



First Report
from the

Foreign Affairs Committee

Session 2000-2001

Annual Report on Human Rights 2000

Response of the Secretary of State for
Foreign and Commonwealth Affairs

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
4 April 2001*

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**FIRST REPORT FROM
THE FOREIGN AFFAIRS COMMITTEE**

SESSION 2000-2001

ANNUAL REPORT ON HUMAN RIGHTS 2000

**RESPONSE OF THE SECRETARY OF STATE FOR FOREIGN AND
COMMONWEALTH AFFAIRS**

1. The Secretary of State for Foreign and Commonwealth Affairs welcomes the Foreign Affairs Committee's Report on the FCO's Annual Report on Human Rights 2000. The Secretary of State welcomes the Committee's conclusion that the 2000 Report is an improvement on previous versions. The Government remains committed to do all it can to promote human rights around the world in a transparent and accountable way.
2. The Foreign Affairs Committee notes that human rights have been a central theme of its work in this Parliament. The Government likewise attaches great importance to the observance and promotion of human rights in the conduct of its foreign policy. Apart from having merit in itself, this policy has the force of economic trends behind it. Globalisation and the concomitant technological change have transformed the way nations interact with each other. In the age of satellites, fibre-optic cables and the Internet it is increasingly hard for states to shut themselves off from the scrutiny of the international community. Global business trends bring nations and peoples into ever-closer interaction. Conflict and tensions are increasingly within, rather than between, countries and have a regional impact.
3. There is momentum behind our work and, despite inevitable setbacks, progress is real.
4. The Government welcomes the expert scrutiny of the Committee into its work to promote human rights. This Command Paper sets out the Government's detailed replies to the Committee's conclusions and recommendations. Unless otherwise indicated, references are to paragraph numbers in the Foreign Affairs Committee Report.

We again recommend the inclusion of information on a country-by-country basis in future annual reports on human rights.

We recommend that information be provided on every country where there are significant grounds for concern about human rights and that this information should include:

- a brief assessment of the country's human rights record, including details of the country's record of ratification of core human rights instruments and, where relevant, details of UK Government action to encourage ratification;
 - details of UK Government action designed to improve the country's human rights record, including action taken in conjunction with EU, Commonwealth or other partners;
 - a list of the human rights-related projects supported by the UK Government, with the cost of each; and
 - an outline of further proposed activities and actions
(Recommendations 1 and 2 (paragraphs 7 and 8))
5. The Government aims to describe as fully and openly as possible its activities to

promote human rights around the world. The Annual Report on Human Rights has adopted a rigorous, thematic approach which the FCO believes makes the Annual Report readable and accessible while retaining intellectual coherence. The Government continues to believe that this is the best way to cover a wide range of themes and countries where there are significant human rights concerns. A country by-country layout as proposed by the Committee would greatly increase work in Embassies, other Government Departments (OGDs) and the FCO. Work currently in hand to address human rights concerns - including by practical means - would have to be significantly scaled back. A country-by-country layout would also duplicate the existing reports of the US State Department, Amnesty International and Human Rights Watch.

6. Last year's report included a chart outlining the record of every country in ratifying core human rights instruments. This will be updated and included in the report for 2001.

7. This year's report will include a review of the FCO's substantive programme on human rights in the Human Rights Project Fund - how money has been spent and what it has achieved. Additionally, a human rights element is often present in other projects and programmes supported by OGDs. It would involve disproportionate effort to break down this element. Predicting future proposed action would cause similar difficulties bearing in mind the budget cycle, the timing of the FCO's annual objective setting exercise and, of course, the unpredictable nature of foreign affairs.

We recommend that future editions of the annual report should include as an annex a breakdown of FCO expenditure through key human rights funds over the previous financial year.

(Recommendation 3 (paragraph 12))

8. The Government will include in the Annual Report 2001 a review of the Human Rights Project Fund since its inception. This will include a breakdown of spend. For the reasons given in paragraph seven above, it is not possible to provide a breakdown of human rights-related expenditure for other funds including those held by OGDs.

