seen previous Governments take some of those comments and issues on board. I think back to some of the issues that we have been raising over the years on Saudi Arabia and its use of torture. There was an occasion with the previous Committee where we commented on that, and we saw much greater scrutiny of that area by the Government. There have been some differences over the years in terms of some of the issues around terror, security and human rights, and we have felt that previous Governments have not listened to some of that area of work. However, we have also very much seen progress

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around the International Criminal Court, we have a much shared agenda around the Human Rights Commission, and we have seen real progress in areas such as those.

It has been a dialogue, and it has been one where we have seen progress by the UK Government in terms of its approach to human rights in many areas. In some other areas that has been lacking, and it would be interesting to talk about some of those areas today.

David Mepham: May I quickly add to that? Kate is right that there are examples of where, with the submissions that we have made, the evidence that Human Rights Watch and Amnesty have given over the years and the work that the Committee has done, the Foreign Office, under the previous Government and this one, has taken notice and pushed certain issues. The death penalty is a good example that is being particularly pushed by the current Government. I think that the broader debate around the protection of civilians is something that our organisations have been strongly committed to, and that has been reflected, to some extent, in the work of this and previous Governments, and also the work around the International Criminal Court. A lot of that advocacy came out of Amnesty and Human Rights Watch's work over many years. I think that that has been reflected, to some extent, in what successive UK Governments have done.

Q3 Chair: You touched on the death penalty, but are there any concrete results that you can see as a result of the policy shift of 15 years ago?

Kate Allen: Yes. I think that what we see over that time is that more and more countries are becoming abolitionist. It's a long, slow haul, but inevitably we will get there. It's going to take some time yet.

Q4 Chair: I do not mean just the death penalty. Are there any other concrete results that you can point out?

Kate Allen: Apart from the death penalty?

Chair: Yes.

Kate Allen: I think there have been concrete results with the International Criminal Court, and with the arms trade treaty; we are not there yet, but we see that happening. The Foreign Office does a lot of work on justice systems and prison reform, and I think that when you get into the detail of the work that the Foreign Office has done on human rights, there is a lot to be very proud of. David mentioned the work with human rights defenders and on many other issues. I think that there is an enormous amount that this and previous Governments can be very proud of. Inevitably, we also have some criticisms from human rights organisations, but we have seen progress.

David Mepham: I do not want to repeat the list, which is a good one, but I actually think, Mr Chairman, that the issue you are raising is really important. How does one monitor and evaluate the impact of human rights advocacy? Interestingly, I have only recently joined Human Rights Watch, and I previously worked in the development sector, where there is a very lively debate about monitoring and evaluation, which in some ways is possibly easier to do in a development context than when you are looking at diplomacy and political pressure. It is hard to attribute the impact of

diplomatic pressure over five or 10 years to a particular country or a particular theme, but I think that the list that Kate gives is a good one, showing where our pressure, and the work of the UK Government and others have pushed things forward constructively.

One other point that I would make in this context: I was talking to a Human Rights Watch colleague who happened to be in town this week, and she stressed that you should never underestimate the value for human rights defenders in those countries where rights are being abused, of having people around the world raising concerns about their plight and championing their cause. They really value there being a public spotlight on their situation. We should not underestimate the significance of that. The public spotlight can often help people in very difficult circumstances to advance their cause, and force their Governments to respond in some way to the public pressure.

Q5 Chair: You talk about the public spotlight, and this great tome here is as bright a spotlight as you could expect. As you know it's available online as well. Do you ever think that criticisms discussed privately, rather than in the glare of publicity, might actually produce results just as effectively?

Kate Allen: Yes, of course, and I think that that's one of the means at the Government's disposal—private criticism as well as public. I think for us at Amnesty it is a balance. If I take one extreme, the Government are now in the 19th round of a human rights dialogue with China, and over those 19 rounds—which is now well over a decade—it has certainly never been clear to us at Amnesty that any progress has been achieved. It is not clear to us what the Foreign Office is trying to achieve in that dialogue.

Just picking up on how you show progress, I think that it would be good—and this is one of our criticisms of the report—if there were greater and clearer objectives. If the Government set out what they were trying to achieve, we could then measure whether they had achieved it. In the 19th round of human rights discussions with the Chinese Government it feels to me as if perhaps even the Foreign Office has forgotten what it is trying to achieve in that one, because it doesn't seem to us that there are any improvements we can look to.

David Mepham: May I just add that of course it is the case that there are occasions when private pressure is a more effective mechanism than public pressure, but I suppose that the concern on the part of human rights organisations, such as Human Rights Watch, would be that on occasion that argument is just a bit too convenient. We say, "Oh, we're applying pressure privately," when actually we don't want to apply it publicly because there are other interests at stake. If it's genuinely the case that that is the most effective way of advancing a human rights cause, of course we would all be supportive of it, but if it's about downplaying human rights concerns because trade relations with China are more important, that would give us concern.

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Q6 Chair: It is still early days since the last election and the change of Government, but can you see any differences in approach?

Kate Allen: There are some differences on security-related issues and the way in which human rights have been advanced in foreign policy. I think that this Government are putting greater emphasis on trade issues, and we certainly have things to say about that, but that is probably the major difference we see at the moment.

Chair: We will come back to that point.

David Mepham: I don't think there's a huge conceptual shift other than in relation to the point that Kate rightly raises, which is the prominence this Government have given to trade relations and advancing trade interests. If you look at the individual issues to which they have given attention—the death penalty is clearly one and human rights defenders is another about which the Foreign Secretary has talked a fair bit in the last 12 months—in a way, we are very supportive of that.

Q7 Sir John Stanley: Have you seen, since the current Government came in last May, any changes within the FCO, in terms of its structure, management or personalities, which have been beneficial or detrimental to the Government's human rights policy?

David Mepham: I have very little to say on that, because I haven't observed any particular structural shifts within the FCO in relation to that. One thing we have observed is that it is fair to say that the Foreign Secretary is personally quite committed to these issues, and that comes through in his public statements, the speech he gave last year, and the launch of the human rights report itself. There's a strong personal commitment on his part. As ever in politics, how that filters down through the system and the relative weight different officials give to human rights issues will play out differently in different cases, but I have not seen any big structural changes.

Kate Allen: I think the only change would be the Foreign Secretary setting up his Human Rights Advisory Panel, of which both of us are members—though neither of us, for different reasons, attended the one meeting that has taken place so far. That is structurally different; it's very early days, but to have a Foreign Secretary who welcomes experts into those discussions on a regular basis—without that getting in the way of the means of other representation as organisations—is very welcome.

Q8 Sir John Stanley: We will come to specific issues later, but in broad, general terms, can you tell us whether there is anything that you would wish to see the FCO doing on the human rights front that it is not doing—or not doing adequately—at the present time?

Kate Allen: I pick up from David's opening remarks. I think what is happening in the Middle East and North Africa is massively significant; there are some real lessons for foreign policy in that. We knew and Governments knew what was happening in those regions. We knew that those Governments were totally indifferent to the human rights of their people, and that they abused those human rights on a regular basis for many years. I think there is a massive lesson for

the way in which foreign policy is conducted. Perhaps we can get into that. The other area I would comment on is trade. There are tensions between trade and human rights and I think we need to understand what those are and work through them.

David Mepham: May I briefly add to that? Again, Kate is right. What's important is the extent to which formal policy—whether it is articulated by the Foreign Secretary or in ministerial statements and so on—filters down through the system, and the consistency between declared policy and practice in particular places around the world. The concerns that we have, and that we may get to in further questioning, are around the extent to which human rights principles are really being given the prominence and priority that is warranted. When they come into tension with trade, geopolitical or strategic objectives, sometimes the rhetoric is not matched by the practice. That is where we have concerns. But a lot of the formal statements are fairly sound.

Q9 Ann Clwyd: You said it is early days for the advisory group, but can you envisage any conflict of interest between NGOs' representation on that group and the Foreign Office?

Kate Allen: When the invitation was issued to join it, that was obviously something we thought about. However, NGOs have a good relationship with Government in this country, and we are fortunate in having politicians who are used to NGOs criticising and collaborating, so we don't see any difficulty there. We'll be around the table on the panel having detailed discussions, but also being critical in public, as is our role.

Q10 Ann Clwyd: But as I understand it, you're only going to meet twice a year. Isn't this yet another talking shop? Can you imagine that you'll have any impact on Foreign Office policy with two meetings a year?

Kate Allen: Perhaps this time next year we'll be able to give a better answer to that question, but we are very hopeful. Although there are two meetings a year, sub-panels are looking at particular issues. There is one on the death penalty and others are being considered. There is the possibility of getting into the detail of some areas of policy.

David Mepham: Because it is such early days, there is scope for the advisory group to develop and for there to be a further set of sub-groups on particular themes. On the point about whether people will be co-opted—just looking at the kind of organisations represented and the individuals on that group, it is highly unlikely that they will be reluctant to speak out when they feel that speaking out is appropriate. Those organisations have integrity and they will want to make sure that they are not inhibited in the kind of things they say about particular human rights issues. I am pretty confident about that.

Q11 Ann Clwyd: What is the full membership of that committee because I don't think we have yet been told exactly who is on it?

Kate Allen: It is a mixture of NGOs like our own, including Oxfam, the British Red Cross and some

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others. It has some academics on it and people who have a role in the human rights machinery of the UN. So it is a wide range of people and I think a very good range of expertise there for the Foreign Secretary to call on.

Ann Clwyd: It will be interesting to know what you will say in a year's time.

Q12 Andrew Rosindell: I am sure you will agree that it is very important that international human rights standards are upheld by the United Kingdom. Therefore, do you perceive any areas where the UK may have failed to uphold its own standards?

David Mepham: Yes, there are two examples that I want to draw your attention to. One is in relation to the whole debate around counter-terrorism. Human Rights Watch is very concerned that while the new Government have shifted policy to some extent on how they propose to deal with counter-terrorism and security issues, they are still taking forward the policy of the previous Government, which is specifically around deportation with assurances—the idea that you can send back terrorism suspects to a country, which is known to practise torture, on the basis that they will give you an assurance that they will not torture the individuals concerned. We think, as a human rights organisation, that that is an unacceptable practice and that this Government ought not to be doing that. We should be trying to prosecute people for terrorism offences within the United Kingdom rather than relying on the assurances of countries that are known to practise torture. We are very concerned about that and the fact that this Government are continuing or indeed extending the previous Government's policy. Human Rights Watch did a report a couple of years ago with which some members of this Committee, who served on the Committee in the previous Parliament, may be familiar called, "Cruel Britannia". It looked at the complicity of British officials and British agents in Pakistan in torture and we unearthed evidence that there were five cases of that. We corroborated it and we are very confident that what we said about that is true. We shared that with the Committee at the time. We shared it with the Foreign Office and the Government at the time. Now we still think that part of what the new Government need to do—the Committee here has an important role to play in encouraging them in this direction—is properly to get to grips with what went on in the past in relation to Pakistan and, arguably, other places. The Gibson inquiry that has been set up, and with which I suspect Committee members are familiar, is about trying to address that and to unearth those issues into prosecuting, if that is appropriate.

Chair: I apologise to both of you. That is the Division bell, which means that we all have to go and vote. If there is one vote, we will start again at 15.19; if there are two, we will start again at 15.29.

Sitting suspended for a Division in the House.

On resuming—

Chair: As we are quorate, I think we will continue. The trouble is that the guy who was asking the questions is not here.

Q13 Rory Stewart: I wonder whether we could take you a bit further into the broader question of the war on terror, in particular the use of UAVs and Predator drones for the killing of insurgent leaders on the Afghanistan-Pakistan border and in Yemen. I have been surprised that Human Rights Watch has been reluctant to come out firmly against the use of UAVs. Could you explain that to us?

David Mepham: I cannot give you the definitive position on the use of Predators. Our general approach to counter-terrorism, as you will anticipate, is rooted in law. So ideally we want people to be arrested and prosecuted for crimes as opposed to an overly militarised approach to counter-terrorism. In relation to Afghanistan and Pakistan, we want a political solution in which international human rights law and international humanitarian law are upheld as far as possible, and we would prefer that legal and political approaches were adopted to try to deal with people who are opposing a political settlement or are responsible for violence.

Q14 Rory Stewart: Can I bring you in on this, Kate, and ask what your view is? It has also been raised with the killing of bin Laden, which is in a sense a human version of a Predator drone. What is your attitude to these kinds of operations?

Kate Allen: Going back to the question of the drones, to add to what David said, the concern for us as human rights organisations is always about the protection of civilians. We have seen many civilians die through the use of drones so that is of huge concern.

On bin Laden, we are clear at Amnesty that he claimed responsibility for war crimes and crimes against humanity. We have nothing else to comment at the moment, except that we are looking into and paying attention to the issues around the way in which that particular operation was conducted. We have no concluding remarks at the moment.

Q15 Rory Stewart: To conclude, neither of you has any particular anxieties about the possibility that these kinds of operations are either assassinations or extra-judicial killings?

Kate Allen: Of course we do and those issues are of concern.

David Mepham: Yes, we would echo that. We are very concerned about it.

Q16 Chair: You were talking about torture, particularly overseas, and there were some well publicised incidents over the last few years in Afghanistan, Iraq and so on. Can I ask you what is technically the ticking time bomb question and your reaction to it? If someone carrying out a lawful interrogation realises that the person knows some information that is going to result in the deaths of many people, what do they do about it?

David Mepham: I am familiar with the ticking time bomb argument and I think it is massively overplayed. It is very convenient for people to deploy that argument. There are certain issues on which one needs a very clear line and torture is one of those. We have got to say as civilised people that torture is

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unacceptable—we are not going to do it and we are not going to countenance it, we are not going to be complicit in it—and draw a clear line on that issue.

Once you start introducing caveats and saying maybe this will help with X, Y and Z, you are on a very slippery slope. Coming back to Rory Stewart's question about the war on terror, what happened in the US and arguably in other countries, too, was that the slippery slope was pursued and dreadful things were done that were completely unacceptable. You could say it was done with the best intentions—people said this is going to help us deal with terrorism—but in practice it did not help us deal with terrorism and probably made the thing worse. It involved western Governments in things that were either torture or complicity in torture. The United Kingdom ought to say we are not going down that road.

Chair: It does say we are not going down that road, but it may have saved lives.

Kate Allen: On the question of the ticking time bomb, there is never an occasion where a Government, through its security services or others, tortures once. This ticking time bomb scenario is usually a situation presented in vacuum. What we have seen over years of work confronting, opposing and campaigning against torture is that it is used again and again. The situations we somehow conjure up as being one-offs—that in one particular situation it will be essential—are not, in our experience, how Governments work with torture or how torturers work. It becomes endemic. It is a line that must not be crossed. When we see those pictures of the way in which torture is used, when you meet people who have been tortured, you just know that something so shocking has taken place that we simply cannot be part of it.

Gathering intelligence and ensuring that there is good intelligence does not have to rely on torture. We hope that in the inquiry that the coalition Government have set up we will see what happened, will understand where lines were crossed and will get to hear from people like Shaker Aamer, who is still in Guantanamo and who alleges that UK personnel were in the room as he was being tortured. We have to understand what happened and we have to make sure that it does not happen again. That example for other countries is absolutely important. We see many, many other Governments citing what has happened in the war on terror to excuse their own appalling practices.

Q17 Mike Gapes: Can I take you back to the issue of diplomatic assurances? Isn't there a real problem that somebody could be known to be involved in violent and terrorist activity, involved in incitement to racial or religious hatred, involved in a network of organisations but have served their sentence in a British prison? Then when we wish to no longer have that person living in our country we can't deport them because of the concerns. Isn't the Government legitimately right to seek assurances? Why should the British taxpayer pay to have someone living in our community who is a threat to our society, as we know from their previous behaviour? Weren't the previous Government right and aren't the present Government

right to seek to have that person removed from this country?

David Mepham: There is a distinction between people whose attitudes and views may be distasteful and people who are engaged in criminal activity. If people are engaged in criminal activity, they should be prosecuted.

Q18 Mike Gapes: Yes, but what if they have been prosecuted, they have served their sentence and they come out of prison and yet we still can't remove them?

David Mepham: The argument we have articulated, as has Amnesty, is that to deport someone back to a country where there is a reasonable risk of them being tortured contravenes the very strong stand this country has made about anti-torture.

Q19 Mike Gapes: Which is why you then seek the diplomatic assurances in order to get an agreement about the circumstances in which they can be removed.

David Mepham: But you are seeking a no-torture pledge from a country that is known to torture and I don't think there is much credibility in that.

Q20 Mike Gapes: So failing that, what do we do? Do we just say that person is free to live in this country, carry on here, potentially doing what they have already done and served a sentence for? Are the British public supposed just to accept that?

Kate Allen: There is a complete ban on torture and there is a complete ban on returning people to situations where they might be tortured. In the Middle East and North Africa, where the previous Government were trying to return people to, we now see the routine use of torture. In the attempt to return people to Libya—we have no doubts, if anybody ever did, about the way in which that country plays out in terms of torture—the British Government were signing a memorandum of understanding so that a local organisation called the Gaddafi Foundation would make sure that the individuals returned were not tortured. We pointed out how ludicrous that was then. It is even more ludicrous now. We have seen the leaks of diplomatic cables and we understand that the Canadian ambassador, the UK ambassador and the American ambassador in Tunisia were talking about how detainees were tortured in Tunisia and saying that diplomatic assurances would not protect people. There is a ban on torture and you cannot return people to situations where that will happen.

Q21 Mike Gapes: So you are saying that even if someone has a criminal record and we know that they have been involved in Jihadist activity, plotting and other activities, once they are in the UK we are unable to remove them at all to a country where it is possible, but not definite, that there would be abuses. Let's not look at the Libya example; let's look at India, for example, or some other democratic countries. If someone has got into this country, it is virtually impossible to remove them back to another country where there is an allegation that they might not be treated properly. Is that not the case?

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David Mepham: The India example is an interesting one, because I don't think that India would necessarily fall into that category.

Q22 Mike Gapes: There are people who use that argument. I know that they use that argument in the Sikh community.

David Mepham: Okay. We haven't made any reference to India. In relation to the Middle East, which is where most of these memorandums of understanding have been drafted and agreed, there is very real concern that countries that are known to practise torture might torture the people that we send back there. For us, the position is clear; we should say that we are not prepared to send people back where there is a possibility of them being tortured. If they are engaged in criminal activity in the UK, we should prosecute them through the UK process. It is as simple as that.

Kate Allen: The whole point of this is to start to create a world in which torture cannot take place and states agree that it is an outrage to see people tortured and that nothing should be done to expose somebody to that kind of treatment.

Q23 Mike Gapes: I am in total agreement with you, but the question is that these are hard cases. With these individuals, we normally have very good information that that is the case, either because of the activities they have been engaged in or because intelligence information that can't be made public at the time says that this is what they are up to, or are potentially involved in. How, in those circumstances, can I justify it to my constituents when someone who was allowed to stay here, because we weren't able to remove them, is involved in terrorist action? These are not abstract issues. These are real issues about real situations. Are you taking an absolutist position that the Government should under no circumstances seek an understanding with another country to remove people?

David Mepham: We are straying a little bit into the debate about control orders, which may be more of a Home Affairs Committee issue, because you are talking about people who have served a sentence for a particular activity and what you do with them once they are back out in society, on the basis that they might be a risk. Again, our position would be that if they are a risk and they are doing things they ought not to be doing, you find the evidence and you prosecute them. If you are constructing, as the previous Government did and as the current Government has done to some extent, a whole legal framework about what you do with people to control their activities and stop them doing things that we don't like, when you cannot prosecute them, that gets us into a space that we, as people who are committed to human rights and the rule of law, feel very uncomfortable about.

Q24 Mr Baron: Briefly, can I just return us to the issue of torture? I want to ask a quick question. I would concur with your view on the issue of torture, but there is another issue with regard to the matter, and that is the importance of retaining the moral high

ground when it comes to one's dealings in international affairs. Some may think that a quaint and somewhat naive approach, but what is your perspective on the importance of retaining the moral high ground when it comes to foreign policy?

Kate Allen: I think it's absolutely essential. When the previous Government vacated that moral high ground on the issue of torture, we at Amnesty, Human Rights Watch and other organisations felt very strongly about it, because we see the way in which that is quoted back to us by appalling Governments around the world—if the British Government can deport people, then others can, and if they can ignore threats of torture, then others can. That moral high ground is enormously important. I remember being told by senior civil servants that it was only a very few people, but that is not the issue. The issue is that that moral high ground had been abandoned, and we absolutely felt it in our human rights work around the world.

David Mepham: I concur. We should practice what we preach. That gives us credibility.

Q25 Mr Ainsworth: We should stay on this because it is important—the area of deportation after serving a sentence, where intelligence potentially exists that is not actionable through the criminal justice system. You are saying that it is black and white and that there is no dilemma.

Kate Allen: We are saying that to deport people with diplomatic assurances that mean that you deport them to countries that routinely use torture, when the assurance that you have is a piece of paper from a Government which routinely tortures, that says that one person, or a couple of people, won't be tortured, and to rely on that, when those Governments have routinely ignored the whole UN machinery of inspecting and deterring torture, is, as we've said again and again, not worth the paper it's written on. We talk from experience. We talk from the experience of people who have been deported with assurances and have been tortured. We talk from experience of knowing that it is very difficult to monitor one person in a prison, as opposed to reporting on what is happening across a prison, because you expose that individual and you expose their family to threats. It becomes absolutely impossible. We speak from all that experience when we say that this shouldn't happen.

Q26 Mr Ainsworth: In his questions, Mike Gapes pointed out some of the dilemmas this country faces, or may face, with regard to particular individuals. You are pointing up the worst-case scenario with regard to the behaviour of Governments. Surely there is acceptance that there is a real problem and a dilemma here. There is an expectation, and an entitlement to expect, that people protect the citizens of the United Kingdom in appropriate circumstances. Do you accept that that is a dilemma?

