



House of Commons  
Foreign Affairs Committee

---

# The FCO's human rights work in 2013

---

**Sixth Report of Session 2014–15**

*Report, together with formal minutes relating  
to the report*

*Ordered by the House of Commons  
to be printed 11 November 2014*

**HC 551**  
**Incorporating HC 1281, Session 2013-14**  
Published on 27 November 2014  
by authority of the House of Commons  
London: The Stationery Office Limited

## The Foreign Affairs Committee

The Foreign Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Foreign and Commonwealth Office and its associated public bodies.

### Current membership

[Rt Hon Sir Richard Ottaway MP](#) (*Conservative, Croydon South*) (Chair)  
[Mr John Baron MP](#) (*Conservative, Basildon and Billericay*)  
[Rt Hon Sir Menzies Campbell QC MP](#) (*Liberal Democrat, North East Fife*)  
[Rt Hon Ann Clwyd MP](#) (*Labour, Cynon Valley*)  
[Mike Gapes MP](#) (*Labour, Ilford South*)  
[Mark Hendrick MP](#) (*Labour, Preston*)  
[Sandra Osborne MP](#) (*Labour, Ayr, Carrick and Cumnock*)  
[Andrew Rosindell MP](#) (*Conservative, Romford*)  
[Mr Frank Roy MP](#) (*Labour, Motherwell and Wishaw*)  
[Rt Hon Sir John Stanley MP](#) (*Conservative, Tonbridge and Malling*)  
[Nadhim Zahawi MP](#) (*Conservative, Stratford-on-Avon*)

The following member was also a member of the Committee during the inquiry:  
Rory Stewart MP (*Conservative, Penrith and The Border*)

### Powers

The committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the internet via [www.parliament.uk](http://www.parliament.uk) [Home page - UK Parliament](#).

### Publication

Committee reports are published on the Committee's website at [Foreign Affairs Committee - UK Parliament](#) and by The Stationery Office by Order of the House.

Evidence relating to this report is published on the Committee's website at [Foreign Affairs Committee - UK Parliament](#).

### Committee staff

The current staff of the Committee are Kenneth Fox (Clerk), Peter McGrath (Second Clerk), Zoe Oliver-Watts (Senior Committee Specialist), Dr Ariella Huff, (Committee Specialist), Sen Rudran (Inquiry Manager), Clare Genis (Senior Committee Assistant), Su Panchanathan (Committee Assistant), and Alex Paterson (Media Officer).

### Contacts

All correspondence should be addressed to the Clerk of the Foreign Affairs Committee, House of Commons, London SW1A 0AA. The telephone number for general enquiries is 020 7219 6105; the Committee's email address is [fac@parliament.uk](mailto:fac@parliament.uk)

# Contents

---

<b>Report</b>	<i>Page</i>
<b>Summary</b>	<b>3</b>
Countries of concern	3
Women's and children's rights	3
Freedom of religion or belief	3
UK's participation in the Human Rights Council	4
Business and human rights	4
<b>Conclusions and recommendations</b>	<b>5</b>
<b>1 Introduction</b>	<b>10</b>
<b>2 The FCO's Annual Report on Human Rights and Democracy 2013</b>	<b>11</b>
Countries of concern	11
Criteria for designating countries of concern	12
Case study countries	14
Bahrain	14
Egypt	16
Conclusion on case study countries	17
Accountability of the FCO's human rights work	17
Setting and evaluating objectives	17
Funding of human rights work	20
<b>3 Sri Lanka</b>	<b>22</b>
The 2013 CHOGM in Colombo	22
UN inquiry into alleged violations of international law	23
UK policy on Sri Lanka	24
<b>4 Burma</b>	<b>26</b>
Progress in Burma	26
Room for improvement	26
Census in Burma	27
UN Special Rapporteur on Burma reports on Rakhine State	27
Political prisoners	28
Overall UK policy on Burma	28
<b>5 Israel and the Occupied Palestinian Territories</b>	<b>30</b>
Human rights in Israel and the Occupied Palestinian Territories	30
Bedouins in Israel	31
The dispute between Israel and the Bedouin	32
The policy of the British Government on the Bedouins of Israel	33
<b>6 Women's and children's rights</b>	<b>34</b>
The Prevention of Sexual Violence in Conflict Initiative	34
Global Summit on Ending Sexual Violence	34
Monitoring progress	35
Women, peace and security	36

National Action Plan on Women, Peace and Security	36
Monitoring expenditure	36
Participation of women in peace and security discussions	37
Children's human rights	38
<b>7 Freedom of religion or belief</b>	<b>39</b>
Restrictions on religious freedoms	40
FCO's work on freedom of religion or belief	41
<b>8 UK's participation in the UN Human Rights Council</b>	<b>43</b>
UN Human Rights Council	43
Democratic People's Republic of Korea	43
UN Human Rights Council Resolution on drones	44
Visit by UN Special Rapporteur to the UK	46
<b>9 Business and human rights</b>	<b>48</b>
National Action Plan on Business and Human Rights	48
UK interests and human rights	49
<b>Formal Minutes</b>	<b>51</b>
<b>Witnesses</b>	<b>54</b>
<b>Published written evidence</b>	<b>55</b>

## Summary

---

In this report, we examine the 2013 Foreign and Commonwealth Office (FCO) Report on Human Rights and Democracy (2013 Report), and highlight some areas of particular concern. Promoting human rights should be a foreign policy priority, but for this to be meaningful, we believe that the Department would benefit from the establishment of clearly defined objectives and benchmarks to measure the outcomes of all of its human rights policies, and further prominence being given to these in the Report.

### ***Countries of concern***

The FCO designated 28 countries of concern in its 2013 report, where it judged the gravity of the human rights abuses to be so severe that a particular focus should be applied. We have concentrated our attention on three of these countries: Sri Lanka, Burma, and Israel and the Occupied Palestinian Territories. Favourable trade concessions to the EU market should be removed from Sri Lanka if the Government of Sri Lanka continues to deny the OHCHR investigation team access into the country. The Government should advocate re-imposition of sanctions by the EU if there is no improvement in the human rights situation in Burma. The human rights of Israeli, Palestinian and Bedouin citizens living in Israel and the Occupied Palestinian Territories continue to be of serious concern to the UK.

### ***Women's and children's rights***

The Preventing Sexual Violence in Conflict Initiative was a key priority for the FCO in 2013. It succeeded in raising international awareness of the problem. We believe that the UK has a duty to track the implementation of commitments made under the Initiative, and we see advantages in this being undertaken by a non-governmental body that reports to this Committee. The UK is lagging behind its OECD partners in reporting how much of its aid expenditure is working towards the advancement of gender equality. The UK should do more to increase transparency of this expenditure. The FCO should demonstrate publicly its support for children's rights by appointing a child rights expert onto the Foreign Secretary's Advisory Group on Human Rights.

### ***Freedom of religion or belief***

The FCO made the right to freedom of religion or belief a key thematic priority in 2013. A new advisory group on religious freedom was formed in March 2014 to advise the FCO on policy formulation. We recommend that the Government publish the strategy that is being drawn up by the sub-group, specifying what the FCO is trying to achieve and how it plans to spend its funding allocated to project work. The strategy should specify which countries the FCO is targeting, if any, which partners it plans to engage with, and what practical steps it will take to bring about change.

### ***UK's participation in the Human Rights Council***

Since its election onto the UN Human Rights Council in January 2014, the UK has been involved in a number of high-profile issues. Criticisms have been levelled at the UK for not supporting a resolution on the use of drones and not providing access for a UN Special Rapporteur to a site in the UK. In some quarters, this is seen as indicating an inconsistency of approach. We believe both examples set a dangerous precedent for other countries to follow suit, and the decision not to facilitate a request from a UN Special Rapporteur to visit Yarl's Wood immigration detention centre caused embarrassment to the UK.

### ***Business and human rights***

A UK Government Minister said that human rights should not get in the way of developing trade ties with China, and another Minister shared a platform with the President of Uganda promoting investment into the country on the same day that the first prosecutions were coming into court under a draconian law criminalising same-sex relationships. These two examples demonstrate the inherent conflict that exists between promoting UK trade and investment and human rights at the same time. The Government should recognise that this conflict exists, rather than maintaining that human rights and business interests go hand in hand.

# Conclusions and recommendations

---

## Criteria for designating countries of concern

1. We welcome the FCO's efforts to draw upon a wider range of indices in assessing and reaching decisions on human rights standards in individual countries. We note, however, that there is still an element of subjectivity in making the final decision on the countries of concern, and the level of UK influence in a country, and the impact on its interests there, are factors in determining the final designation. The FCO's list of countries of concern is therefore not an objective league table of the world's worst human rights offenders but a subset of these countries on which the FCO will focus. (Paragraph 8)

## Bahrain

2. We see little or no evidence that Bahrain has made enough progress in implementing political reform and safeguarding human rights, and we believe that the FCO should have bitten the bullet and designated Bahrain as a country of concern. (Paragraph 13)

## Egypt

3. We recognise, however, that attempts are being made, through a new constitution and setting up of parliamentary elections, to lay the foundations for a more democratic and representative Egypt. We attach key importance to the promised reforms being implemented. (Paragraph 17)

## Case study countries

4. There is merit in a 'halfway house' concept and in flagging countries where there is a risk of deterioration in human rights severe enough to warrant future designation as country of concern. However, we are not convinced that 'case study' is an appropriate term for such countries. It is misleadingly soft on countries that would benefit from a more critical assessment by the FCO. We recommend that the FCO use the term case study purely for illustrating FCO activity and human rights programmes. A different term should be used for countries which the FCO is signalling are at risk of being designated country of concern in future. (Paragraph 18)

## Accountability of the FCO's human rights work

5. We believe that human rights policy, like any other aspect of government policy, would benefit from the establishment of clearly defined objectives and benchmarks to measure outcomes. We recommend that FCO, in next year's report, include short sections outlining objectives for, and evaluation of, each of its key initiatives, and we reiterate our recommendation from our report on the FCO's work in 2011, that the FCO should assess its work and should experiment with accountability measures for its human rights programmes. (Paragraph 24)

6. We believe that it would be in the interests of transparency if summaries of discussions at meetings of the Advisory Group on Human Rights and its sub-groups were published. (Paragraph 25)
7. While we recognise the difficulty in estimating total costs of the FCO's human rights work, an annual figure compiled on a consistent basis, even if inexact, would be useful in showing trends in spending over the years. We believe that the FCO analysis was useful and encourage the FCO to provide equivalent figures in future years. (Paragraph 26)
8. We recommend that the FCO review the configuration of its funding mechanisms for human rights programmes. The FCO should provide funding to longer-term human rights projects that extend beyond the current 12 month timeframe. (Paragraph 27)

### Sri Lanka

9. We recommend that the FCO, in its response to this report, outline how it monitored whether people who spoke with the Prime Minister about human rights have faced reprisals, and whether the FCO has any knowledge of reprisal attacks on people who met the British delegation during its visit to Sri Lanka in November 2013. (Paragraph 30)
10. We recommend that the Government encourages the new Indian administration to give public support to the OHCHR international investigation on Sri Lanka. (Paragraph 35)
11. We recommend that the Government negotiates with its EU partners to remove GSP status from Sri Lanka, if the Government of Sri Lanka does not allow the OHCHR investigating team into the country and uphold the right of human right defenders to engage with the UN human rights system. (Paragraph 37)

### Burma

12. We recommend that the Government reiterate to the Government of Burma that the current situation is still highly unsatisfactory, and that the UK will strongly advocate the re-imposition of sanctions by the EU if there is no progress over the next 12 months in improving the conditions of the Rohingya community, and in securing the unconditional release of all political prisoners. We also recommend that the UK Government closely monitors whether former political prisoners who wish to stand for elections in 2015 are able to do so. (Paragraph 45)

### Bedouins of Israel

13. We believe the British Government should play a more prominent part in helping to resolve the conflict between Israel and the Bedouin community, and should use its standing with the Israeli government and the Bedouin community to promote a peaceful, negotiated settlement. (Paragraph 52)

### The Prevention of Sexual Violence in Conflict Initiative

14. We recommend that the Government bring forward proposals in its response to this report for tracking implementation of commitments under the Preventing Sexual Violence in Conflict Initiative. We see advantage in an accountability exercise funded by the Government but undertaken by a non-governmental body, rather than by the FCO itself, reporting to this Committee on the implementation of commitments. (Paragraph 58)

### Women, peace and security

15. We recommend that, in future, the implementation plan for women, peace and security should be published in conjunction with each new National Action Plan to ensure that it is not just words, and that action will follow. (Paragraph 60)
16. The UK is lagging behind its Organisation for Economic Co-operation and Development (OECD) partners in using the OECD's Gender Equality Policy Marker. The Marker is used by OECD countries to check whether their aid-related activities promote women's rights. We recommend that the Government should use the Marker to identify all aid which supports the advancement of gender equality, as a way of increasing transparency of expenditure. (Paragraph 63)
17. We believe that the Government's initiative to increase the involvement of women in peace and security discussions would have benefited from greater participation of women at the NATO Summit, including participation by women representing civil society who would suffer as a result of any deterioration in the security situation. (Paragraph 64)

### Children's human rights

18. The FCO should do more to demonstrate publicly its support for children's rights. As we observed last year, one simple way for the FCO to improve engagement with child rights groups is for the Foreign Secretary to appoint a child rights expert to his Advisory Group on Human Rights. This would provide reassurance that children's rights are represented at the FCO, and the FCO has the necessary support to deal with these issues. (Paragraph 67)

### FCO's work on freedom of religion or belief

19. We welcome the steps taken by the FCO in promoting the right to freedom of religion or belief. Given the rising trend in restrictions on the right to freedom of religion or belief and the role religious intolerance plays in fuelling conflict, we also welcome the FCO's indication that spending on project work to support freedom of religion or belief will rise from 2013-14 levels. The formation of a sub-group of the Secretary of State's Advisory Group on Human Rights to advise specifically on freedom of religion or belief is a sensible and worthwhile step. We recommend that the FCO publish the strategy being drawn up by the sub-group specifying what the FCO is trying to achieve and how it plans to spend the funding allocated to project work. The strategy should specify which countries the FCO is targeting, if any, which

partners it plans to engage with, and what practical steps it will take to bring about change. (Paragraph 76)

### UK's participation in the UN Human Rights Council

20. Whilst we recognise the difficulties of garnering support at the UN Security Council for action against the Democratic People's Republic of Korea (North Korea), the gravity of the human rights violations by North Korea is so severe that the UK and its partners at the UN Security Council should not be seen to stand by. We encourage the FCO not to give up on using UN organs, including the Security Council, to bring pressure to bear on North Korea to improve the human rights of the population, and to work towards securing referral of North Korea to the International Criminal Court for crimes against humanity. (Paragraph 83)
21. There is a clearly a difference of opinion between the UK Government and the UN Special Rapporteur on whether there is international consensus on the legal parameters surrounding the use of drones. We believe that the Government should acknowledge this and provide a written response detailing its points of disagreement with the UN Special Rapporteur's findings to both Parliament and the UN Human Rights Council. (Paragraph 88)
22. We find it surprising that the Home Office was unable to facilitate a request, even at short notice, from a UN Special Rapporteur to visit Yarl's Wood immigration detention centre. It sets a dangerous precedent for other countries to follow suit and has caused embarrassment to the UK. We welcome the Minister's assurance that the FCO is developing a new process to work with other government departments to improve cross-Whitehall preparations for future visits by UN Special Rapporteurs. (Paragraph 91)

### Business and human rights

23. We note support for the National Action Plan on Business and Human Rights from some human rights organisations such as Amnesty International UK, but we also note concerns about whether it will be fully implemented, whether there is political will to develop it, and whether it lacks teeth. If the Action Plan is to command confidence, the Government should indicate that mandatory measures are being held in reserve if voluntary measures are not effective in improving business respect for human rights. (Paragraph 95)
24. The Government maintains that human rights and business interests go hand in hand. This was undermined by UK Government Ministers sending conflicting messages that appeared to indicate that advocating human rights was subservient to promoting UK trade and investment. The Government should recognise that this conflict exists: by doing so, the Government would be better able to articulate how it is able to achieve both of its legitimate foreign policy objectives. In cases where a conflict arises, such as when the Government engages in business with an authoritarian regime, and particularly when it sells arms to such a regime, the

Government should set out explicitly how UK trade and investment would help to influence positive change in human rights in that country. (Paragraph 98)

# 1 Introduction

---

1. This Report assesses the work of the Foreign and Commonwealth Office (FCO) and its diplomatic network in supporting human rights around the world in 2013. Each year, the FCO publishes an annual report on human rights and democracy, providing a summary of FCO policy and action over the previous year on a range of thematic issues, and an analysis of the state of human rights in selected countries.<sup>1</sup> We, in turn, devote each year a part of our scrutiny efforts to reviewing the report itself and some of the initiatives which the FCO has pursued. This year we have also commented on the funding of the Department's human rights work.

