



Oral evidence: [The FCO's human rights work in 2013](#), HC 1281

Tuesday 13 May 2014

Ordered by the House of Commons to be published on 13 May 2014

[Watch the meeting](#)

Members present: Sir Richard Ottaway (Chair); Sir Menzies Campbell; Ann Clwyd; Mike Gapes; Mark Hendrick; Sandra Osborne; Andrew Rosindell; Sir John Stanley; Rory Stewart

Questions 1-51

Witnesses: **David Mepham**, UK Director, Human Rights Watch, and **Tim Hancock**, Head of the Chief Executive's Office, Amnesty International UK, gave evidence.

Q1 Chair: I welcome members of the public to this session of the Foreign Affairs Committee and our inquiry into the Foreign and Commonwealth Office's human rights work in 2013. I make the usual caveat at the beginning of these sessions on human rights: this is not an inquiry by this Committee on human rights; it is a critique of the Foreign Office's human rights work in 2013.

I am delighted to welcome two very distinguished witnesses—David Mepham, the UK director of Human Rights Watch, and Tim Hancock, who is head of the chief executive's office at Amnesty International UK. Gentlemen, welcome.

The first few questions are generally about the Foreign Office's human rights work in 2013. In its report, the Foreign Office says: "In order to ensure that our analysis is strictly evidence-based, we introduced this year a list of internationally respected human rights indicators and indices." Have you had a chance to assess whether that has worked? Indeed, have you noticed it?

David Mepham: I have not seen those indicators; they were not circulated as part of the process, and they were not published in the report, but I understand that they are the kind of indicators that one would expect from Freedom House or in UN special rapporteurs' reports. The crucial thing for Human Rights Watch is that we had this review back in 2012 of the countries of concern criteria. New criteria were published.

Chair: I will come to that in a second.

David Mepham: The two were very much linked, because, basically, the Foreign Office—the human rights and democracy department—is arguing that the assessment as to which countries are included in the countries of concern section is underpinned by the criteria you referred to. The two are very much linked, but they have not been published and put in the public domain, so it is hard to make a judgment about the relative weight that is being attached to particular indices as opposed to others.

Tim Hancock: There are many different indicators that you could use, so it will be interesting to know which are being used. It is terribly hard to come up with a list of 28 countries which is purely objective. Clearly, within the Foreign Office report, the way in which they are viewing which countries become countries of concern has subjective elements, like the extent to which the human rights situation impacts on UK interests. It is an obvious enough assessment for the Foreign Office to make, but, quite clearly, that introduces a measure of subjectivity and politics to it.

Q2 Chair: Turning to countries of concern, we had the usual debate here on this as to what should and should not be in. Of course, we have the usual cause célèbre of Bahrain that sits in this case study category rather than as a country of concern. Do you think that the Foreign Office is striking the right balance generally on the criteria for countries of concern? They have recognised some of the points that we have made in the past, and we have welcomed that, but, using Bahrain as an example, do you think that they are getting the balance right?

David Mepham: No, I do not think that they are quite getting it right. The criteria that were published in 2012 following a review that was conducted by the Foreign Office are fine at one level. They talk about the objective gravity of the human rights abuses, Britain's influence and the knock-on and regional impact. But I am still slightly puzzled by the way in which those criteria are interpreted and applied. In the written submission that Human Rights Watch made to this Committee, we expressed concern that countries like Egypt, Bahrain—which you just referred to—Ethiopia and Rwanda were not included.

Of those four, I would particularly single out Egypt. It strikes me as extraordinary, given what has happened in Egypt over the last six to nine months, that it is not regarded as meeting the threshold in terms of the gravity of human rights abuse. Something like 1,000 people were killed in July and August last year, a lot of them related to the excessive use of force by the Egyptian military in breaking up the Rabaa sit-in. Sixteen thousand people are still being detained in Egypt. If that does not meet the threshold for inclusion in the countries of concern section, I am very puzzled and surprised by that. A very important question to put to the Minister is why it did not make the grade.

Tim Hancock: And also to see how it is going forward. I agree with David about those countries and Egypt in particular. Although this is beyond the scope of the 2013 report, 1,000 people were sentenced to death in mass trials. A lot of those people had their death sentences commuted, but that really is an extraordinary way of proceeding. What the Foreign Office are going to do about this next year is something that we should be interested in.

Q3 Chair: It is. I warn you that the acoustics are not very good here and I am having trouble with hearing what you are saying, Mr Hancock.

We have previously criticised the absence of any systematic form of evaluation of countries of concern. In the past, we have recommended the use of benchmarks, targets and indicators. Is there any sign that that has been taken on board in this year's report? Or is there anything more systematic about the approach?