I am not trying to put words in your mouth, but it seems to me that you are saying, "Under no circumstances, unless you are able to take action in a British court and lock a person away, should you either internally or externally damage their human

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rights by deporting them or by inflicting them with a control order or any other restriction on their activity.” That appears to be your position: “It is black and white. Take them to court and lock them up, or leave them free and in this country, irrespective of anything. That is the line, and it is a very clear line. There isn’t a dilemma.” Is that the position?

David Mepham: You used the word “dilemma”. I certainly wouldn’t say that there aren’t very difficult issues that Ministers have to grapple with. Of course there are. But there is a genuine disagreement between the two of us and the two previous contributors. We think that the way to approach it is by exploring—Chair, I may be straying into Home Office territory—the use of intercept evidence and other ways of prosecuting people, rather than saying, “The answer to this problem is to kick these people out and push them off into some other jurisdiction.” In a globalised world where people can communicate with each other very easily, that doesn’t necessarily help you with your terrorism problem in the UK.

We favour an approach that is strongly rooted in law and prosecution, rather than constructing new legal mechanisms for controlling the activities of people or pushing them off into other countries, not least when there is a risk of torture. That is our general approach. We are not denying that there are difficult choices to make.

Q27 Mr Ainsworth: Are you avoiding the dilemma by saying, “If you change the rules of court to allow intercept as evidence, you would be able to prosecute these people”? I hear it said repeatedly that we should use intercept as evidence, because these people would then be prosecutable. I don’t believe that that is so, and I don’t believe that the people who are saying it believe that that is so. There is a real dilemma here that has to be wrestled with, is there not?

Chair: That is the last question, Bob.

David Mepham: May I come in on that? You call it a dilemma. There are difficult issues that people are grappling with. The way that the previous Government addressed it, and to some extent the way that the current Government are addressing it, is by saying, “Through control orders and other mechanisms, we will control people when we can’t prosecute them. We will do things to limit what they are able to do, even though we can’t prosecute.” There are all sorts of risks and dilemmas in that approach, not least because it contravenes your human rights principles. Does it help this country to tackle terrorism, or does it further exercise some elements of the Muslim population? I am not convinced that it is a very effective way of tackling terrorism, quite apart from my concerns about human rights.

Chair: We have explored that area pretty well.

Q28 Ann Clwyd: I recently tabled a series of questions to the Foreign Secretary on dedicated human rights personnel in our embassies and posts abroad, and I received a very unsatisfactory series of replies. I wondered if you had any view on that, and whether you have any evidence of lack of resources hampering FCO efforts in the field of human rights.

Kate Allen: I am sure that resources are important, particularly at this time of Government cuts. Rather than thinking about it specifically as resources, for us at Amnesty sometimes it is about the consistency with which missions globally implement different policies. We have talked about human rights defenders and we have talked about those very brave people who put their lives on the line. There are some policies and guidelines in terms of the UK at European level and UN level. To see those effectively implemented from every mission across the globe would be brilliant. At the moment it is sporadic; there are very good examples and there are less good examples. To see the business and human rights toolkit that the Foreign Office has spent a great deal of time and work on producing implemented by each mission across the globe effectively and consistently would be very important.

For us, it is being able to see those kinds of approaches globally, and to have human rights as something that trade delegations are involved in raising. Having consistency across the various arms of government would be more important for us than thinking about specific pockets of human rights money, although we are also very supportive of the human rights fund that sits within the Home Office and the way that is used to support particular projects around the globe. One of our criticisms of the report would be that we can’t quite see in this one, as opposed to some previous reports, which projects the money is being spent on and how much, and it would be nice to have that information.

David Mepham: That is a really interesting question, and maybe it is a question to put to the Minister when you have him here in a few weeks’ time. I don’t know how many embassies and high commissions around the world would have dedicated personnel looking at human rights issues.

Ann Clwyd: Zero.

David Mepham: Okay. Some of them might say that part of the political analyst’s job is also to look at human rights, but I think it is a good point that there may be some circumstances in which some dedicated resource is required. In the same way as the British Government have trade attachés who are pushing commercial deals and contracts, wouldn’t we say that in a particular country where there is a very grave concern about human rights we want some specialist in there who understands the issue and understands the country? That would be a good point to put to the Minister to see whether they might consider that as a way of going forward.

Q29 Ann Clwyd: I want to ask you, Kate, about the comments you have made about the Foreign Office not properly looking after the interests of women worldwide. That is a theme throughout your comments on the FCO report, and we wondered if you would like to talk about that a bit.

Kate Allen: It’s one of those areas where it’s patchy. If you look throughout the report you will find areas in which women’s human rights are addressed, but you will also find whole areas where they are absent. The area in particular that I would draw on to talk about would be what happens to women in situations

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of conflict. We know that something like 1 billion people around the world are affected by violent conflict, and we know that 80% of people who are forced out of their homes are women and children, who then end up in that refugee experience. We know that rape is used extensively in many parts of the world where there is conflict; we know that girls are drawn into becoming child soldiers; and we know that when peace is being talked about, women are often put to one side and they are not absolutely part of those decisions. The Government have developed a good plan on seeing the implementation of resolution 1325, but it could be better. It does not allocate responsibility at a senior level, it is vague on resources and there is no real cross-government, joined-up policy on this. It is a good resolution and a good plan, but we want to see more there. In conversations, whether they are about Afghanistan, or about the Middle East and North Africa now, we want to see how the concerns of women are addressed. I have just come back from Egypt, where we were talking to women's human rights defenders, activists and women's organisations who fought in Tahrir square for democracy and human rights. We need to see the support that goes in for those women and those organisations over the longer term. That is the kind of progress that we need. We need to see a commitment from the UK Government about really understanding that and about taking further some of the good work that is happening in some parts of the world.

David Mepham: I agree with all that, as well as the analysis that underpins it, and the importance of the issues that have been raised. One specific point to add to our discussion on women and human rights is that some members of the Committee may know that the Council of Europe has been working for some time now on a convention on preventing violence against women, as well as domestic violence.

That may be something to ask the Minister about; interestingly, the UK Government, despite some strong statements—public statements from Ministers, as well as good statements in the human rights report—played, we thought, a fairly negative role in the concluding weeks leading up to the negotiation of that text, putting in a lot of caveats and qualifications. Quite a strong text has now been agreed. It will be discussed at an important meeting a week from now in Istanbul, where the UK Government will be represented. It would be very important for the UK Government to sign up to that, as a strong statement about how this country and others will try to tackle violence against women. It was slightly disappointing that the Government had appeared to be less than keen on taking that forward.

Q30 Mr Baron: Two quick questions—the first on children and the FCO human rights report. We have heard evidence to suggest that the FCO is downplaying children's rights, or certainly not attaching as much importance to them as it has in the past. Would you concur?

David Mepham: I had better start this one, because until very recently I worked for Save the Children. When we talked about it earlier, Kate said, "You'd better take the children's rights issue."

I think it is a fair comment that the report does not say as much as one might have hoped about children's rights. If you look at the length of the report, a very small section addresses a number of projects that are being supported around the world on children's rights. There is reference—and I think that the Government have played a good role in the debate on this important issue—to the third optional protocol to the UN convention on the rights of the child, which is about allowing people to go directly to the UN committee to raise concerns about the violation and abuse of children's rights.

If you think that, legally, a child is a child until the age of 18, and if you think about demographic changes in the world, I think it is a fair observation that a very large proportion of the world's population are children or young people. Arguably, in terms of our international human rights policy and our broader foreign policy, we ought to think rather more about that younger group of people, as well as how we address their needs and help them to realise their rights.

Q31 Mr Baron: Turning to religious freedom, we will all be aware of the persecution of minorities in other countries—think about the Christian minorities in certain countries. We know that there are issues in Pakistan about blasphemy law, and there is the persecution of certain minorities in Iran, too. Do you think that the FCO is right to turn its face against the new sort of legal standard regarding the defamation of religions? It would say that the existing legal framework is really designed to protect individuals rather than concepts and beliefs. What is your view?

Kate Allen: On this one, we agree with the Government. We are very much concerned about individuals and their ability to practise their religion free from discrimination and harm. So, absolutely, and much of our work covers that in the places that you have talked about, and more broadly—in China, and with other Governments with some pretty appalling records. In relation to making it impossible to be critical of religions and to the defamation of religions, we think that most religions can handle that criticism. It is individuals who need protection.

David Mepham: Human Rights Watch is of a similar view. We strongly support the UK Government's position, which is that introducing a new legal instrument in relation to defamation of religions would be a retrograde step, for the reasons that Kate has given.

Q32 Mr Baron: It also starts encroaching on the whole issue of civil liberties, and the ability to have freedom of speech to some extent.

David Mepham: That is not to downplay the fact that you raised, which is that in an awful lot of places around the world, people are persecuted for their religion. That needs to be addressed, because it is a very serious issue.

Q33 Ann Clwyd: May I come back to this year's report? Amnesty International has said that "the information contained within the FCO Report is less substantial than in previous years", and that "the detail

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into which the FCO report goes is less comprehensive” and needs a sharper focus. Human Rights Watch has made a larger criticism of the report, saying that it “gives insufficient attention to the human rights implications of the work of other UK Government departments, beyond the Foreign Office.” You have touched on that. What function does this report fulfil? Does it have any function?

Kate Allen: Yes, and my opening remarks were about how much we value the report. When we are critical of it, it is in the hope of improving it, because it does play a very, very important role. For Amnesty, comparing it with previous years’ reports, they had more detail and more case studies. There was more to get to grips with and more depth.

Thinking about the comment we made earlier about how you see whether progress is being made, it is important that the report doesn’t simply deal with processes, and where we are in a process, but says what the Government are trying to achieve. Then we can measure where they are getting to on that. For us, that is the kind of sharpness that we’d like to see in the report, but we value it massively.

David Mepham: We also value the report. It was a good innovation that I think the previous Government introduced way back in 1997. I think it allows for a really good debate with Government, civil society and others—and, indeed, with the Committee. In terms of how we would sharpen the report up, it starts with a description of what the problem is in a country. I think it would be useful, around either particular themes or countries, to say right at the beginning what the UK Government are trying to do in relation to advancing certain human rights issues in Burma or Saudi, or wherever it may be. That would give more of a sense of things, so the Committee could say, “Well, how did you do in the last 12 months in making progress against those objectives?”

On the point that you referred to about other Government Departments, I don’t want to be over-prescriptive about how the Government might want to address that, but the concern is that human rights cannot be something that only the Foreign Office does while everybody else is off doing something else. Recognition that the whole Government ought to buy into commitments on human rights and seeing that reflected in the way in which they form policy—whether it be on trade, defence or development—is really important. It is important that there is a commitment across the whole Government to human rights, rather than just at the Foreign Office.

Q34 Ann Clwyd: Do you think there is room for greater parliamentary scrutiny of the Government and human rights? Do you think there should be a Sub-Committee of this Committee? Do you think there is an argument for a Joint Committee of both Houses, or do you think that the matter is dealt with adequately by this Committee?

Kate Allen: I think this Committee does a good job, but we would always welcome more and greater scrutiny of the Government’s human rights record, so if there were other suggestions about how that could be done they would be very welcome. That Parliament

would take that role further than it does at the moment would always be welcome.

David Mepham: In my experience of working around Parliament over the years, the trickiest issues are always those of interface—between the Foreign Office and the Department for Business, Innovation and Skills, or between the Foreign Office and DFID. Whether it’s a Sub-Committee, or whether it’s a bit like the Committees on Arms Export Controls—the Quadripartite Committee, as it used to be called—and brings together colleagues from this and other relevant Committees to try to tease out some of the tensions that might exist, I think that that would be a really useful accountability function.

In our submission, and similarly with Amnesty, we identified that there are some tensions between human rights and trade. Governments say that there are no tensions at all, and that it is all perfectly coherent and consistent, but I think that in practice there are sometimes tensions. Working those through and trying to identify how they are best addressed is a really important function.

Q35 Sir John Stanley: That brings us to arms exports and its human rights dimension. The key policy of the Government here—and indeed, of the previous Government—has been that arms export licences are not granted in respect of arms that could be used for internal repression. That is a UK Government policy that is shared by all EU member states. As you are aware, in the recent report of the Committees on Arms Export Controls, which I chair, we have brought out the fact that, in the last few weeks, no fewer than 170 extant export licences have, entirely rightly, been withdrawn from countries in North Africa and the surrounding area. As far as I’m aware, that is the largest number of revocations of extant export licences in the shortest space of time that has ever been made since the present export licensing system was put into place.

How do you believe that the Foreign Office under the previous Government and, indeed, under the present Government—and those revocations were all of licences since January 2009—could have so seriously misjudged the risk that arms that they were willing to grant export licences for were going to be used for internal repression?

Kate Allen: We share absolutely your concern there. Those export licences to those countries were just plain wrong. We are pleased to see that there is now going to be a review of the export licensing regime. We have not been formally involved in that review, but we would like to be formally involved, as we have a lot to say about how things could be done differently. The main thing that we would point to is that it seems that, previously, licences were agreed if there was no absolute evidence that they had been abused, as opposed to a risk-based judgment. So we would have a lot to contribute to a review of export licences.

We also have comments about the inconsistencies in the withdrawals of licences now. We have seen the withdrawals from Egypt, Bahrain and Libya. We haven’t seen anything withdrawn from Saudi Arabia. It will have not escaped attention that, in March this

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year, there is evidence of Saudi Arabia sending UK-supplied armoured vehicles into Bahrain in that particular brutal crackdown.

This is one of those core issues for us, where we are left wondering about the way in which Saudi Arabia is treated differently from other countries. Is this an area where trade and security trump human rights and the Government pull their punches on this particular issue? We have some very serious questions about what continues to happen in terms of arms transfers, and we have some proposals that we would very much like to feed into the review of the licensing arrangements. The whole Middle East-North Africa experience has many ramifications for the way in which foreign policy has been conducted, and this particular element of arms sales and the way the Foreign Office has control and say over them in relation to human rights is vitally important.

David Mepham: I thought the report produced by the Committees on Arms Export Controls was really excellent. It was a superb report. I read it a couple of weeks ago, and thought it was one of the clearest pieces of analysis of where UK export policy is and should be that I have seen in some time, so I congratulate the Committees on that work. Many of the recommendations set out there should be endorsed and taken forward by the Government. What you set out there was a really good action programme to which the Government ought to listen very hard.

I agree with Kate. The problem we had, and the reason 170 licences were revoked, was clearly that the decision makers previously were giving countries the benefit of the doubt in a way that they should not have done. A more rigorous process of analysis would have said, "We have got lots of risks there; I really don't think the risks justify licensing an arms sale to this particular country, given its human rights record or what it's involved in." Maybe this comes to the heart of the question about the tensions that sometimes exist between trade objectives and human rights objectives. The presumption is, "Let's export," and there is a lot of stuff stacked up behind wanting to export. The counter-argument then has to be very powerful to override the desire of people to export. I understand the economics of that, but I think that a commitment to human rights must imply being very rigorous and cautious about those circumstances and how we approach the licensing process.

Just a final point about this review, which might be worth pushing with the Minister when he comes. The Government have sort of announced that there is a review going on. It is not entirely clear whether this is a review where the views of people externally are sought, or whether this is an in-house review. I'm not even entirely clear what the timetable is, but it would be good to tease out when the review is, who is involved with it, when it is going to be published and what the Government are going to do with it. It is incredibly important, for the reasons raised in your report, that we get this right this time.

Q36 Chair: Are any arms exports acceptable to you?

Kate Allen: Yes.

David Mepham: Yes.

Q37 Chair: Can you elaborate on that?

Kate Allen: Amnesty is not opposed to the arms trade. We want to see the arms trade properly regulated. We have welcomed the coalition Government's continual championing of the work that is taking place at the General Assembly at the moment for an arms trade treaty.

Q38 Chair: May I interrupt you? You used the illustration of the armoured vehicles sold to Saudi Arabia that were used in Bahrain. With hindsight, that was a mistake, but when they were sold, they had no idea that the Saudis were going to use them in Bahrain. How can you draw up a policy that deals with that situation?

Kate Allen: The policy we have at the moment, as both David and I have mentioned, demands that there is evidence of abuse of those arms before sales are turned down or licensing agreements are not approved. For us, that is too hard a test. We would like to see political judgment exercised around the conditions in those countries and the record of the Government and what they have been up to in the past. We would like to see that being the test for how arms are exported.

In the longer term—hopefully not too long—the world is negotiating an arms trade treaty to regulate the flow of arms around the world so that we have consistency and a level playing field. For us, it is wonderful that the arms trade treaty has General Assembly support and that the detail of negotiating its wording is in progress. We look forward to such a treaty to which we could hold all Governments on the standard that would be applied when arms are—as they inevitably will continue to be—traded.

Q39 Mr Baron: Apart from the excellent work that Sir John's Committee has done, when we talked to the Foreign Secretary about this issue back in March, after some questioning he agreed to a review, subject to parliamentary scrutiny, but, like you, we have heard very little since. I have chased up since to establish the scope, remit and timetable, and I am told that someone is going to get back to me. What would you like to see? You obviously believe that the FCO should be soliciting your views. How wide should this review be and what should be its remit?

David Mepham: Can I make one specific point? From what I heard a few weeks back, my understanding is that this review looks at arms exports to the Middle East. One specific recommendation, in the light of what has happened, is that it would make sense to broaden the remit out a bit and talk about UK arms exports to repressive regimes or undemocratic regimes around the world so that it is not just focused on the MENA region. That would be a useful expansion of the remit.

Q40 Mr Baron: I was part of that questioning of the Foreign Secretary and I do not remember us restricting it to the Middle East, but I will have to go back and check. Could you address the question about the scope of the review and what you think it should involve?

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Kate Allen: Those arms sales and the way in which the arms have been used means that there should be a review that takes all stakeholders' views into account. Human rights organisations as well as trade organisations should be able to suggest ways of avoiding that situation in future and the broader policy that should be drawn from that for sales to other parts of the world. It should be reasonably quick. We should see a timetable and a proper process that invites our participation. We are informally saying what we think, but we would like that to be a formal process.

David Mepham: If the remit was broadened in the way we suggest, there are two other issues it would be relevant to look at. One issue, which was touched on in Sir John's report, is the role of arms brokers and traffickers. These people are facilitating arms transfers, rather than exporting them from their own factory, to many conflict zones around the world, not necessarily so much in the Middle East. This is a real problem and the legal safeguards we have to address it are inadequate.

Another issue, which is also touched on in the report, is about convergence and coherence between UK criteria and the EU code. There is a bit of disconnect there which could usefully be addressed because it makes more sense for Europe as a whole to have a common strong position rather than for member states to have slightly different approaches to these issues. That could usefully be addressed by the review.

Q41 Sir John Stanley: Just on a point of information I am glad to tell Mr Mepham that the Committees on Arms Export Control made a specific recommendation that the present review, which is indeed confined to North Africa and the Middle East, should be extended to authoritarian regimes worldwide.

David Mepham: I welcome that.

Q42 Mike Gapes: May I switch the focus to what is happening within international institutions and specifically the UN? The United Nations Human Rights Council was established about five years ago. When we questioned you then, you said that we needed to give it time to bed in and to see how it was going to go. You thought that there might be an improvement on the commission that was there before but to give it time. Given how long it has been in existence, what is the assessment at the moment of how credible it is? Is there more that the British Government could do than they are currently doing to try to give it greater credibility?

David Mepham: I am happy to start on that one. I think you are right in the way that you framed the history of it. Obviously the Human Rights Council sort of emerged as the successor organisation to the Human Rights Commission, which was a widely discredited body. Colleagues may recall that back in 2003 the Libyans were elected the chair of the Human Rights Commission, which understandably gave rise to a lot of concern.

Q43 Mike Gapes: And they were nearly re-elected recently.

David Mepham: Indeed, and interestingly have been kicked off by the General Assembly.

Mike Gapes: To be replaced by Syria perhaps.

David Mepham: I was going to come to that very point. Our take on the Human Rights Council is that for the first three years of its existence it was probably underperforming, but in the last 12 months it has done quite a lot of good things and it's finally getting its act together in a way that we find quite encouraging. For example, we have had commissions of inquiry into the situation in Côte d'Ivoire and into Libya, which are quite serious pieces of investigation into human rights abuses there. We have had just last week the special session on Syria, which people would recognise as being really important, to try to uncover what is happening there.

The challenge, as ever, is to avoid the Human Rights Council becoming too selective or inconsistent, or too politicised. The point about Syria is very interesting because there is an election process under way which will happen in May. Syria has its hat in the ring to potentially be elected. Clearly it would be very undesirable for Syria to be elected to that body. Any pressure that can be brought to bear through regional allies to try to prevent that happening would be really welcome. It would clearly send a really negative signal.

It is interesting that just a few months ago Libya was suspended from its membership of the Human Rights Council. People are beginning to use that mechanism more effectively than was the case with the Human Rights Commission but the critical thing is that if we avoid selectivity and we avoid politicising it, it becomes a body that can consistently look at human rights abuses. In that context we would be concerned that while there has been this focus on Syria that we welcome, the situation in Yemen demands really serious international attention and the situation in Bahrain requires serious international attention. I would particularly flag Bahrain if you are meeting with the Minister soon because I think the UK Government have not been tough enough, frankly, on Bahrain. I think there are some really dreadful things going on there in terms of the crackdown and the repression. For all sorts of reasons in terms of our relationship with the Saudis and also with the Bahrainis we are not being as strong on that as we would be about comparable human rights abuses elsewhere.