2. We announced the inquiry and terms of reference on 9 April 2014.<sup>2</sup> We invited submissions on any aspect of the UK's human rights work for which the FCO had responsibility, and we particularly welcomed submissions which addressed:

- The FCO's work in protecting freedom of religion or belief;
- The impact of the FCO's ongoing Preventing Sexual Violence Initiative (including its initiation at the UN of the Declaration of Commitment to end Sexual Violence in Conflict, and the global summit in London in June 2014);
- The FCO's work in supporting women's and children's human rights; and
- The UK's role on the UN Human Rights Council following its re-election there in November 2013.

3. We held oral evidence sessions with two human rights organisations, Amnesty International and Human Rights Watch, and with the Rt Hon Baroness Warsi, who was at the time the FCO Minister with responsibility for human rights. We also received a number of written submissions, which are published on our webpages on the Parliament website. We are pleased to acknowledge these contributions and to present our findings in this Report.

---

1 [FCO, \*Human Rights and Democracy: 2013 FCO Report\*, Cm 8870, April 2014](#)

2 ["The FCO's human rights work in 2013: Terms of Reference", Foreign Affairs Committee, 9 April 2014](#)

## 2 The FCO's Annual Report on Human Rights and Democracy 2013

---

4. The 2013 FCO Report on Human Rights and Democracy (2013 Report) is in a format similar to that of previous years: it analyses country situations where there are concerns around human rights and comments on a number of thematic issues that cut across geographical boundaries. An important focus for 2013 was the Preventing Sexual Violence in Conflict Initiative, which was launched by the Foreign Secretary in May 2012. Other initiatives prioritised in 2013 were:

- The defence of freedom of religion or belief worldwide;
- Agreement on the world's first treaty to control arms trade;
- The UK's election and return to the UN Human Rights Council (UNHRC); and
- The launch of the UK Action Plan on Business and Human Rights.<sup>3</sup>

5. In addition to these five initiatives, the FCO reported on several other thematic issues, including:

- The abolition of the death penalty;
- The prevention of torture;
- The right to freedom of expression;
- The promotion of equality and non-discrimination including women's and children's rights; and
- Business and human rights.

### Countries of concern

6. The FCO identified 28 countries of concern in the 2013 Report; these are the same as those designated in the 2012 Report (published in 2013) with the addition of the Central African Republic.

---

3 FCO, *Human Rights and Democracy: 2013 FCO Report*, Cm 8870, April 2014, page 21

**Table 1: Countries of Concern**

• Afghanistan	• Libya
• Belarus	• Pakistan
• Burma	• Russia
• Central African Republic (CAR)	• Saudi Arabia
• China	• Somalia
• Colombia	• South Sudan
• Cuba	• Sri Lanka
• Democratic People's Republic of Korea (DPRK)	• Sudan
• Democratic Republic of Congo (DRC)	• Syria
• Eritrea	• Turkmenistan
• Fiji	• Uzbekistan
• Iran	• Vietnam
• Iraq	• Yemen
• Israel and Occupied Palestinian Territories (OPTs)	• Zimbabwe

### *Criteria for designating countries of concern*

7. In the FCO's 2012 Report, the set of criteria used to designate countries of concern were:

- the gravity of the human rights situation in the country, including both the severity of particular abuses and the range of human rights affected;
- whether a deterioration or improvement in the human rights situation in the country would have a wider impact in the region;
- whether the human rights situation in the country has an impact on wider UK interests; and
- how active the UK is in the country and our level of engagement there.<sup>4</sup>

In our report last year, we recommended that the last two criteria should no longer apply.<sup>5</sup> The Government, in its response to our recommendation, said that UK engagement or interests were not factors that were applied in evaluating human rights standards in a country, and were only applied to “determine which countries among all those where there are concerns about the human rights situation should be a particular focus of FCO

4 FCO, *Human Rights and Democracy: 2012 FCO Report*, Cm 8593, April 2013, page 120

5 [Foreign Affairs Committee, Fourth Report of Session 2013-14, \*The FCO's human rights work in 2012\*, HC 267, paragraph 11](#)

efforts”.<sup>6</sup> We note that in the 2013 Report, the last criterion was replaced by “whether we are able to influence the human rights situation there”.<sup>7</sup>

8. The FCO has taken steps to be more transparent about its designation of countries of concern in this year’s report by using a range of internationally respected human rights indicators and indices in deciding which countries to designate.<sup>8</sup> The indicators and indices used by the FCO were:

- the Freedom in the World assessment of Political Rights and Civil Liberties drawn up by the Freedom House;<sup>9</sup>
- the Political Terror Scale, a yearly measure produced by academics from the USA;<sup>10</sup>
- the World Press Freedom Index prepared by Reporters Without Borders;<sup>11</sup>
- the Religious Restrictions Index compiled by Pew Research Center;<sup>12</sup>
- Amnesty International’s Death Sentences and Executions record;
- the UN Human Development Index;
- the UN Gender Inequality Index; and
- whether the country was subject to UN Security Council resolutions, or country mandates or country specific resolutions of the UN Human Rights Council.

Baroness Warsi told us that, while the identification of countries of concern was “much more independently verifiable”, there was still an element of “human intervention”; ambassadors, high commissioners, FCO desk officers in London and Ministers all contributed their understanding of the countries to help the Foreign Secretary make a final

---

6 [FCO, Government response to the Third Report of Session 2013-14 from the Foreign Affairs Committee, Cm 8762, page 3](#)

7 FCO, *Human Rights and Democracy: 2013 FCO Report*, Cm Paper 8870, April 2014, page 149

8 [Memorandum from the Foreign and Commonwealth Office \(HRS0035\)](#)

9 Freedom House describes itself as an independent watchdog organisation dedicated to the expansion of freedom around the world. The Freedom House website states that it speaks out against the main threats to democracy and empowers citizens to exercise their fundamental rights. It analyses challenges to freedom; advocate for greater political and civil liberties; and support frontline activists to defend human rights and promote democratic change.

10 The Political Terror Scale measures levels of political violence and terror that a country experiences in a particular year based on a 5-level “terror scale” originally developed by Freedom House. The data used in compiling this index comes from two different sources: the yearly country reports of Amnesty International and the U.S. State Department Country Reports on Human Rights Practices. The Political Terror Scale was compiled by Mark Gibney, Linda Cornett and Peter Haschke from University of North Carolina and Reed Wood from Arizona State University.

11 Reporters without Borders is registered in France as a non-profit organisation, and its website states that it promotes and defends freedom of information and freedom of the press. It has consultant status at the United Nations and UNESCO.

12 Pew Research Center describes itself as a nonpartisan fact tank that informs the public about the issues, attitudes and trends shaping America and the world. It conducts public opinion polling, demographic research, media content analysis and other empirical social science research.

decision.<sup>13</sup> We welcome the FCO's efforts to draw upon a wider range of indices in assessing and reaching decisions on human rights standards in individual countries. We note, however, that there is still an element of subjectivity in making the final decision on the countries of concern, and the level of UK influence in a country, and the impact on its interests there, are factors in determining the final designation. The FCO's list of countries of concern is therefore not an objective league table of the world's worst human rights offenders but a subset of these countries on which the FCO will focus.

### Case study countries

9. Country case studies were introduced in the 2011 Report (published in 2012), and have again been included in the 2013 Report. The FCO explains that these countries did not meet the overall threshold to be designated countries of concern but were judged to be facing human rights challenges or to be on a "trajectory of change" with regard to their human rights performance.<sup>14</sup> This year, six country case studies have been included: Bahrain, Bangladesh, Ethiopia, Nigeria, Rwanda and Egypt.<sup>15</sup> Human Rights Watch told us that the exclusion of Bahrain, Ethiopia, Egypt, and Rwanda from the list of countries of concern was unjustified, given the "objective gravity" of human rights abuses in these countries and the extent of UK influence with their governments.<sup>16</sup>

10. We have not taken detailed evidence during this inquiry on conditions in any of these case study countries. However, we continue to have concerns that wider political and strategic interests in some of these countries colour decisions on whether they should be designated as countries of concern, as we observed in our report on the FCO's human rights work in 2011 (published in 2012).

### Bahrain

11. Bahrain, for example, was designated not as a country of concern but as a country case study in the FCO's 2012 Report, and the FCO maintained that this designation struck "the appropriate balance" between progress made in some areas and continuing concerns in others.<sup>17</sup> The FCO has made the same argument this year in defending its decision to designate Bahrain as a country case study.<sup>18</sup>

12. We examined in detail last year the UK's relations with Saudi Arabia and Bahrain, including the FCO's policy on human rights in the two countries. We concluded that the

---

13 [Q 54](#)

14 FCO, *Human Rights and Democracy: 2013 FCO Report*, Cm Paper 8870, April 2014, page 149

15 *Ibid.*

16 [Memorandum from Human Rights Watch, third bullet point in summary](#)

17 HC Deb, 18 March 2014, col 510W [Commons Written Answer]

18 HC Deb, 3 September 2014, col 262W [Commons Written Answer]

UK should press for Bahrain to implement the recommendations set out in the Bahrain Independent Commission of Inquiry (BICI), engage seriously in dialogue and welcome UN mechanisms in order to re-establish good faith in its intentions.<sup>19</sup> We recommended that, if there was no significant progress by the start of 2014, the Government should designate Bahrain as a country of concern in its next Human Rights Report.<sup>20</sup>

13. The Bahrain case study in the FCO's 2013 Report gives an update on progress on reform implementation. The FCO says that the Government of Bahrain continues to implement the recommendations set out in the BICI, but it acknowledged that some areas of reform had been "slower than hoped".<sup>21</sup> Human Rights Watch, in its written submission to our inquiry, stated that the Government of Bahrain had done "very little" to implement the BICI recommendations, and that serious human rights abuses in the country remained pervasive.<sup>22</sup> We note the continued detention of Abdulhadi Al-Khawaja, who was sentenced to life imprisonment for taking part in the 2011 uprising in Bahrain. He started his second hunger strike in August 2014 in protest at his detention.<sup>23</sup> Two other high profile human rights defenders were arrested in Bahrain in 2014. Maryam Al-Khawaja, the daughter of Abdulhadi Al-Khawaja, was arrested on 30 August 2014, and was held in custody for 19 days before being released.<sup>24</sup> The charges still stood at the time of release.<sup>25</sup> Nabeel Rajab, President of the Bahrain Center for Human Rights, was arrested in October 2014 on charges of "insulting a public institution" over Twitter. He had been imprisoned in Bahrain for two years between July 2012 and May 2014 for exercising his right to freedom of assembly for participating in, and calling for peaceful protests.<sup>26</sup> Mr Ellwood, the FCO Minister responsible for the region, has said that the FCO was monitoring the situation of Mr Al-Khawaja closely and had been given assurances by the Bahraini Ministry of Interior's Ombudsman's Office that he had been provided with regular health care.<sup>27</sup> The FCO also urged the Government of Bahrain to respect international norms of justice in

---

19 Bahrain Independent Commission of Inquiry (BICI) was established on 29<sup>th</sup> June 2011. King Hamad bin Isa Al Khalifa appointed a panel of human rights experts to the BICI to examine the allegations of a brutal crackdown on protesters by Bahraini security forces from February and March 2011 (and thereafter). Chaired by Cherif Bassiouni, an Egyptian former war crimes lawyer for the UN, the Commission published a very critical report in November 2011, which described how prisoners had been hooded, whipped, beaten and subjected to electric-shock treatment, and stated that at least five prisoners had died under torture.