Tim Hancock: No. I would say that the report is very good at describing the Foreign Office's priorities and it is very good at describing the sorts of activities that they undertake, but it does not equate to an evaluation of progress against what the Foreign Office is seeking

to achieve—not in a systematic way. It does, of course, report on progress where it can find it, but I do not think you can see the link between “This is what we are aiming to do through our policies” and “This is what has been achieved.” I would not understate the difficulty of that, but nevertheless I do not see it coming through strongly in the report.

David Mepham: I agree with that. I do not think it is clear enough in terms of what it is that the Foreign Office is trying to change in the Congo, in Afghanistan, in Somalia or wherever it may be, and the benchmarks are certainly not established. I agree with Tim that it is difficult, and I have some sympathy for the people writing the report, but it still remains a list of activities as opposed to an analysis of what the Foreign Office is trying to change and the progress they are making in trying to bring about those changes.

Chair: Whoever was fiddling with the sound system, that is a big improvement. Thank you.

Q4 Ann Clwyd: There are, of course, allegations of torture in Bahrain and also in Saudi Arabia. Why do you think that the Foreign Office finds it difficult to substantiate, or otherwise, those claims?

David Mepham: Perhaps I will start with Bahrain. We have been—again, this was a point that was made in the Human Rights Watch submission to your Committee—concerned for a number of years that there is a tendency in the Foreign Office for Foreign Office Ministers to talk up reform in Bahrain and to play down ongoing abuses. If I can find it in the comments that I sent through to you, there is a very interesting way in which it was formulated in the Foreign Office report. The way that they described Bahrain was: “The government of Bahrain’s work to implement its reform programme...continue to suggest that the overall trajectory on human rights will be positive”. I thought that was very curiously formulated, and I do not think that the Foreign Office has the basis, in terms of what is happening on the ground in Bahrain and what has been happening for the last couple of years, to make that optimistic assumption about the way in which things are progressing. Our assessment would be, actually, that there has been very little implementation of the Bahraini independent commission of inquiry recommendations and there are still ongoing credible reports of torture. In fact, Human Rights Watch has a report coming out next week that relates to torture that took place in 2013.

In relation to Saudi Arabia, of course, you have had a separate inquiry on Saudi Arabia and Bahrain. We are concerned by ongoing abuses in Saudi Arabia, not just the torture issue that you have referred to but, for example, the crackdown on free expression. Generally, I think the Foreign Office is reluctant to press human rights concerns in relation to Saudi Arabia for reasons that we might perhaps be aware of—the geopolitics, the security interests, the trade interests and so on—and there is a reluctance to press human rights concerns with Saudi Arabia with sufficient vigour.

Q5 Sir Menzies Campbell: I would like to ask you about freedom of religion or belief, Mr Mepham. I think you are the obvious candidate to deal with that on account of the fact that you are a member of the new sub-group of the Foreign Secretary’s human rights advisory group. I think that that group met on 25 March. Was that the first occasion?

David Mepham: That was the first occasion, yes.

Sir Menzies Campbell: So it is early days, in that case. Would you be willing to share with us your view as to what the priorities of that group ought to be?

David Mepham: As you say, it has met once. In some ways, it is interesting timing because this group has been created—actually by Baroness Warsi, who chairs the group, rather than the Foreign Secretary—towards the tail end of a Parliament, so there is not a lot of time for the group to offer its thoughts and ideas about where the Foreign Office could go with its freedom of religion and belief agenda.

It was an interesting mix of people around the table. Amnesty was represented, and there were also some members from the religious communities. There was quite a diverse set of perspectives around the table. It was not entirely clear at the end of the meeting, although it was a very good discussion, but I think the aim of the group is to try to help the Foreign Office develop some kind of strategy for dealing with issues in relation to freedom of religion and belief. It is good that the Foreign Office is looking at this issue. There are certainly many places around the world where Human Rights Watch, and no doubt Amnesty, too, have documented serious abuses against religious minorities. Whether it be the Shi'a in Pakistan, Christians in Egypt or Muslim groups who practise their faith outside state controls in places such as Uzbekistan and Turkmenistan, there is a real issue here.

Where the Foreign Office has not fully thought through its policy—and maybe this group can assist—is in the tension, if you like, between religious faith and other human rights goals. I am thinking, for example, of the tension between how some Muslims might interpret their faith and attitudes towards women's equality, LGBT rights or freedom of expression. There are some real tensions there, which I think this group can potentially help with but which I am not sure have yet been properly dealt with by the Foreign Office in their public statements on this agenda.

Q6 Sir Menzies Campbell: Is there a particular issue in relation to those states where religion is essentially the form of government and, as a result, any attempt to exercise freedom of religion is regarded as, if not treasonable, certainly against the interests of the country and sometimes even a breach of citizenship rights?