Kate Allen: The thing that I would say about the Human Rights Council is how much we welcome the way in which the UK Government play a strong and effective role with it. We are very pleased. We may sometimes disagree with the positions that the UK Government take on the floor of the Committee, but the way in which the UK Government engage with it, try to improve it, is good. We hope that the UK Government stay close to it even though they come off later this year.

Q44 Mike Gapes: May I press you on that? The Government in their report say that "it is difficult for us to achieve our objectives" and that "like-minded states are in a voting minority". We saw, for example, the deplorable way in which the UN Human Rights Council refused to address the situation in Sri Lanka.

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It has taken a special procedure with the Secretary-General establishing an inquiry committee, which apparently is now not going to go anywhere because Ban Ki-moon says he can't launch a specific investigation without the explicit endorsement of the UN member states and the agreement of the Sri Lankan Government. Clearly, the Human Rights Council should be the body that deals with that issue, shouldn't it?

Kate Allen: Yes, and I don't think that our comments were that it is perfect by any means. It is still work in progress, even five years later. That politicisation of it is deeply to be regretted. The UK Government and others tried to work against that, which is welcomed. You are right in terms of Sri Lanka. That is one of those deeply deplorable occasions. We very much hope that there will be a UN panel of inquiry on that and that the UK Government will support it and support it internationally.

Q45 Mike Gapes: May I ask you about the internal processes? The UK has been on the Human Rights Council for two terms, but it now has to come off. Those member states that are on it carry out the universal periodic reviews. How has that been going?

David Mepham: I think it is variable. The universal periodic review has been an interesting and useful innovation to try to get a more holistic view of how countries are doing in terms of their international human rights commitments.

As Kate says, the Human Rights Council is not a body of experts; it is a body of political representatives of Governments. Inevitably, therefore, there is quite a lot of politics involved. I agree with Kate and Amnesty—the UK has played a good role overall in trying to strengthen the Human Rights Council. It will have to come off it for a bit, and, probably in a year's time, it will try to get back on again.

One of the things I picked up just this morning when I spoke to colleagues about this is that one of the things that has changed with the Human Rights Council in the past 12 months is that the US has engaged with it in a way that it previously did not. Overall that has been quite beneficial, because the US is investing a bit of time and effort in it. But some of the smaller states, such as Mexico and Chile, have also played quite useful roles. So sometimes there are potential allies on human rights that we can work with and support in such forums. We should spend a bit more time thinking about that.

Q46 Mike Gapes: Is there not still a problem with the attitude of the G77, or the non-aligned movement depending on how you define it? It still wants the Human Rights Council to look at what the Israelis are doing, but it doesn't want to look at, for example, what has been carried out in some of the Arab countries that you have mentioned. There is still a disproportionate concentration on a few issues and a few countries, and certain other things are never looked at.

David Mepham: I think that is true, but selectivity plays itself out in different contexts. You could argue that the UK is also a little bit selective. It puts more emphasis on Syria than it does on Bahrain or Yemen.

It is a fair comment, but we are all guilty of selectivity. Human Rights Watch would say, and I am sure Amnesty would say, that we need to be much more consistent on human rights. That doesn't mean to say that in any particular context you adopt exactly the same policy—there is no blueprint that you roll out—but it means that one person's torture counts for as much as another person's torture. People being tortured by our friends are not somehow less important to us than people being tortured by our enemies. We need to be more consistent about how we approach those things.

Q47 Mike Gapes: One final question. There are a number of issues around the world on which there is a search for a political agreement, a political negotiation or a political compromise. One example is Sudan. At the same time, we have international institutions pursuing a slightly different agenda, which is justice for the victims of abuse. Particularly in that context we have the International Criminal Court. How can we reconcile accountability for crimes with trying to get a political resolution that may well be dependent on it, such as the case of President Bashir in Sudan? There is, therefore, a contradiction between the work of the ICC and the work of, for example, a UN negotiation process.

Kate Allen: There are some situations in the world where the abuses that have taken place are so widespread and so appalling that people need to be held to account. I would say that is the case in Sudan with what we've seen in Darfur over the years and the responsibility of President Bashir and those around him for the murders and rapes that have taken place, for example. There are occasions when the only way to get peace is by ensuring accountability. I don't necessarily see those things as working against each other. There are situations where you need to bring people to account as part of the process of moving to a different situation in a country. It is impossible to think that you could broker peace in somewhere like Sudan and keep a President who was so responsible for the abuses of the past in that position. He has to be brought to account for those actions.

The International Criminal Court is still a young institution, but we are seeing its usage increase. The hope, certainly from Amnesty, is that we get to a position where, through accountability and through the Bashirs of the world being held to account and brought to account in front of the Court, we stop those abuses from happening in the future. The Court becomes a deterrent. The knowledge of people that they will, in future, be hauled in front of such a court and that the old way of the Swiss bank account and a move to a safe retirement in a neighbouring country is closed off will make the world a better place in terms of behaviour of others in the future.

David Mepham: To add to that briefly, you are flagging the long-standing old peace versus justice debate. What Human Rights Watch would say, which is similar to Amnesty, is that, in a way, that tension is often overstated. I am not saying that it never exists, but the idea that you trade justice to get peace and that that peace process is sustainable is not particularly borne out. There are lots of examples

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around the world where impunity and the absence of justice actually just rekindle conflict. The DRC might be an example of where people want prosecutions and justice to be done in order for there to be a prospect of sustainable peace. Of course, as you know, there is the caveat that in the Rome statute for the ICC there is article 16 that does allow for exceptional circumstances. If the only thing that prevented a peace agreement being reached was the suspension of a potential prosecution against an indicted war criminal, article 16 permits that, and the UN Security Council can make a decision on it. We would argue that that is very exceptional. Actually, in many more cases than is often suggested, justice and peace are complementary, rather than in conflict.

Q48 Mr Ainsworth: An ongoing feature of the report in this country is the selected countries of concern, which always causes a row. What is your view?

David Mepham: Should those countries be addressed in the report?

Mr Ainsworth: Should there be a list?

David Mepham: I am happy to kick off on that. I think that it is an important feature of the report that it doesn't look just at broad thematic issues, but that it also looks at countries. This comes back to the question of how the report might develop and what version it might have in future years. There is an argument for digging a bit deeper into fewer countries, but, that said, it would be interesting to explore with the Minister what the criteria are for choosing the countries, because you could go through the list of 26 and say that they're all examples of where countries are abusing human rights. From a Human Rights Watch perspective, there are also a number of countries that ought to be included.

In our written submission, we say that it is interesting that neither Ethiopia nor Rwanda is addressed at all in the report. Those are two very important African countries that the UK has close relationships with. We give a huge amount of development aid to them. I think I am right in saying that the UK is the largest bilateral donor to Rwanda, and we are probably the largest or the second largest bilateral donor to Ethiopia. There are big concerns about human rights in each case, but there is no mention of either of them in the report, and that strikes us as wrong. The criteria should include not only whether serious human rights abuses are taking place, but whether the UK has a big relationship with that country and whether it can use that leverage to improve the human rights situation. There should be a country focus, but it would be interesting to explore what the criteria are with the Minister.

Kate Allen: We went back to the countries with which the UK has a memorandum of understanding or deportation with assurances to have a look at what that would do to the list of the countries. We would have added Ethiopia, Egypt and India. The fact that, between Human Rights Watch and Amnesty, we would have added three or four additional countries to the list means that it is a pretty substantial list of countries that we would be concerned about. It is good to think about what the criteria look like, but, with

these couple of exceptions, we pretty much agree with the list that is there.

Q49 Mr Ainsworth: There is always going to be a line, isn't there? The dilemma is whether it provides focus and, therefore, adds value. The rows about where the line falls and who is inside or outside are worth having in order to provide that focus. In America, for instance, they do a report on every single country. Is that not another approach? You would potentially lose focus, but you would range right through every country, right up to western countries with relatively good human rights records, and do a report on everybody.

Kate Allen: We have no particular wish to make it that sort of report. The fact that it covers the countries; that we are not having a big argument about those countries; and that it covers the themes that we are also engaged in means that it is a useful and very good report. If it covered every country in the world at the expense of those themes, we would probably regret that.

David Mepham: It is worth pushing with the Minister when you see him why different countries are not in.

Mr Ainsworth: On where the line is drawn—where and why.

David Mepham: Yes.

Q50 Sir John Stanley: Following Bob Ainsworth's question, would you agree that if there were no countries of concern list—recognising that there is always going to be a debate as to which countries should be in the list and which should not—Parliament and the wider public would not have the same ability to hold the Government to account over what their top priorities were and which countries, in their view, were the worst violators worldwide of human rights? Would you agree that that would be a significant reduction of accountability as far as the Government are concerned?

Kate Allen: I would agree.

David Mepham: Yes.

Q51 Sir John Stanley: Thank you. May I now turn—in the context of China, but it raises a wider issue as well—to how the Foreign Office should be dealing with countries that have truly abysmal human rights records? That is indeed the case with China, as has been revealed all too deplorably and dismally over the past few weeks and months when so many very prominent and incredibly brave and courageous human rights fighters for an entirely peaceful way have disappeared, have been locked up and have been subjected to heaven knows what in Chinese custody. For years this Committee has pressed Ministers in successive Governments and has debated whether the policy that the previous Government called constructive engagement—I don't know what the present Government call it—was the right way to go ahead. That constructive engagement, in the Chinese context, is the manifestation of a bilateral dialogue, with the human rights discussions and the various rounds of discussions that you referred to at the beginning, Ms Allen, taking place. You said at the start of the evidence session that we are now in the

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19th round, and that in your view no progress has been made. I personally would endorse that verdict. Constructive engagement works very well for the two parties concerned. As far as the British Foreign Office is concerned, it enables Ministers—as has happened endlessly in front of the Committee, and, indeed, in front of the House as a whole—to come before parliamentarians and to say, in response to criticism about why they are not doing more, “Well, we’ve got the dialogue going; we have a regular system of putting our points to the Chinese and we have a procedure for doing so.” It works, I’m afraid, equally well for the Chinese, because when the Foreign Affairs Committee goes to China, for example, they can say, “Well, we have the dialogue with your embassy and your Government, and we are constantly discussing these things, so what are you fussing about?” That is a familiar response that we have had. Those are the great weaknesses of constructive engagement, but I would like to ask you both: if you take the view that constructive engagement has been a failure in the Chinese context, what is the alternative policy that you think the Foreign Office should be pursuing to try to get better results on human rights than are being achieved so far?

Kate Allen: There seems to be nothing that we can point at to say that over that decade and longer human rights have improved in China, so there has to be a change of policy and a change of engagement with China. When you look at the range of human rights abuses that is taking place in that country, it is difficult to know where to start, from the use of the death penalty, re-education camps, one-child policies, the treatment of women, torture—it goes on and on. There is freedom of expression, obviously, and the internet; there is so much there. So for us at Amnesty, there is a role for these dialogues but there have to be some results.

After a decade or more it is still a state secret how many people are executed each year. If the British Government could say that they had been able to find that out through that process, and that now numbers are recorded and publicised, there would be something to show that a difference had been made. It does not have to be turning around the Chinese Government’s whole approach to human rights, but it would show that progress was being made gradually.

In the absence of that, there must be more public engagement and criticism of the regime and the way in which it treats people. As I said, it is difficult to know where to start, but private conversation is changing nothing and the Government need to think about different ways of challenging the Chinese Government.

David Mepham: May I add to that? A similar point was made earlier in a slightly different context, but I think we ought to listen to what Chinese human rights defenders are saying. What they say to us, and what I’m sure they say to Amnesty and others is, “We want vocal public pressure; we want the West and others to be more outspoken, not less outspoken.” Given how courageous those individuals are, and given the circumstances they operate in, we ought to listen respectfully to that. They are not saying, “Quiet diplomacy is what we want, or something behind

closed doors.” They are saying, “Let’s be much more public about the abuses that are taking place because that actually helps and empowers us. It gives visibility to what we are doing.”

The other thing about China is that despite the enormity of the human rights problems in that country, which we are all aware of, and the difficulty of getting access and leverage, the people on whom there is a spotlight tend to get treated better than the people on whom there is no spotlight. In prison, the people for whom there is a campaign will get better treated than those for whom there is no coverage. Again, I wouldn’t underplay the difference that pressure and diplomacy and raising those issues can make to getting certain people released, or getting certain improvements or movements on international standards of human rights. It’s incremental and painstakingly slow and we’re frustrated by it, but it makes a difference and is worth persisting with, as opposed to saying, “Well, we’ll give up on that and just maintain a cordial relationship with the Chinese and hope that in 30 years’ time, economic growth will deliver democracy.” The evidence is not there for that either.

Q52 Chair: Turning to the Middle East and North Africa, is there anything that the FCO should be looking at from a human rights perspective in its policy? What would you focus on given what is going on at the moment? You’ve mentioned Bahrain and Saudi.

Kate Allen: One of the dangers for the British Government at the moment given the intervention in Libya, is that that takes all the focus and energy of foreign policy. I have just come back from Egypt where things are moving on, but there are still major concerns. The UK Government need to think about how they can engage for change in the long term. What is happening in Egypt is a very difficult situation and people are both excited and incredibly worried. We are still seeing army abuses taking place and people being arrested—something like 5,000, we are told, since Mubarak fell.

We’ve seen the way in which women have been sidelined. The women that I met fought in Tahrir Square; they spent the 18 days there and braved the snipers and thugs on camels, but now they’ve been completely pushed out of the processes that are taking place. There are no women on the constitutional committee. The first draft of the constitution talked about how the President’s wife could not be a foreigner, so it is clear that the President is going to be a man. We saw a women’s demonstration in Tahrir square on 8 March, International Women’s day, broken up by the army. Women were arrested and some of them were virginity-tested. That was a very brutal and crude attempt to send women back to their homes. In that society, if the result of the virginity test—a nonsense in itself—had shown that the woman was not a virgin, then she was classed as a prostitute. To be labelled that in that society would be the most dangerous of things. We at Amnesty focused on that internationally with media coverage, and every woman I spoke to who was involved in that demonstration thanked us for that. Because of that

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international attention, the army has paid some attention to it. It is nervous of its international reputation.

So the UK Government have an enormous role to play in countries in the Middle East and North Africa over the long term to advance the progress towards human rights, and to ensure that those whose voices are being pushed to one side at the moment are brought into this and that they use all their influence over that longer term to support human rights.

Chair: We just have a couple of questions left, and if you could keep them brief, it would be helpful.

Q53 Ann Clwyd: On Afghanistan again, in light of what may emerge in some kind of political settlement, how do you think the rights that women have gained during the conflict there may be retained? Do you feel that the parties to the ultimate political settlement are fully conscious of the need to strengthen and retain those small gains for women?

Kate Allen: We share the concern that as political agreements are negotiated, and as discussions start with the Taliban, women's human rights will be traded for a more immediate peace. We are deeply concerned about that. Women have been organising and fighting for human rights over many years in Afghanistan, and they have been dying in that process. Many women activists and MPs have been targeted. It is absolutely essential that those trade-offs are not made in any final settlement.

It is also important that work continues with the Afghan Government in terms of women's human rights. They are a Government who are taking over the running of refugees where women have fled and instituting practices that are deeply shocking, including letting people know where they are and which women are there, with the protection of women completely disappearing. There is a lot of work to be done. As the broader political issues get played out, we are very nervous about what will happen for women.

David Mepham: I am not sure whether I've got much to add to that. I agree with that general concern. Human Rights Watch is concerned that, as Kate said—I know that the Committee has also addressed this in its Afghanistan report—in the context of all this pressure to get a deal, which everyone understands and everyone, at one level, wants, women's and human rights may be traded. That must be a danger if a group of people who often have pretty unsavoury human rights records become the new Government of a country in some kind of political cobbled-together deal. We are worried about that.

Q54 Mike Gapes: May I take you back to the answer that you gave and the reference to Ethiopia and Rwanda not being included as countries of concern? In an earlier discussion, we talked about the conflict between trade and human rights. Is there a similar conflict between the interests of DFID and of the FCO? I know that you, David, have knowledge of DFID and how it works as a Department from a previous job. Is there a danger that people pushing the development agenda in poor countries with large numbers of poor people are prepared to say, "It's

inevitable"? They might say that when they go through a process of economic development, the biggest human right is the right to live, to eat and to have a better life, and therefore they will downplay the fact that political opponents are locked up.

David Mepham: I think you have hit the nail on the head. There is a real issue there.

Q55 Mike Gapes: Do you think that that is the reason why the FCO doesn't include certain countries in its list of countries of concern—because DFID has got such influence there?

David Mepham: That would be an interesting issue to explore with the Foreign Office Minister; we can only speculate. But it is striking that two countries that are very prominent countries for the UK in terms of the DFID agenda in Africa, but have very poor human rights records, are not included in the list. Your general point is a very important one: not only is there a sort of tension between the Government's counter-terrorism agenda and human rights—and between trade and human rights, which we have discussed at some length today—but between the development agenda, as the previous and current Governments have articulated it, and some of the human rights concerns that we have as human rights organisations.

Clearly, a lot of what DFID does is about advancing economic and social rights, which is hugely important and I am very committed to that. A fair bit of it is also about civil and political rights, but it is interesting that the new Government haven't particularly articulated their agenda in a rights framework. They do not talk about rights, and in concrete cases, such as Ethiopia and Rwanda, they actually appear to downplay concerns about human rights, because they have well-established development relationships that appear to be making progress. To raise human rights concerns is seen as rocking the boat, unhelpful and getting in the way, whereas meaningful and inclusive development in Ethiopia and Rwanda depends on rights being respected and people having a voice. That is quite an interesting issue that we should explore and push with the Minister, but also with DFID, because there is a tension there.

Mike Gapes: Thank you.

Q56 Ann Clwyd: I would like to ask a quick question about Turkmenistan. Human Rights Watch, in particular, has made a highly critical comment on the Foreign Office's report on Turkmenistan, particularly the suggestion that, in a highly repressive society, it might assist by putting British business men in touch with those who want to build new prisons in Turkmenistan.

David Mepham: I am glad you raised that, because I know that you met my colleague from Human Rights Watch today, and I will probably get into trouble if I walk out of here and I have not mentioned Turkmenistan.

It is a really important issue, and in our submission we talk about Turkmenistan and also Uzbekistan as significant central Asian countries where there are big concerns about human rights. If you look at the tone of what the Government say about that, or what the Foreign Office says about those two countries, there

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is a lot about opportunity, change and so on, but the actual reality on the ground is pretty grim in both places, including in Turkmenistan.

As you mentioned, we were quite shocked that the reference to Turkmenistan in the report talks about putting British business in touch with the Turkmenistan Government to help with prison-building. This is a Government who are locking up huge numbers of people without any kind of proper

legal process, and that's where the Foreign Office's energies ought to be—saying, "Look, this is completely unacceptable and you need to reform your prison process and your criminal justice process rather than our helping you to build some more prisons." I thought that was a slightly unfortunate phrase, to be frank.

Chair: Thank you both very much, indeed. It has been really helpful and we very much appreciate it.

Monday 23 May 2011

Members present:

Richard Ottaway (Chair)

Mr John Baron
Ann Clwyd
Mike Gapes

Mr Frank Roy
Sir John Stanley
Mr Dave Watts

Examination of Witnesses

Witnesses: **Mr Jeremy Browne MP**, Minister of State, **Thomas Drew**, Director for National Security, Directorate for Defence and Strategic Threats, and **Susan Hyland**, Head, Human Rights and Democracy Department, Foreign and Commonwealth Office, gave evidence.

Q57 Chair: I welcome members of the public to this session of the Foreign Affairs Committee. It is part of our inquiry into the FCO's human rights work and its report of 2010–11. The Minister with responsibility for human rights in the Foreign Office, Jeremy Browne, is present. I welcome you and your colleagues, Minister.

May I exploit your good nature to start with and bring up one point outside your human rights brief? You also have responsibility for the BBC World Service. As you know, the House passed a motion on Thursday afternoon calling on the Government to review their decision to cut it. We are in the process of dropping the Foreign Secretary a line asking how you are going to conduct this review and over what time scale. Is there anything you can say? Could you trail his reply for us?

Mr Browne: Good afternoon to you, Chairman, and all the members of the Committee, and thank you for giving me an opportunity to speak about human rights. I should apologise, because I would have spoken in the House of Commons on Thursday in the debate that David Lidington covered for the Foreign Office, but I was travelling, which is why he stood in. I am, indeed, the Minister with responsibility for the World Service and am well aware of the undertakings that were given. I cannot give you a precise timetable in terms of, "The Foreign Secretary will come forward on x date with proposals," but, consequent to the debate and the House's decision on Thursday, we are looking at options—I understand that concerns have been raised by the Arabic service in particular—and what can be done to address the concerns that were raised. I anticipate that the time scale is weeks rather than months. I do not think this is a huge, protracted process. It is just revisiting some of the decisions and some of the budgets to see what can be done to address those concerns.

Q58 Chair: Thank you. I hope that David Lidington conveyed to you the feelings of the House, which felt quite strongly about the issue.

Mr Browne: He did. You probably do not want me to rehearse the arguments again at length this afternoon. Obviously there is a finite amount of money available for the Foreign Office family, if I can put it in those terms, and there is no money sloshing around without anybody wishing to spend it. So if extra money was made available we would have to see that it was taken from somewhere that was least injurious to another

part of our diplomacy. But we are trying to do that in the light of the decision the House took on Thursday.

Q59 Chair: Fair enough, we in turn will not rehearse the arguments either. We will move on to human rights. We note what you say. Can I start with a question about your two colleagues? With no disrespect to Mr Drew, we were expecting Robert Hannigan. We are delighted to see you here, Mr Drew, but we were wondering what had happened to Mr Hannigan.