20 [Foreign Affairs Committee, Fifth Report of Session 2013-14, \*The UK's relations with Saudi Arabia and Bahrain\*, HC 88, paragraph 214](#)

21 FCO, *Human Rights and Democracy: 2013 FCO Report*, Cm 8870, April 2014, page 55

22 [Memorandum from Human Rights Watch, paragraph 13](#)

23 "Abdulhadi Al Khawaja Embarks on Hunger Strike", *Huffington Post*, 28 August 2014, [www.huffingtonpost.com/brian-dooley/abdulhadi-al-khawaja-embar\\_b\\_5732892.html](http://www.huffingtonpost.com/brian-dooley/abdulhadi-al-khawaja-embar_b_5732892.html)

24 "Bahrain: Maryam Al-Khawaja urges UK to speak out on human rights violations", *Index on Censorship*, 17 October 2014, [www.indexoncensorship.org/2014/10/bahrain-maryam-al-khawaja-nabeel-rajab-human-rights/](http://www.indexoncensorship.org/2014/10/bahrain-maryam-al-khawaja-nabeel-rajab-human-rights/)

25 Bahrain activist Maryam al-Khawaja released", *Al Jazeera*, 18 September 2014, [www.aljazeera.com/news/middleeast/2014/09/bahrain-activist-maryam-al-khawaja-released-2014918131513499744.html](http://www.aljazeera.com/news/middleeast/2014/09/bahrain-activist-maryam-al-khawaja-released-2014918131513499744.html)

26 "Bahrain: Arrest Of Leading Human Rights Defender Nabeel Rajab For Tweets", Bahrain Center for Human Rights, 1 October 2014, [www.bahrainrights.org/en/node/7096](http://www.bahrainrights.org/en/node/7096)

27 HC Deb, 11 September 2014, col 716W [Commons Written Answer]

their treatment of Maryam Al-Khawaja and Nabeel Rajab.<sup>28</sup> Nonetheless, **we see little or no evidence that Bahrain has made enough progress in implementing political reform and safeguarding human rights, and we believe that the FCO should have bitten the bullet and designated Bahrain as a country of concern.**

## Egypt

14. In oral evidence, David Mepham, the UK Director of Human Rights Watch, singled out Egypt and said that its exclusion from the FCO's list of countries of concern was "extraordinary" given what had happened over the previous six to nine months.<sup>29</sup> He cited the deaths of over 1,000 people in July and August 2013 when the Egyptian security forces used excessive force in clearing protesters at sit-ins in Cairo. Tim Hancock, Campaigns Director of Amnesty International UK, raised concerns about the Egyptian judiciary.<sup>30</sup> The most striking example was the death sentences handed down to 1,212 people, mostly Muslim Brotherhood members and supporters, in March and April 2014.<sup>31</sup> Although most of these sentences were commuted on appeal by Egypt's Grand Mufti, 220 people were still sentenced to death.<sup>32</sup> On 23 June 2014, a court in Cairo sentenced three English staff members of Al-Jazeera to multi-year prison sentences after a trial in which prosecutors had failed, in the eyes of many, to present any credible evidence of criminal wrongdoing.<sup>33</sup>

15. The International Bar Association's Human Rights Institute (IBAHRI), in its report "*Separating Law and Politics: Challenges to the Independence of Judges and Prosecutors in Egypt*", expressed concerns over the recent swathe of controversial judgments issued by the Egyptian courts. Baroness Kennedy QC, Co-Chair of the Institute, has stated that the judgments appear to be politically motivated and to focus on members of opposition forces, protesters and journalists.<sup>34</sup> The Egyptian Ambassador to the UK was summoned to the Foreign and Commonwealth Office on 23 June 2014 and was told that the British Government was "deeply concerned" by the verdicts on the journalists, along with the procedural shortcomings seen during the trials.<sup>35</sup>

---

28 HC Deb, 11 September 2014, col 716W [Commons Written Answer], HL Deb, 28 October 2014, col WA 140 [Lords Written Answer]

29 [Q 2](#)

30 *Ibid.*

31 "Egypt: One Court, One Month: 1212 death sentences", *Website of Alkarama (Geneva based independent human rights organisation)*, 29 April 2014, [en.alkarama.org/egypt/1219-egypt-one-court-one-month-1212-death-sentences](http://en.alkarama.org/egypt/1219-egypt-one-court-one-month-1212-death-sentences)

32 "'It is not a crime to carry a camera,' UN rights chief warns as Egypt sentences journalists", *UN News Centre*, 23 June 2014, [www.un.org/apps/news/story.asp?NewsID=48106](http://www.un.org/apps/news/story.asp?NewsID=48106)

33 "Al-Jazeera journalists jailed for seven years in Egypt", *The Guardian*, 23 June 2014, [www.theguardian.com/world/2014/jun/23/al-jazeera-journalists-jailed-seven-years-egypt](http://www.theguardian.com/world/2014/jun/23/al-jazeera-journalists-jailed-seven-years-egypt)

34 "Egypt: IBAHRI urges new government to strengthen independence of the judiciary in light of recent convictions", *International Bar Association press release*, 1 July 2014, [www.ibanet.org/Article/Detail.aspx?ArticleUid=d358354a-f212-4001-b465-30a670da36b2](http://www.ibanet.org/Article/Detail.aspx?ArticleUid=d358354a-f212-4001-b465-30a670da36b2)

35 HL Deb, 7 July 2014, Col WA7 [Lords written answer]

16. Some steps are being taken towards progressing democratic reform in Egypt. In January 2014, Egypt held a constitutional referendum in which over 98 per cent of people voted in favour of a new constitution; a new President, Abdel Fattah Al Sisi, was elected in June 2014; and parliamentary elections are planned to take place before the end of 2014.

17. Egypt was designated by FCO in its 2012 Human Rights and Democracy Report (published in 2013) as a case study. Despite events in the last 12 months, and despite acknowledgment by the FCO that the human rights situation in Egypt deteriorated in 2013, the FCO has not chosen to reflect a change of status to country of concern. There is a powerful case for doing so, particularly given continuing restrictions on fundamental political and civil rights, attempts to curtail the work of non-governmental organisations, and lack of due process. **We recognise, however, that attempts are being made, through a new constitution and setting up of parliamentary elections, to lay the foundations for a more democratic and representative Egypt. We attach key importance to the promised reforms being implemented.**

### **Conclusion on case study countries**

*18. There is merit in a 'halfway house' concept and in flagging countries where there is a risk of deterioration in human rights severe enough to warrant future designation as country of concern. However, we are not convinced that 'case study' is an appropriate term for such countries. It is misleadingly soft on countries that would benefit from a more critical assessment by the FCO. We recommend that the FCO use the term case study purely for illustrating FCO activity and human rights programmes. A different term should be used for countries which the FCO is signalling are at risk of being designated country of concern in future.*

## **Accountability of the FCO's human rights work**

### **Setting and evaluating objectives**

19. The FCO's 2013 report provides useful narratives on its human rights initiatives, often including background detail on both the historical and contemporary issues facing a particular human right. However, Mr David Mepham, representing Human Rights Watch, told us that the FCO was not clear enough in the 2013 Report about what it was trying to change. We asked Baroness Warsi whether the FCO had clear outcome-based objectives when it started initiatives or interventions in foreign countries. She replied:

"...I don't think you can start off by saying, "we are going to achieve this within this time frame," because human rights work is incremental and it does not always head in the right direction all the time. You might make some progress, Egypt is a classic example, and then start to go backwards. Therefore, it is not something you can continuously measure in a specific way. You can measure areas such as the death penalty, for

example...However, it cannot always be achieved for some of the other human rights work.”<sup>36</sup>

20. The FCO has attempted to define “goals” in respect of the death penalty:

- to further increase the number of abolitionist countries, or countries with a moratorium on the use of the death penalty;
- further restrictions on the use of the death penalty in retentionist countries and reductions in the numbers of executions; and
- to ensure that universal minimum standards are met in countries which retain the death penalty.<sup>37</sup>

‘Torture Prevention’ is another area where goals have been set and the FCO’s work is underpinned by a strategy.

21. Some other thematic priorities are less clear in their objectives. For instance, in respect of freedom of religion or belief, it is not clear whether the FCO will focus its attention on particular geographical regions, or concentrate resources on governments that fail to protect their citizens from violence by non-state actors, or on reducing infringements imposed directly by government, or on a combination of these. The FCO would benefit from having specific goals as it would have a better understanding of what it is trying to achieve.

22. The 2013 Report, perhaps as a consequence of not having clearly defined objectives, seems to us to be weak in evaluating the Department’s human rights policies and initiatives. Mr Mepham said that the report remained a “list of activities”, and that “benchmarks” had not been clearly established yet.<sup>38</sup> We arrived at a similar conclusion in our report on the FCO’s work on human rights in 2011, and recommended that the FCO “experiment with accountability measures for some of its human rights programmes, for instance by setting benchmarks, targets and indicators”.<sup>39</sup> In its response, the Government agreed that it was important to evaluate the impact of its work and said that, in other policy areas, the FCO endeavoured to review the impact of its work “against 18 priority foreign policy outcomes with the setting of milestones and targets”.<sup>40</sup> The Government had committed to reflect this approach in relation to its human rights work where possible and said that it would also consider how it could improve the measurement of the impact of the Human Rights and Democracy Programme Fund.

---

36 [Q 61](#)

37 FCO, *Human Rights and Democracy: 2013 FCO Report*, Cm 8870, April 2014, page 49

38 [Q 3](#)

39 [Foreign Affairs Committee, Third Report of Session 2012-13, \*The FCO's human rights work in 2011\*, 11 September 2012, HC 116, paragraph 7](#)

40 [FCO, \*Government response to the Third Report of Session 2012-13 from the Foreign Affairs Committee\*, Cm 8506, page 4](#)

23. The FCO assesses its achievements against the 'priority foreign policy outcomes' in its Annual Report and Accounts and in its annual Departmental Improvement Plan (DIP).<sup>41</sup> In the July 2014 publication of the DIP, the FCO assessed its achievements of 2013 against 15 'priority foreign policy outcomes', and marked whether it had achieved its targeted outcome.<sup>42</sup> It provided comments for each outcome to inform progress and explain the reason behind its achievement categorisation. Two of the 15 outcomes related directly to human rights work: the development of a new International Protocol on the investigation and documentation of sexual violence in conflict and the adoption of a UN Arms Trade Treaty. Both of these outcomes were achieved in 2013.

24. Arguments are put forward that progress in human rights is inherently difficult to measure. Attributing change directly to an FCO policy or intervention may be challenging when so many other, independent actors are also involved in human rights work. Another reason cited by human rights organisations is the problem of conducting periodic performance evaluations on human rights policies that are often designed to achieve long-term and systematic changes.<sup>43</sup> While both examples highlight some of the difficulty, we do not believe the argument is wholly satisfying. Human rights policy is not unique; almost all other government policies face similar difficulties in evaluation. ***We believe that human rights policy, like any other aspect of government policy, would benefit from the establishment of clearly defined objectives and benchmarks to measure outcomes. We recommend that FCO, in next year's report, include short sections outlining objectives for, and evaluation of, each of its key initiatives, and we reiterate our recommendation from our report on the FCO's work in 2011, that the FCO should assess its work and should experiment with accountability measures for its human rights programmes.***

### *The Foreign Secretary's Advisory Group on Human Rights*

25. The Foreign Secretary's Advisory Group on Human Rights was set up in November 2010 to provide the Foreign Secretary with the "best possible information about human rights challenges", and for the FCO to benefit from "outside advice on the conduct of its policy".<sup>44</sup> Since its creation, a number of sub-groups have been established to provide expert advice on specific areas of human rights. While the FCO's 2013 Report made some mention of the Advisory Group on Human Rights and its sub-groups, limited information was available on what was discussed during the meetings held during the year and almost no disclosure was made on the advice provided to FCO Ministers and staff by the panel of experts of the advisory groups. ***We believe that it would be in the interests of transparency***

---

41 FCO Annual Report and Accounts 2013-14, HC (2014-15) 17, p 11-19; FCO, *FCO 2014 Improvement Plan*, July 2014

42 Against each outcome, the FCO would categorise its achievement as either 'achieved', 'partly achieved', or 'not achieved'.

43 "Measurement and Human Rights: Tracking Progress, Assessing Impact", *Harvard Kennedy School Carr Center for Human Rights Policy*, Summer 2005, p 41, [www.hks.harvard.edu/cchrp/pdf/Measurement\\_2005Report.pdf](http://www.hks.harvard.edu/cchrp/pdf/Measurement_2005Report.pdf)

44 "Foreign Secretary announces members of Human Rights Advisory Group", FCO webpage, 11 November 2010, [www.gov.uk/government/news/foreign-secretary-announces-members-of-human-rights-advisory-group](http://www.gov.uk/government/news/foreign-secretary-announces-members-of-human-rights-advisory-group)

*if summaries of discussions at meetings of the Advisory Group on Human Rights and its sub-groups were published.*

### **Funding of human rights work**

26. The 2013 Report did not specify the total expenditure on the FCO's human rights work in the 2013-14 financial year. Although the FCO maintains that it is not possible to provide a definitive figure for the total cost of its work in supporting human rights abroad, it was able to provide a figure of £6.5 million for the spending through the Human Rights and Democracy Programme Fund (HRDP) in financial year 2013-14.<sup>45</sup> We pressed the FCO for a figure which encompassed spending on human rights work across all of the Department's work. The FCO carried out some analysis and provided an estimate of £39.3 million for 2013-14, albeit with heavy caveats.<sup>46</sup> The FCO told us that it was difficult to calculate total expenditure as human rights considerations were mainstreamed across all FCO activities (safeguarding security, promoting prosperity, supporting consular services); indeed Baroness Warsi argued that the entire FCO budget could be said to have a human rights dimension.<sup>47</sup> ***While we recognise the difficulty in estimating total costs of the FCO's human rights work, an annual figure compiled on a consistent basis, even if inexact, would be useful in showing trends in spending over the years. We believe that the FCO analysis was useful and encourage the FCO to provide equivalent figures in future years.***

27. A number of points were raised in the evidence about the constraints on use of FCO funding for human rights project work. Professor Evans said that having to work with an Embassy or High Commission could potentially be a "big disincentive" for local civil society actors working with a 'foreign government' as it might arouse suspicion and heighten risk of interference by state authorities, and strain relationships with other civil society organisations in that country.<sup>48</sup> Professor Evans, and others (AB Colombia and Christian Solidarity Worldwide), argued that the timeframe of project funding should be extended and that, rather than operating on an annual application cycle, the FCO should allocate funding for longer timeframes, if it were to have "meaningful impacts".<sup>49</sup> In order to do this, the FCO would have to allocate funding beyond its annual budgetary cycle, so there is a small risk that the FCO may not have sufficient funds to fulfil its commitments to recipient bodies; but given the relatively small amounts of money involved, the likelihood of this happening is minimal. ***We recommend that the FCO review the configuration of its***

---

45 The HRDP Fund supported 83 projects (with 26 of them running into the financial year 2014-15) targeted across eight specific areas: discrimination against women; freedom of expression; business and human rights; abolition of the death penalty; global torture prevention; freedom of religion or belief; democratic processes; and preventing sexual violence in conflict.