David Mepham: I think that is right and, again, I would perhaps come back to Saudi Arabia as a country where, just in the last week—I think it was the end of last week—a liberal activist called Raif Badawi who set up a liberal website was sentenced for “insulting Islam”. He has been given a 10-year prison sentence for writing things on his website, calling for reform and changing Saudi Arabia; a 10-year sentence and 1,000 lashes for expressing his views peacefully. So there is a very real problem in places like Saudi Arabia—this tension, as you say, between the role of religion in the state and other basic international human rights standards that we would all hopefully want to see reflected and upheld.

Q7 Sir Menzies Campbell: One last question, which I think is of more contemporary relevance. There are states, of course, where freedom of religion is asserted, sometimes as a constitutional right, but those states are ineffective at ensuring that it is properly preserved.

David Mepham: Yes, that is right. There are many countries around the world where the constitution is fine and the words in the constitution uphold and respect freedom of religion, but actually, in practice, religious minorities are persecuted and discriminated

against and subject to terrible abuse. That is a serious issue that we, and no doubt Amnesty, have documented in great detail.

Tim Hancock: I was just going to add: Saudi Arabia is an example of where freedom of religion is something that the kingdom would claim to exist, but religious minorities are denied that their religion exists. You also see it feeding through in, for example, the ability of migrant communities to practice Christianity. So you can see those restrictions in Saudi Arabia, which clearly has a strong religious profile as a state, but which also suggests, publicly, that freedom of religion exists.

Q8 Sir Menzies Campbell: I do not want to put words into your mouth, Mr Mepham—I am sure you would not allow me—but do I understand from what you have said that the Foreign Office has shown an interest in an area of great importance, but thus far you are not convinced that it has a clear strategy?

David Mepham: No, I do not think it does have a clear strategy, and I think the purpose of this group is to help them develop one, which is a good thing. As I say, there is an issue around the timing of it, because it comes very late.

To be fair, a lot of this is driven by Baroness Warsi, who has come to the Foreign Office, I think, just in the last couple of years and is passionate about this agenda. She has wanted to take it on and drive it, so credit to her for taking that issue forward. However, there are lots of quite difficult issues that the Foreign Office, and arguably all of us, are grappling with in terms of the balance between private religious morality and religiously motivated public policy. I am concerned about some aspects of the latter that are detrimental to women's rights, LGBT rights, freedom of expression, reproductive health rights—all the issues that we are familiar with where there can be real tension.

Sir Menzies Campbell: Well, there is hardly a country of concern where these issues are not live.

David Mepham: That is right.

Q9 Sir Menzies Campbell: Can I move on to something slightly different? You know the Foreign Secretary has taken the initiative about preventing sexual violence in conflict, and there is to be a global summit to discuss it. Have you got any view as to what the priorities of that summit ought to be?

Tim Hancock: The priorities for that are what the Foreign Secretary is spelling out. We expect to see a protocol launched that will help to drive good practice in documenting and investigating sexual violence. I think he has put an emphasis on needing practical commitment to be made by states. I think there is a discussion about trying to convey the importance of militaries incorporating an awareness about gender and about sexual violence in their practice and in their policy. So the themes that are being emphasised in the lead-up to this summit are the right ones, and the emphasis that is being placed on securing practical commitments is the right kind of emphasis.

The question is going to be, to what extent is this going to be sustainable beyond the summit? That also is a question for the Foreign Office and Whitehall as a whole. The emphasis on ending sexual violence is important. The political drive that the Foreign

Secretary has put into this is exceptional and welcome, but for it to be stabilised and for it to be secured as a long-term agenda, it needs to fit in within the wider Government work on women, peace and security, and it needs to continue to have the political attention and resourcing that it has had hitherto, if we are going to see practical commitments from this country and others being delivered in practice.

That is one thing that I really hope the Foreign Affairs Committee, over the remainder of this Parliament, would remain seized upon and come back to in due course, because it is a very important thing to do.

Q10 Sir Menzies Campbell: Would an important outcome, in due course, be a convention?

Tim Hancock: I do not think there is any shortage of international law that prohibits sexual violence in conflict.

Sir Menzies Campbell: I am particularly thinking of a convention that focuses on this element at the hand of the United Nations.

Tim Hancock: I think it is a possibility. Much more emphasis should be put on securing practical action within countries. I think that the declaration is there. Geneva conventions exist, which would outlaw this thing. There is the Rome statute—you could urge states to ratify that. Another convention might fill in some gaps, but I think there is much more you could do in the amount of time it takes to negotiate a convention.

Sir Menzies Campbell: More action and less talk.

Tim Hancock: Absolutely.

David Mepham: I agree with everything that Tim has said, and Human Rights Watch is similarly positive about the initiative. I think the Foreign Secretary deserves credit for the leadership that he has shown. I think, and you have hinted at this, that the key is really to translate the summit that is going to take place from 10 to 13 June—the key to any global initiative of this kind is translating global words on a bit of paper into action at the national level. One of the series of recommendations that Human Rights Watch has made as part of this process is—I am a member of the steering board for the Foreign Secretary on this PSVI initiative and one of my colleagues, who is head of our women's rights division, has been involved in developing it—this international protocol that allows more effective means of documenting sexual violence.