Thomas Drew: Robert Hannigan, who is also responsible for the Americas, has been tied up with the Obama state visit. I am his deputy and the Director for National Security for the Foreign Office.

Q60 Chair: Thank you. Minister, the Foreign Secretary was critical of the last Government's ethical foreign policy and said that this is going to be more realistic and practical. What does that mean in human rights terms?

Mr Browne: I don't want to unduly party politicise this subject matter. There is a broad consensus in British politics that human rights is a subject that ought to be taken seriously, that we ought to be serious about how we treat human rights in this country, that we ought to be an example of good practice around the world and that we ought to be demanding and vigilant about how human rights are observed or abused elsewhere in the world. The feeling is that we can always learn from previous experiences and that we can do better in some specific areas, and the Government are strongly committed to demonstrating an ongoing commitment to human rights. So the Foreign Secretary, for example, made an extended speech specifically on this issue, but it is a feature of our work in many different areas on an ongoing basis. I am sure we will come to this during the course of our discussion this afternoon, but this very substantial report, which was launched by the Foreign Secretary himself on 31 March, is evidence of the rigour with which we undertake our work in this area.

Q61 Chair: Is there a change of approach in the report?

Mr Browne: There is broad continuity inasmuch as I do not claim that the previous Government were not interested in human rights. We are constantly searching for ways we can be more effective at trying

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to promote human rights around the world. So, for example, the report highlights 26 specific countries where we wish to raise concerns. The previous report had 22. That does not mean that it is inherently better because the list could be as long or as short as you wanted it to be, depending on how many countries you wished to draw into the net to raise specific concerns about in the report. All I am saying is that all Governments have a different emphasis that they want to place and different areas they feel they can improve. In some areas, particularly in the light of controversy and the concern that has been raised about torture, the feeling is that we have tried to learn from past experience and we have tried to improve the rigour with which Britain conducts itself in this regard.

Q62 Chair: How will you measure the effectiveness of what you are doing and your approach? What will you consider a good outcome?

Mr Browne: There are some areas that lend themselves to measurement. Off the top of my head, for example, China is in the process of reducing the number of offences which attract the death penalty. Were one to be campaigning on the death penalty in China that would represent progress, although it is hard to attribute that to one specific bit of campaigning from one specific foreign Government or charitable organisation. So quite a lot of human rights treatment does not necessarily lend itself to numerical analysis of progress. In general over the last year, as it happens, and over recent decades, the world has, on balance, become a more liberal, open place. Britain is a champion of that agenda in the world. In some places, a step has been taken backwards and, in other places at the same time, two steps have been taken forward. We contribute to these processes on an ongoing basis. Sometimes they may lend themselves to numerical analysis but, a lot of the time, it is not quite as straightforward as that.

Q63 Chair: You mentioned China, so can I take you to Russia? As you know, at the moment, the Khodorkovsky appeal is going on over there. There is a lot of concern that the Russians and their treatment of Mr Khodorkovsky, whatever the merits of the case may be, send a message to the rest of the world that it is not necessarily a level playing field for people visiting Russia. Do you have any comments to make on this case?

Mr Browne: Concerns are raised by us right up to Foreign Secretary level with the Russians about human rights in Russia, both in general terms and specifically with regards to this case. My understanding is that the appeal in this specific case is due to be heard tomorrow, so watch this space. We are awaiting progress or a result on that. David Lidington, as the Minister for Europe, which includes Russia, will wish to comment and respond on behalf of the Department.

Q64 Sir John Stanley: Minister, as you are aware, the US Department of State's annual report on human rights has produced a withering denunciation of serious human rights abuses in China. Among many

other very reputable sources, it concludes that the human rights situation in China is actually deteriorating. Is it not therefore the case that the policy followed by the previous Government and continued by the present Government of trying to exert pressure on China by silent, private UK-China human rights dialogue has been an almost complete failure?

Mr Browne: No, I don't think I would be as bleak in my analysis as you are, Sir John. I accept—how can I do anything other than accept—that China has a poor record on human rights. In some cases, it is must worse than that. For example, the treatment of prisoners or the number of people who are executed marks China out as one of the worst offenders in the world. The question for us is: how can we try to exert influence? There are plenty of countries in the world that don't comply with the standards we would wish them to on human rights. That is not because we don't make the case in what we regard as a compelling way to them. But, obviously, there is a limit to our influence, and we try to influence the Chinese in lots of different ways.

Let me give you three quick examples—although we might have to expand on them. One is that we have statements of public intent—I suppose that you could even go as far as to say chastisement. We have occasions when we make our positions very clearly known. That quite often upsets the Chinese, but there we are. We also try to have a constructive dialogue with them and impress upon them the basis of our concerns and why we feel strongly about these issues. I often say to the Chinese, "I'm not saying what I am saying because I'm trying to offend or upset you necessarily; I'm saying what I'm saying because I genuinely believe it. I believe that people in China have just as much a reason to hope to live in a free, open manner as anyone else in the world, including in Britain."

For example, through our embassy in Beijing, we try to advance human rights in a broader way. We might work with the Chinese or lawyers in China on the development of legal systems in China. That is not front-line campaigning with a banner outside the Chinese embassy or whatever it might be, but it is trying to work incrementally with civic society and sometimes with the grain of opinion—even political opinion—in China to try to make progress in a rather unflashy but valuable way. I suppose the point I am making is that China is a huge country; it causes huge amounts of concern about human rights; and we deploy a range of clubs that are available to us, rather than having a one-club policy, to try to encourage it in the right direction.

Q65 Sir John Stanley: Minister, from the Foreign Office, you must take the same notice of what is going on in China as the rest of us and you must be aware that the human rights situation in China is deteriorating. That has been evidenced by one person after another, and some of those people are extremely prominent. They have ventured to express a different political opinion from the one-party Chinese state, have called for freedom of expression and have behaved in a perfectly peaceful and respectable way.

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The moment they have made such pronouncements, they have been locked up. They have been denied access to their families and to any form of open justice and are being treated in a totally abominable and intolerable way; and so, Minister, I come back to you. That is the reality of what is happening in China. Is the Foreign Office simply going to go on as before, while the situation deteriorates still further?

Mr Browne: What I don't wish you to imply, Sir John, is that I in any way deplore that less than you do. We all want to see improvements in human rights in China. By some indicators in some areas, there may be improvements; by other indicators in other areas, there may be regression. Particularly in the last few months, there has by all accounts been a backlash against events in North Africa and the Middle East, which means that we have been going more in the wrong direction than the right direction in the last few months, but that has not been through lack of effort on the part of the Foreign Office. May I put the question back to you? If you have or any other member of the Committee has a suggestion about how I might go about bringing about good human rights in China, I am entirely open to suggestions. It is not through lack of willpower on our part. We are trying to do what we can, but as I say, if people think that they have a solution, please tell me.

Q66 Sir John Stanley: The Committee will make its own conclusions in its report, but the point that I will put to you is this. Is the Foreign Office considering operating an alternative policy of much clearer, much more public and much more open criticism, rather than silent dialogue, which appears to be failing?

Jeremy Browne: I think you imply that we are doing one or the other. That is why I made the point about a many-club policy. There are occasions on which we, in a very public—some would even say confrontational—way, explain to the Chinese why we disapprove of the actions that they are taking. On other occasions, we feel we may make further progress through not upping the ante in that way—that the Chinese may react against some of the more public chastisement and dig in their heels even more and that we may in some cases make more progress by trying, on a more private level, to convey our concerns. But it's not an either/or approach. A more aggressive and—dare I say it?—slightly more confrontational approach may yield greater dividends in one case, and another approach may yield greater dividends in another case. It may be that, in any given case, there is no approach that yields dividends, but that, as I say, is not from lack of effort on our part.

We are trying to engage in all kinds of things. I have lots of quite interesting conversations with the Chinese Government about why I regard it to be in their own interest for them to improve their human rights record and about the fact that this is not us, as a western country, telling them that they have to adapt to live like us because we decree it to be a good thing for them. What I am trying to do is to convince them that if they stop and think about it, it is actually in their own interests to pursue this approach. Sometimes one can try to convince people through a process of intellectual jousting: on other occasions you may wish

to be more abrasive and make the case more publicly. But we are trying to bring about the outcomes that we all desire. If people feel that a constant process of megaphone chastisement is likely to yield greater dividends, we can consider that, but quite a lot of people have advised me that it may have precisely the opposite effect.

Q67 Mr Roy: Minister, in your work at the FCO so far, have there been cases in which Britain's record on human rights has held you back from taking a particular stance?

Mr Browne: I am searching my mind for examples. I cannot think of anything necessarily holding us back. Our policy towards a particular country or a particular part of a country or a particular person is informed by our views on human rights at all times. There may be some cases. I have not, for example, visited Burma. You could say I have been held back from doing that. If Burma was a benign, liberal, open, tolerant society, as the Minister with responsibility for South-East Asia I probably would have visited it by now. I have not visited North Korea. I am about to go to South Korea. You can draw your own conclusions about which country we more instinctively approve of in terms of their political systems. In that way, it informs what we are doing the whole time.

Q68 Mr Roy: Amnesty International and Human Rights Watch have been critical of the deportation with assurances agreements. What do you say to them in relation to what the FCO is doing to improve human rights standards in the criminal justice sector of countries with which the DWA agreements have been made?

Mr Browne: This is a difficult area, because we are talking about a small number of people who may present a threat to security in this country, who, for one reason or another—we can talk about this in greater detail—we are not able to prosecute or find guilty of a specific offence in this country. They may represent a threat to national security, and therefore there is a reasonable expectation that we will try to respond to those national security threats, but we will do that in a way that is consistent with our obligations and our self-imposed moral codes on human rights. We try to make sure that we address all those issues by seeking assurances from countries that would give us cause for concern were we not to have had those assurances. We are operating these practices with only four countries at the moment. Each assurance is considered on a case-by-case basis. It is tested in court. Sometimes the courts will intervene.

I am told that two or three years ago—before recent events in Libya—the court refused a return on the basis of the assurances that were given. There are pretty rigorous and robust systems in place, and there is no evidence so far to suggest that they do not work and that the assurances that are provided are not actually then delivered on. As far as we are aware, the system is effective and works in terms of trying to address all those otherwise potentially competing considerations.

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Q69 Mr Roy: But, Minister, are you 100% sure that none of the countries with which we have the DWA routinely practise torture?

Mr Browne: The countries in question are Jordan, Algeria, Ethiopia and Lebanon. I think Libya was on the list, but for obvious reasons it no longer is. We would not require assurances if the countries were Sweden, Denmark, the Netherlands and Canada. At the risk of sounding flippant, the countries in question are countries where there is cause for concern in the first place. That is precisely why we feel we need the assurances. If, on the other hand, we thought they were countries where the assurances were worthless, we would not be in that position either. They are countries that give us cause for concern. Their practices are not compliant with those that we would have in this country. None the less, we can, on a case-by-case basis, be sufficiently reassured that the assurances will be complied with, and it is on that basis that we undertake the policy.

Q70 Mr Roy: I turn to the 2010 human rights report. What is your response to the suggestion that the human rights report should become an all of Government publication rather than only an FCO one?

Mr Browne: May I start by saying what a significant piece of work this is? I know that I am slapping on the back the Department of which I am Minister, but it takes a huge amount of work to draw together information from our embassy network right around the world and from all the different Departments. People sit night after night writing 350 pages of fairly rigorous analysis. It is a very important and successful exercise and it forms a useful basis for a lot of our ongoing work throughout the following year. I hope that we have an opportunity to discuss that in a bit more length.

There is a case for trying to widen the net even more and making it a whole of Government report. I would make a couple of counters to that. First, this is the Foreign Office holding itself to account for the foreign policy-led work that the Foreign Office does on human rights. That enables me as Foreign Office Minister to sit in front of the Foreign Affairs Committee and talk about what the Foreign Office is doing on human rights. There is a danger that if the report is “owned” by everybody, it is owned by nobody and there will be a loss of accountability.

Secondly, in my experience as a Minister for a year, the business of government is fairly cumbersome. Trying to compile a report of this magnitude and comprehensiveness—it is written by a Committee that includes representatives of every Government Department—we do well to get a report every five years rather than every year. It is not a secret report. We share thoughts and ideas with obvious relevant Departments, such as DFID. If it wants to contribute or if there is a section that lends itself to working in conjunction with another Department, then we will do it. We are not hoarding it inside the Foreign Office. As soon as it becomes a Cabinet Office report, with every single Department trying to redraft every chapter, we might find that it became less effective rather than more effective as a result.

Q71 Mr Roy: Yes, but in your answer, you said that this is the FCO holding itself to account. Is that best practice?

Mr Browne: I did not mean the FCO holding itself to account. People say, “What is the FCO doing?” We are the Department that leads on Britain’s relations with the rest of the world. There are concerns right around the world. We have already talked about China and Russia. When we are asked what we are doing about it, this is the answer. We can look at each section of the report. Specific issues such as the death penalty are dealt with. For each of the 26 countries, there are reports. We are not trying to say the Ministry of Defence thinks this, DFID thinks the other and the Department for Education thinks something else. This is the Department that is responsible for our relations with the rest of world saying what it is doing with the rest of the world. In that way, it makes it a more accountable document than trying to spread it so thinly that it lacks people who are willing to defend it and be responsible for it.

Q72 Mr Roy: So, therefore, it is best practice?

Mr Browne: Yes, I think so, but we are open to suggestions. The end objective that we all seek is to try to do what we can to wield influence around the world to advance human rights. This is a very comprehensive report that we are committed to producing on an annual basis and updating it online on a quarterly basis. It is a huge amount of work that Susan and her department pore over for literally months. It gives a good focus to our work.

Perhaps I can briefly share an example of where I think that is quite positive. I was in South America last week, including in Colombia. The Colombian ambassador came to see me on the last working day before I left this country—that is not unreasonable or particularly notable, because ambassadors often come to see me just before I go to their country. Apart from having a general discussion about my visit, he said that he was interested to read the section in the report on Colombia. He accepted that a lot of the points in it were valid and that the situation on human rights was a cause of concern for the Colombian Government, right up to the President of Colombia. They felt that they were making progress. They felt there was more to do. He had actually gone through our report and tried to address, point by point, the areas that they were seeking to make progress on.

Now, I regret to say places like China and Iran do not embrace the opportunities that the report provides with quite such enthusiasm, but the point I am making is that that was quite a good demonstration of how the report can work as quite an effective tool for gathering together our thoughts in one big compendium and allowing us to work on that basis. It is shared; we send it to every embassy, and every country in the world gets a copy.

Q73 Mr Roy: Every country in the world?

Mr Browne: As far as I am aware.

Susan Hyland: It goes to all our embassies to pass on to the host Government.

Mr Browne: I have had discussions with other countries’ Governments or representatives, who

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admire it as a piece of work. As I understand it, the Americans, a bit like Amnesty International, do a report on every country in the world, so it is a slightly different exercise. I am told that some other countries—Sweden was one of the examples given to me—do a similar exercise, but not on an annual basis. We are doing something a bit different. As I say, quite a lot of other countries, and NGOs and human rights campaigners round the world, although they might have a view about the precise wording on page whatever, welcome the overall exercise and feel that it is helpful.

Q74 Ann Clwyd: Minister, since the information you provide here is quite comprehensive, I would have thought you could have provided information in response to some written questions I tabled in April. They were quite simple. I asked, first, “how many and what proportion of British...embassies...High Commissions and...other overseas posts have a dedicated human rights officer”. Secondly, I asked “how many...embassies, High Commissions and overseas posts have a dedicated trade officer”. The reply I got from the FCO was this: “For operational and security reasons we cannot give further details of staff deployments and activity levels.” How on earth are we supposed to assess what sort of commitment there is to human rights if you cannot tell us how many people you have working as dedicated officers on human rights in various countries?

Mr Browne: I do not know whose name the answers were in, but I apologise that they were not to your satisfaction.

Ann Clwyd: It was answered by Henry Bellingham, not by you.

Mr Browne: We all speak for the Department collectively. Can I question the underlying assumption behind the questions, and then we can explore that a bit? The underlying assumption, I think—you may tell me I am wrong—is that the measurement of the commitment of the British Government or of each individual to human rights is the number of people working in an embassy or in the Government as a whole who, on a staff organisational chart, have “Human Rights Officer” written under their name. Let me cite Colombia as a good example—

Q75 Ann Clwyd: Why couldn’t you answer that question? It was a direct question, whatever implication you want to put on it.

Mr Browne: We could not answer it for the reasons given in the answer, but let me cite the example from last week. Last Wednesday and Thursday, I was in Colombia, which is a country that comes up a lot in human rights terms. I had a meeting at the British ambassador’s residence on the Wednesday evening of last week with a huge range of human rights campaigners—let me make it clear that there is a purpose to this answer. There were trade union representatives, representatives of indigenous people, representatives of gay rights groups—there were lots of different groups. There were about 70 or 80 people there. The next day, I had a meeting with the President of Colombia and I touched on some of the themes that people had raised with me the previous evening at

that event. I had an hour-long meeting with the vice-president of Colombia, who is specifically leading on Colombian Government policy on human rights, where I went through what they are doing on human rights; what they are doing on trade unions; and what they are doing on all the different groups—indigenous people and so and on. The ambassador was with me, of course, in all those meetings.

The reason why I say that is that no budget heading will state that we did more work on human rights than if I had never been there. No specific, dedicated human rights officers raised those points with the President of Colombia; I raised them myself, as did the ambassador. I would just caution a little bit about thinking that the Government’s commitment to human rights can be measured by how many people we employ with the title of human rights officer, or how big the budget heading is that has human rights written above it. We are working on human rights the whole time.

Q76 Ann Clwyd: It makes a big difference if you have a dedicated human rights officer. I know this from Iraq—seven years’ experience of dealing with human rights officers and people who dealt with human rights in Iraq—where it was very important to have somebody who would push for certain things, such as issues on detainees and issues on rule of law. It was very important to have certain people pushing. You say in your Iraq report, “The promotion of human rights remains an important focus for us in Iraq.” Is there a dedicated human rights officer in Iraq now?

Mr Browne: I haven’t been to Iraq, but I have worked with embassy staff in countries such as China who have a particular focus on human rights. The point I am making is this. Let us say, for the sake of argument, that we had an extra human rights officer in Colombia, but I had decided not to incorporate the human rights component into my visit last week, and I had decided not to raise those issues with the President of Colombia directly. By your criteria, we would care more about human rights than if I had done that, as the Minister. All that I am saying is that I do not think that that is a reasonable criterion by which to measure commitment. I cannot give you an exact answer about exactly which people we have in which place, but if we were to increase it by 5%, that would not mean that we cared 5% more about human rights than we do at the moment. Every single one of our ambassadors is a human rights officer. Let me put it in those terms.

Q77 Ann Clwyd: We know all this; we have been around a long time, and we are told that ambassadors frequently raise human rights issues. I know from Iraq that unless you have a dedicated human rights officer, many issues never get raised at all. I would have thought on Iraq, for example, when you have three really devastating human rights reports from Amnesty International and from Human Rights Watch, you should be concerned about the amount of time people are able to give to countries where there are very problematic human rights issues.

Mr Browne: I am concerned.

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Q78 Ann Clwyd: I imagine that is why you are hiding behind this answer: "For operational security reasons we cannot give further details of staff deployments."

Mr Browne: Dare I say it, you are setting yourself up as a person who is morally superior to me, and who cares more about human rights than I do.

Q79 Ann Clwyd: Nonsense. I am just asking you to answer the questions.

Mr Browne: And I am saying that all our staff care about human rights, and human rights are raised by people at the most senior level the whole time. Actually, having ambassadors in countries such as China who care deeply about human rights—who concern themselves with them and who raise them at very senior levels of Government—is relevant. It is a demonstration of our commitment to those subjects. I am in China myself on Tuesday. I anticipate, in my meetings in Beijing on Tuesday, raising human rights concerns, but that would not meet your criteria for demonstration of commitment to these matters. I think it is relevant that the Minister is going there.

Q80 Ann Clwyd: I think you have answered the question, and I can see why you are hiding behind this answer.

Mr Browne: We are doing it the whole time. The Prime Minister himself has raised human rights concerns in China. I just don't accept the idea that the Prime Minister not mentioning them but a dedicated human rights officer doing it instead would somehow demonstrate extra intent.

Q81 Ann Clwyd: No, as well. Not instead—as well.

Mr Browne: But they are doing it the whole time. We have dedicated human rights officers.

Q82 Chair: On this point, you have country business plans for 2011–15. Do they include human rights objectives?

Mr Browne: For which country?

Q83 Chair: Do the country business plans for 2011–15 include human rights objectives?

Mr Browne: Yes, but what I ought to say in terms of human rights is that we cannot promise that x country will have x level of human rights by 2015, because we are only responsible as a Government for final policy delivery in the United Kingdom. We can try to bring about progress in countries over that time scale, and that is what we try to do. On human rights, my experience as a Minister in the last year is that the specific issues which are afforded a lot of prominence—in fact, probably more than I might have anticipated when I was first appointed as a Minister—are human rights and climate change, as dedicated issues. I suppose trade and business is another one. Cultural diplomacy is another.

To answer the question, we have people, certainly in bigger embassies—not embassies where we have only a handful of staff, but in some of the bigger embassies—who are concentrating on these specific issues and who are trying to advance British objectives on all those issues, including human rights.

Chair: Thank you. John Baron.

Q84 Mr Baron: Minister, last year the advisory group on human rights was created, and I think I am right in saying that three sub-groups were created, which you chair. The advisory group itself has met at least once. What activities have been undertaken by the sub-groups which you chair? How many meetings have you had since the advisory group was instigated?