46 [Memorandum from FCO \(HRS 0034\)](#)

47 [Memorandum from FCO \(HRS0034\)](#)

48 [Memorandum from Professor Evans](#)

49 [Q 41](#); See also memoranda from [AB Colombia](#) and [Christian Solidarity Worldwide](#)

***funding mechanisms for human rights programmes. The FCO should provide funding to longer-term human rights projects that extend beyond the current 12 month timeframe.***

## 3 Sri Lanka

---

28. Sri Lanka was designated a country of concern for the fifth consecutive year in the FCO's 2013 Report.<sup>50</sup> The Government noted some progress in post-conflict issues but expressed "serious concerns" about the human rights situation in the country, specifically:

- Restrictions on freedom of expression and assembly;
- Intimidation and harassment of human right defenders;
- Attacks on journalists and further decline in press freedom;
- A further decline in women's rights, including the decision by the Government of Sri Lanka not to sign up to the UN Declaration on the commitment to end sexual violence in conflict;
- The impeachment of the Chief Justice, exacerbating concerns about the culture of impunity;
- Violence against religious minorities and restrictions on freedom of religion; and
- Allegations of torture in police custody.<sup>51</sup>

A number of these issues were echoed in a written submission to our inquiry from the Global Tamil Forum.<sup>52</sup>

### The 2013 CHOGM in Colombo

29. The Prime Minister attended the Commonwealth Heads of Government Meeting (CHOGM) in Colombo in November 2013 despite pressure to boycott the event in order to register disapproval of the repressive actions of the Government of Sri Lanka. In our report last year on the FCO's human rights work in 2012, we noted that the Government had chosen to attend despite scant evidence of progress in political and human rights in Sri Lanka.<sup>53</sup> The FCO, in response to calls to boycott the event, said that the "British delegation to CHOGM will...deliver a clear message that Sri Lanka needs to make concrete progress on human rights".<sup>54</sup>

---

50 FCO, *Human Rights and Democracy: 2013 FCO Report*, Cm 8870, April 2014

51 FCO, *Human Rights and Democracy: 2013 FCO Report*, Cm 8870, April 2014, pages 266-273

52 [Memorandum from the Global Tamil Forum](#)

53 [Foreign Affairs Committee, Fourth Report of Session 2013-14, \*The FCO's human rights work in 2012\*, HC 267, paragraph 15](#)

54 "FCO responds to Foreign Affairs Committee's report into the departments human rights work", FCO press release, 17 October 2013, [www.gov.uk/government/news/fco-responds-to-foreign-affairs-committees-report-into-the-departments-human-rights-work-in-2012](http://www.gov.uk/government/news/fco-responds-to-foreign-affairs-committees-report-into-the-departments-human-rights-work-in-2012)

30. In our report last year, we also raised concerns about the treatment of human rights defenders in Sri Lanka. We recommended that the Prime Minister, prior to the CHOGM, should obtain assurances from the Government of Sri Lanka to ensure that people who approached him to talk about human rights would not face reprisals or harassment by security forces.<sup>55</sup> The FCO, in its response to our report, said that it had emphasised to the Sri Lankan government that human rights defenders, journalists and members of the public, who met with ministers during CHOGM, should not face any reprisals. It is not clear to us from this response whether the people who spoke with the Prime Minister had faced reprisals or been subject to harassment: *we recommend that the FCO, in its response to this report, outline how it monitored whether people who spoke with the Prime Minister about human rights have faced reprisals, and whether the FCO has any knowledge of reprisal attacks on people who met the British delegation during its visit to Sri Lanka in November 2013.*

## UN inquiry into alleged violations of international law

31. During the 2013 CHOGM, the Prime Minister called on the Government of Sri Lanka to launch a credible domestic process to ensure accountability for alleged violations and abuses of international humanitarian and human rights law on both sides during the country's civil war. The Prime Minister said that if the Government of Sri Lanka did not take this step by March 2014, the UK would use its position on the UN Human Rights Council to seek an international investigation.<sup>56</sup>

32. On 13 March 2014, the Government stated that as no credible processes had been set up, "the time has now come for international action on the human rights situation in Sri Lanka".<sup>57</sup> At the 25<sup>th</sup> Session of the UN Human Rights Council, the UK, Macedonia, Mauritius, Montenegro and the USA jointly sponsored a draft resolution on Sri Lanka, which was adopted on 27 March. The resolution established an international inquiry, under the auspices of the Office of the High Commissioner for Human Rights (OHCHR), into the allegations of human rights abuses during the civil war, and called on the Government of Sri Lanka to make progress on human rights and reconciliation. The Prime Minister, in responding to the outcome of the vote at the UN Human Rights Council, said that this was "a victory for the people of Sri Lanka".<sup>58</sup> Human Rights Watch described the UK as "one of the most effective advocates" for an international investigation in the run-up to the 25th session of the UNHRC, and welcomed the strong resolution on Sri Lanka.<sup>59</sup>

---

55 [Foreign Affairs Committee, \*The FCO's human rights work in 2012\*, paragraph 16](#)

56 "David Cameron says Sri Lanka need to go 'further and faster' in answering human rights concerns", *The Telegraph*, 16 November 2013, [www.telegraph.co.uk/news/worldnews/asia/srilanka/10453899/David-Cameron-says-Sri-Lanka-need-to-go-further-and-faster-in-answering-human-rights-concerns.html](http://www.telegraph.co.uk/news/worldnews/asia/srilanka/10453899/David-Cameron-says-Sri-Lanka-need-to-go-further-and-faster-in-answering-human-rights-concerns.html)

57 HC Deb, 13 March 2014, col 40WS [Commons written ministerial statement]

58 "Victory for Sri Lankan people: UN to probe war crimes", *Channel 4 news online*, 27 March 2014, [www.channel4.com/news/sri-lanka-united-nations-vote-resolution-war-crimes-video](http://www.channel4.com/news/sri-lanka-united-nations-vote-resolution-war-crimes-video)

59 [Memorandum from Human Rights Watch, paragraph 26](#)

33. The Government of Sri Lanka has been vocal in its criticism of Western countries for launching the investigation. President Rajapakse said that “no-one knows why the West is pushing for the investigation” and was convinced there were “hidden agendas”.<sup>60</sup> He insisted that his administration was being “bullied by western powers over how it has handled its post-war reconstruction and reconciliation efforts”.<sup>61</sup> The Sri Lankan Minister for Mass Media, Keheliya Rambukwella, stated that Sri Lanka would “take legal action against anyone who testifies before this [OHCHR] commission, if the evidence submitted by them is in violation of the country's Constitution”.<sup>62</sup> Human rights organisations have reported that threats and attacks against human rights defenders who have submitted information to the UN have been “perpetrated with impunity”.<sup>63</sup> The Sri Lankan Parliament has passed a government-backed resolution not to allow the OHCHR investigation team into the country. At the time of writing, the OHCHR investigation team has not been granted visa entry into Sri Lanka.

### UK policy on Sri Lanka

34. We asked Baroness Warsi what the UK was doing about Sri Lanka's non-cooperation with the inquiry. She replied that the UK was continuing with “international partners to persuade and convince the Sri Lankans that it is in their interest to co-operate with this report, but if they do not co-operate, this report and this inquiry will still go ahead”.<sup>64</sup> Baroness Warsi did not want to “speculate” on what might happen if the investigation team did not get access to Sri Lanka.<sup>65</sup>

35. The UK has been firm in promoting accountability and justice in Sri Lanka but, as Baroness Warsi noted, the Commonwealth is “divided on this issue”.<sup>66</sup> Press reports support that Australia and India, for instance, are not in favour of holding an international inquiry at this stage.<sup>67</sup> The change of administration in India however provides the British Government with an opportunity to garner support for the investigation from a major regional and Commonwealth partner. *We recommend that the Government encourages the new Indian administration to give public support to the OHCHR international investigation on Sri Lanka.*

---

60 “Sri Lanka President Rejects Calls for War Crimes Investigation”, *Time*, 28 February 2014, [world.time.com/2014/02/28/sri-lanka-president-rejects-calls-for-war-crimes-investigation/](http://world.time.com/2014/02/28/sri-lanka-president-rejects-calls-for-war-crimes-investigation/)

61 Ibid.

62 [Memorandum from Global Tamil Forum](#)

63 “The situation of human rights defenders: Sri Lanka”, *The International Service for Human Rights, and Forum-Asia*, September 2014, [www.ishr.ch/sites/default/files/article/files/sri\\_lanka.pdf](http://www.ishr.ch/sites/default/files/article/files/sri_lanka.pdf)

64 [Q 94](#)

65 Ibid

66 [Q 95](#)

67 “Australia declines to support UN in Sri Lanka war crime inquiry”, *UNAA website*, 2 April 2014, [www.unaa.org.au/australia-declines-to-support-un-in-sri-lanka-war-crime-inquiry.html](http://www.unaa.org.au/australia-declines-to-support-un-in-sri-lanka-war-crime-inquiry.html); “India should support UN probe against Sri Lanka, delegation from TN tells external affairs minister”, *The Times of India*, 16 July 2014, [timesofindia.indiatimes.com/India/India-should-support-UN-probe-against-Sri-Lanka-delegation-from-TN-tells-external-affairs-minister/articleshow/38497312.cms](http://timesofindia.indiatimes.com/India/India-should-support-UN-probe-against-Sri-Lanka-delegation-from-TN-tells-external-affairs-minister/articleshow/38497312.cms)

36. Despite the anti-Western rhetoric, the European Union remains Sri Lanka's main export destination with trade flows between the two coming to €3.5 billion, with a major trade surplus of €1.1 billion in Sri Lanka's favour.<sup>68</sup> Sri Lanka had previously received preferential tariff benefits under the EU's scheme for imports known as the Generalised Scheme of Preferences Plus (GSP+).<sup>69</sup> GSP+ is one of three non-reciprocal, preferential import regimes for developing countries under the EU's Generalised System of Preferences (GSP). Under GSP+, the EU provides additional preferences, beyond standard GSP treatment, to economically vulnerable developing countries which have ratified and effectively implemented 27 international conventions in the fields of human and labour rights, sustainable development and good governance. The EU has temporarily withdrawn GSP+ status from Sri Lanka for failing to implement effectively three of these 27 international conventions.<sup>70</sup> Sri Lanka still benefits from favourable trade concessions to the EU market through GSP, and the EU has no restrictive measures in force on Sri Lanka.

37. Given the time that has passed since the launch of the international inquiry, and the constraints placed on the OHCHR team, we believe that the Government should be ready to consider all possible options, including sanctions, to convince Sri Lanka to allow access. ***We recommend that the Government negotiates with its EU partners to remove GSP status from Sri Lanka, if the Government of Sri Lanka does not allow the OHCHR investigating team into the country and uphold the right of human right defenders to engage with the UN human rights system.***

---

68 "Trade with Sri Lanka", *European Commission website*, [ec.europa.eu/trade/policy/countries-and-regions/countries/sri-lanka/](http://ec.europa.eu/trade/policy/countries-and-regions/countries/sri-lanka/)

69 Ibid.

70 "EU temporarily withdraws GSP+ trade benefits from Sri Lanka", *European Commission website*, 15 February 2010, [trade.ec.europa.eu/doclib/press/index.cfm?id=515](http://trade.ec.europa.eu/doclib/press/index.cfm?id=515)

## 4 Burma

---

### Progress in Burma

38. 2013 was another significant year in Burma's democratic transition, according to the British Government. The FCO believes that the human rights situation in Burma has improved in a number of areas, although challenges remain, especially with regard to political freedoms and the situation in Rakhine State.

39. President Thein Sein made 11 commitments to deepen democracy and protect human rights when President Obama visited Burma in November 2012. The Executive Director of Human Rights Watch, Kenneth Roth, praised President Thein Sein's commitment to reform following a 75-strong delegation visit to Burma by Human Rights Watch in February 2014. Mr Roth observed that enormous changes had taken place over the past two and half years.<sup>71</sup>

40. In the 2013 Report, the FCO noted specific areas of progress. The availability of privately-owned newspapers for the first time in 50 years was described as "another positive step in the evolution of media freedom".<sup>72</sup> Burma had risen 18 places to 151 out of 179 states in the World Press Freedom Index. There has been progress in opening up political debate with legislators across the political spectrum playing a wider role, and according to the FCO, the working environment of human rights defenders improved in 2013.

### Room for improvement

41. A number of written submissions to the Committee indicated a range of on-going human rights violations in Burma. Women's League of Burma and the Kachin National Organisation raised concerns about the systematic use of rape by the Burmese military.<sup>73</sup> PEN International called for the review of all legislation that constrained the freedom of expression and the release of all political prisoners.<sup>74</sup> Burma Campaign UK said that the approach of the British Government was "based on a false assumption that Burma is currently in a period of transition away from dictatorship and towards democracy".<sup>75</sup> It said that the FCO's 2013 Report did not present an "accurate reflection of the human rights situation in Burma".<sup>76</sup>

---

71 "HRW lauds Thein Sein's commitment to reform, but says govt is divided", 6 February 2014, [www.dvb.no/news/hrw-lauds-thein-seins-commitment-to-reform-but-says-govt-is-divided-burma-myanmar/36858](http://www.dvb.no/news/hrw-lauds-thein-seins-commitment-to-reform-but-says-govt-is-divided-burma-myanmar/36858)

72 FCO, *Human Rights and Democracy: 2013 FCO Report*, Cm 8870, April 2014, page 163

73 Memoranda from [Women's League of Burma](#) and [Kachin National Organisation](#)

74 [Memorandum from PEN International](#)

75 [Memorandum from Burma Campaign UK, paragraph 2](#)

76 [Memorandum from Burma Campaign UK, paragraph 8](#)

## **Census in Burma**

42. In preparation for the general election in 2015, Burma conducted its first census in over 30 years between 30 March and 10 April 2014. The FCO provided around £10 million in financial support to the census and held regular discussions with the Government of Burma in an effort to ensure that it was conducted in a credible manner. Shortly before the start of the census, the UN Population Fund Agency, which monitored the enumeration process, was informed by Burmese officials that anyone who identified themselves as Rohingya would not be counted in the census. The International Crisis Group has said that this decision had a significant political and humanitarian impact on the Rakhine State.<sup>77</sup> It claimed that Rakhine extremists might use the results of the census as an opportunity to create additional hurdles to the provision of humanitarian assistance to the Rohingya, and that hard-line political actors in Rakhine State would be more confident in their ability to marginalise politically the Rohingya.<sup>78</sup> The Rt Hon Hugo Swire, the FCO Minister with responsibility for policy on the region, said that he was “deeply disappointed” that the Government of Burma had gone against its assurances on census conduct, in particular the right to self-identify ethnicity.<sup>79</sup> He stated that he had made it clear to the Government of Burma that this decision was in contravention of international norms and standards. Burma Campaign UK argued that the actions by the Burmese authorities demonstrated that the UK’s support for the Census had been “an alarming misjudgement”, and that it showed that the UK had failed to understand the real political context in Burma at that time.<sup>80</sup>

## **UN Special Rapporteur on Burma reports on Rakhine State**

43. In March 2014, the UN Special Rapporteur on the human rights situation in Burma, Tomás Ojea Quintana, warned that the human rights situation in Rakhine State had further deteriorated. He said that “recent developments in Rakhine State are the latest in a long history of discrimination and persecution against the Rohingya community which could amount to crimes against humanity.”<sup>81</sup> He warned that the evacuation of aid workers, following the recent attacks on UN and NGO premises in Sittwe, “would only increase the vulnerability of this community”.<sup>82</sup>

---

77 The International Crisis Group is an independent, non-profit, non-governmental organisation, which provides a source of information, analysis and policy advice on preventing and resolving deadly conflict.