There has been a lot of focus by the Foreign Secretary, not unreasonably, on trying to increase the number of prosecutions and saying that there is a miserably low level of prosecutions for people responsible of terrible crimes of sexual violence. That is good and right, but it needs to be supplemented by things like the more effective provision of services to people who have been the victims of sexual violence, and reforms to local judicial systems.

One of the things we have noticed in Somalia, where we have done a lot of work on this in the last couple of years, is that people are incredibly reluctant to come forward with allegations of sexual violence because they end up being criminalised themselves, as opposed to being assisted. The accusation is that they have defamed the local security forces, they are bringing forward false allegations or they have had sex outside marriage. There is a whole

series of ways in which women are incredibly intimidated in coming forward with claims of sexual violence. The judicial system needs to be reformed, but also a whole range of services need to be provided to better support them if we are going to get the kind of justice that we want to for these kinds of crimes.

Q11 Sir Menzies Campbell: This is really a question not of waving a big stick, but of using what is sometimes called “soft power”. Is that a welcome development as far as your organisations are concerned?

Tim Hancock: Yes. It is a good example of what can be achieved when you get good people with political weight behind them. One of the things that has impressed us is the extent to which the Foreign Office has been willing to engage with external experts and—this also relates to the question of implementation and practicality in June—the emphasis they are hoping to place on women human rights defenders in particular as being able to provide some of those services. Therefore, looking at measures that can be taken by states to support and protect them is very welcome. Whether that is soft diplomacy or big stick diplomacy I am not sure, but hopefully it will be effective diplomacy.

Sir Menzies Campbell: Let’s hope it works, whatever the description.

Tim Hancock: If it is sustainable—yes.

Ann Clwyd: Is there a draft programme for the summit?

Chair: We are trying to make some progress. John is ahead of you in the queue.

Q12 Sir John Stanley: China is one of the Foreign Office’s countries of concern. As you know, there has been a significant change of policy recently with the termination, by the Chinese Government, of the China-UK bilateral human rights dialogue. A number of us have felt for quite some time, listening to successive Foreign Office Ministers from successive British Governments in front of this Committee, that the China-UK bilateral human rights dialogue has been a somewhat convenient smokescreen, behind which British Ministers have been able to take refuge, saying that they are in dialogue with the Chinese Government on human rights, but without achieving very much. Do you think that the termination of that dialogue is a material setback for human rights issues in China or do you think that, in practice, it is pretty non-material?

David Mepham: There is still a little bit of confusion about whether or not this dialogue meeting is happening. Like you, I read in the press a couple of weeks ago that it had been cancelled. I saw something just the other day suggesting that a new date had been found, so it may be that when you see the Minister for her session in a few weeks time, it will be clearer as to whether or not some kind of China-UK human rights dialogue will proceed. Your broader point is about whether that dialogue achieved anything in recent years. Our assessment is: very little.

No one is against dialogue as a matter of principle. We are all in favour of dialogue and it should always be pursued to good ends, but I don’t see much evidence that the way in which the China-UK human rights dialogue has been set up and followed through in recent years has delivered very much. We are also concerned—and we said this in our written submission—that China is one of those countries where, again, there is a sort of tendency on

the part of the Foreign Office and UK Government to reign in its concerns about human rights and not to talk so strongly about human rights issues. The Chancellor of the Exchequer went to China at the end of last year and said almost nothing publicly about human rights. The Prime Minister went to China and said almost nothing about human rights. I think that is troubling when you have got a Foreign Secretary saying that we raise human rights concerns whenever and wherever they arise. It comes to China and it seems that these issues are pushed to the side. I think in places like China, but also Saudi Arabia, we will be urging the UK to be stronger on some of these human rights concerns that we and others—indeed, the Foreign Office’s own report—document in some detail.

Tim Hancock: I will not take up your time repeating what David has just said. We agree with that.

Q13 Sir John Stanley: The second question I want to put to you is this. On 13 April, *The Observer* reported that the US “Senate’s intelligence security committee is preparing to declassify a file that reportedly confirms that the CIA detained ‘high-value suspects on Diego Garcia’ and that ‘the black site arrangement on the atoll was made with the “full cooperation” of the British government.’” Do you wish to inform the Committee whether you have any information as to whether Diego Garcia was designated as a “black site” by the US Administration? If so, was that done with the connivance of the British Government?

Tim Hancock: No, I have no information. It was a concern that we raised a decade ago and were told wasn’t happening. Then information came out that, in fact, the CIA might have been stopping there. I have nothing to add in terms of substantive information on this, but it would be very troubling indeed if yet something else new came out on Diego Garcia because it seems to coming out piecemeal. But I have no facts on that for you at all.