Mr Browne: You are right that the Foreign Secretary set up the group, which I sit on, but the Foreign Secretary himself chairs it, and he invited the members to be part of the group. It has met once, I think, so far—it was not set up on day one of the Government—and its intention is that it would meet every six months. The next meeting is scheduled for the beginning of next month. Roughly, it met six or seven months in, and it is now meeting 13 months in, if you want to put it in those terms. It has a list of distinguished people who represent a broad range of experience and insights on human rights. It does not mandate the Foreign Secretary; it enables him to draw on their insights and experiences. Discussions take place in a Chatham House way so that people can speak freely. The first meeting, which I attended, was, to give you a sense, a two-hour discussion. There was some open discussion.

On the sub-groups, one is on the death penalty specifically. I have chaired a meeting of that, and there is due to be another meeting either next month or in July. One is on torture. I have yet to chair a meeting on that, but I think a meeting is scheduled soon. The only other one, I think, that we are exploring—it is a slightly different furrow to plough—is one on internet freedom, a particularly interesting subject after events in North Africa, and the degree to which human rights advance around the world less by Governments admonishing other Governments and more by grassroots emancipation.

Those sorts of group might end up having a rather different cast list of people attending. Susan and other senior officers sit in on these deliberations. It is meant to give us a sounding board and help us to think issues through and draw on people's insights. The committee problem is, quite often, what is the concrete outcome from particular events that have taken place at particular meetings? There may be concrete outcomes, but most of the time, I think, it is an opportunity to be more reflective—

Q85 Mr Baron: Can I press you on that, Minister? How are you going to assess whether these groups have been successful or not? It is difficult, I know, but there has got to be some measure of success to make sure that time is not being wasted. We all know how Government can work. If it is a difficult issue, you open up a consultation for a year or you create a sub-group for it to be discussed. At the end of the day, what is stopping these sub-groups from becoming nothing more than just Chinese talking shops?

Mr Browne: I was reminded of this in the preparations for the Committee, because the meeting was five or six months ago, but two areas that we, as a Department, agreed to explore in greater detail and at greater length after the first meeting—the full

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Committee this is—were human rights in the context of business promotion, which you may wish to come on to during this sitting, and freedom of religious practice, which is always an issue. I am doing a debate on that in Westminster Hall tomorrow, so it is a particularly strong issue at the moment.

On something like the death penalty group, which I myself launched four or five months ago, the Foreign Office has a sort of, if I can put it in these terms, death penalty strategy, which looks at different areas of what we might try and do to persuade countries to move away from the death penalty. There are some countries where the death penalty is rarely used, and there are some where it is not used at all, but it remains on the statute book and has not been used for a considerable period of time. We might try and persuade them to remove it from the statute book. There are some countries in the Caribbean, for example, where the death penalty is on the statute book and has not been used for a long period of time, but there is quite a lively debate that it should start to be used again. It might stay on the statute book, but we would discourage them from reactivating it. There are some countries that use the death penalty, but not extensively. Japan is an example. When I went to Japan, I made the case for them dropping it altogether, because, as I say, it is not widely used. There are some countries where even the most optimistic Minister would not expect rapid, immediate and complete progress on the death penalty, but, even in countries like Iran, we have may more modest, but never the less worthwhile, initial objectives such as trying to discourage the execution of children and pregnant women, trying to ensure that there are proper appeals procedures and so on.

I would be very happy if every country in the world abolished the death penalty tomorrow, but if we are discussing a more targeted approach—what an embassy in country x could realistically aspire to try and progress over the next year or two—giving our embassies in China and Iran the target of abolishing the death penalty by the end of next year is probably quite a big leap. We would try and see where we can push at slightly open doors, and the opportunity with the Committee to explore which countries may be particularly receptive to progress or to particular messages or which countries may be most likely to regress back into the use of the death penalty is quite a useful exercise. It informs what our human rights department and what our embassies and high commissions are doing as well.

Q86 Mike Gapes: Is the United States one of those countries? Will we be raising with President Obama the continuing death penalty in the US?

Mr Browne: The United States is one of those countries. I think, from memory, we have five countries—or is it four? It is slightly controversial. The US stands out a long way, because the other countries are, in every other regard, not in line with the United States in terms of their wider respect for the rights of the individual. On this issue, however, we felt that it was justified to include the United States, and it is hard to argue the case to exclude the United States from those sorts of lists. That is one of

the difficulties that I have, because three of the five permanent members of the UN Security Council use the death penalty. I have made these cases in debates with students in Trinidad and with Foreign Office Ministers in Japan. I am not due to meet the President of the United States, and I will not have the opportunity to make the case to him.

Q87 Mike Gapes: Do you know whether the issue is being raised with the President?

Mr Browne: I am not aware that it is or it isn't. I have no more insights than you do.

Q88 Mr Watts: The last Government had an ethical foreign policy and it seems that the current Government are trying to follow it, but we have also heard from the Secretary of State that he wants to give more emphasis to trade. As you would expect, the Committee is interested in what the implications of that shift in FCO policy are. First, there seems to be some indication that our ethical policy is dependent on the size of the trading opportunities between Britain and a country; for example, we have heard about China and America, and all sorts of relationships. We have an approach to those countries that is different from our approach to other countries. Is Government policy dependent on what is at stake and on the trading links between one country and another?

Mr Browne: No. I was talking about participating in debates with students and others. When I visit countries, I have components of my programme that place a heavy emphasis on human rights issues, and with some of those countries we do a lot of trade and with some of them we do very little. There is no correlation—or reverse correlation, if you like—between the degree to which we raise human rights concerns and the amount of trade.

Q89 Mr Watts: Some people believe that a strong, ethical foreign policy can enhance trade. Have you any evidence that that is the case?

Mr Browne: I think I do believe that. On the whole, the countries that are most prosperous and open to free trade, open markets and interaction on an economic level with other countries tend also to be those with the highest levels of freedom and human rights. I accept that there are exceptions that slightly prove the rule—someone could say, “What about Singapore?”, which would be an interesting way to kick off the debate because it is an extremely prosperous country and falls short of what we would like in terms of human rights. By and large, there is a correlation.

I have just been in Latin America, and three decades ago a lot of the countries there had fairly closed economies that were ruinously run with, for example, extremely high inflation and they were governed by authoritarian leaders—some right wing, some left wing. Many, but not all, of those countries have opened up to more trade and inward investment, and have opened up politically as well. I am not saying that there is an absolutely precise correlation, but, to an extent, the processes of economic and political liberalisation have been part of an overall whole.

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Look at our history: over hundreds of years, as people became more prosperous and concerned about property rights and so on, there was a greater desire to codify their protections from the state in whatever form—whether an absolute monarch or a more modern state—so there is a reasonable correlation. Singapore is a small example, but you might say, “China”, which is a bigger example, but a more complicated question. Let me put it this way, if us not trading with a country made it wonderfully free, open and democratic, then North Korea, Burma and Iran would be the most free, open and democratic countries in the world, because we hardly do anything with them.

Q90 Mr Watts: Let us turn the question round the other way. It has been reported that some in your Department and parts of the Government believe that our stance on human rights is affecting our trade and that there is evidence that it is damaging British opportunities to get trade abroad. Do you have any examples of that or is that not reflected in your briefs or discussions with your officials?

Mr Browne: I disagree with that assessment, but in terms of the discussion this afternoon, I do not doubt that, for example, a country like China may say to officials from the British embassy, “If you keep persisting with raising human rights concerns, it could adversely impact on your ability to secure contracts in China.” You could see it as an impressive demonstration of our commitment to human rights that we carry on making the case in the way that we do.

Let me go even further forward and look at it in a wider sense still. This is not the position, but let us say for the sake of argument that you, Mr Watts, as a Government Minister, were overwhelmingly concerned with the trade prosperity agenda, and completely indifferent to the human rights agenda, which you found a distraction. I argue that you would still come to the conclusion that the more open, liberal and free the world was, the more opportunities would exist for the trade you were in favour of. In other words, even without an enlightened, disinterested approach, you would come to a cynical, self-interested view that human rights were something you wanted to pursue because they helped you with trade.

I will go even further. The sort of areas in trade terms that countries are most interested in from Britain, tend to be the more high-end and service sector-based trade, and that tends to be more highly in demand in a more open society. In other words, authoritarian regimes do not generally have a big demand for advertising companies from Britain, because they do not tend to spend a lot of money on advertising.

Q91 Mr Watts: Let us test that for one second. You seem to be indicating that you agree that raising the issues of human rights is not damaging to trade.

Jeremy Browne: No; it could be. I am not saying that there are no circumstances in which it could be damaging, and if that were the case, it is impressive that we stand so firmly by our principles, especially if you care greatly about human rights, as I do. Quite often the point is made that you either have to believe

in trade or in human rights. The question invited us to say how many people we employed in trade and how many in human rights. That slightly suggested that if those numbers were turned the other way round, it would be an indication that the Government place an emphasis on one rather than the other. They don't need to be incompatible, and in the long term they are compatible.

Q92 Mr Watts: Let me just pursue that point. If you think in the long term that it is good for trade, business and for Britain to raise those issues, why don't we do it more publicly with China? Ministers often cite the fact that we are raising these issues, but that we are doing it behind closed doors. We know that the Chinese are quite happy having things raised behind closed doors, but they are very touchy about it being done publicly. Are the Government considering doing that publicly, and trying to have more effect and push the matter back? Given the points raised by my colleague, in some cases it seems it could be argued that we are making the situation in China worse. We are not being effective in what we are doing so far.

Mr Browne: I understand. I conceded to Sir John Stanley that I think the situation in China in some regards is worse than it was a few months ago. I've seen reports saying that the crackdown in China is at its most intense and draconian levels since Tiananmen square 22 years ago. That is because there is a lot of jumpiness in China about events elsewhere in the world, and about the enthusiasm with which countries like Britain are supporting the process of liberalisation in other parts of the world. I suppose you could argue that if there is a crackdown, it is as a reaction to our enthusiastic support for liberalism in the Middle East and North Africa—I would not argue that that is a reason not to enthusiastically give such support. The question that arises is: what do we do about it? It is in our interests to trade with China because lots of jobs are connected to that. It is actually in our interest for China to be a successful economy. China would become extremely unstable in ways that would not be good for British business or politics, or for human rights, were it to fall into a prolonged recession, for example. We still make the case for human rights strongly and in a number of different ways.

As I said in the debates that I have with the Chinese, I am not trying to score points from them. I am not trying to have some sort of debate where I win and they lose, and they are humiliated and I am victorious or vice versa. I am raising these points because, first, we genuinely care about them—we are not trying to do the Chinese down, but we care about these points and we are completely sincere in our beliefs—and, secondly, because we believe that the interests of China are advanced by—

Q93 Mr Watts: But should we do it publicly, Minister?

Mr Browne: Well, we do it publicly. If I start going into great detail about what we do privately, it ceases to be private. However, as I said at the beginning, we try to make the case in a range of different ways with the same end objective in mind, which is to improve human rights in China.

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Dare I say it? As a politician, the temptation of course is to be seen to be doing the good thing by shouting loudly about it. As a politician, you may get more credit for that than for bringing about the objective but doing so quietly. I think that it was Ronald Reagan who said, "You can achieve anything you want in politics as long as you don't mind not getting the credit for it". I am not saying that we have achieved everything that we want, but it is not necessarily an exercise in basking in the most applause from China watchers.

Q94 Mr Baron: Minister, may I bring this round to the issue of bribery? I think that Sir Edward Clay, a former high commissioner, suggested that pursuing UK commercial interests and at the same time trying to combat corruption made for a conflict when it came to UK diplomats, particularly those working in countries where bribery is rife. He also suggested in a previous evidence session that the Bribery Act 2010 will accentuate that conflict. I think that I am right in saying that that Act becomes effective on 1 July, so we are not far away from it becoming effective. Apparently, the FCO is currently assessing the implications of that Act and it has promised to keep this Committee informed. Can you now update us?

Mr Browne: I asked for a piece of paper because my understanding of the situation is the one that you have just outlined in the question and therefore I did not know what I could add to it. As you say, we are providing guidance and practical assistance to UK companies on how they operate in countries and on how we feel that they should seek to comply with our values and best practice. We continue to consider how we can be effective at that.

Q95 Mr Baron: Can you give us a little bit of evidence, in the sense that the FCO has said previously that it is assessing the implications, particularly of the Bribery Act 2010? As I say, that Act will be effective in about six weeks' time. Where are we in that assessment? Or is that something on which you want to come back to us later on?

Mr Browne: I will come back to you, because my understanding is that we are at the point that I told you about, and indeed the point that you effectively said to me in your opening question. As I say, bribery is not in harmony with the British approach to business and we do not wish to see British businesses using that approach, but we must try to find ways and procedures that make that effective. Maybe I should give you greater detail.¹

Q96 Mr Baron: Come back to us when you can, Minister. However, given the time scale involved, I am sure that you will appreciate that we would appreciate an assessment before 1 July.

Mr Browne: Let me read the note that has just been given to me. It says, "Still assessing". So this is rather revealing—the strings are pulling the puppet.

Mr Baron: I appreciate your honesty, Minister.

Mr Browne: We are still assessing guidance and we will keep the Committee updated on any guidance we give to staff, but let me give you an undertaking, Mr

Baron, that I will go away and examine this issue in greater detail, and I will let you and the Chairman of the Committee know what more we can do. I do not doubt that we are assessing this issue diligently, but I would like to give you a fuller answer.

Q97 Mr Baron: To be fair to you, Minister, in one respect I look forward to that assessment in due course, but in another respect are we asking you an unfair question? We have had other evidence sessions that suggest that what happens when a country or countries produce anti-bribery legislation is that it forces their companies to stop doing business with that country, which leaves the pitch clear for other countries' companies that are not covered by such legislation. Does this not reinforce the need for an international approach rather than just a bilateral approach?

Mr Browne: This is a reasonable and interesting debate. I have two thoughts. First, I remember being in the House of Commons at, I think, Prime Minister's questions about six or seven months ago when someone asked the Prime Minister whether British embassy staff—I think, from memory—had paid any fees at something like Benghazi airport. It was in a situation where we needed to get people out.

Mike Gapes: It was Tripoli.

Mr Browne: It was Tripoli. He used an expression—I can't remember it—that basically said, "Yes." What struck me was that MPs collectively, of all parties, thought, or appeared to think, that the ends justified the means. If what was required to extract the British people from the dangerous situation was a whatever expression he used—I can't remember what it was, but it was something like "transit consolidation fee"—you had to operate within the context in which you were in. You may feel that that answers your question. I am not saying that that is the position of the British Government. We will seek to behave in the best way possible. You raise an interesting point.

There is another thing that is becoming harder. Take Burma, which was an example raised earlier by Mr Watts. A lot of our approach to countries like Burma has been slightly predicated on the assumption that the West, or like-minded nations—let me not put it as crudely as "the West"—control the supply of everything to a country like Burma, and that therefore we can demonstrate our commitment to the values we all share and coerce countries that do not share those values into compliance by cutting off their ability to buy essential goods. That model is becoming harder to sustain—in fact, it may already be past its peak—when other countries in the world that do not, or do not appear to, or whose Governments do not, share those values supply the country that we have sanctions against. At that point, we are doing this for show or to make an interesting moral statement but, in terms of its practical effect, it is very limited. This is a related but separate point, but the point I am making is that that requires a bit of a rethink about the tools that we have at our disposal.

Q98 Mr Baron: Can I come back to my question? What effort is the FCO putting into trying to ensure that there is an international approach to this? You

¹ See Ev 47

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have not actually addressed that. You have highlighted the disadvantage of going it alone, but what is the FCO doing to try to bring countries together to adopt an international approach which would, at the end of the day, be far more effective?

Mr Browne: Let me put that dimension in my response. I agree that it would be more effective. The tension, in my experience, is always between the suit of absolute effectiveness and actually being able to do anything in a time scale worth doing it in. If every country in the world was scornful of the very notion of bribery, they would all sign up to our code of good conduct. We would not need a code of good conduct, because there would not be any countries in the world where we would need to use it. You would be asking countries in which bribery and corruption were rife to agree to our code of good conduct on how to operate to try to prevent bribery and corruption. You understand the point I am making about sentence structures becoming quite complicated.

Mr Baron: That was a lengthy response.

Mr Browne: But I hope that you understand my point, which is that we have to try to find ways. I will stop now. I was going to use examples of countries, but I would probably offend people. There are some countries with which we could easily find agreement, but they are not necessarily the ones that are undercutting British businesses in this regard.

Q99 Chair: There is widespread interest—I was about to say concern—in what companies can do and what they can't do. We will read your response with interest.

Mr Browne: I would not assume, from my answers, that there is a lack of attention being given to the matter. I am not able to share that attention with you in as much detail as I would like.

Q100 Chair: Fair enough. It does need an accurate answer.

Mr Browne: I take your point that it is a cause of concern.

Q101 Sir John Stanley: Why have the Government not invited those outside the Government, including human rights organisations, to make a contribution to the Government's review of arms export licence approvals, which your colleague Alistair Burt announced on 18 February?

Mr Browne: I do not know. Mr Drew might want to draw on that at greater length. The point made by the Foreign Secretary to this Committee on 16 March was that he was considering export controls with regard to arms, and that he would report to Parliament on his actions, and that report would be soon. I anticipate that will be a reasonably short time scale to this Committee and to Parliament as a whole. The implications would not be just for the parts of the world that are of immediate concern, but could be global. I suppose there is a tension between acting with the speed which I suspect this Committee and Parliament would wish to see, and the degree to which we cast the net in seeking a wider range of opinions.

Q102 Sir John Stanley: Do the Government welcome contributions from outside organisations?

Mr Browne: Yes.

Q103 Sir John Stanley: So, outside organisations are free to make submissions to the Government on the review?

Mr Browne: Yes, but outside organisations are free to write to me or other Ministers on any subject of concern about human rights at any point, and do. We will obviously take their views into account. It would be interesting to hear the views of the advisory committee if this subject is discussed at the meeting planned with the Foreign Secretary in a couple of weeks' time. We are trying to draw on people's opinions. It is a perfectly legitimate view but there are some people who don't think that Britain should export arms to anybody in any circumstances. I do not anticipate that being the conclusion of the review. People might feel because that is not the conclusion that they have not been listened to. I would not draw that conclusion. It is just that people may contribute conflicting opinions. However, we are open to ideas and would not wish to suggest anything else.

The review is not a two-year, all singing, all dancing process with roadshows in regional capital cities and so on. It is an attempt to respond to fast-moving events in the world, where we feel that the resilience of our procedures has been strong, but where legitimate concerns have been raised, where regimes that have been in place—sometimes longer than I have been alive—have suddenly, without much advance notice collapsed, changed dramatically or are under great pressure. That must have a bearing on our approach. Because events are moving quite fast, we need to consider our approach in that light, and that is what we are doing. It is reasonable to understand what brought about the review and the time scales that are putting pressure on the review, and how we might try to have an outcome. It is not a free-thinking exercise where we have a blank sheet of paper and three years to mull it over. It is a process of re-examining our procedures to see if they are sufficiently rigorous and where they can be changed or tweaked to make them more rigorous, if we feel that can be achieved. If someone with an outside view wants to write me a letter about that and they have a compelling case, they can do so—anyone can write me a letter whenever they want. But the nature of the exercise is the one that I have just outlined.

Q104 Sir John Stanley: As you know from answers that your colleagues have given to various parliamentary questions, the Government have so far revoked some 150 extant arms export licences for weapons and other materials that could be used for internal repression—licences that were previously granted to Egypt, Bahrain, Tunisia and Libya. Can you explain why the same policy has not been applied in relation to Saudi Arabia?

Mr Browne: May I just ask Mr Drew to clarify the previous question?

Thomas Drew: I will not speak about Saudi Arabia—I shall just give some clarification on the previous question. In the time scales, it was deliberately an

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internal, lessons-learned exercise. The Minister has made a point about welcoming any letters on the matter, but it is worth adding that we have had some informal consultation with NGOs as part of the process; we did not make it a formal consultation process.

Mr Browne: On the information that has been presented to me, there is no evidence that equipment that has been sourced from the United Kingdom has been used in repression anywhere in the Middle East, North Africa and the Gulf. But where concerns have arisen, export licences have been revoked. The judgment is made against the criteria. If the criteria are not complied with, the revocation takes place; if the criteria are complied with, unless there is an arms embargo against the country, the licence would presumably be granted. But the purpose of the review is to see whether we need to examine—or how we examine—those criteria.

Q105 Sir John Stanley: That does not answer my question. The revocations have been in relation to four countries in which there is a clear risk that British arms exports that had been licensed could be used for internal repression. Similar weapons have been exported, under Government-approved licences, to Saudi Arabia. British armoured personnel carriers that were recently licensed by the British Government have rolled into Bahrain, where some of the most appalling human rights abuses have taken place. Why has the same policy not been followed in relation to Saudi Arabia?

Mr Browne: Let me again start by agreeing the premise of your question, because there is always a danger in these Committees that the implication of the questions is that I, or the Government, care less about human rights in every given situation than members of the Committee. I do not accept that the Government—or I, as a Minister in it—are any less appalled by repression of people in Bahrain than anyone else who is sitting on this Committee. It is worth making that point.

Q106 Sir John Stanley: There is no such insinuation behind my question. I am asking for a clear statement about why the Government have not pursued the same policy.

Mr Browne: If I may say so, Sir John, I think that, up to a point, there is an insinuation behind your question.

Q107 Chair: It is a pretty straightforward question.

Mr Browne: The answer to the question is that it has not been demonstrated, in a way that conflicts with the criteria, that equipment exported to Saudi Arabia has been used in Bahrain in specifically the way that you describe.