78 “Counting the Costs: Myanmar’s Problematic Census”, *International Crisis Group*, 15 May 2014, [www.crisisgroup.org/~media/Files/asia/south-east-asia/burma-myanmar/b144-counting-the-costs-myanmar-s-problematic-census.pdf](http://www.crisisgroup.org/~media/Files/asia/south-east-asia/burma-myanmar/b144-counting-the-costs-myanmar-s-problematic-census.pdf)

79 HC Deb, 28 April, col 585W [Commons Written Answer]

80 [Memorandum from Burma Campaign UK, paragraph 17](#)

81 “Myanmar: UN expert raises alarm on Rakhine State”, *OHCHR press release*, 7 April 2014, [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14476&](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14476&)

82 *Ibid.*

### Political prisoners

44. During President Thein Sein's visit to the UK in 2013, he made a commitment to release all political prisoners by the end of 2013 but PEN International, in its written submission, said that the Government of Burma might still be holding as many as 630 political prisoners. PEN International also stated that almost all of the political prisoners released since 2011 have "only had their sentences suspended under Burma penal code 401" and had not received full pardons.<sup>83</sup> It said that any hope for a democratic government in Burma depended on the release of prisoners associated with the country's ethnic groups. Several ethnic-based political parties have stated that they will not participate in parliamentary elections until their members are released from custody. In April 2014, Mr Swire issued a statement that welcomed the previous release of hundreds of political prisoners, but said that the Government was "very concerned" about those who remained in jail, including recognised prisoners of conscience such as Dr Tun Aung and Kyaw Hla Aung.<sup>84</sup> He has since noted that there has been a rise in the number of politically motivated arrests and has said that the Government would continue to lobby for the unconditional release of all political prisoners.<sup>85</sup>

### Overall UK policy on Burma

45. Baroness Warsi told us that she had been disappointed by the interview given by Aung San Suu Kyi in 2013 in which she did not voice support for the Rohingya community.<sup>86</sup> Baroness Warsi acknowledged that the British Government needed to be more robust in its engagement with Opposition figures, including Aung San Suu Kyi. Nonetheless, she believed that "Burma is on the right journey" and felt that the UK had to "keep supporting" the country.<sup>87</sup> There have been serious failures in human rights in Burma over the past 18 months, and we note that the Government has not held back from criticism. On balance, we accept its argument that there has been progress towards forming democracy in Burma, and we agree that a diplomatic approach towards securing improvement in human rights in Burma is the best one. However, *we recommend that the Government reiterate to the Government of Burma that the current situation is still highly unsatisfactory, and that the UK will strongly advocate the re-imposition of sanctions by the EU if there is no progress over the next 12 months in improving the conditions of the Rohingya community, and in securing the unconditional release of all political prisoners. We also*

---

83 [Memorandum from PEN International](#), Burma penal code 401, according to PEN International, means that if the released political prisoner is convicted again, he or she would serve the new prison term, and the remainder of their former prison term. For more detail, see [www.burmalibrary.org/kyawnaing/Laws/Article\\_401\\_of\\_The\\_Code\\_Of\\_Criminal\\_Procedure\(en\).pdf](http://www.burmalibrary.org/kyawnaing/Laws/Article_401_of_The_Code_Of_Criminal_Procedure(en).pdf)

84 "Hugo Swire responds to letters on political prisoners in Burma" *FCO news article*, 16 April 2014, [www.gov.uk/government/world-location-news/hugo-swire-responds-to-letters-on-political-prisoners-in-burma](http://www.gov.uk/government/world-location-news/hugo-swire-responds-to-letters-on-political-prisoners-in-burma)

85 HC Deb, 28 October 2014, col 168 [Commons Chamber]

86 [Q 99](#)

87 [Q 98](#)

*recommend that the UK Government closely monitors whether former political prisoners who wish to stand for elections in 2015 are able to do so.*

## 5 Israel and the Occupied Palestinian Territories

---

### *Human rights in Israel and the Occupied Palestinian Territories*

46. The Government is clear that it has serious reservations about the human rights situation in Israel and the Occupied Palestinian Territories (OPTs). In the 2013 Report, which was published before the conflict took place in Gaza in July and August 2014, the FCO listed as its concerns:

- Continued violations of international human rights law and international humanitarian law by Israel in context of its occupation of the OPTs;
- Breaches of human rights in Palestinian Authority (PA) controlled parts of the West Bank and, particularly, under de facto Hamas rule in the Gaza Strip;
- Use of the death penalty by de facto authorities in Gaza;
- Mistreatment of detainees by the Israeli authorities, and by PA security forces, and by Hamas in Gaza;
- The use of excessive force by the Israel Defense Forces (IDF) on Palestinian protesters within the OPTs;
- Harassment of Palestinian human rights defenders by Israeli forces;
- Continued demolition of Palestinian structures that were built without permit in Area C of the West Bank and East Jerusalem; and
- Suppression of women's rights in Gaza.<sup>88</sup>

47. The September 2014 quarterly update on Israel and the OPTs provided analysis on the recent conflict in Gaza and on the human rights situation in the country more generally. The FCO reported in the update that 2,131 Palestinians, of whom 1,473 were identified as civilians, and 72 Israelis, of whom four were identified as civilians, were killed during the conflict.<sup>89</sup> The update also highlighted the expropriation of 988 acres of land by the Israeli Government around the settlement of Etzion near Bethlehem. The then UN High Commissioner for Human Rights, Navi Pillay, stated on 23 July that “there seems to be a strong possibility that international humanitarian law has been violated, in a manner that could amount to war crimes”. She also condemned Hamas for “indiscriminate attacks” on

---

<sup>88</sup> FCO, *Human Rights and Democracy: 2013 FCO Report*, Cm 8870, April 2014, pages 225-231

<sup>89</sup> FCO, *Israel and the Occupied Palestinian Territories (OPTs) - Country of Concern: latest update*, 30 September 2014, [www.gov.uk/government/publications/israel-and-the-occupied-palestinian-territories-opts-country-of-concern/israel-and-the-occupied-palestinian-territories-opts-country-of-concern-latest-update-30-september-2014](http://www.gov.uk/government/publications/israel-and-the-occupied-palestinian-territories-opts-country-of-concern/israel-and-the-occupied-palestinian-territories-opts-country-of-concern-latest-update-30-september-2014)

civilian areas.<sup>90</sup> On 1 September, the Prime Minister made a statement to the House setting out the Government's position on the conflict and the expropriation of land:

The loss of life this summer has been truly appalling and the number of civilian casualties completely unacceptable—the life of a Palestinian child is worth the same as that of a child of any one of our nations—but support for a lasting settlement that includes a Palestinian state does not mean we should ever support the terrorist tactics of Hamas, which has rained down rockets on Israel and continually refused to accept ceasefires.

We will continue to support Israel and Israel's right to defend itself, but that does not mean we support every decision the Israeli Government take. Most recently, the appropriation of nearly 1,000 acres of land in the west bank near Bethlehem is utterly deplorable. Settlements are illegal under international law and will do nothing to create the kind of peace process we all want, and we urge the Israeli Government to reverse this decision.<sup>91</sup>

We echo the views of the Prime Minister.

### ***Bedouins in Israel***

48. The 2013 Report also commented on the treatment of the Bedouin in the Negev region of Israel; this was a subject on which we received a number of written submissions. Bedouin tribes, mainly as semi-nomadic pastoralists, have inhabited the Negev region of Israel for centuries.<sup>92</sup> Since the sixteenth century the Bedouin have been governed by a series of different regimes: the Ottoman Empire, the British Mandate and the Israeli state. All have tried policies to integrate nomadic and semi-nomadic Bedouin populations into sedentary society, but have been met with resistance from the Bedouin.

49. Following the establishment of the state of Israel, the estimated 11,000 Bedouins that remained in Israel after the 1948 war were resettled from their 'native lands' into a 'closed area' located in the northern and central Negev. Bedouins were not allowed to live outside this area until military rule ended in 1966.<sup>93</sup> The Knesset passed legislation in 1953 which determined that "any land not found in its owners' right in April 1952 will be made public" and that the Bedouin would "lose all rights on their lands outside their living area".<sup>94</sup> Israel started a process of state-planned urbanisation after the end of military rule to settle the Bedouin into permanent urban centres. Dr Hilary Tyrrell, a member of the Palestinian

---

90 "Human Rights Council 21st Special Session: Human Rights Situation in the Occupied Palestinian Territory, including East Jerusalem", *OHCHR website*, [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14893&LangID=E#sthash.eg4Yk7d3.dpuf](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14893&LangID=E#sthash.eg4Yk7d3.dpuf)

91 HC Deb, 1 September 2014, col 23 [Commons Chamber]

92 Edited by Mansour Nasasra, Sophie Richter-Devroe, Sarab Abu-Rabia-Queder, Richard Ratcliffe, *The Naqab Bedouin and Colonialism*, (London, 2015), p 39

93 Ghazi Falah, "Israeli State Policy toward Bedouin Sedentarization in the Negev", *Journal of Palestine Studies*, vol 18 (1989), p 71-91

94 "Bedouins in the State of Israel", *Israeli Knesset webpages*, [www.knesset.gov.il/lexicon/eng/bedouim\\_eng.htm](http://www.knesset.gov.il/lexicon/eng/bedouim_eng.htm)

Solidarity Campaign, claimed in a written submission to our inquiry that the Bedouin are the “most disadvantaged citizens in Israel”.<sup>95</sup> Over half of the 190,000 Negev Bedouins today live in seven government-controlled towns and the remainder live in villages that are not recognised by the government. Dr Tyrrell said that these ‘unrecognised villages’ are deprived of basic services such as housing, water, electricity, education and health care.<sup>96</sup>

### *The dispute between Israel and the Bedouin*

50. ‘Unrecognised villages’ are, in part, a consequence of the conflict between the Israeli authorities and Bedouin community over land ownership and historic indigenous Bedouin rights.<sup>97</sup> A series of attempts have been made to resolve this conflict over the last 50 years. The most recent attempt started with the setting-up of the Goldberg Commission<sup>98</sup> in December 2007, which was given the task of ‘finalising’ the status of Bedouin land claims in the Negev.<sup>99</sup> The Goldberg Commission submitted a report proposing that some Bedouin villages should be recognised.<sup>100</sup> In January 2009, a team headed by Ehud Praver started work to implement the Goldberg recommendations, but this work was stalled after the proposals were rejected by representatives of the Bedouin and by certain members of the Knesset. Following a consultation process led by minister without portfolio Benny Begin, a modified plan was introduced in the Knesset in June 2013.

51. Dr Philip Nixon, a member of the Palestinian Solidarity Campaign, told us that the ‘Praver-Begin’ Bill would mean that 30,000 to 40,000 Bedouin stood to be “forcibly evicted from their homes”.<sup>101</sup> The treatment of the Bedouin has been said to be discriminatory because the overall plan for the region failed to recognise the Bedouin’s historic claims to the land and because the compensation offered to dispossessed Bedouin is less than that offered to Israeli Jews in similar circumstances.<sup>102</sup> The UN High Commissioner of Human Rights urged the Israeli Government to reconsider the bill and hold genuine consultations with all Bedouin communities in the Negev.<sup>103</sup> Adalah Legal Center<sup>104</sup> reported that

---

95 [Memorandum from Dr Hilary Tyrrell](#)

96 Ibid.

97 Edited by Mansour Nasasra, Sophie Richter-Devroe, Sarab Abu-Rabia-Queder, Richard Ratcliffe, *The Naqab Bedouin and Colonialism*, (London, 2015), p 49

98 The Goldberg Commission was set up by the Israeli Government in December 2007. The Commission was chaired by former State Comptroller and retired Supreme Court Justice Eliezer Goldberg, to make recommendations regarding Bedouin property rights and their communities in the Negev.

99 Edited by Mansour Nasasra, Sophie Richter-Devroe, Sarab Abu-Rabia-Queder, Richard Ratcliffe, *The Naqab Bedouin and Colonialism*, (London, 2015), p 50

100 Ibid.

101 [Memorandum from Dr Philip Nixon, paragraph 9.2](#)

102 [The Praver-Begin Plan, Standard Note SNIA/6733, House of Commons Library, December 2013](#)

103 “Pillay urges Israel to reconsider proposed bill that will displace tens of thousands of Bedouin”, OHCHR press release, 25 July 2013, [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13577&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13577&LangID=E)

104 Adalah Legal Center is an independent human rights organization and legal center that was established in November 1996. Its website says that it works to promote and defend the rights of Palestinian Arab citizens of Israel as well as Palestinians living in the Occupied Palestinian Territory (OPT). Adalah submitted written evidence to the Committee for this inquiry.

although the legislation had been halted, demolitions of Bedouin homes in the Negev remained a “daily reality”, and the state continued to approve and implement its development projects on top of Bedouin villages.<sup>105</sup> Israel has claimed that the current plan is to ensure Bedouins live on land they legally own, and that those who could not stay where they were would be offered “ample compensation”.<sup>106</sup> According to Israel, “no modern society accepts traditional nomadic concepts of land ownership”.<sup>107</sup>

### ***The policy of the British Government on the Bedouins of Israel***

52. Baroness Warsi told us that the British Government policy was to “follow the debate around the issue of unresolved Bedouin land claims and unrecognised Bedouin villages in the Negev” and “urge further dialogue between the Israeli authorities and Bedouin communities”.<sup>108</sup> The UK has archival records that could provide objective and useful information to both parties about how the land in the Negev region was used during the British Mandatory Period, and just before the establishment of the state of Israel. This could aid negotiations between both parties. **We believe the British Government should play a more prominent part in helping to resolve the conflict between Israel and the Bedouin community, and should use its standing with the Israeli government and the Bedouin community to promote a peaceful, negotiated settlement.**

---

105 “While Praver is Frozen”, *Adalah Legal Center*, 15 May 2014, [adalah.org/eng/Articles/2276/While-Praver-is-Frozen...](http://adalah.org/eng/Articles/2276/While-Praver-is-Frozen...)

106 BICOM, the Britain Israel Communications & Research Centre describes itself as an independent British organisation dedicated to creating a more supportive environment for Israel in Britain. “Israel’s policy on the Negev Bedouin, an interview with Mark Regev”, BICOM, 1 December 2013, [www.bicom.org.uk/analysis-article/17581/](http://www.bicom.org.uk/analysis-article/17581/)

107 Ibid.

108 [Memorandum from FCO \(HRS0034\)](#)

## 6 Women's and children's rights

---

### The Prevention of Sexual Violence in Conflict Initiative

53. The Preventing Sexual Violence in Conflict Initiative was one of the five priority initiatives listed in the FCO's 2013 Report. The Initiative was launched in May 2012 by the then Foreign Secretary, the Rt Hon William Hague MP, whose personal commitment to the cause and whose energy in leading the UK's political campaign to galvanise support from national governments, multilateral and regional organisations, has been widely recognised.

54. A number of international commitments have been secured since the launch of the initiative:

- The G8 Declaration on Preventing Sexual Violence in Conflict (April 2013);
- United Nations Security Council Resolution 2106 (June 2013); and
- UN Declaration of Commitment to End Sexual Violence in Conflict (September 2013).<sup>109</sup>

### *Global Summit on Ending Sexual Violence*

55. In June 2014, William Hague and Angelina Jolie, Special Envoy for the UN High Commissioner for Refugees, co-chaired the Global Summit on Ending Sexual Violence in Conflict, in London. The Summit was high profile and was attended by representatives of over 120 countries, experts in the field, faith leaders, youth organisations and representatives from civil society and international organisations. The FCO's stated purpose for the Summit was to create "irreversible momentum" towards ending the use of rape and sexual violence in conflict, and to deliver "practical and ambitious agreements" to end the culture of impunity.<sup>110</sup>

56. The Chair's Summary, which was released after the Summit, stated that four key areas of change were addressed:

- i) Improve accountability at the national and international level, including through better documentation, investigations and prosecutions at the national and international level, and better legislation implementing international obligations and standards;

---

<sup>109</sup> As of July 2014, 155 states had signed the UN Declaration of Commitment to End Sexual Violence in Conflict.