David Mepham: I am in a similar position in not having here and now any comment to make, but I am very happy to discuss with colleagues, and if there is anything we can offer to the Committee on that point, I am very happy to do so. But I have no comment to make at this point.

Q14 Sir John Stanley: Do you have any information as to whether the Senate Intelligence Security Committee has, as of today, declassified or not the file in question?

David Mepham: I am not aware of that, I’m afraid.

Q15 Rory Stewart: Both of your organisations have pushed very strongly for action against warlords in Afghanistan on human rights. What is your response, therefore, to Sayyaf running in the election? Or General Abdul Rashid Dostum running in the election for the presidency? What do you think the consequences will be, particularly as the two front runners?

Tim Hancock: As a matter of policy, we do not take a view on which candidates should win what elections. I think that the recommendation that we would make to anybody winning an election is to do what they can to preserve stability in Afghanistan. We are particularly concerned that the limited and fragile progress on the rights of women in Afghanistan is something to be maintained, and we are of course concerned about how that translates. The extent to which one or other person who wins the election will impact on that is something that I don’t know and will remain to be seen.

Q16 Rory Stewart: Just to push a little bit harder, these figures are associated with torture, child soldiers, violence against women—this is much more than some constitutional deal with the Taliban. These are specific figures that your organisations have specifically criticised. Is it actually good for you to step back and say you are now neutral? Some of these figures you have actually called to be put on trial.

Tim Hancock: I think the people who are responsible—or, if there are credible allegations—should be investigated and should be put on trial; absolutely. Until then, of course, there is a criminal justice process that should be gone through.

David Mepham: I agree with what you have just said. That is also our position. The people responsible for grave crimes, those crimes should be investigated and if they are held to be responsible for them, then there should be an appropriate criminal response to that.

Rory Stewart: Just to push a little bit harder, we are now through to the final round of the presidential elections. General Dostum is the vice-presidential candidate. Has Human Rights Watch written about General Dostum over the last 12 years?

David Mepham: We have, yes.

Q17 Rory Stewart: What did you say about General Dostum and what is your view on him moving forward?

David Mepham: I think you know the answer to your own question. We have been very critical of a number of senior warlord figures in Afghanistan who are responsible for very grave and serious human rights abuses. As Tim has just said from Amnesty's perspective—we would have the same position at Human Rights Watch—people responsible for egregious abuses should be held to account for them. That is our position, and I think we are pretty consistent about that. I understand your line of questioning, but what we are not going to do is get into a position of saying who people should vote for in Afghanistan. Our strong, principled line is that people responsible for serious abuses should be investigated and, if those allegations are found to be credible, there should be a process of prosecution.

Q18 Rory Stewart: Finally, to pin that together, what do you see as the risks going forward in Afghanistan, following the election, in terms of the kinds of people who are likely to win this election? We have two candidates, both strongly associated with different jihadi factions. What do you think the risks are, going forward?

Tim Hancock: Almost irrespective of who wins the election, the risks going forward are of a serious deterioration in stability. I think that, of course, the human rights record of Afghanistan's forces is not great. The wider security situation is concerning and people are concerned over there that what security and what progress has been achieved will be lost once international forces withdraw. As I said, we have been particularly concerned about the status of women human rights defenders, broadly speaking. I would urge the Foreign Office and, indeed, the Ministry of Defence to think about what measures for their support and protection can be provided once the forces leave.

David Mepham: I agree, again, with what Tim has said, but just to reiterate what you said about the threats to women's rights and the rights of children in Afghanistan, we are extremely concerned about that. There are a whole range of human rights concerns in

Afghanistan, as we all know, but I think our assessment would be that over the last 12 months there has been a further deterioration in respect of women's rights in Afghanistan. There are a whole series of issues that we would like the Foreign Office and the British Government more generally to be pressing more assertively.

I was slightly worried that the Prime Minister said, about four or five months ago, that it was kind of "mission accomplished" in Afghanistan. Mission accomplished in what sense? The troops are coming home, but there are real, ongoing human rights abuses that require sustained international engagement and commitment. I really do not think now is the time of wave goodbye to Afghan women and say, "We wish you all the best." It will require serious, sustained international commitment and support—in very difficult circumstances, of course—to ensure that the modest gains that have already been realised over the last 10 to 15 years are preserved and that further advances in women's rights are encouraged and supported.

Q19 Chair: What do you think the UK's priority should be in its work on the UN Human Rights Council? This is following its re-election last November.