Q108 Sir John Stanley: If that is the answer to my question, I refer you to your Foreign Office colleague, Alistair Burt. His clear public statement is that we do not sell arms that could be used for internal repression—not have been used, but could be used. I suggest that it is absolutely clear that certain categories of weapons that have been given

Government approval for export licensing to Saudi Arabia could be used for internal repression, whether in Bahrain, or against the Shi'a minority in Saudi Arabia. So why has not the same arms export revocation policy been followed?

Thomas Drew: In each of these cases, particularly with countries where there is no formal arms embargo, it is a question of looking at this case-by-case—at specific equipment for specific areas. That is why we have ended up with the results that you describe. There is no arms embargo against Saudi Arabia, therefore we have looked specifically item by item, which is why we came up with the conclusions that we did.

Q109 Sir John Stanley: May I suggest that it would look to an dispassionate outside observer that different criteria have been applied as far as Saudi Arabia is concerned, and the criteria being applied are that Saudi Arabia is too important to offend, financially, in terms of the arms export deals we have with the country and its oil position.

Thomas Drew: Some of these issues will be dealt with in the—

Q110 Sir John Stanley: Is the Minister not prepared to offer any response to that?

Mr Browne: The criteria do not include the opportunities for buying or selling oil, as you know, Sir John. That is not the basis on which the criteria are assessed. The criteria are there. Each case is considered against those criteria. I take the point. I do not want British weapons or equipment to be used to suppress people anywhere in the world. I want people to be free to protest and express their views wherever they live. I would feel extremely uncomfortable if I thought there was a prospect that that equipment was being used for those purposes. We need some sort of objective criteria—unless one argues that we are never going to export anything to anybody—to work out in which cases it is reasonable to export product x to country y. I have been given assurances that those criteria have been met in these cases. That is why those exports have taken place. Where those criteria have not been met, there is a revocation, as we have explained.

The interesting question is whether the criteria need to be adjusted to take account of changing circumstances. That is what is being considered. When you come back to the point of why is this not a more extensive process, my answer is that I think there is a degree of urgency to ensuring that we have got the bar at the right height and in the right place. I wholeheartedly share your objective. We need to have some objective criteria that mean that your and my joint objective is met in a way that people can understand and feel is reasonable.

Q111 Sir John Stanley: Would you not agree, Minister, that it is not the criteria that need to be adjusted? It is the judgments that need to be adjusted. The fact that some 150 arms export licenses had to be revoked is the clearest possible acknowledgment that the judgments made to export the weapons in the first place were wrong. Given the adjustments that have

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been made in the judgments, which have caused the revocations, surely it is patently clear that the armoured personnel carriers and the other types of weapons that have been exported to Saudi Arabia are in as much danger of being used for internal repression as those that have already been revoked as far as Egypt, Tunisia, Libya and Bahrain are concerned.

Mr Browne: I do think that if the criteria are sufficiently wide or open to interpretation, people can arrive at a judgment that achieves an outcome that is the opposite of what we sought to achieve when we were drawing up the criteria, and the criteria need to be narrowed so that that scope for judgment does not exist to the same degree. Given that we share the same objective, that British equipment should not be used to suppress people in the way that you describe, if that is the outcome that we arrive at—I am not saying it necessarily is, but in a hypothetical situation—and the criteria have been complied with, clearly the criteria are not pitched in the right place to achieve our policy objective. The criteria need to be made more stringent or less open to interpretation, or both.

Q112 Mr Baron: I don't doubt your sincerity, Minister. The problem is that we seem to have an FCO whose policy on the ground is somewhat different, and any reasonable person out there would judge that there is inconsistency in the approach to supplying arms to Saudi Arabia and other countries where licences have been revoked. This Committee pressed the Foreign Secretary on this issue on 16 March, and made the point that it is difficult to preach from the moral high ground if at the same time we are supplying weapons that can be used by autocratic leaders who turn against their own people. After five or six questions, the Foreign Secretary agreed to a review, subject to full parliamentary scrutiny. Since then, the Committee has heard nothing. I pursued the matter with an e-mail to the Foreign Secretary, and copied in all the Ministers, including your office, and the Foreign Secretary's PPS on 14 April. I was assured on the same day, with many thanks, that you were looking into a response, and would get back to me in due course, but there has been nothing, despite the Committee's raising this more than two months ago. That suggests that there are problems and inconsistencies, and that you are having trouble coming forward with a response. Where are we on that response to that line of questioning?

Mr Browne: In my preparations for this Committee, I asked when we were likely to report to Parliament on the review that the Foreign Secretary agreed to undertake on 16 March, and I was told "soon", which is perhaps an improvement on "in due course". But I do not have a date. However, I take your point that we need to demonstrate to Parliament within a reasonably short period the thinking that has been taking place.

Q113 Mr Baron: Could someone do me the courtesy of responding to my inquiries? Will someone look into that? A number of us raised the issue, we followed it through, but we have not had a response. That borders on discourtesy.

Chair: If there is going to be a reply, I think it should be addressed to me.

Mr Browne: I can give the undertaking you seek, Mr Baron. I will express to the Foreign Secretary, and through him to the Department as a whole, the Committee's view that as the undertaking was made more than two months ago, the Committee would appreciate a conclusion to the process reasonably soon.²

Let me raise a slightly wider point. I think that what is happening in North Africa, the Middle East and the Gulf is a genuinely significant moment in world history. I welcome the Foreign Secretary's undertaking to look again, because such dramatic changes are taking place, at the whole basis on which we consider such matters. There is a danger that we talk as if events have not shifted—I don't mean the Foreign Secretary; I don't think he has made that assertion. We must recognise that we are in new political territory, that new experiences are coming to light daily, and that we must look properly, as we are, at the basis on which we make decisions, given that those changes have taken place. However, I accept that a conclusion reasonably soon would be desirable for everyone.

Q114 Mr Roy: Minister, may I take you again to the balance between human rights and trade? Amnesty International highlighted what it called "a lack of joined-up thinking across FCO, BIS, DFID, MoJ and other Government departments and agencies" on the place of human rights in trade and investment. Bear in mind that UKTI launched its new five-year strategy just over two weeks ago; that strategy does not mention the words "human rights", "bribery", "corruption" or "responsibility". Minister, what should the FCO therefore do to feed its human rights information and policies into the work of UK Trade and Investment? Are you personally disappointed that the words and criteria mentioned were missing from that strategy?

Mr Browne: I am a member of Amnesty International, but it does not surprise me, even though I am an admirer of its work, that it regards UKTI as being insufficiently concerned about human rights issues because, with the best will in the world, I might expect Amnesty International to make that point.

I do not accept that the Government are failing to pay due regard to human rights issues in the trade policy; it is a key consideration of ours and we make these points frequently to countries; as a Minister, I have made them directly to Ministers from other Governments. They have talked in terms of diminishing British influence and diminishing British trade opportunities being a potential outcome of the awkward points raised by people like me, and I still make them.

There may be some short-term tensions, but I come back to the point that I discussed with Mr Watts—that in the medium to longer term, there is a compatibility between more human rights or more open democratic societies and greater prosperity or greater commercial opportunities. I do not see them as being inherently in conflict—in fact, the precise opposite—although in

² See Ev 47

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the short term there is scope for conflict in a given situation.

Q115 Mr Roy: I understand that, but the question is: how does the FCO feed its human rights information policies into UKTI, and are you disappointed that those words about human rights, bribery, corruption and responsibility are not in the five-year strategy?

Mr Browne: The newish responsible Minister, Lord Green, sits jointly in the Department for Business, Innovation and Skills and the Foreign Office. When he is available and in the country, he attends our Foreign Office team meetings. He is as much a Minister in our Department as he is a Minister in the Business Department, so I and other Ministers and officials in the Foreign Office have the opportunity to express our concerns, insights or enthusiasms directly to him.

UKTI teams are part of our overall embassies in host countries. The point I am making is that when I visit other countries, I do a combination of events—some about human rights, climate change, promoting the Olympic Games or whatever it might be, and some that are more straightforwardly commercial, such as a reception for the British Chambers of Commerce with various inward investors, the Ministers and so on.

To be honest, I am normally not aware of which person who comes from the embassy to each event with me works for UKTI. They all seem to be part of the sort of family of people at the embassy. My point is that my experience as a Minister, in the year I have been doing the job, is that when I go to said country the UKTI people seem to be pretty woven into the overall operation, under the auspices of the ambassador, rather than, as your question perhaps implies, being a sort of separate group with a separate agenda.

Q116 Mr Roy: Let me make it easier to answer. Are you surprised that in a UKTI five-year strategy the words “human rights”, “bribery”, “corruption” and “responsibility” are not mentioned once? Are you surprised? Are you disappointed—yes or no?

Mr Browne: I would be surprised if those concerns were not foremost in the mind of UKTI as it goes about its business, but I am confident that they are.

Q117 Mike Gapes: May I shift the focus, as there are lots of things I could say, but we are short of time? May I take you to international human rights institutions? The UK has been on the Human Rights Council for two terms. It is a relatively new body, and next month we will cease to be a member, because we have to. How are we planning to engage with the Human Rights Council, when we cease to have the central role that we have had in the last four years?

Mr Browne: Let me say an introductory—

Q118 Mike Gapes: Specifically, I want an answer to the question, rather than a long preamble.

Mr Browne: I hope that we will engage with it in all the ways that you would want us to. We make the case to Governments in bilateral meetings about human rights. We do so at international forums, in the United Nations, the European Union, and the

Commonwealth. We have a number of ways of conveying our interests and concerns.

Q119 Mike Gapes: I am talking about the members of the Human Rights Council specifically—not the Commonwealth or the EU, but specifically the Human Rights Council, as it will be constituted when its membership changes.

Mr Browne: Yes, because we take opportunities to lobby countries in positions of influence, whenever we can, through our embassies and Ministers. A related example would be the UN Security Council and the Government’s position on Libya. Through our embassy network and Ministers, we lobbied the countries on the UN Security Council, in advance of its vote on Libya. We are a member of the UN Security Council, but our attempts to persuade others of our points of view were not confined to sitting around the table. They were done through our ambassadors, our Ministers, and the ambassadors of the relevant countries, in this country. It was a wider, cross-Government effort.

Q120 Mike Gapes: Can I get you back on to the Human Rights Council, and not the Security Council? Specifically, we have been a member, and have been in a central role, in which we have been trying to exert an influence. Your report—your 2010 document—describes it as being difficult for us to achieve our objectives.

Nevertheless, without going into it at length, the fact that a resolution was passed about Syria and that a position was taken on Libya is very good. What I am concerned about is that given that we have been central to the few good things that have come out of the Human Rights Council—we failed, for example, with regard to Sri Lanka, but at least we tried—if we are not there any more, how will we make sure that our views, interests and global human rights issues are pushed in the way that we want within the Human Rights Council?

Mr Browne: You are expanding on the question; let me expand on the answer. We will do it through permanent representation in Geneva, and through partnerships with other EU countries—or for that matter, other countries that are outside the EU, but see things in a very similar way to us. We can try to speak at the Council, even when we do not have a vote. We can try to lobby in-country, either through private meetings of a conventional diplomatic form—with our ambassador speaking to their Ministers—or potentially even publicly, through articles in newspapers in those countries, for example. I, as a Minister, can raise it during a visit, or during a telephone call to somebody. There are a host of ways to try and exercise influence. I am committed, as are the Government, to trying to get the best outcomes from what is inevitably an imperfect body.

Q121 Mike Gapes: There is a review into the Human Rights Council, which began at the end of last year and is due to conclude later this year. I assume that we will no longer be on it when that report comes out. What are our objectives for that review?

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Mr Browne: You could take two approaches to the Human Rights Council. You could take the John Bolton approach, which is that there are quite a lot of countries on the Human Rights Council whose human rights record leaves a lot to be desired, and that therefore the whole process is inherently flawed. I hope that I am not putting words in his mouth; you understand the basic argument he makes. Or you could take the approach that if we confined membership of the Council to the countries that already conformed to our standards on human rights, it would be a rather exclusive club congratulating itself on its liberal views, so we are dealing, inevitably, with a rather imperfect organisation with a membership that is rather varied in its outlook, but that is the essence of quite a lot of what happens at the United Nations.

We want it to be a success. We do not take the former view—the John Bolton view. We take the view that there is value in its work, that it can achieve desirable outcomes, and that it can help individual member states of the United Nations to progress their own thinking on these issues, but that in a rather imperfect world we cannot expect perfection from it on a routine basis.

Q122 Mike Gapes: But your own report refers to institutional changes to strengthen the Council's performance. What are those institutional changes?

Mr Browne: Maybe Susan could talk through her additional thoughts on that.

Susan Hyland: In the review, we have been pushing for progress to try to improve the quality of the membership. That includes more robust membership criteria, but also using the mechanisms that exist already. For example, the states that stand for election make pledges and commitments. We try to work on holding those countries to account for progress against the commitments that they make as part of the process for election, or for standing again for membership. Those are two or three of the things that we can do to try to work on the quality of the membership.

While the review is going on, we are not forgetting what we are trying to achieve, which is a more effective Human Rights Council focusing on the worst offenders. We have been pushing day by day in Geneva, and using our network, to do just that with the existing Council to try to set precedents for better and more effective action within the existing parameters. We have found that with a lot of effort on the part of the UK and like-minded countries, we have achieved some good results in precisely those ways in recent months.

Q123 Mike Gapes: May I ask you about the membership criteria? Are you saying that we should move away from a kind of regional membership, such that you end up having Libya or Syria as a potential member? Would you move away and only have countries that were signed up to certain values? I cannot see how that works.

Mr Browne: It is difficult. Mr Gapes, do not think that it does not pain me as much as it appears to pain you to see some of the shortlists in some parts of the world. You think, "This is not a stellar list of leading

liberal benign democracies that we have here." Some of the choices are pretty invidious. Having said that, returning to my previous point, if you limited the membership criteria so that only Scandinavian countries and a few others could apply, then you may feel that the body lacked influence.

Our approach is to have the net cast wide to try and draw, as you say, from different parts of the world. We think that is the best way—to try to include countries and draw them into the process, and not to have it as a small, exclusive club congratulating itself on its liberalism. But the further you cast the net, the more inherent compromises and weaknesses you get in the composition of the Council. I am not saying that that is not obvious to you here, but our preference is to try to draw it as wide as we can without making it completely ineffectual or perverse in its opinions. That includes drawing from different parts of the world, so it does not look like one part of the world is lecturing other parts of the world in a way that is unlikely to achieve the outcomes that we seek.

Q124 Mike Gapes: I will move on to the International Criminal Court. We now have some experience of referrals to the ICC. We have the Sudan experience, which has not necessarily been ideal; we have the position of the Lord's Resistance Army's leader and what is going on in East Africa; and we now have the recent decision with regard to Colonel Gaddafi and key figures in the Libyan regime. Some have argued that an ICC arrest warrant for Gaddafi could make it more difficult to get him out of office and get a peaceful resolution to what some people regard as a stalemate, or near stalemate, in Libya. What is our view on that?

Mr Browne: It is that we welcome the ICC approach and the desire for Colonel Gaddafi and I think two other Libyans—his son and one other—to be brought to trial. We do not take the view that you have just expressed—a realpolitik view—that there should be some sort of amnesty or exception in order to hasten a conclusion. The ICC approach is correct.

Q125 Mike Gapes: Is it not true that, even though it may well be right to make that referral, it does make it more difficult, potentially, to get a resolution of the conflict on a peaceful basis?

Mr Browne: That may or may not be the case. I don't think you can say definitively that it would make it harder, and I don't think you can definitively say that it would make it less hard, but we believe that that is the right approach to take. I am not saying that you necessarily take this view yourself, but I can understand that there is an argument that this is all a sort of barrier to bringing the thing to a quick conclusion. That is not our view; our view is that the actions of Colonel Gaddafi and the other two Libyans concerned warrant the view that the ICC takes. That is why we support its position.

Chair: Minister, we have eight minutes left. I still have people trying to catch my eye, so I would be grateful if you could speed up your answers.

Q126 Ann Clwyd: Minister, given the extent of your portfolio and the amount of travelling you have been

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doing—we have gone through some of the countries that you have visited—how much time are you able to devote to human rights?

Mr Browne: My portfolio is fairly extensive and I travel quite a lot. However, I include a lot of countries in my geographic portfolio that are of particular concern to people in human rights terms. Geographically, I cover China, North Korea, Burma, Colombia and countries in Central America and the Caribbean that come up fairly frequently. Sometimes human rights are a big component of the travelling. It is not the case that I am either travelling or I am back at home doing human rights activity. It is a substantial part of my work load, but I have other significant parts as well.

The only point I would make is that we have either one or two more Ministers in the Foreign Office than the previous Government did. I am not necessarily saying that that reflects badly on the previous Government—they may have had more Ministers in other Departments—but it does mean that the burden is not spread as thinly, or thickly. Anyway, to cut to the chase, I suppose if we had fewer Ministers, I would have more responsibility. Therefore, the pressure on me to be concerned with other issues would be all the greater.

Q127 Ann Clwyd: Perhaps you could keep an eye on the kind of answers that they are giving to Members of Parliament. This is going back to the Scott report; it is the kind of example that was given during that report.

Mr Browne: I had better not take responsibility for that, having been chastised. It is difficult. There was a debate in the House of Commons about whether we should cut the number of Ministers in the Government as a whole when the Government plan to cut the number of MPs from 650 to 600, and there is a reasonable argument that if you do not, the number of Ministers will increase as a percentage of the legislature.

The counter-argument, which I do not think I heard in that debate, is that the number of countries elsewhere in the world will not decrease by the proportion that we are decreasing the number of MPs in the House of Commons, and so the burden on Ministers in the Foreign Office will remain as high. With modern communications and the expectations of modern travel, that burden might be going up, and certainly when I list the areas that I am responsible for, people are often surprised by how extensive they are. If the other Ministers listed their responsibilities, they would be surprisingly extensive as well, because there is a lot of foreign to do.

Q128 Mr Watts: You say that you support the ICC's decision to issue an arrest warrant against Gaddafi. Are you going to do that with the Syrian leaders? What are the criteria you support for an individual case to be taken against someone? What are the criteria that are used for Gaddafi that could not be used on many other people?

Mr Browne: Not being a lawyer and not having insights into the ICC's criteria, I am not sure that I can give as full an answer as I would like.

Q129 Chair: Perhaps you would like to write to Mr Watts.³

Mr Browne: Yes. I think that perhaps your underlying question, Mr Watts, implies that there are two types of people in the world: good people and bad people. If only it were so straightforward. There are lots of activities that we disapprove of, but we are trying to bring about desirable outcomes in Libya and so our views on Libya and Colonel Gaddafi stand on their own terms.

Q130 Chair: I would just like to ask you a question about countries of concern. What are the criteria for a country appearing on the list of countries of concern, and has that ever made a difference?

Mr Browne: Some of them are fairly self-selecting, to be honest. You could have all kinds of criteria but if China were not on the list, or Iran were not on the list, you would be reasonably surprised. It is worth saying that the list of 26 in the report is not exhaustive. One could think of dozens of other countries where there are concerns; indeed there are, and we do raise them. The longer you make the list, the less attention you focus on those who are on the list, so there is a calculation—a decision—to be made. So I would not believe that there were absolute criteria to which we absolutely held ourselves. I think that it is countries that give us serious cause for concern and where we feel that there is a strong argument to be made and a strong programme of activities to undertake. I am sure that that is informed by various considerations, but it might also just be informed by practical experience rather than something coldly objective in those terms.

Chair: That answer does not surprise me.

Q131 Mike Gapes: May I quickly ask you about Sri Lanka? We commented on Sri Lanka previously, and I am pleased that the report has a significant section on Sri Lanka. The UN panel of experts report was welcomed by our Government. As you know, the Sri Lankan Government have rejected that report and say that they will not take any notice of it. There is a recommendation that there should be an international mechanism to bring to justice those guilty of serious human rights violations in that final phase of the Sri Lankan conflict in 2009. That is one of the recommendations of the panel. Do the British Government support it?

Mr Browne: I am reading a note that I do not feel answers the question quite to my satisfaction, or to what I suspect would be yours.

Q132 Mike Gapes: You have welcomed the report, but as far as I am aware no statement has been made as to whether we specifically support the recommendation of establishing an international mechanism.

Mr Browne: The reason I mention the note is that it says we encourage all actors to study the recommendations of the report carefully and respond in a constructive manner, which you may feel is interesting.

³ See Ev 47

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Q133 Mike Gapes: The Sri Lankan Government have already rejected the report. I am asking whether the British Government, in our name—I am not speaking about all actors—support the specific recommendation of the UN panel of experts.

Mr Browne: My understanding is different from yours—that the Sri Lankan Government have not yet formally responded to the report, although it may have informally.

Q134 Mike Gapes: I have seen statements made by the President of Sri Lanka. I do not know whether that is a formal enough response.

Mr Browne: I would not wish to comment on the style of the President of Sri Lanka. I know this is a subject that you have taken a particular interest in. In terms of my geographic responsibility, I do not lead on Sri Lanka.

Q135 Mike Gapes: Perhaps you will write to us.

Mr Browne: Either I or Mr Burt, who is the relevant Minister, will bring you up to date on this.⁴

Q136 Ann Clwyd: On Iraq—briefly, although there is a lot to say about it—the military came out yesterday. We made all kinds of promises about how we would continue to support Iraq. The three Amnesty International reports I mentioned earlier, which are very serious, talk about the reaction to the day of rage,

the putting down of people demonstrating against bad services, high unemployment and so on. The absence of the rule of law remains a serious obstacle to an effective, functioning human rights culture in Iraq. There is torture and ill treatment in prison. Detainees who should have been released have not been released. What is our ongoing responsibility?