<sup>110</sup> FCO Annual Report and Accounts 2013-14, HC (2014-15) 17, page 14; FCO, *Human Rights and Democracy: 2013 FCO Report*, Cm 8870, April 2014, page 20

- ii) Provide greater support and protection to survivors of sexual violence, including children;
- iii) Ensure sexual and gender-based violence responses and the promotion of gender equality are fully integrated in all peace and security efforts, including security and justice sector reform and military and police training; and
- iv) Improve international strategic co-operation.<sup>111</sup>

One key outcome of the Summit was the launch of the International Protocol on Documentation and Investigation of Sexual Violence in Conflict. According to the Chair's Summary, the Protocol will help strengthen the evidence base for bringing perpetrators to justice, thus overcome one of the key barriers to tackling impunity for sexual violence in conflict.

### **Monitoring progress**

57. A number of written submissions commented that the focus should now be to continue translation of commitments into action. Womankind told us that a “robust accountability framework” was necessary if a long-standing change was to be achieved.<sup>112</sup> We asked Baroness Warsi what mechanisms would be in place to monitor the implementation of commitments made at the Global Summit and earlier declarations. She responded by saying that there would not be “a great body that will sit and monitor whether everybody has done what they are saying that they are going to do”.<sup>113</sup> Rather, it would be “driven by countries coming forward themselves” and would sit as “part of an overarching plan regarding violence against women, and women, peace and security”.<sup>114</sup>

58. We believe that some form of accountability and review is needed if the Preventing Sexual Violence in Conflict Initiative is to be followed through effectively. It is not the place of the UK to be an international policeman; but, having led the Initiative, we would argue that the UK has some duty to track the implementation of commitments. ***We recommend that the Government bring forward proposals in its response to this report for tracking implementation of commitments under the Preventing Sexual Violence in Conflict Initiative. We see advantage in an accountability exercise funded by the Government but undertaken by a non-governmental body, rather than by the FCO itself, reporting to this Committee on the implementation of commitments.***

---

111 “Chair’s Summary – Global Summit to End Sexual Violence in Conflict”, FCO policy paper, 13 June 2014, [www.gov.uk/government/publications/chairs-summary-global-summit-to-end-sexual-violence-in-conflict/chairs-summary-global-summit-to-end-sexual-violence-in-conflict](http://www.gov.uk/government/publications/chairs-summary-global-summit-to-end-sexual-violence-in-conflict/chairs-summary-global-summit-to-end-sexual-violence-in-conflict)

112 [Memorandum from Womankind, paragraph 22](#)

113 [Q 70](#)

114 *Ibid.*

## Women, peace and security

### *National Action Plan on Women, Peace and Security*

59. The Government published its third National Action Plan on Women, Peace and Security on 12 June 2014.<sup>115</sup> The National Action Plan is the joint output of the FCO, the Department for International Development (DfID) and the Ministry of Defence (MoD): it provides a framework to ensure that the provisions of the UN Security Council Resolution 1325 and associated resolutions are incorporated into the Government's work.<sup>116</sup> The Foreign Secretary, in a Written Ministerial Statement on 16 June 2014 on the National Action Plan, said that it is a "tool to enable us to articulate our priorities on women, peace and security and coordinate implementation of our work at the national level".<sup>117</sup>

60. The Government did not publish an implementation plan with the National Action Plan in June. The implementation plan will include indicators and baseline data that will be used as a benchmark to assess UK efforts on Women, Peace and Security throughout the life of the National Action Plan. It will articulate the key actions to be undertaken together by each of the FCO, DfID and MoD. We asked Baroness Warsi when the Government intended to publish the implementation plan. Baroness Warsi accepted that the implementation plan should "go hand in hand" with the national action plan, and she told us that it would be published by the end of 2014. ***We recommend that, in future, the implementation plan for women, peace and security should be published in conjunction with each new National Action Plan to ensure that it is not just words, and that action will follow.***

### *Monitoring expenditure*

61. The Government has not ring-fenced funding for work under the National Action Plan on women, peace and security. Baroness Warsi told us that she was a "firm believer in the idea that you mainstream rather than silo important human rights work".<sup>118</sup> Without a dedicated allocation of funding, however, the Government will need to have in place a mechanism to monitor the expenditure that contributes towards securing the commitments made under the National Action Plan on Women, Peace and Security so it is

---

115 The UK published its first National Action Plan on Women, Peace and Security in 2006, the second one in 2010, and the third and most recent National Action Plan covers the period 2014 to 2017.

116 UN Security Council Resolution 1325 was adopted on 31 October 2000. It reaffirms the important role of women in the prevention and resolution of conflicts, peace negotiations, peace-building, peacekeeping, humanitarian response and in post-conflict reconstruction and stresses the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security. Resolution 1325 urges all actors to increase the participation of women and incorporate gender perspectives in all United Nations peace and security efforts. It also calls on all parties to conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, in situations of armed conflict. The resolution provides a number of important operational mandates, with implications for Member States and the entities of the United Nations system.

117 HC Deb, 16 June 2014, col WS81 [Commons written ministerial statement]

118 [O 73](#)

able to demonstrate that it has backed its political commitments with sufficient financial resources. As a member of the Organisation for Economic Co-operation and Development's (OECD) Development Assistance Committee (DAC), the British Government is already required to provide the DAC with statistical data on its aid-related activities and expenditure; but the OECD recently reported that the UK is less effective than almost all of its OECD partners in tracking its aid-related activity on gender equality.

62. The main reporting mechanism employed in regard to gender equality is the OECD Gender Equality Policy Marker (GEM). The tool is used by OECD governments to mark aid-related activity and expenditure as “principal”<sup>119</sup>, “significant”<sup>120</sup> or “not targeted”<sup>121</sup> to denote the extent to which the programme is working towards gender equality. The value of using the tool is that it increases transparency of spending on gender equality. The UK Government already uses the GEM, but the OECD reports that the UK Government marks only 58 per cent of its aid expenditure against this marker.<sup>122</sup> Most other OECD countries checked all, or close to all, of their aid-related activities using the gender marker. This meant that they were able to state what proportion of their total aid budget was directed to advancing gender equality.

***63. The UK is lagging behind its Organisation for Economic Co-operation and Development (OECD) partners in using the OECD's Gender Equality Policy Marker. The Marker is used by OECD countries to check whether their aid-related activities promote women's rights. We recommend that the Government should use the Marker to identify all aid which supports the advancement of gender equality, as a way of increasing transparency of expenditure.***

### ***Participation of women in peace and security discussions***

64. Afghan women activists and the ‘No Women, No Peace’ campaign, which is a coalition that includes ActionAid, Amnesty International UK, Oxfam GB, Womankind Worldwide and Women for Women International, protested at the lack of women involved in the discussions about Afghanistan's security at the NATO summit held in Newport in September 2014.<sup>123</sup> The campaigners argued that the recent positive efforts from the Summit on Ending Sexual Violence in Conflict, and National Action Plan on Women, Peace and Security, were undermined by the absence of women at the NATO summit. We

---

119 Principal (primary) policy objectives are those which can be identified as being fundamental in the design and impact of the activity and which are an explicit objective of the activity. They may be selected by answering the question “would the activity have been undertaken without this objective?”

120 Significant (secondary) policy objectives are those which, although important, are not one of the principal reasons for undertaking the activity.

121 The score not targeted means that the activity has been screened against, but was found not to be targeted to, the policy objective.

122 [OECD, Aid in Support of Gender Equality and Women's Empowerment – Donor Charts, April 2014, p 29](#)

123 “At the NATO Summit – where are the women?”, No Women, No Peace, 3 September 2014, [www.nowomennopeace.org/campaign-info/nato-where-are-the-women](http://www.nowomennopeace.org/campaign-info/nato-where-are-the-women)

**believe that the Government's initiative to increase the involvement of women in peace and security discussions would have benefited from greater participation of women at the NATO Summit, including participation by women representing civil society who would suffer as a result of any deterioration in the security situation.**

## Children's human rights

65. The FCO's 2013 Report dedicates a section to children's rights, and the initiative on preventing sexual violence in conflict had a focus on children, primarily on the need to support children born of rape. The 2013 Report has a separate section on 'children and armed conflict', which outlines the FCO's five priority countries: Democratic Republic of Congo, Somalia, South Sudan, Chad and Burma. The FCO said that it also would look for opportunities to link children and armed conflict work to the Preventing Sexual Violence in Conflict Initiative (PSVI). UNICEF, in its written submission, argued that the FCO should build on this commitment and work with national governments to align country action plans on children and armed conflict with any PSVI national activity. It also told us that it was concerned that the FCO's Report "does not cover children's rights comprehensively", and that the FCO should award greater priority to the rights of children.<sup>124</sup> The FCO insists that the promotion and protection of children's rights form an "integral part" of the FCO's wider international human rights agenda.<sup>125</sup>

66. In our report last year on the FCO's human rights work in 2012, we recommended that the FCO should do more to gain confidence of children's rights group in its human rights work and said that the Foreign Secretary should appoint a child rights expert to his Advisory Group on Human Rights. The Government, in its response to our recommendation, said that it would "bear this recommendation in mind for the future", but noted that while there was no representative from a child rights-specific organisation in the group at present, many if not all of the group's members are familiar with child rights issues.<sup>126</sup> No child rights expert has been appointed to the Advisory Group as yet.

***67. The FCO should do more to demonstrate publicly its support for children's rights. As we observed last year, one simple way for the FCO to improve engagement with child rights groups is for the Foreign Secretary to appoint a child rights expert to his Advisory Group on Human Rights. This would provide reassurance that children's rights are represented at the FCO, and the FCO has the necessary support to deal with these issues.***

---

124 [Memorandum from UNICEF, paragraph 4.1](#)

125 FCO, *Human Rights and Democracy: 2013 FCO Report*, Cm 8870, April 2014, page 73

126 [FCO, "Government response to the Third Report of Session 2013-14 from the Foreign Affairs Committee", Cm 8762, page 14](#)

## 7 Freedom of religion or belief

68. The Government made the promotion and protection of the right to freedom of religion or belief a key priority in 2013. Ministers were asked to be “ambassadors for religious freedom”, and diplomatic staff are undergoing a new programme in “religious literacy” to equip them to “understand and influence the complex role religion plays in global politics today”.<sup>127</sup> The FCO ran one-day training courses on religion and foreign policy, and organised a programme of seminars, covering issues such as ‘Religion, Politics and Human Rights in the New Middle East’, ‘The Islamic Worldview: its relevance to foreign policy’ and ‘An Introduction to the Baha’i faith’ for FCO staff. Since January 2013, 107 members of staff across government have completed training courses on the freedom of religion or belief. Of these, four were senior civil servants, 20 were heads of sections, 73 were desk officers and 10 were support officers, and one-third of these attendees had come from other government departments.<sup>128</sup>

69. A new Advisory Group on Freedom of Religion or Belief was formed as a sub-group of the Foreign Secretary’s Human Rights Advisory Group in March 2014. The members of the group are:

**Table 2: Members of the FCO Advisory Group on Freedom of Religion or Belief**

Kate Allen, UK Director, Amnesty International
Waqar Azmi, Chairman, Remembering Srebrenica
Mashood Baderin, School of Law SOAS, University of London
Shami Chakrabarti, Director, Liberty
Andrew Copson, Chief Executive, British Humanist Association
Joel Edwards, International Director, Micah Challenge
Malcolm Evans, Professor of Public International Law, University of Bristol
Tom Gallagher, Professor of Ethnic Conflict & Peace, University of Bradford
Ed Husain, Senior Fellow for Middle Eastern Studies, Council on Foreign Relations
Edward Kessler, Executive Director, Woolf Institute
David Mepham, UK Director, Human Rights Watch
Trevor Pears, Executive Chairman, Pears Family Charitable Foundation
Tariq Ramadan, Professor of Contemporary Islamic Studies, University of Oxford
Mervyn Thomas, Chief Executive, Christian Solidarity Worldwide
Roger Trigg, Emeritus Professor of Philosophy, University of Warwick, and Senior Research Fellow, Ian Ramsey Centre, University of Oxford

<sup>127</sup> FCO, *Human Rights and Democracy: 2013 FCO Report*, Cm 8870, April 2014, page 21; page 66

<sup>128</sup> [Memorandum from the FCO \(HRS0036\)](#)

The sub-group met in March 2014 to discuss “vision and strategy” but no strategy document has been published.<sup>129</sup> Baroness Warsi, as Chair of the new sub-group, said after the first meeting that “the persecution of people because of their faith or belief has, I believe, become a global crisis”<sup>130</sup>; and the Rt Hon Hugo Swire MP, Minister of State at the FCO, has described freedom of religion or belief as a “litmus test for other human rights”, which could be a “catalyst towards securing other fundamental freedoms”.<sup>131</sup>

## Restrictions on religious freedoms

70. According to the Pew Research Centre, the number of countries with a high or very high level of restrictions on religion reached a six-year peak in 2012, with increases reported in every major region of the world except the Americas.<sup>132</sup> There is a rising trend in the number of reports of violence against religious minorities. The FCO's 2013 Report gave examples of restrictions in a number of countries. During the course of 2013, 16 people were awaiting execution, and another 20 were serving life sentences in Pakistan under the country's blasphemy law; there has been no reduction in the persecution of religious minorities in Iran; the security situation in Iraq worsened in 2013, with increased attacks on Christians and Sunnis; extremist Buddhist groups in Burma and Sri Lanka were responsible for organised violence against Muslim communities; and there has been an intensification of hostilities against Ahmadiyya, Christian and Shi'a communities in Indonesia, which has a tradition of religious diversity and tolerance.

71. We asked witnesses what the right to freedom of religion or belief actually meant in practical terms. Professor Evans was candid about the difficulty in defining this right: he said that no serious attempt had been made to “lend greater specificity to what the freedom of religion and belief actually means”.<sup>133</sup> Baroness Warsi said that the FCO had been “much more outspoken” in defining this right.<sup>134</sup> She defined the right as:

“the freedom to have a religion or a belief, freedom to manifest that religion or belief, freedom to change that religion or belief, and freedom not to have a religion or belief”.<sup>135</sup>

Baroness Warsi said that one of the challenges with the right to freedom of religion or belief is that “it is sometimes interpreted very differently in the West as opposed to the East. We protect believers, whereas large parts of the East like to protect the religion. It has

129 “Foreign Office Advisory Group on freedom of religion or belief”, FCO press release, 25 March 2014, [www.gov.uk/government/news/foreign-office-advisory-group-on-freedom-of-religion-or-belief](http://www.gov.uk/government/news/foreign-office-advisory-group-on-freedom-of-religion-or-belief)

130 Ibid.

131 HC Debate, 1 May 2014, col 1094 [Commons Chamber]

132 Pew Research Center, “Religious Hostilities Reach Six-Year High”, January 2014, [www.pewresearch.org/religion](http://www.pewresearch.org/religion)

133 [Q 49](#)

134 [Q 63](#)

135 Ibid.

been really hard to reconcile that space politically and internationally”.<sup>136</sup> We also note that protecting the right to freedom of religion or belief may conflict with other human rights such as LGBT rights and women’s rights.