David Mepham: I will start by being positive about what the British Government achieved at the last Human Rights Council session, which was in March, just two months ago. The UK, as you say, had just been elected and had taken up its position in January. It took a very strong position on Sri Lanka, which we were very supportive of and which we commend them for. I think it is fair to say that, up until the CHOGM meeting in Sri Lanka at the end of 2013, the UK Government had been a bit ambivalent about whether or not it was in favour of an international inquiry for Sri Lanka. The Prime Minister came out very strongly in favour of that, and the British Government, the British political system and the Foreign Office was very strongly supportive of the resolution that was secured in March. We welcome that and we support that. I think the UK also ended up taking a strong position on North Korea at the Human Rights Council.

I think the challenge over the next couple of months—indeed, there is another session of the Human Rights Council coming up—is to press on and ensure there is real progress and action, in relation to both Sri Lanka and North Korea. There are some other issues as well. I hesitate to raise Bahrain again, but the UK has tended to take quite a negative role in discussions on Bahrain in the Human Rights Council. There have been statements made, but it has always been the British Government—the British representatives in Geneva—that have tended to water those down. We will be hoping that the UK can take a stronger position on Bahrain at the next Human Rights Council session.

Tim Hancock: I would add that we would be urging a special session of the Council on South Sudan, sooner rather than later. It would be nice to see the UK Government taking a lead on that. Also, I think there is a role as a permanent member of the Security Council, as well as a member of the Human Rights Council, to assess how to take the Commission of Inquiry report on North Korea and place it before the UN Security Council, which is something that has been urged.

Q20 Mark Hendrick: Staying with the UN Human Rights Council and the resolution they have had on remotely piloted aircraft, or drones. Can I ask what your views are on the UK's

opposition to resolution 32 on the use of drones, on the grounds that existing law is sufficient?

David Mepham: We were very disappointed with the way the UK voted. There was a resolution—Committee members may have seen it; I am happy to circulate it to the Committee if you have not. It was a very modest resolution that was brought forward, which talked about countries that used drones doing so in a way that is consistent with existing international humanitarian law. I read it, our lawyers read it, and there was nothing controversial about the resolution. Twenty-seven states voted in favour, including Ireland; 14 countries abstained, including Germany; but the UK was one of only 6 countries that chose to oppose it. I think it is very disappointing, in a context where the UK is saying, in relation to its membership of the Human Rights Council, that it wants to be, “a consistent, strong champion of human rights and international human rights law and international humanitarian law around the world,” and there comes a resolution on a more controversial subject, and the UK says, “Oh well, we don’t want to support that, because that is going to upset the Americans.”

Q21 Mark Hendrick: Why do you the Government took that view?

David Mepham: I think the US issue is very important. Interestingly, I wrote to the Prime Minister a couple of years ago on the issue of drones, asking about UK policy on drones. As Rory Stewart knows, the British Government is pretty reluctant to talk about its policy on drones. The minimalist response I got back from the Prime Minister was, “The UK always acts in accordance with international humanitarian law. There is nothing to question in terms of how we do this stuff.” I also asked about US policy, and he said, “It is not for us to question US policy, I am sure they similarly comply with international humanitarian law in everything that they do.” I am paraphrasing slightly, but our letter is on our website. Actually, Human Rights Watch has some evidence, and I know Amnesty does too, of US drone strikes in recent years that have clearly violated international humanitarian law, so we cannot be as complacent as I fear the UK Government is and the Foreign Office is on this whole issue. It is a very controversial issue, but some very serious human rights issues are being raised and the UK Government is not addressing them with sufficient seriousness.

Tim Hancock: I cannot understand the Foreign Office’s position at all. I suppose the logic is that the drone is a weapon, so why criticise the weapon? But it is a weapon that is being used for targeted killings and being used in a way which has caused indiscriminate deaths. I think that valid questions need to be asked about the way in which drones are being used by, not just the UK and the US but Israel as well.

Q22 Mark Hendrick: Do you think this could do any reputational damage to the UK, as we like to be seen as human rights leaders?

Tim Hancock: I think it is the black spot, if you like, on a very good session of the Human Rights Council. I do not think the UK can keep on doing that for such a modest resolution, as the drones resolution was.

David Mepham: There is one other point to make about the drones issue. Actually, Tim is right to describe it as he does: we talk about drones, but actually, it is extra-judicial execution; that is the thing that we are concerned about, and the type of technology used to do that in some ways is secondary. I think what is worrying—more about US policy than UK

policy, but it is worrying that the UK doesn't raise objections with the US about it—is the precedent that is being set. I think if I was in China or in Russia I might ask, “Well, the US is doing this, and saying it is doing this as part of its global counter-terrorism strategy. Why can't we do exactly the same?” If we believe, as I am sure this Committee does, in some basic international standards that ought to apply to everybody, we should be very worried about these kinds of precedents that are being set that others will use in different contexts around the world.

Q23 Mark Hendrick: Moving on to business and human rights. How do you propose that the FCO ensures that its action plan on business and human rights is implemented effectively? Will it have teeth?