Mr Browne: Maybe I can answer that briefly in these terms. If you look at the countries of the world where the Foreign Office is spending the most money—I accept that I said earlier that one should not automatically assume that more money or more people equals more commitment—Iraq, from memory, is in the top 10, and it may even be higher. It is right up there, just below the United States, which is out of all proportion to its importance in the world in other regards.

That partly reflects high security costs, but it partly reflects the ongoing commitments and obligations that we have to try to contribute to the construction of Iraq in a way that meets the criteria that you suggested, and which I share, so it remains a major objective of the Foreign Office. Judged by any other criteria—global trade, the population of the country or whatever—Iraq would not be anywhere like that high. The reason it is as high as it is is precisely because of the objectives that you just suggested in your question.

Chair: Minister, thank you very much indeed. It has been a long session. Thank you for your efforts.

Mr Browne: I will follow up the points that I was unable to supply sufficient detail on.

⁴ See Ev 47

Written evidence

Written evidence from Human Rights Watch

1. Human Rights Watch welcomes the publication of the Foreign Office annual report on human rights and democracy. This document provides a substantial amount of information on the efforts of the Foreign Office (and to a lesser extent, other UK Government departments) to promote human rights around the world.

2. Human Rights Watch welcomes the clear language set out in the Foreign Secretary's Foreword, that the new UK Government is committed to a "foreign policy that has the practical promotion of human rights as part of its irreducible core", and "will raise our concerns about human rights wherever and whenever they arise", and that the Government "is committed to ensuring that our own standards match those enshrined in international law", and "will continue to support those pursuing more open societies, political systems and universal values". These words set a clear standard against which Human Rights Watch will measure the Government's performance over the course of this Parliament.

3. There are three specific aspects of the new Government's policy on human rights that we particularly welcome. First, we appreciate the UK's more assertive efforts on the issue of the death penalty, including the publication of a separate strategy on this and guidance to embassies and high commissions on the issue. Second, we welcome the prominence given to the role of human rights defenders, including the Foreign Secretary's highlighting of their work on Human Rights Day. Third, we believe that the establishment of a Human Rights Advisory Group to the Foreign Secretary is an important innovation and creates a forum for frank but constructive dialogue on human rights.

4. While Human Rights Watch is broadly supportive of the conceptual analysis contained in the report—as it relates to the causes and consequences of human rights violations—we make two general observations about the overall framework. Firstly, it downplays tensions and conflicts between the Government's various international policy goals. It states that "there is no contradiction between our work to build Britain's prosperity and our defence of human rights". We agree that these two goals can be mutually supportive in many cases and especially over the longer term, but in the short term the two objectives can conflict.

5. For example, Ministerial support for boosting defence equipment sales to the Middle East can conflict with the Government's stated goal of restricting military equipment sales where these might be used for repressive purposes, especially when countries like Saudi Arabia and Libya are designated by the UK Government as priority markets for these sales. Similarly, commercial interests in oil and gas from Central Asia weakens the UK's willingness to push human rights concerns in that region. The report also understates the tensions that exist between the Government's counter-terrorism strategy (in its current form) and its human rights obligations. Human Rights Watch believes that the Government should acknowledge these tensions, but give precedence to its human rights obligations and legal commitments.

6. Secondly, the report gives insufficient attention to the human rights implications of the work of other UK Government departments, beyond the Foreign Office. While the FCO is the lead department for the UK Government's international human rights policy, the actions of the Department for International Development, the Home Office, the Ministry of Defence, the Ministry of Justice, the Department for Business, Innovation and Skills and others are very significant in respect of human rights. While it would be a more challenging document to produce, Human Rights Watch believes that future annual reports should be explicitly cross-governmental, so that the actions of the whole Government can be assessed for their human rights impact.

7. In the remainder of this submission we focus on some specific areas where we believe that the UK Government's practice on human rights falls short of its declared policy and of its international human rights obligations. We look initially at a number of thematic or cross-cutting issues. We then provide some brief commentary on UK Government policy towards particular countries. Given the momentous events that have unfolded in the Middle East and North Africa in recent months, it is important to stress one further point. Like the FCO report, we confine our remarks largely but not exclusively to events in 2010. However, there are occasions when we make reference to developments in early 2011, especially relating to priorities for future action by the UK.

THEMATIC/CROSS-CUTTING ISSUES

8. Counterterrorism—Human Rights Watch recognises that the new Government is committed to making reforms to UK Government policy in this area (as announced by the Home Secretary on January 26, 2011), including the roll-back of pre-charge detention time-limits for terrorism suspects and a significant narrowing of terrorism stop and search powers. However, in our assessment the proposed changes fail to bring UK counterterrorism law and policy fully in line with international human rights standards, particularly with the widening of the policy of deportation with assurances (discussed below) and the continuation of control orders, albeit in a more limited form. Overall the Government has missed an opportunity for bolder reform to end abusive policies that have tarnished the UK's reputation at home and abroad.

9. Deportation with Assurances (DWA)—We welcome the Government's stated commitment that it will not deport a person where doing so would expose that person to a real risk of torture or cruel, inhuman and degrading treatment (CID). However we are concerned by the Government's decision to "extend" its

predecessor's policy of using deportation with assurances as a means of removing foreign terrorism suspects to countries known to practice torture. The UK has reached formal agreements on diplomatic assurances with Jordan, Libya, Lebanon, and, most recently, Ethiopia, and accepts informal assurances from Pakistan and Algeria.

10. Human Rights Watch research has found that these no-torture promises are inherently unreliable. Because torture is carried out in secret, it is often very difficult to detect and the countries where torture takes place all deny that it does. Neither the sending nor the receiving country has any incentive to carry out serious investigations or bring breaches to light. The agreements themselves are not legally binding, and there are unlikely to be any consequences for a country that breaches them.

11. Post-return monitoring, a key feature of the UK agreements, is unlikely to protect returnees from torture or reprisals. Unlike ICRC monitoring of an entire prison, where confidentiality can be preserved by the large numbers monitored, monitoring a single detainee or small group makes it easy for the authorities to identify the source of any report of ill-treatment. Experience has shown that detainees are reluctant to report abuse in those circumstances for fear of reprisals.

12. Rather than seeking to extend the policy, the UK government should instead be looking to prosecute terrorism suspects at home, while taking advantage of the dramatic changes in the Middle East and North Africa to renew and revitalize efforts to promote systematic anti-torture reforms in those countries in a way that would genuinely facilitate the safe return of terrorism suspects to those countries.

13. Detainees, intelligence services and complicity in torture—Human Rights Watch has documented evidence of the complicity of UK agents in torture by the ISI in Pakistan. In light of that evidence, as well as evidence from other sources indicating UK complicity in torture in other countries in the context of counterterrorism operations, it is critical that it is made clear how this occurred and who was responsible; that UK law, policy and guidance is revised so that it is clear that such conduct violates the UK's obligations under international and domestic law and is contrary to Britain's values. To avoid such complicity happening again, it is also vital that those responsible for any criminal acts of complicity in torture, or who gave orders to others to become complicit, are held criminally accountable.

14. Human Rights Watch has also reported on the ways in which UK intelligence cooperation with countries with poor records on torture validates the use of such illegal practices, undermining the laudable efforts by the Foreign Office (referred to in its annual report) to eradicate torture around the world. In our assessment, more effective oversight of the intelligence services and clearer procedures on intelligence cooperation with governments with poor records of torture are crucial to ensure that the UK's actions in this area do not undermine the prohibition of torture.

15. We welcome therefore the new Government's publication of the Consolidated Guidance to Intelligence Officers and Service Personnel on the Detention and Interviewing of Detainees Overseas, which includes guidance on passive receipt of intelligence material, and the Prime Minister's decision to establish the Detainee Inquiry. We also welcome the decision to review the Intelligence and Security Committee and the publication of the torture reporting guidance by the Foreign Office in March 2011 for its staff. However, we retain a number of concerns about Government policy in this area.

16. First, while condemning torture and indicating that the UK does not condone it, the Government and Ministers refuse to state explicitly that the UK is not complicit in torture carried out elsewhere. UK Ministers should be asked why this is the case.

17. Second, the FCO annual report seeks to differentiate between torture and cruel, inhuman and degrading treatment or punishment (see for example page 53, paragraph 3) in a way that has no basis in international law.

18. Third, there are a number of concerns with the consolidated guidance: (a) the guidance appears to create ministerial discretion to authorize continued UK cooperation in cases where there is a risk that torture may occur; (b) the guidance indicates that private assurances between intelligence services can ameliorate the risk of torture, despite the unreliability of such assurances; (c) while the guidance includes hooding as treatment that can amount to CID, it creates an exception that permits the use of hooding where it "do[es] not pose a risk to the detainee's physical or mental health and are necessary for security reasons during arrest or transit." This exception is extremely problematic given that hooding was one of the five techniques outlawed by the British armed forces as CID in the 1970s, and given the evidence that widespread hooding in Iraq by British forces helped create a permissive environment for abuse, a fact that has emerged from the Baha Mousa Inquiry. As a separate matter, it is notable that the FCO guidance to staff, unlike the consolidated guidance, does not specify what action should be taken beyond reporting (eg discontinuing cooperation).

19. Fourth, while we recognize that a small number of criminal inquiries have been carried out, we are concerned that no prosecutions have been brought for complicity in torture. The reference to the forthcoming "Green Paper" also appears to suggest that evidence of torture or other criminal acts committed against individuals may be kept from disclosure in future non-criminal court proceedings, in a way that could deny the victims an effective remedy against such abuse.

20. Fifth, while the Detainee Inquiry remains at an early stage, and has yet to start hearings, we are concerned about the Government's commitment to ensure the inquiry's effectiveness, in terms of the Government's

willingness to allow as much evidence as possible to be heard in public, to permit the scope of the inquiry to include all allegations of complicity by UK agents in overseas torture, including in Pakistan, and to commit the resources necessary to allow it to do so.

21. Applicability of human rights law to UK forces overseas. The report says little about how it intends to address the legacy of torture, unlawful killings and other serious human rights abuses by UK forces in Iraq, particularly of detainees in UK custody. We remain deeply concerned that the Government appears to retain the position of its predecessor in denying, or attempting to greatly limit, the application of international human rights law outside the United Kingdom's territory, including over the actions of UK officials and armed forces. This is despite repeated criticisms of the UK's position by the European Court of Human Rights, and the UN Human Rights Committee and the UN Committee against Torture.

22. We hope the Government will commit to immediate implementation of any recommendations emerging from the Baha Mousa inquiry and make clear in its forthcoming report to the UN Committee against Torture, and elsewhere, that human rights law (including the Convention against Torture) applies to all acts of UK forces anywhere in the world, in particular the laws prohibiting arbitrary detention and torture. These should mean that all detentions by UK armed forces should be based on law, the detainees should be brought immediately before an independent judge, and all cases of unlawful killings, torture and other ill-treatment of those in military detention should lead to independent criminal investigations and prosecutions.

23. Military equipment exports—The new Government has placed a heavy emphasis on increasing the volume of military exports, described as a key part of its business strategy. As already noted, it has also been dismissive of suggestions that this objective might conflict with its human rights obligations. However, it is clear to Human Rights Watch that these tensions do exist and that the Government's approach to military exports has paid insufficient attention to the risk that UK military equipment might be used to abuse human rights. This risk—and specific weaknesses in UK arms export policy and practice—predate recent developments in the Middle East and North Africa in late 2010. But these events have served to expose these weaknesses in a dramatic fashion.

24. In the last quarter of 2010, the Government has revoked a considerable number of licences for military equipment sales to regimes in that region, including Bahrain, Egypt, Libya and Tunisia. We agree with the conclusion of the UK Parliamentary Committee on Arms Export Controls, which stated in a recent report, that “both the present Government and its predecessor misjudged the risk that arms approved for certain authoritarian countries in North Africa and the Middle East might be used for internal repression”. We also agree with the Committee that the Foreign Secretary's review of UK arms export licences for countries in North Africa and the Middle East (currently underway) should be extended to authoritarian regimes worldwide. The Government should not be licensing the export of military equipment to countries where there is a risk that these might be used to abuse human rights.

25. Military/ Police training—Human Rights Watch was shocked by the positive reference in the report to UK support for the Bangladesh Rapid Action Battalion (RAB). This is described as training for “human rights and ethical policing”. However, there is ample evidence that the joint military/police RAB carries out extrajudicial killings, frequently described as deaths in “cross-fire”. Signs of torture and abuse are often found on the bodies of so-called “cross-fire” victims and survivors testify that torture is commonly inflicted by the RAB in custody. Human Rights Watch believes it is wrong for the UK to be providing training to such an organisation, until there is a clear acknowledgement by the Bangladeshi government of the need to root out abuses and hold those responsible to account.

26. Women's rights—While Human Rights Watch agrees with the broad analysis set out in this section of the report, we would highlight two areas where UK policy could be stronger. The report describes the UK Government's “keen involvement” in the process leading up to a Council of Europe convention on preventing and combating violence against women and domestic violence. However, during the negotiations in 2010, the UK Government representatives argued against the inclusion of clear human rights language in the convention and provisions on asylum and immigration. This was regrettable. Now that the Council of Europe has agreed a strong text, it is critical that the UK Government should support this, and ratify it as soon as possible and without reservations.

27. The report also makes no specific reference to the UN Security Council's decision on December 16, 2010 to publicly shame those armed groups that target women for sexual abuse. Sexual violence remains one of the most pressing women's rights abuses, and the UK should push for and support efforts at the UN level to combat this violence.

COUNTRIES

28. Human Rights Watch has focused its comments on those countries where human rights abuses are particularly egregious, or where we disagree to some extent with UK Government policy or analysis. We have also provided commentary on a couple of countries that are excluded from this list, where we believe there were good grounds for their inclusion.

29. *Afghanistan*—This section provides a good overview of UK efforts to advance human rights in Afghanistan. However, its tone is much more positive than is justified by the realities on the ground. Supported

by the UK and others, the Afghan Government did commit in 2010—as the Report notes—to finalise and begin implementation of its National Priority Programme for human rights and civic responsibilities, targeting communities across Afghanistan. But we see no evidence that these measures have yet led to an improvement in human rights.

30. In our last submission to the FAC, Human Rights Watch flagged the important issue of civilian casualties resulting from NATO and ISAF airstrikes. We welcome the attention paid to this issue in the 2010 FCO Report, including the reported drop in civilian casualties in 2010, as compared with 2009, arising from new measures to protect civilians. Human Rights Watch believes that these precautions are essential and that ISAF forces should look to further strengthen them, consistent with their obligations under international humanitarian law. When civilian harm does take place we would like to see improvements on investigations and accountability mechanisms.

31. Human Rights Watch would also highlight the need to focus on the human rights implications of any political deal between Afghan factions. As pressure grows during 2011 for a way out of the conflict, the UK should do its utmost to ensure that any Afghan political settlement is genuinely inclusive and that it strengthens rather than weakens the observance of human rights across Afghanistan, especially the rights of women and girls as well as ethnic and religious minorities.

32. *Bahrain*—A glaring omission in the report is any coverage of Bahrain. While the human rights situation has deteriorated very rapidly in recent months, serious human rights abuses existed before 2011. There was a noticeable crackdown that began in August 2010 when security forces arrested opposition figures and hundreds of others. There were also serious allegations of torture used against some of the detainees.

33. *Belarus*—We would highlight one specific omission in this section. There is no mention of the fact that in Belarus, participation in the activities of a non-registered organisation constitutes a criminal offense. Since the authorities regularly deny registration to NGOs, these groups—including human rights NGOs—are under constant threat of criminal prosecution.

34. *Burma*—In an otherwise very strong section, there is a curiously positive reference to the role played by local civil society groups in helping the Burmese government to write its report to the UN Universal Periodic Review. While strengthening civil society in Burma is an important goal, this was emphatically not the example to cite, given that the Burmese official submission to the UN was full of inaccuracy and distortion.

35. Overall, however, we commend the Prime Minister David Cameron and the Foreign Secretary William Hague for raising human rights concerns about Burma at the highest levels, specifically the UK's role in securing a tough and comprehensive human rights resolution on Burma at the UN General Assembly. We also commend the UK Government for reaffirming in this report that it will “continue to work to build international support for the UN special rapporteur's call for the UN to consider a Commission of Inquiry into human rights abuses in Burma”.

36. *China*—This section omits a couple of important issues. It makes no reference to the Chinese government's continuing denial to Chinese workers of the right to organize and form independent trade unions. Nor does the report mention that in 2010 the Hong Kong Immigration Department continued to implement selective denial of entry to certain individuals whose opinions were deemed unacceptable by the Chinese government.

37. A wider concern for Human Rights Watch is how committed the new UK Government really is to pushing human rights concerns with China, especially given their emphasis on economic and trade relations with China. While David Cameron has said that he wants a dialogue with China about human rights, during his visit to the country, human rights issues appeared to receive limited attention and were raised privately rather than in public. In November 2010, David Cameron pointed to the UK-China bilateral human rights dialogue as proof of the seriousness of the UK's engagement with the Chinese government on human rights. However, Human Rights Watch has documented how that bilateral dialogue has failed to deliver significant results.

38. Human Rights Watch urges the UK Government to challenge the Chinese government more assertively on serious human rights abuses in major diplomatic forums; to put human rights abuses at the centre of all high-level discussions with the Chinese government; and to maintain support for the EU arms embargo on China.

39. *Ethiopia*—Human Rights Watch strongly believes Ethiopia should be considered a “country of concern” by the UK Government. Ethiopia merits incorporation because of longstanding repression of the press, opposition political parties, certain ethnic groups and repeated reports of torture, disappearance, arbitrary arrest and detention. This is in addition to the brutal counter-insurgency campaign in Somali region, in which Ethiopian forces and civilian commanders are accused of war crimes. Since the passage of the Charities and Societies Proclamation (CSO law) in early 2009, many of the traditional activities of national and international NGOs, especially around research and advocacy, are also now illegal.

40. The other reason why Ethiopia's exclusion is so indefensible is because of the very close ties that exist between the UK Government and the Government of Ethiopia. Ethiopia is one of the largest recipients of UK development assistance, receiving over £200 million last year. This—alongside diplomatic, security and

intelligence links—gives the UK some real leverage. However, the UK Government has said almost nothing about human rights abuses in Ethiopia in 2010. A Human Rights Watch Report on Ethiopia, published in October 2010, provided evidence of the political manipulation of aid resources for political gain by the Ethiopian authorities. UK officials in DFID initially promised an inquiry to look into the issue, but have since backed away from the idea. Our understanding is that many Foreign Office officials working on Ethiopia recognise the scale of the human rights abuses in Ethiopia and favour rising these issues more assertively with President Meles. But DFID remains the dominant player in Whitehall in determining UK relations with Ethiopia, with the result that the UK Government is embarrassingly silent about these abuses.

41. *Iran*—Human Rights Watch believes that the UK could have played a more assertive role in 2010 in pushing for a special session of the Human Rights Council on Iran, following the disputed 2010 presidential election. The UK could have also pushed harder for the EU to support a “special mechanism” establishing a country mandate in the 2010 UNGA resolution on Iran, although this was finally agreed during the 2011 Human Rights Council session in February.

42. *Iraq*—Human Rights Watch broadly supports the assessment of the human rights situation in Iraq as set out in the report, with three caveats and qualifications. First, there is no reference to Internally Displaced Persons or to Persons with Disabilities, both of which are significant human rights issues in Iraq. Second, the report’s assessment of freedom of expression in Iraq is overly optimistic. Our work has documented some of the major dangers and constraints faced by reporters in Iraq in 2010. Third, the FCO report makes no reference to attacks by the government on freedom of assembly and the right to peacefully protest. The situation has deteriorated over the last year and this raises questions about the Iraqi Government’s commitment to core human rights principles, as well as the effectiveness of the human rights training of Iraqi security forces (including police forces) by the UK and others.

43. *Israel/Occupied Palestinian Territories*—The report provides a generally accurate overview of the human rights situation in the occupied Palestinian territories, as well as in Israel itself. As the report notes, many of these concerns stem from Israel’s occupation of Palestinian territories. Israeli human rights violations in the West Bank include denial of due process, restricting the rights to free expression and assembly, land confiscation, home demolitions, abuses of detainees, improper administrative detention, the revocation of residency rights, and impunity for settler violence. Palestinians in Gaza suffer from Israel’s ongoing closure policy and shootings in the buffer zone. Similarly, the report is right to say that Hamas continues to suppress Palestinian civil society and freedom of expression in Gaza and to abuse detainees, and that hundreds of thousands of Israeli civilians are at risk of rocket and mortar fire from Gaza. As the FCO report also notes, the Palestinian Authority’s security services continue to abuse detainees with virtual impunity.

44. While the report highlights examples of where UK Ministers and officials have raised human rights concerns with the Israeli and Palestinians authorities, Human Rights Watch believes that the UK Government should speak out more forcefully on accountability for war crimes committed by all sides during the 2008–09 Gaza conflict. Israeli actions to investigate gross violations by Israeli forces during “Operation Cast Lead” have been seriously inadequate, while Hamas has done nothing to investigate serious violations on its side. Despite the controversy occasioned by Richard Goldstone’s article in April 2011 on the work of his UN authorised inquiry into the Gaza conflict, Human Rights Watch believes that major violations of international humanitarian law did occur during this conflict and that all need to be thoroughly investigated.

45. *Libya*—In general, the tone of this section is too complacent about Libyan reform efforts during 2010 and not sufficiently critical about serious human rights abuses. For example, the report mentions, without any further comment, that Libya underwent the UN Human Rights Council’s Universal Periodic Review in November 2010. But the Libyan authorities made no serious effort to engage with this process, and there is little evidence—even before recent events—that the Libyan regime intended to respond meaningfully to issues raised with them as part of this process. On the issue of torture, the report says that “prosecutions of torture are rare”. Human Rights Watch is not aware of a single case in which the Libyan authorities have prosecuted anyone for torture.