72. Restrictions on the freedom of religion or belief can fall into two broad categories: direct state denial of religious freedom, and state failure to protect. Direct state denial includes situations where the government either actively persecutes individuals or communities on the basis of their beliefs, or denies them the possibility to choose freely what they believe. In practice, this might mean legislative frameworks which deny religious groups a “legal personality”, rendering it impossible for them to own property or places of worship for example.<sup>137</sup> Restrictive laws on apostasy<sup>138</sup> or blasphemy<sup>139</sup> mean that individuals who wish to change belief are threatened by conviction or even death: the case of Meriam Ibrahim, who was sentenced to death over charges of apostasy in Sudan, has been widely publicised.<sup>140</sup>

73. The other of these two categories is state failure to protect, which occurs when governments fail to protect religious groups that are subject to abuses by non-state actors. The Pew Research Centre found that in 51 countries, there were clear instances when the government did not intervene in social discrimination and abuses of religious groups by non-state actors. Professor Evans noted that states’ failure to protect was often “acquiescence in traditional rivalries and hostilities which governments at different times have encouraged when it suits their interests”.<sup>141</sup> The persecution of the Muslim Rohingya in Burma and the Shia communities in Pakistan are two such cases.

### FCO’s work on freedom of religion or belief

74. The FCO’s response to what it describes as a “rising tide of restrictions” has been carried out in four main ways: through multilateral organisations; bilateral engagement; project work; and training and expertise for FCO ministers and officials.<sup>142</sup> We asked Baroness Warsi what the FCO hoped to achieve through its new emphasis on the freedom of religion or belief. She said:

“We started off from a very low base... [because] the concept of faith in the public sphere—even talking about faith in the public sphere, or belief, or religion—was considered in itself to be politically either naive or stupid. When we first came into Government, it was important to me that the first

---

136 [Q 64](#)

137 [Q 44](#)

138 Apostasy is the abandonment or renunciation of a religious or political belief or principle.

139 Blasphemy is an action or offence of speaking sacrilegiously about God or sacred things.

140 “Meriam Ibrahim, Christian threatened with execution in Sudan, arrives in US”, The Guardian online, 1 August 2014, [www.theguardian.com/world/2014/aug/01/meriam-ibrahim-arrives-in-us](http://www.theguardian.com/world/2014/aug/01/meriam-ibrahim-arrives-in-us)

141 [Q 44](#)

142 FCO, *Human Rights and Democracy: 2013 FCO Report*, Cm 8870, April 2014, page 21

speech I made was that this Government would “do God”. I wanted to signal a change.”<sup>143</sup>

She added that it was important to increase “religious literacy” to build “confidence” in officials to have the “tough conversations” around sensitive issues around the world, and she said that the FCO wanted to bring in expertise and had done so through the sub-group on freedom of religion or belief, to help the FCO formulate campaigns and policy.<sup>144</sup> She said that speeches such as the one she had given in Georgetown about the persecution of Christians had “indicated a much more confident and front-footed Foreign and Commonwealth Office, as well as a Government who are prepared to tackle these issues. Ministerial colleagues, including the Prime Minister, are now much more frank about discussing these issues”.<sup>145</sup>

75. The FCO spent £204,000 on project work on freedom of religion or belief in 2013-14: that is equivalent to three per cent of the total Human Rights and Democracy Programme Fund. Baroness Warsi told us that the FCO would be spending more than £204,000 on project work in 2013-14.<sup>146</sup>

*76. We welcome the steps taken by the FCO in promoting the right to freedom of religion or belief. Given the rising trend in restrictions on the right to freedom of religion or belief and the role religious intolerance plays in fuelling conflict, we also welcome the FCO's indication that spending on project work to support freedom of religion or belief will rise from 2013-14 levels. The formation of a sub-group of the Secretary of State's Advisory Group on Human Rights to advise specifically on freedom of religion or belief is a sensible and worthwhile step. We recommend that the FCO publish the strategy being drawn up by the sub-group specifying what the FCO is trying to achieve and how it plans to spend the funding allocated to project work. The strategy should specify which countries the FCO is targeting, if any, which partners it plans to engage with, and what practical steps it will take to bring about change.*

---

143 [Q 63](#)

144 [Q 63](#)

145 *Ibid.*

146 [Q 65](#)

## 8 UK's participation in the UN Human Rights Council

---

### *UN Human Rights Council*

77. The UN Human Rights Council (UNHRC) is an intergovernmental body made up of 47 UN member states elected for three-year terms. According to its website, the Council is responsible for promoting and protecting human rights around the globe. Its principal mechanisms are: the Universal Periodic Review system which serves to assess the human rights situation in each United Nations member state; the Advisory Committee, which provides the Council with expertise and advice on thematic human rights issues; and the Complaint Procedure which allows individuals and organisations to bring human rights violations to the attention of the Council. The Council's membership is based on equitable geographic distribution with 13 seats for Africa, 13 for Asia, six for Eastern Europe, eight for Latin America and the Caribbean, and seven for Western Europe and other states.

78. The UK served two terms on the UNHRC from 2006–2011, and election to the Council for the 2014-16 term was a priority for the UK Government in 2013. In November 2013, elections took place at the 68th Session of the UN General Assembly, and the UK was elected. Following the election, the Foreign Secretary stated that, as well as being active on country-specific resolutions, the UK would champion a number of thematic issues, including ending sexual violence in conflict, the need for full participation of women in peace-building and the universal right to freedom of expression and freedom of religion or belief.

79. Since the election, the UK has been involved in a number of high-profile issues. A number of written submissions to the Committee gave credit to the UK for its leadership in securing strong resolutions on Sri Lanka and Democratic People's Republic of Korea. On the other hand, criticisms have been levelled at the UK for not supporting a resolution on the use of drones and not providing access for a UN Special Rapporteur to a site in the UK. In some quarters, this is seen as indicating an inconsistency of approach.

### *Democratic People's Republic of Korea*

80. In March 2013, a United Nations Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea (North Korea) was established by a unanimous decision of the UN Human Rights Council. The Commission was given a mandate to investigate independently the reports of systematic, widespread and grave violations of human rights in the country.<sup>147</sup>

---

147 "North Korea: UN Commission documents wide-ranging and ongoing crimes against humanity, urges referral to ICC", OHCHR press release, 17 February 2014, [www.ohchr.org/en/hrbodies/hrc/coidrpk/pages/commissioninquiryonhrindrpk.aspx](http://www.ohchr.org/en/hrbodies/hrc/coidrpk/pages/commissioninquiryonhrindrpk.aspx)

81. In February 2014, the Commission of Inquiry published its final report, which detailed accounts of human rights violations in North Korea. It found evidence of: murder, enslavement, torture, rape, executions and disappearances; deliberate use of starvation as a means of control and punishment in detention centres; almost absolute bans on ordinary citizens travelling abroad; and persecution on political, religious, racial and gender grounds. The Commission concluded that the “the gravity, scale and nature of these violations reveal a state that does not have any parallel in the contemporary world”, and it believed that its findings constituted reasonable grounds to establish that crimes against humanity had been committed.<sup>148</sup>

82. We asked Human Rights Watch what it thought could be done to follow up on the Commission’s report, given that the UK and its global partners had almost no leverage and influence over the North Korea. Mr Mepham, the UK Director of Human Rights Watch, said that it was incumbent on the British Government to “find ways in which the findings of [the] report, via the General Assembly, can get onto the agenda of the Security Council”.<sup>149</sup> Without a referral from the UN Security Council, the International Criminal Court (ICC) has no jurisdiction to investigate or prosecute North Korea.<sup>150</sup> The Government has stated that it is keeping the prospect of a UN Security Council Resolution under review. When we pressed Baroness Warsi on what steps the Government was taking to table a resolution on human rights violations in North Korea at the UN Security Council, she said “[the Committee] will be aware of how the UN Security Council operates and some of our challenges with the P5 and the impact that could have”.<sup>151</sup>

**83. Whilst we recognise the difficulties of garnering support at the UN Security Council for action against the Democratic People’s Republic of Korea (North Korea), the gravity of the human rights violations by North Korea is so severe that the UK and its partners at the UN Security Council should not be seen to stand by. We encourage the FCO not to give up on using UN organs, including the Security Council, to bring pressure to bear on North Korea to improve the human rights of the population, and to work towards securing referral of North Korea to the International Criminal Court for crimes against humanity.**

### ***UN Human Rights Council Resolution on drones***

84. The UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Ben Emmerson QC, was commissioned by UN Human Rights Council in June 2012 to report on the use of remotely

---

148 “North Korea: UN Commission documents wide-ranging and ongoing crimes against humanity, urges referral to ICC”, OHCHR press release, 17 February 2014, [www.ohchr.org/en/hrbodies/hrc/coidprk/pages/commissioninquiryonhrindprk.aspx](http://www.ohchr.org/en/hrbodies/hrc/coidprk/pages/commissioninquiryonhrindprk.aspx)

149 [Q 35](#)

150 North Korea is not a signatory to the Rome Statute of the International Criminal Court.

151 [Q 101](#)

piloted aircraft in extraterritorial lethal counter-terrorism operations. In his final report in March 2014, the Special Rapporteur concluded that the current legal uncertainty in relation to the interpretation and application of international law to the use of remotely piloted aircraft had left a “dangerous latitude” for differences of practice by states.<sup>152</sup> He called for states to provide greater legal clarity and transparency on their use of remotely piloted aircraft, and to launch independent inquiries in all cases where use of such systems has resulted in civilian death or injury.<sup>153</sup> The Defence Committee, in its report on the current and future use of RPAS, has recommended that the UK Government should “engage actively in the debate” on the matters raised by the UN Special Rapporteur.<sup>154</sup> The Government, in its response to the Defence Committee report, observed that the “UN Special Rapporteur had identified a number of interesting legal questions” and said that it was “carefully considering the recommendation of the Special Rapporteur”.<sup>155</sup>

85. On 28 March 2014, the UN Human Rights Council adopted Resolution L32 on the use of remotely piloted aircraft in counter-terrorism and military operations, backing the main conclusions of the Special Rapporteur’s report. However, the UK joined the US, South Korea, Japan, France and Macedonia in voting against the Resolution. The written submission from Human Rights Watch states that the resolution “simply called on states to comply with their obligations under international law and for application of principles of precaution, distinction and proportionality”, and describes it as “regrettable” that the UK was described the one of six states that voted against this “modest” resolution.<sup>156</sup> Amnesty International described the UK’s failure to support it as a “black spot” in an otherwise good session.<sup>157</sup>

86. In explaining its ‘No’ vote at UN Human Rights Council, the UK questioned whether the issue lay within the scope of the Human Rights Council’s mandate, arguing that the appropriate law was international humanitarian law, which the Council did not have a mandate to consider.<sup>158</sup> Baroness Warsi told us that the appropriate forum for a debate around the use of drones would either be the UN General Assembly or UN Security Council.<sup>159</sup> When pressed on the implications on the use of drones of international law and international humanitarian law, she wrote to us, stating that the Government believes that

---

152 Ben Emmerson QC, *Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism*, 10 March 2014

153 Ibid.

154 [Defence Committee, Tenth Report of Session 2013-14, Remote Control: Remotely Piloted Air Systems – current and future UK use, HC 772, para 157](#)

155 [Defence Committee, Sixth Special Report of Session 2014-15, Remote Control: Remotely Piloted Air Systems – current and future UK use: Government Response to the Committee's Tenth Report of Session 2013-14, HC 611, paragraph 18](#)

156 [Memorandum from Human Rights Watch, paragraph 27](#)

157 [Q 22](#)

158 “Human Rights Council, Geneva : UK Statement on Resolution L32”, *FCO news article*, 28 March 2014, [www.gov.uk/government/world-location-news/human-rights-council-geneva-uk-statement-on-resolution-l32-28-march-2014](http://www.gov.uk/government/world-location-news/human-rights-council-geneva-uk-statement-on-resolution-l32-28-march-2014)

159 [Q 82](#)

"existing rules of international law governing the use of force and armed conflict are sufficient to regulate the use of RPAS [drones]".<sup>160</sup>

87. We wrote to the Foreign Secretary in September 2014, and asked two questions about the use of drones:

- i) What steps the Government was taking to satisfy itself that the use of armed drones by the UK was consistent with international law; and
- ii) Whether the FCO accepted the view of the UN Special Rapporteur that there was a lack of international consensus on various key legal questions on the use of RPAS, all of which needed to be resolved urgently.

The Foreign Secretary, in his letter on 10 October, replied that before undertaking any form of military operation, the Government satisfied itself that the use of armed drones was lawful by undertaking an analysis of its legality, including how detailed rules of international humanitarian law might apply.<sup>161</sup>

88. With respect to the various legal questions raised by the UN Special Rapporteur, the Foreign Secretary told us that the "UK Government believes that international law on the use of military force is absolutely clear", and that the "existing international legal framework is clear and robust", and is "fully capable of governing" the use of drones.<sup>162</sup> Baroness Anelay, the FCO Minister with responsibility for human rights, has said that the FCO had "no plans to respond in writing to the report by the UN Special Rapporteur" as the UK had set out its position on the legality of RPAS at the UN Human Rights Council 'expert meeting' on 22 September 2014.<sup>163</sup> We see signs of a shift in the Government's policy: when asked previously about the need for greater legal clarity, the Government had replied that the UN Special Rapporteur had raised important legal questions; but its recent answer to us appeared rather dismissive of his findings. **There is a clearly a difference of opinion between the UK Government and the UN Special Rapporteur on whether there is international consensus on the legal parameters surrounding the use of drones. We believe that the Government should acknowledge this and provide a written response detailing its points of disagreement with the UN Special Rapporteur's findings to both Parliament and the UN Human Rights Council.**

### *Visit by UN Special Rapporteur to the UK*

89. Under Special Procedures authorised by the UN Human Rights Council, independent human rights experts are given mandates to report and advise on human rights from a

<sup>160</sup> [Memorandum from the FCO \(HRS0034\)](#)

<sup>161</sup> [Letter from Foreign Secretary to Committee Chairman on 10 October 2014](#)

<sup>162</sup> Ibid.