Tim Hancock: The key challenge for the FCO is, first of all, to try to make sure the rest of Whitehall is up to speed with the business and human rights action plan. It was launched by the Secretary of State for Business and well as the Secretary of State for the Foreign and Commonwealth Office, but is something that has to be taken on board by those parts of Whitehall that are there to promote business overseas. I include within that UKTI, who are in place in UK embassies and high commissions, and within the economic departments of the Foreign Office; they have to take these principles on board as well. We are concerned that there will be a particular weakness around avenues for redress, which is one of the pillars of the UK guiding principles.

A coalition called the CORE Coalition is interested in these issues. A freedom of information request it submitted led to a revelation about the Foreign Office intervening in a case before the US Supreme Court to try to prevent the territorial application of its alien tort statute to Shell during a claim that was being made against it for its activities in the Niger delta. I am not going to argue about the fineness of law, but it is a concern that the Foreign Office is apparently trying to argue against extraterritorial application of existing standards.

David Mepham: I agree that it is incredibly important that this agenda is embraced across the whole of Government. It is good that this document has been published and that BIS is involved in it as well as the Foreign Office. I understand that the British Government is the first Government to have produced an action plan in response to the Ruggie principles, so we should give them credit for that. However, there is over-reliance in the action plan on voluntary responses and on encouraging business to do this because it good for business. Of course, on one level it is, but we have these debates because sometimes there are tensions between profit maximisation and what happens to the environment and people, and you need regulation and a regulatory framework to deal with companies that do not behave properly. There is too much focus and reliance on voluntarism and not enough assertion by the British Government and the Foreign Office that companies have obligations to adhere to human rights law and Governments have obligations to ensure that their companies adhere to those laws.

May I make one practical recommendation? In the business plan—you can double-check this—the Foreign Office and BIS talked about developing new guidance on the export of surveillance technology to other countries. There is already guidance on arms exports, and they have talked about developing something comparable for the export of the types of equipments that could be used by repressive Governments to monitor and assess what their own citizens are doing. To the best of my knowledge, very little progress has been made on

that, but it was something they committed to do in the business action plan. It might be worth questioning the Minister about what is happening with that and asking whether has been any progress, and if not, why not.

Q24 Mark Hendrick: Finally, how do you think the Foreign Office can use its influence in the Commonwealth to reduce the number of countries that still retain the death penalty? For example, could the FCO have done more about the executions in Nigeria in June 2013?

Tim Hancock: The Foreign Office and the EU responded strongly to the resumption of executions in Nigeria. We hope to stop executions in Nigeria, and ECOWAS and its institutions have played a significant role in that. Around the Commonwealth, four states were executing in 2013, so there is work to be done. Lots of others keep it on their statute book.

What can the Commonwealth do, and what can the UK Government help to do? First, it can provide technical legal support to states that want to move from a moratorium to abolition. As a first step, the Commonwealth should insist that the existing standards for states that wish to retain capital punishment are adhered to. In Nigeria, for example, we noticed the resumption of executions, but we are aware of cases in which people are on death row despite the fact that they were 16 at the time of the commission of their alleged crime, or despite the fact that they are making very well-founded allegations that they were tortured and were convicted solely on the basis of their confession and a witness statement. That kind of process behind the death penalty should not be allowed even in states that believe capital punishment is the right thing to do, which clearly we do not. The Commonwealth should start there and do it in earnest.

David Mepham: I agree with all that. The Foreign Office has a pretty good policy and strategy on the death penalty. We talk a lot about strategies—we talked about the strategy on freedom of religion a while ago—but the death penalty strategy is a good document. The Foreign Office is committed to that agenda. It is commendable that it is pushing the issue strongly through the Commonwealth and other forums, and it should be encouraged to continue to do that.

Q25 Mike Gapes: One of the issues for the Commonwealth and elsewhere is the fact that in some countries people can get severe prison sentences or even the death sentence for homosexuality. Uganda recently passed a law called the Anti-Homosexuality Act, under which people can be given life imprisonment. Clearly, Ministers have spoken out on that issue, but we still give development assistance to Uganda in some areas. What more do you think we can do, and the Government should be doing more, on these issues?

Tim Hancock: Again, the FCO has a good track record of speaking out on homophobia and on legislation that seeks to criminalise homosexuality. Regarding Uganda, I am not sure I would rush to aid conditionality, but I would be evaluating some of the interactions with that country. It is remarkable that President Museveni was over here last week or the week before, and Foreign Office Ministers were speaking at an event about investment in Uganda on the same day that the first prosecutions were coming to court under that law. I would say that there are places to go before we start looking at the development side in Uganda. Otherwise, the Government genuinely have a decent record of speaking out on the issue.