We recommend that information on human rights expenditure provided in future annual reports should also be made available on the Internet through a searchable database.

(Recommendation 4 (paragraph 13))

9. We will continue to maintain the on-line database of the Human Rights Project Fund and further develop its already strong Internet presence. The Committee will be aware that the Government's Conflict Prevention Funds, which incorporate the FCO's ASSIST programme, will start disbursing money in financial year 2001-02. The FCO will explore with the OGDs concerned how to make as much information as possible on this Fund available to the public through the Internet.

We recommend that in next year's annual report the Government take particular care to explain how its policies and actions in particular countries address the human rights shortfalls which it has identified, and the reasons for the strategy of engagement which has been adopted in each case.

(Recommendation 5 (paragraph 18))

10. The Government welcomes the Committee's description of the FCO's 'sensible' and 'pragmatic' approach to promoting human rights. The Government is committed to pursuing

policies, which take into account the prevailing conditions, which contribute towards the overarching aim of promoting respect for human rights. Future Annual Reports will explain the reasoning behind the FCO's choice of policy, be it engagement or isolation, and how those decisions can go some way towards addressing the human rights shortfalls in key countries.

We recommend that the Government explain in its response to this Report how critical engagement differs from constructive engagement and the reasons for any policy developments concerned. (Recommendation 6 (paragraph 19))

11. There is no policy distinction between the phrases critical engagement and constructive engagement. Nothing should be read into the use of one phrase rather than the other.

PCAs should have teeth and, when appropriate, the teeth should bite. States which consistently fail to meet their obligations should have their PCAs suspended. (Recommendation 7 (paragraph 22))

12. The Government shares the Committee's concern that human rights provisions under Partnership and Co-operation Agreements (PCA) should be respected. That is why the Government supported use by the EU of PCA mechanisms to make clear concerns in a number of cases, including Russia and Central Asian states. In several cases, notably in Georgia and Azerbaijan, the UK has instigated action in the EU. The PCAs are not the only instruments through which EU Member States can express concern. The EU has been active collectively in the Council of Europe, the United Nations Commission on Human Rights and through targeted demarches. In addition, the UK takes bilateral action where appropriate. For example, following an undertaking by the Algerian Government to examine individual human rights cases submitted by the EU, the UK has raised with the Algerian Government a total of ten cases since March 1999. There has however been only a limited response so far from the Algerian authorities. The UK continues to press for full answers.

13. The Government remains committed to upholding the human rights provisions of PCAs. Human rights abuses are invariably raised in EU Co-operation Councils or Committees with the country concerned. The Government is not convinced however that suspension of a PCA should be seen as the automatic response to particular human rights violations. Denying countries access to trade and political dialogue, as well as to other EU instruments, is not necessarily a fast track to improved human rights performance on the part of the country concerned. It carries the risk of increasing isolation and exacerbating the human rights situation there. In short, EU Member States make judgements in each individual case as to whether dialogue or isolation is more likely to achieve our objective, and whether there is more to be gained from pursuing a policy of targeted co-operation, for example in the justice and economic affairs.

We recommend that the Government should describe in more detail the circumstances which would lead it to press for the suspension of a trade agreement with a country in breach of its human rights obligations. Recommendation 8 (paragraph 23))

14. The Government does not share the Committee's view that it would be helpful to spell out the circumstances that would lead it to press for suspension of trade agreements. There can be no automaticity about such a process and the Government cannot prejudge debate in the Councils of the EU.

15. The Government can, however, assure the Committee that, as with PCAs, the Government works closely with its partners on human rights issues and will continue to work in the EU to ensure that human rights concerns are raised at all levels. For example, the EU will continue to raise human rights concerns with the Israeli Government through targeted demarches and other representations on a broad range of human rights issues including border closures; obstacles to humanitarian assistance; policy of extra-judicial killing of Palestinians by Israeli security forces and transfer of revenues withheld from the Palestinian Authority.

We recommend that the issue of forced marriages continues to feature in future annual reports on human rights.