<sup>163</sup> HL Debate, 14 October 2014, col WA29

thematic or country-specific perspective.<sup>164</sup> United Nations Association-UK described 'Special Procedures' as the "jewel in the crown" of the UN human rights system.<sup>165</sup>

90. One such special procedure was the mandate given to Ms Rashida Manjoo, the UN Special Rapporteur on violence against women. She came to the UK in April 2014 as part of her mandate, to examine the causes and consequences of violence against women. Following her visit, she reported that:

"I regret that, despite my repeated requests, a visit to Yarl's Wood immigration detention centre was not facilitated by the Government, and that my access to the Centre was denied, when I tried to visit it independently. Due to receiving information from the third sector, I was keen to speak to detainees in this facility to objectively seek information on violations being experienced."<sup>166</sup>

United Nations Association-UK raised concerns about the UK's handling of this visit, and drew on it as an example of where the UK's own human rights record may "affect its ability to operate effectively at the Council".<sup>167</sup> Baroness Warsi explained that the visit to the centre was requested at short notice, and as Yarl's Wood is an operational centre, "short notice visits are unlikely to be possible". The FCO is now developing a new process to work with other government departments to improve cross-Whitehall preparations for future visits of UN Special Rapporteurs.<sup>168</sup>

**91. We find it surprising that the Home Office was unable to facilitate a request, even at short notice, from a UN Special Rapporteur to visit Yarl's Wood immigration detention centre. It sets a dangerous precedent for other countries to follow suit and has caused embarrassment to the UK. We welcome the Minister's assurance that the FCO is developing a new process to work with other government departments to improve cross-Whitehall preparations for future visits by UN Special Rapporteurs.**

---

164 "Special Procedures of the Human Rights Council", OHCHR webpage, [www.ohchr.org/en/HRBodies/SP/Pages/Welcomepage.aspx](http://www.ohchr.org/en/HRBodies/SP/Pages/Welcomepage.aspx)

165 [Memorandum from United Nations Association-UK, paragraph 11](#)

166 "Special Rapporteur on violence against women finalizes country mission to the United Kingdom and Northern Ireland", *OHCHR news* article, 15 April 2014, [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14514&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14514&LangID=E)

167 [Memorandum from United Nations Association-UK, paragraph 24](#)

168 [Memorandum from the FCO \(HRS0034\)](#)

## 9 Business and human rights

---

### *National Action Plan on Business and Human Rights*

92. On 4 September 2013, the Government published an action plan on business and human rights setting out how it would implement the UN Guiding Principles on Business and Human Rights. The UK was the first country to draw up such a plan. The purpose of the action plan is to provide clear guidelines to British businesses about the Government's expectations of their behaviour overseas in respect of the human rights of people who contribute to, or are affected by, their operations. According to the Government, it will "encourage initiatives to introduce human rights due diligence".<sup>169</sup> The Companies Act 2006 also now requires listed companies "to report on their human rights impacts".<sup>170</sup>

93. Commenting after the publication of the action plan last September, Amnesty International UK said that the action plan had many positive proposals that would lead to real improvement in business impacts in human rights, if properly implemented.<sup>171</sup> However, it believed that the action plan lacked a clear sense as to how these proposals would work on the ground, and whether the political will existed to make this happen. Written submissions from UNICEF and the Corporate Responsibility Coalition (CORE) also called for greater accountability, saying that the Government needs to "devise clear goals and success criteria for each commitment/proposed actions" to ensure that progress can be "measured and verified".<sup>172</sup> Baroness Warsi equivocated on the question about what makes the action plans more than a 'set of aspirations' by saying that the Government is using its "networks to get companies to buy into this [action plan]".<sup>173</sup> She added that without buy-in, "you are not going to force businesses to do human rights work".<sup>174</sup>

94. In our report on the FCO's human rights work in 2011, we observed that a strategy which was "couched exclusively in terms of guidance and voluntary initiatives, while undoubtedly worthwhile, would not, on its own, meet the spirit of the UN Guiding Principles on Business and Human Rights".<sup>175</sup> Mr Mepham suggested that the published Action Plan placed "too much focus and reliance on voluntarism".<sup>176</sup> Baroness Warsi told

---

169 HC Debate, 6 May 2014, col 71W [Commons written answer]

170 Ibid.

171 "UK's Action Plan on Business and Human Rights – a break with the past?", *Amnesty International UK blog*, 4 September 2013, [www.amnesty.org.uk/blogs/](http://www.amnesty.org.uk/blogs/)

172 Memoranda from [UNICEF \(paragraph 3\)](#) and [Corporate Responsibility Coalition \(paragraph 2.3\)](#)

173 [Q 86](#)

174 Ibid.

175 [Foreign Affairs Committee, Third Report of Session 2012-13, \*The FCO's human rights work in 2011\*, HC 116, paragraph 109](#)

176 [Q 23](#)

us that the National Action Plan on Business and Human Rights “is based on [the UN] guiding principles but, fundamentally, focuses on the voluntary aspect”.<sup>177</sup>

**95. We note support for the National Action Plan on Business and Human Rights from some human rights organisations such as Amnesty International UK, but we also note concerns about whether it will be fully implemented, whether there is political will to develop it, and whether it lacks teeth. If the Action Plan is to command confidence, the Government should indicate that mandatory measures are being held in reserve if voluntary measures are not effective in improving business respect for human rights.**

### **UK interests and human rights**

96. The Government believes that the promotion of business and respect for human rights should go “hand in hand”, and that trade is most sustainable in markets that offer protection of, and respect for, human rights.<sup>178</sup> The Campaign Against Arms Trade (CAAT) has constantly argued this is not always the case, pointing to the friction that exists between the UK’s pursuance of commercial interests (particularly arms sales) overseas and its advocacy of human rights. In its written submission, CAAT said that the “UK government’s advocacy of human rights is undercut by the promotion of arms exports and related policies”.<sup>179</sup> The FCO’s 2013 Report accepted that the UK does “export licensable equipment to countries which feature as countries of concern in this report”, but went on further to say that “commercial relationships do not and will not prevent us from speaking frankly and openly to the governments of these countries about issues of concern, including human rights”.<sup>180</sup> The Committees on Arms Export Controls concluded that the Government would do well to acknowledge that there is an inherent conflict between strongly promoting arms exports to authoritarian regimes whilst strongly criticising their lack of human rights at the same time rather than claiming, as the Government continues to do, that these two policies “are mutually reinforcing”.<sup>181</sup>

97. The Government raises human rights concerns with certain countries through a formal bi-lateral human rights dialogue. The 21<sup>st</sup> round of the UK-China Human Rights Dialogue was held in May 2014, where senior officials discussed a full range of concerns around international civil and political rights. The Government believes that the Dialogue is an important part of its bilateral relationship with China, and that “open exchanges are vital in

---

177 [Q 76](#)

178 FCO, *Human Rights and Democracy: 2013 FCO Report*, Cm 8870, April 2014, page 112

179 [Memorandum from Campaign Against Arms Trade](#)

180 FCO, *Human Rights and Democracy: 2013 FCO Report*, Cm 8870, April 2014, page 97

181 [Committees on Arms Export, First Joint Report of the Business, Innovation and Skills, Defence, Foreign Affairs and International Development Committees of Session 2014–15, Scrutiny of Arms Exports and Arms Controls \(2014\): Scrutiny of the Government's UK Strategic Export Controls Annual Report 2012, the Government's Quarterly Reports from October 2012 to September 2013, and the Government's policies on arms exports and international arms control issues, HC 186, paragraph 106](#)

progressing that”.<sup>182</sup> The Rt Hon Michael Fallon MP, the then Minister for Business and Enterprise, said that human rights should not “get in the way” of expanding trade ties with China and “these things get raised but we should not allow them to get in the way of a very important trade relationship”.<sup>183</sup>

98. Tim Hancock, Campaigns Director of Amnesty International UK, cited another incident that illustrated the potential conflict between the UK’s business interests abroad and its promotion of human rights values. Mr Hancock thought that it was “remarkable”<sup>184</sup> that a FCO Minister had spoken alongside President Museveni of Uganda at an event to promote investment in Uganda, on the same day that the first prosecutions were coming to court under what was described as “draconian piece of legislation” criminalising same-sex relations in Uganda.<sup>185</sup> When we raised this apparent conflict with Baroness Warsi, she said that “sometimes these things happen”.<sup>186</sup> *The Government maintains that human rights and business interests go hand in hand. This was undermined by UK Government Ministers sending conflicting messages that appeared to indicate that advocating human rights was subservient to promoting UK trade and investment. The Government should recognise that this conflict exists: by doing so, the Government would be better able to articulate how it is able to achieve both of its legitimate foreign policy objectives. In cases where a conflict arises, such as when the Government engages in business with an authoritarian regime, and particularly when it sells arms to such a regime, the Government should set out explicitly how UK trade and investment would help to influence positive change in human rights in that country.*

---

182 “Hugo Swire comments on UK-China Human Rights Dialogue”, FCO press release, 21 May 2014, [www.gov.uk/government/news/hugo-swire-comments-on-uk-china-human-rights-dialogue](http://www.gov.uk/government/news/hugo-swire-comments-on-uk-china-human-rights-dialogue)

183 “China’s Human Rights Abuses ‘should not get in the way’ of trade talks, says UK Minister”, *Huffington Post*, 17 June 2014, [www.huffingtonpost.co.uk/2014/06/17/chinas-human-rights-abuse-trade-fallon\\_n\\_5502436.html](http://www.huffingtonpost.co.uk/2014/06/17/chinas-human-rights-abuse-trade-fallon_n_5502436.html)

184 [Q 25](#)

185 *Ibid.*

186 [Q 112](#)

# Formal Minutes

---

**Tuesday 11 November 2014**

Members present:

Sir Richard Ottaway, in the Chair

Mr John Baron  
Sir Menzies Campbell  
Ann Clwyd  
Mike Gapes

Sandra Osborne  
Sir John Stanley  
Nadhim Zahawi

Draft Report (*The FCO's human rights work in 2013*), proposed by the Chair, brought up and read.

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

Paragraphs 1 to 12 read and agreed to.

Paragraph 13 read.

An Amendment made.

Another Amendment proposed, to leave out from "Rajab" in line 21 to the end of the paragraph, and to add "Elections for the lower house of the National Assembly will be held in November 2014 on new more representative constituency boundaries. There will be about 400 candidates including 48 women. However the main Shia Al Wefaq opposition party is calling for a boycott of these elections. **Although there has been some progress in implementing political reform and safeguarding human rights, we believe that the FCO should continue to focus attention on the situation in Bahrain and to press for the full implementation of the recommendations of the Bahrain Independent Commission of Inquiry**".—(*Mike Gapes.*)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 3  
Sir Menzies Campbell  
Mike Gapes  
Nadhim Zahawi

Noes, 4  
Mr John Baron  
Ann Clwyd  
Sandra Osborne  
Sir John Stanley

Question accordingly negatived.

Paragraph, as amended, agreed to.

Paragraphs 14 to 16 read and agreed to.

Paragraph 17 read.

Amendments made.

Another Amendment proposed, in line 9, to leave out the words "**democratic and**".—(*Ann Clwyd.*)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 0

Noes, 6

Mr John Baron  
Sir Menzies Campbell  
Mike Gapes  
Sandra Osborne  
Sir John Stanley  
Nadhim Zahawi

Question accordingly negatived.

Paragraph, as amended, agreed to.

Paragraphs 18 to 38 read and agreed to.

Paragraph 39 read, amended and agreed to.

Paragraphs 40 to 44 read and agreed to.

Paragraph 45 read, amended and agreed to.

Paragraphs 46 to 63 read and agreed to.

Paragraph 64 read, amended and agreed to.

Paragraphs 65 and 66 read and agreed to.

Paragraph 67 read, amended and agreed to.

Paragraphs 68 to 70 read and agreed to.

Paragraph 71 read, amended and agreed to.

Paragraphs 72 to 75 read and agreed to.

Paragraph 76 read, amended and agreed to.

Paragraphs 77 to 98 read and agreed to.

Summary read.

An Amendment made.

Another Amendment proposed, in line 16, at end, to add the words “We believe that the Government should play a more prominent part in helping to resolve the conflict between Israel and the Bedouin community”.—  
(*Ann Clwyd.*)

Amendment, by leave, withdrawn.

Summary, as amended, agreed to.

*Resolved*, That the Report be the Sixth Report of the Committee to the House.

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

*Ordered*, That the following written evidence be reported to the House for publication on the internet:

Supplementary evidence from the Foreign and Commonwealth Office (HRS 0036)

Supplementary evidence from Professor Malcolm Evans, University of Bristol (HRS 0037)

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

[Adjourned till Tuesday 18 November at 1.45 pm

## Witnesses

---

The following witnesses gave evidence. Transcripts can be viewed on the Committee's website at [www.parliament.uk/facom](http://www.parliament.uk/facom)

### Tuesday 13 May 2014

*Question number*

**David Mepham**, UK Director, Human Rights Watch, **Tim Hancock**, Head of the Chief Executive's Office, Amnesty International UK, and **Professor Malcolm Evans OBE**, Professor of Public International Law, University of Bristol

[Q1-51](#)

### Tuesday 8 July 2014

**The Rt Hon Baroness Warsi**, Senior Minister of State, Foreign and Commonwealth Office, and Minister of State for Faith and Communities, Department for Communities and Local Government, and **Rob Fenn**, Head of Human Rights and Democracy Department, Foreign and Commonwealth Office

[Q52-112](#)

## Published written evidence

---

The following written evidence was received and can be viewed on the Committee's website at [www.parliament.uk/facom](http://www.parliament.uk/facom). HRS numbers are generated by the evidence processing system and so may not be complete.

- 1 Abcolombia ([HRS0023](#))
- 2 Adalah Legal Center for Arab Minority Rights in Israel ([HRS0026](#))
- 3 Aigerim Dzhakisheva ([HRS0022](#))
- 4 Amnesty International UK ([HRS0019](#))
- 5 Burma Campaign UK ([HRS0014](#))
- 6 Campaign against Arms Trade ([HRS0016](#))
- 7 Catholic Bishops Conference of England and Wales and the Church of England's Mission and Public Affairs Council ([HRS0033](#))
- 8 Christian Solidarity Worldwide (Csw) ([HRS0024](#))
- 9 Coalition of NGOs ([HRS0029](#))
- 10 Core (Corporate Responsibility Coalition) ([HRS0003](#))
- 11 Dr Hilary Tyrrell ([HRS0011](#))
- 12 Dr Oz Hassan ([HRS0006](#))
- 13 ECPAT UK ([HRS0018](#))
- 14 Foreign and Commonwealth Office ([HRS0034](#))
- 15 Foreign and Commonwealth Office ([HRS0035](#))
- 16 Foreign and Commonwealth Office ([HRS0036](#))
- 17 Friends of Hazaras ([HRS0009](#))
- 18 Global Tamil Forum ([HRS0020](#))
- 19 Human Rights Watch ([HRS0013](#))
- 20 Israeli Committee against House Demolitions (Icahd) Uk ([HRS0025](#))
- 21 Jews for Justice for Palestinians ([HRS0007](#))
- 22 Kachin National Organization ([HRS0010](#))
- 23 Lawyers for Justice in Libya ([HRS0028](#))
- 24 Liberal Democrat Friends of Palestine ([HRS0021](#))
- 25 Pen International ([HRS0015](#))
- 26 Philip Nixon ([HRS0012](#))
- 27 Prisoners Abroad ([HRS0017](#))
- 28 Professor Malcolm Evans ([HRS0037](#))
- 29 The Redress Trust (Redress) ([HRS0030](#))
- 30 Unicef UK ([HRS0027](#))
- 31 United Nations Association - UK ([HRS0032](#))
- 32 Womankind Worldwide ([HRS0002](#))
- 33 Women's League of Burma ([HRS0005](#))