46. The report’s commentary on Libya has, of course, been totally overtaken by recent events. While the current priority is to promote greater protection for civilians, to prevent major human rights abuses arising from the conflict, to hold Gaddafi’s forces and opposition groups to international humanitarian law, and to ensure accountability for those guilty of war crimes, these events also throw some light on UK policy towards Libya in 2010. In general, they suggest that the UK Government was too willing to give that regime the benefit of the doubt, reflected for example in UK arms sales to Libya.

47. *Pakistan*—While this section covers the major areas of concern, there are problems of tone, emphasis and detail. The section on torture says “the media and civil society made regular allegations of torture in 2010.” The reality is that torture in Pakistan is widespread and systemic. The section on freedom of religion and belief mentions a “growing culture of intolerance”. However, it fails to note that the Pakistani Government has reacted to this trend by turning a blind eye to incitement to murder by these religious groups instead of holding them accountable.

48. *Rwanda*—As with Ethiopia, the absence of any reference to the human rights situation in Rwanda (other than a brief mention of the International Criminal Tribunal for Rwanda) is a glaring omission in the report. 2010 was marked by blatant human rights violations in Rwanda—in particular, severe restrictions on freedom

of expression in the run-up to presidential elections in August. The FCO was aware of these incidents, and maintained in meetings with Human Rights Watch and others that it was raising concerns with the Rwandan government. Yet the FCO report remains entirely silent on these issues, and the UK Government, through DFID, continues to be the largest bilateral aid donor to Rwanda.

49. *Russia*—Human Rights Watch agrees with the assessment of the human rights situation in Russia, as set out in the report. Over the course of 2010, the key mechanisms for UK policy on human rights towards Russia are its bilateral dialogue with the Russian authorities and EU-Russia human rights consultations. The UK has pushed human rights concerns through both mechanisms. One areas of criticism, however, is that the UK in several cases has been unable to provide visas for human rights activists who urgently need to leave the country for safety reasons.

50. *Saudi Arabia*—The section on Saudi Arabia is more comprehensive than in previous years. However, it still omits some important areas of concern and is too eager to praise Saudi reform efforts. For example, the report is too positive about the work of the Saudi Human Rights Commission. The Commission has failed in every high-profile human rights case to obtain a positive result—if it tried at all, which local activists doubt.

51. We suggest that the UK Government should be more assertive and public about its human rights concerns in Saudi Arabia. The UK's traditional quiet diplomacy towards the Saudis creates the justified impression of a double standard in UK human rights policy, given frequent and public denunciations of similar violations in, for example, Iran. On the other hand, it creates doubt among Saudi activists and the international human rights community as to the seriousness with which the UK Government is pursuing its human rights goals towards Saudi Arabia.

52. *Sri Lanka*—This section is weak on the Sri Lankan Government's failure to investigate major human rights abuses committed during the final phase of its conflict with the Tamil Tigers in 2009. The report does not mention, for example, that almost two years after the end of the war the government has yet to initiate a single known investigation of human rights related violations either by its own forces or by the Liberation Tigers of Tamil Eelam (LTTE). In the light of this, the UK should support the main recommendation of the recent UN Panel of Experts' report, that there should be an international mechanism to bring to justice those guilty of serious human rights violations.

53. *Sudan*—The FCO report raises many of the right concerns about the human rights situation in Sudan. However the report could have been more comprehensive about the human rights abuses across Sudan in the lead up to, during, and after the April 2010 elections, by highlighting abuses by southern security forces, for example. On Darfur, the UK Government should also insist that the Sudanese government meet specific benchmarks, such as lifting the emergency laws, and ending the detention of student and rights activists in Darfur. These conditions are all the more relevant in view of the Sudanese Government's plans to hold a referendum on the administrative status of Darfur in July.

54. *Turkmenistan*—The report's assertion that "the UK took all appropriate opportunities to raise human rights with the Government in 2010" and that "human rights are an important component of our bilateral relationship with Turkmenistan" are not substantiated by concrete examples of specific action taken. Nor does the tone of this section convey the full gravity of the abuses perpetrated by the Government of Turkmenistan. This muted criticism, coupled with a tendency to emphasize what the report terms "encouraging" developments, suggests that considerations other than human rights influenced the assessment. It mirrors a broader trend by European governments to downplay human rights concerns in their dealings with Turkmenistan—a country rich in natural gas and considered an important strategic partner by many governments, including the UK.

55. The only forum for human rights promotion referenced repeatedly is the annual EU-Turkmenistan human rights dialogue. In the view of Human Rights Watch, this is a very ineffective process. Most troubling is the report's complete omission of a concern so central that many experts would consider it the hallmark of the Turkmen government's repression—the continued imprisonment of unknown numbers of individuals on politically motivated grounds. The report notes the total absence of any independent monitoring of the prison system, including the government's continued refusal to allow access to the ICRC, but then goes on to note the Turkmen government's plan to build new prisons—as though this would somehow address the problems identified—adding, astonishingly, that the FCO is "looking at how we might be able to support this process, for instance by putting the government in touch with appropriate British companies." UK government efforts should be focused on ending the government's use of imprisonment as a tool for political retaliation, and on securing independent scrutiny of the prison system.

56 *Uzbekistan*—The Report's coverage of Uzbekistan is weak in a number of specific areas. First, the Report acknowledges but understates the problem of torture. Torture is not merely a "serious concern", but a widespread and systematic practice. Second, on the issue of child labour, the report states that "there was some evidence of a reduction" in 2010. In the absence of independent monitoring by impartial experts, Human Rights Watch doubts that there is sufficient evidence to support the FCO's conclusion. Third, the FCO report commends Uzbekistan for "cooperating closely with the relevant UN agencies" during the humanitarian crisis following the violence in Kyrgyzstan in June 2010. While Uzbekistan did allow UNHCR access to provide humanitarian relief, it continues to deny UNHCR staff visas and accreditation to operate in the country.

57. *Yemen*—UK diplomats put insufficient pressure on the Yemeni authorities in 2010 to adhere to their international human rights obligations. For example, the UK apparently did not raise at the highest level the Yemeni Government's decision to block aid to civilians living under Huthi control. The report also omits mention of two serious areas of human rights abuse in Yemen: the use of child soldiers by government forces as well as rebels, and the practice of enforced disappearances.

58. *Zimbabwe*— One important area omitted from this section relates to justice and accountability for past crimes in Zimbabwe. Impunity remains deeply entrenched in Zimbabwe and helps perpetuate cycles of violence, especially around elections. With a referendum and elections planned for 2011, the lack of accountability and justice for past abuses raises the spectre of further violence and human rights violations.

Human Rights Watch thanks the Chairman and Members of the Foreign Affairs Select Committee for their interest in these matters.

28 April 2011

Written evidence from 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 Committee ("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 be 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.

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- 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.

28 April 2011

Letter to the Chairman from Rt Hon William Hague MP, Secretary of State for Foreign and Commonwealth Affairs

Thank you for your letter of 26 July regarding the FCO's work on human rights. As you know, I am determined that the UK's foreign policy should reflect the values that we uphold at home and that our actions overseas be consistent with support for human rights.

I am pleased to hear that your committee intends to review our human rights work on an annual basis. My department will of course cooperate with you fully on this.

You ask whether we will continue to publish an FCO annual report on human rights. I will be giving this matter careful consideration. In the current financial climate, and in light of the recent freeze on all marketing and advertising activity, we need to look carefully at both the need for a formal report and options for presenting that information, including, perhaps, greater use of on-line resources.

As I'm sure you are aware, we already communicate about our human rights work in a variety of ways, including with your Committee and with civil society organisations working on particular issues and countries.

I hope to take a decision on the possibility of a formal report in early September, and will let you know as soon as I do.

Please do let us have any further thoughts from your Committee on this in the meantime.

I look forward to seeing you on 8 September.

19 August 2010

Letter to the Chairman from Alistair Burt MP, Parliamentary Under-Secretary of State, FCO

You will be aware that on 6 July the Prime Minister announced to Parliament a detainee package to address allegations of UK complicity in mistreatment. One of the measures announced was the development of a Green Paper setting out proposals for how sensitive information is handled in a wide range of judicial proceedings and examining the existing oversight arrangements for our security and intelligence agencies.

As made clear by the Prime Minister in his announcement, officials will develop options for the Green Paper while seeking the views of the cross-party Intelligence and Security Committee, as the committee responsible for scrutiny of intelligence policy matters. But the issues at the centre of the Green Paper have significant consequences for foreign relations, particularly our intelligence relationship with the US, and will therefore also be of interest to your committee.

At this early stage I wanted to write to inform you that officials are undertaking this work, and to give you an idea of our timescale. We anticipate publishing the Green Paper no later than summer 2011 and will be in touch to update as work progresses.

4 November 2010

Written evidence from the Foreign and Commonwealth Office

Please find below answers to your Human Rights questions:

Q1—Please could the FCO set out its understanding of the implications—if any—of the Bribery Act 2010 for FCO diplomats, other UK civil servants and local staff serving at FCO overseas posts, in the context of such officials' work supporting UK commercial interests overseas. The Committee would also like the FCO to share with it any guidance that is being issued to staff at FCO overseas posts on this issue.

A—The FCO is currently assessing the implications of the Bribery Act 2011 for FCO diplomats, other UK civil servants and local staff serving at FCO overseas posts. We are currently preparing guidance to staff at FCO overseas posts, which will be distributed in due course. We will keep the committee informed about the impact the Act will have on staff.

Q2—Please could the FCO let the Committee know how much was saved by publishing this year's human rights report without colour printing or photographs (*i.e.* compared to the costs of publishing last year's report). It would also be helpful for the Committee to know the cost of publishing this year's report in hard copy at all (as opposed to the electronic publication-only option).

A—The 2009 report cost £28,910. The total cost of the 2010 report was £14,835, of which £5,249 was spent on printing 500 hard copies. The remainder was spent on publishing and hosting the report online, and other costs such as proof reading. This represents a saving of £14,075, or nearly 50%, compared with the costs of publishing last year's human rights report.

Q3—Please could the FCO let the Committee know if there have been any changes to the membership of the Foreign Secretary's Advisory Group on Human Rights since the WMS on the make-up of the Group on 11 November 2010.

A—Since 11 November 2010 there has been one change to the membership of the Foreign Secretary's Advisory Group on Human Rights. Tom Porteous resigned his membership of the group following his move to a new position in Human Rights Watch in the US. The Foreign Secretary has invited his successor as UK Director of Human Rights Watch, David Mepham, to join the group.

19 May 2011

Supplementary written evidence from Mr Jeremy Browne MP, Minister of State, FCO

I was grateful for the opportunity to give evidence on 23 May at the Committee's inquiry into the FCO's human rights work. I undertook to provide the Committee with some further information on a number of outstanding points that arose during the session as well as answers to questions that the Committee did not have an opportunity to ask, as identified in Brigid Fowler's letter of 24 May.

1. (Qq 94–100) *Updated information on the FCO's assessment of the implications—if any—of the 2010 Bribery Act for FCO diplomats, other UK civil servants and local staff serving at FCO overseas posts, in the context of such officials' work supporting UK commercial interests overseas. As you know, the Committee would also like the FCO to share with it any guidance that is being issued to staff at FCO overseas posts on this issue*

Please find a full answer to this question attached (Annex A).

2. (Q 113) *The timescale for the completion of the FCO's current review of arms export licences, the remit of the review, and arrangements for reporting the review to Parliament*

The Foreign Secretary asked the Foreign Office to review HMG's policy and practice with regard to the export of equipment that might be used for internal repression, in particular crowd control goods. This was in response to grave concerns about the use of crowd control equipment in the events of the Arab Spring. FCO officials have consulted widely across HMG, particularly involving BIS (the UK export licensing authority) and MOD. Officials are currently working with Ministers to finalise the package of measures that will be taken forward in response to the findings of the review. The Foreign Secretary told the Foreign Affairs Select Committee that any decisions taken will be discussed in Parliament, and we will finalise this work as expeditiously as possible before the summer recess.

3. (Q 129) *The criteria on the basis of which the Government supports the International Criminal Court's (potential) issuing of an arrest warrant against one individual but not another*

The government strongly supports the important role that the ICC plays in ending impunity and bringing the perpetrators of the most serious crimes to justice. It is for the Prosecutor to seek an arrest warrant and then for the Pre-Trial Chamber acting in its judicial capacity under Article 58 of the Rome Statute, to decide whether to issue it.

4. (Q 135) *Whether the Government supports the recommendation of the UN panel of experts on Sri Lanka, made in the panel's April 2011 report, that the UN Secretary-General should establish an independent international mechanism to investigate alleged human rights violations in the final stages of the war in Sri Lanka, and monitor the extent to which the Sri Lankan government is implementing an effective accountability process*

The UK has consistently called for an independent and credible investigation to address alleged violations of international human rights and humanitarian law by both sides during the military conflict in Sri Lanka. We therefore welcome the publication of the UN Panel Report and its careful analysis of the situation. We look to the Government of Sri Lanka to take action on the report.

The report made a number of recommendations to achieve genuine and lasting reconciliation in Sri Lanka. The recommendations include the establishment of an independent international mechanism, although the report did not define what form that should take.

The Government believes that the primary responsibility for addressing accountability and achieving reconciliation lies with the Government of Sri Lanka. We have consistently encouraged the Government of Sri Lanka to work with the UN and others in the international community in order to do this. However if the Government of Sri Lanka does not take concrete steps to address the recommendations in the report, including issues like death certificates, detainee lists and emergency regulations, then pressure for further international action will increase.

5. *Why did the FCO change the title of the report, to refer to "Human Rights and Democracy" rather than just "Human Rights"?*

This is the first report under the Coalition Government and as such the title and structure of the report were chosen to ensure the report reflected the Government's priorities. The FCO works to support both human rights and democracy, which are often interlinked in our policy making. The report contains important information on our efforts to support democracy, both in countries and through organisations such as the Westminster Foundation for Democracy.

6. *Compared to previous years' reports, why did the FCO rename as "Promoting British Values" the chapter of the report dealing with democracy, the rule of law and non-discrimination?*

The issues contained in this section reflect those that the Foreign Secretary believes should be at the heart of our foreign policy as part of his determination to promote these values overseas. These and other values were highlighted in the Foreign Secretary's speech "Britain's values in a networked world" on 15 September.

7. *What use, if any, is the FCO going to make of the online comments which it is encouraging be made about its report?*

The opportunity to comment gives stakeholders and the public a direct route to leave feedback for policymakers. FCO officials monitor the comments and publish those that comply with our moderation policy. So far, we have received many thoughtful public comments and questions on a wide range of areas including: the selection of countries of concern; the benefits of the report; religious freedom; lesbian, gay, bisexual and transgender issues; and countries including Bahrain, Cuba, Zimbabwe, Syria and Eritrea. Periodically, we respond to selected questions submitted via the site to provide accurate information and engage with our stakeholders. Where appropriate, the relevant policy teams may use this feedback as part of their policy making process, as well as examining the comments for new information.

8. *How many staff are there in the Human Rights, Democracy and Governance Department in London?*

There are 25 members of the Human Rights and Democracy Department in the FCO. Human rights are mainstreamed across the FCO, meaning that all desks and posts have a responsibility to monitor and promote human rights in their countries where appropriate. Human Rights and Democracy Department provide human rights expertise, technical support and training to the wider office, as well as leading on thematic human rights issues.

9. *To what extent, if at all, did considerations about the FCO's capacity to work on human rights issues overseas play a part in the decisions on staffing and posts in the overseas network announced by the Foreign Secretary to the House on 11 May?*

As the Foreign Secretary announced to Parliament on 11 May, "this Government will work to build up Britain's influence in the world, to forge stronger bilateral relations with emerging giants and some old allies that have been neglected for too long, and to seize opportunities for prosperity and advance democratic values." The Foreign Secretary's decisions to increase staff and open new posts in the overseas network took into account the need, in some of these places, to engage on human rights, promote good governance and help prevent or reduce conflict. The changes reflect the fact that enhancing our diplomatic presence, even in countries with which we have difficult relations, means we can work to influence them more effectively and to understand them more fully.

10. *Are all Heads of bilateral Missions required to report on the human rights situation in their host countries in their regular reporting to London?*

All FCO missions overseas have a responsibility to consider human rights in their bilateral and multilateral work and to raise concerns about human rights wherever and whenever they arise. Their reporting regularly covers human rights issues, either as stand-alone reports or as part of a wider assessment of current local events.

Finally, as you know, Rt Hon Ann Clwyd MP has tabled a series of parliamentary questions to try to ascertain the number of (local and UK-based) staff at FCO overseas posts with a remit to work exclusively on human rights, and the number of (local and UK-based, FCO and UKTI) staff at overseas posts working exclusively on trade and commercial issues. Ms Clwyd has received the answer that "For operational and security reasons we cannot give further details of staff deployments and activity levels." The Committee would like to receive any further information available in response to Ms Clwyd's questions; and if no further details are available, it would like to be informed of the "operational and security reasons" that are preventing the provision of this information.

We do not release details of precise staffing numbers or roles at Posts in order to maintain the security of all our staff operating overseas. The Permanent Under-Secretary has spoken to the Chair of the Committee about the reasons we cannot reveal staffing figures.

10 June 2011

Annex A

1. (Qq 94–100) *Updated information on the FCO's assessment of the implications—if any—of the 2010 Bribery Act for FCO diplomats, other UK civil servants and local staff serving at FCO overseas posts, in the context of such officials' work supporting UK commercial interests overseas. As you know, the Committee would also like the FCO to share with it any guidance that is being issued to staff at FCO overseas posts on this issue*

The FCO sees no inherent conflict between supporting UK commercial interests and combating bribery and corruption. They are not incompatible aims. The FCO will continue to support British business to secure overseas contracts, whilst upholding high anti-bribery standards.

The Government has said it will implement the Bribery Act in a way which does not unduly burden law-abiding businesses. The Foreign Secretary has said he wants the FCO to take a proactive approach to tackling bribery and corruption. Our missions overseas are being instructed to offer a range of support to UK businesses to help them comply with the Bribery Act. Posts will for example.

- Underline publicly that HMG will neither support nor condone bribery by UK companies or individuals. A robust stance on bribery will help to increase commercial confidence in the UK and adds credibility to the fact that the UK is a good place to do business and is a highly attractive location for inward investment.
- Promote the wider advantages of the UK's robust stance on Bribery—in particular the removal of hidden costs on business; the benefits of trading with bribery free enterprises; the fact that it liberates and strengthens competitive forces; drives down prices; and maximises benefits to consumers. Above all, a concerted and determined effort to tackle bribery will bring significant direct and indirect benefits to world trade and will in particular help developing and less developed economies.
- Provide accurate, clear and up to date information on the Act to UK companies present overseas.
- Build up a good knowledge of local business conditions, so that they understand the concerns companies may have about bribery and corruption. Posts will be encouraged to consult local authorities, local companies and civil society groups, many of whom participate in sector codes, procurement monitoring and other anti-corruption initiatives.
- Ensure that key insights on bribery are included as part of our Overseas Security Information for Business service (<http://www.ukti.gov.uk/osib>), which provides up to date information on the risks of doing business overseas. Signpost companies to anti-bribery resources such as OSIB, the Ministry of Justice guidance for businesses and quick start guide for SMEs,; the SFO and DPP guidance and other external resources such as the Business Anti Corruption Portal (<http://www.business-anti-corruption.com/>), Transparency International's "Resist" guidance and the good practice guidelines agreed by the OECD Working Group on Bribery.
- Consider proactively informing UK companies and business groups overseas of UK anti-bribery legislation, for example through seminars or workshops. This is especially important in markets where bribery and corruption pose significant market access problems to UK companies.
- Provide companies with contacts for local, reputable legal advice.
- Respond to complaints by companies of corruption by local officials. How Posts respond to such complaints will be an important factor in building trust and dialogue with local UK companies. Officials are not able to obtain special treatment because of British nationality or interfere in local judicial procedures. But Missions may be able to take up justified complaints of discriminatory treatment, bribe solicitation or extortion with procurement agencies, ministries and local authorities.
- Report back to London any successes on tackling local issues of bribery and corruption—we want to know where support and guidance has helped UK companies to win business.

The Bribery Act is only one part of wider Government efforts to tackle obstacles to greater trade and investment. Wider anti-corruption efforts through UNCAC, the Council of Europe and the specific Bribery Conventions under the OECD all contribute to a more benevolent environment for business to prosper. Strengthening international action in this area is a key goal for the UK and underpins its commitment to help build Britain's prosperity.

On top of the guidance and instructions to posts outlined above, the entry into force of the Bribery Act on 1 July does also carry direct implications for the FCO, and the activities of its embassies and staff overseas (in particular local staff). These implications are complex and the FCO wishes to exercise its full duty of care to give advice and guidance to all staff overseas to ensure they comply fully with the Act. The FCO is still assessing the complex implications of the Act on its activities and its staff overseas and will issue guidance once that assessment is complete. That guidance will be shared with Committee as soon as it is available.

Further written evidence from the Foreign and Commonwealth Office

Thank you for inquiry about ODA spend and the Human Rights and Democracy Fund.

In a written ministerial statement about FCO Programme spending on 1 February (copy attached)¹ the Foreign Secretary said that programme spending would support the Government's commitment to spend 0.7% of GNI as Official Development Assistance (ODA) by 2013. To help support this objective the Human Rights and Democracy Programme will only fund projects in ODA eligible countries in 2011–12.

This is a change from 2010–11 and preceding years, however in practice the overwhelming majority of spending was ODA eligible. In 2010–11 the Human Rights and Democracy Programme ODA eligible spend was approx 90%.

14 June 2011

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¹ HC Deb, 1 February 2011, col 42WS.