(Recommendation 9 (paragraph 27))

16. The Government remains deeply concerned about the issue and has tried hard to help the victims of forced marriages as the Annual Report 2000 made clear. The Government is committed to this work and will continue to report on its activities in future Annual Reports.

We recommend that citizenship education continue to feature in future annual reports on human rights.

(Recommendation 10 (paragraph 28))

17. The Government shares the Committee's view of the importance of citizenship education and human rights in the UK's schools. Future Annual Reports will include a section on this subject.

We strongly recommend that the Government find time to ensure that the International Criminal Court Bill becomes law before the end of the current Session.

(Recommendation 11 (paragraph 29))

18. The Government is grateful for the support the Committee has consistently given to the International Criminal Court (ICC) Bill. We are committed to getting the Bill on the statute book as soon as possible and have repeatedly called for cross-party agreement to this end.

19. The Government considered carefully all the points raised during consultation on the draft ICC Bill, including by Amnesty International, and made many changes to the Bill before its introduction in Parliament. The Committee correctly notes that the Government has stated its position on the questions of universal jurisdiction and immunities during the passage of the Bill in the Lords. The requirement for the Attorney General's consent for any domestic prosecutions is fully in line with the recommendations of a comprehensive review by the Law Commission in 1997-98 into the question of 'consents to prosecution'. This review recommended that offences involving an international element should exclusively require the consent of the Attorney General. The Law Commission's recommendations thus confirmed the policy, which has historically been taken in UK legislation with regard to international crimes such as the Genocide Act or the United Nations Personnel Act.

We recommend that the Government continues to make its opposition to the death penalty known to the US authorities, especially in the early months of the new administration.

(Recommendation 12 (paragraph 32))

20. The Government is grateful for the Committee's support in its work opposing the death penalty worldwide. The Government, with its EU partners, has in the past, made

representations to the United States authorities at the state and federal levels. Since November 2000, the EU has made demarches in line with its guidelines at the state level in Missouri (one case), Oklahoma (eight cases), Tennessee (one case) and Texas (two cases). There have been no federal executions scheduled since the US presidential election. If and when any execution dates are set, the Government expects the EU to lobby the federal authorities.

We recommend that next year's annual report contain a section devoted to slavery and bonded labour across the Indian sub-continent as a whole. We further recommend that the Government informs the Committee in its response to this Report as to the outcomes for which it will be pressing from the International Labour Organisation conference on bonded labour to be held in June 2001. (Recommendation 13 (paragraph 33))

21. Slavery and bonded labour have no place in the twenty-first century. The Annual Report on Human Rights 2000 noted the Government's efforts to help root out the practice in India and Nepal. The existence of bonded labour in Pakistan and Bangladesh, as in any other country, is a concern. The next Annual Report will include a section dealing with bonded labour across the sub-continent as a whole.

22. The Director General of the International Labour Organisation (ILO) will submit to the annual ILO Conference in June 2001 a Global Report on the Elimination of all Forms of Forced or Compulsory Labour. This will be the second in a series of Global Reports being produced under the follow-up to the ILO's 1998 Declaration on Fundamental Principles and Rights at Work. Each Global Report provides an overview of the current state of affairs and serves as a basis for assessing the effectiveness of ILO assistance and technical co-operation on individual topics. The Government shares the ILO's aim that discussion of the Global Report at the Conference should set the stage for the ILO Governing Body to draw clear conclusions about the ILO's priorities for technical co-operation on the issue of forced labour during the subsequent four years. The overarching aim is to suppress the existence of forced or compulsory labour in all forms within the shortest possible time.

We regret the Government's failure to publish the green paper on mercenaries on time, and recommend that it states in its response to this Report when this important document will be published. (Recommendation 14 (paragraph 34))

23. Unfortunately, it proved impossible to publish the Green Paper on mercenary activity as expected by the end of November 2000. The issue is a complex one. It is important therefore to work carefully through the details. The Government assures the Committee that work on the Paper is continuing.



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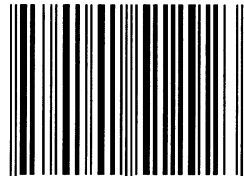
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