David Mepham: I am pleased that you raised the Uganda case, because it is an awful case and the legislation that you described is a terrible, draconian piece of legislation. Our estimates are—I know that others have been involved in documenting this—that there has been an increase in attacks on LGBT people in Uganda since the legislation came forward just four months ago; the president signed it back in February. We have had people evicted from their houses and tenancies, and people being denied access to health care.

There is one that I will share with the Committee, because I think it is particularly awful and disturbing. In April, the Ugandan Ministry of Health circulated draft guidelines on the treatment of LGBT people through the health system, in which it said it was appropriate to break patient confidentiality and report people to the police in cases involving consensual sex between men. That is an appalling illustration of the way in which this legislation is being rolled out and its impact on LGBT people in Uganda. Of course, there are other comparable pieces of legislation elsewhere.

In terms of the UK Government response, Tim is right to say that the UK Government need to be pressing this strongly at every opportunity. In terms of the development issue, there is development assistance going from DFID to Uganda. It has been looked at and reviewed a bit over recent years because of issues of corruption in Uganda; there is a whole range of concerns in Uganda. The call we made at the time was not that aid should be suspended, because there is a worry about punishing poor people for the sins of their Government, which we do not want to do; but I certainly think that, in the health sector, because some actions, including support to LGBT communities, are now criminalised, there needs to be some kind of review to ensure that the UK and other donors are not putting any money into the health sector that is tied up in any way with this draconian piece of legislation. We have urged them to do that.

Q26 Mike Gapes: Can I turn to Sri Lanka? Mr Mepham, you mentioned the decision by the UN Human Rights Council to establish an international inquiry into the events in Sri Lanka. The Sri Lankan Government have decided—at least from some statements that I have seen—that they are not going to co-operate; certainly they are opposed to it. The inquiry is supposed to report back by March next year. What more do you think we can be doing in this country to support and facilitate the work of the inquiry, given that the British Government, commendably, played a leading role in establishing it?

David Mepham: You are right; they played a very strong role and deserve credit for that. There is a year's deadline for them to report back, in the March 2015 session.

There is an issue of resourcing. We need to ensure that the Office of the High Commissioner for Human Rights and the team are properly resourced to carry out this work. Because of the obstruction we are likely to get from the Sri Lankan Government, a lot of the interviews will need to take place outside Sri Lanka, but I do not think that that is an insurmountable obstacle to doing the work. If you think about the North Korean commission of inquiry, which was an extremely powerful report, a lot of that work was done by interviewing people who have left North Korea. So there are ways and means of establishing the facts, which is the purpose of this inquiry, but it needs to be properly resourced and supported.

One of the things we have called for—I understand that there are some discussions going on this week in Geneva at the Office of the High Commissioner for Human Rights—is whether the High Commissioner herself needs some experts to be appointed and some high-profile and experienced investigators to work with her and her team to get to the truth of what happened. The commission of inquiry model for North Korea is slightly different, but I think that model shows that it is possible to do this work if it is properly resourced and supported politically.

Tim Hancock: Sri Lanka has a record of increasing its intimidation and threats of human rights defenders and others when the spotlight is on it. There have been veiled threats to people who may wish to co-operate with the inquiry. Whatever the UK Government can do to keep an eye on that and to provide support and protection would be good.

David Mepham: One other part of the resolution on Sri Lanka that often gets forgotten, because people think it is all about the investigation of the past, is it did talk about ongoing abuses in Sri Lanka. There are massive ongoing human rights abuses taking place in Sri Lanka that also ought to be part of international concern, including by the Foreign Office.

Q27 Ann Clwyd: Do you think the UK Government did enough after the Prime Minister's visit to monitor possible reprisals against some of the people he spoke to?

David Mepham: It is a good question. I do not know. I do not feel well qualified to know whether they did that or not. I hope they did; they certainly should have done. Actually, I was going to say, as a sort of follow-up to Mike Gapes' question, that one of the issues that is also relevant to this is witness protection. One of the things that they need to be thinking about—both the Foreign Office and the Office of the High Commissioner for Human Rights—is the people they interview are obviously putting themselves at real risk by doing these kinds of interviews, so there needs to be some kind of protection provided for them. In some circumstances that might involve them getting asylum in the UK. I do not want to prejudge who they are and where they are currently living, but that ought not to be ruled out if that is what is required to get some very important information out of people that establishes the truth of what went on. So witness protection in all its forms is a very important part of this, I think.

Q28 Ann Clwyd: Can we turn to Zimbabwe? Do you think sufficient progress has been made in Zimbabwe to warrant the EU's suspension of almost all measures, described by the EU High Representative Catherine Ashton as a "step towards normalisation of...relations"?

Tim Hancock: What I would remark on is that the elections that took place in Zimbabwe were significantly more peaceful than I think we expected. The information that has come to us from inside the country is that a reason for that was that President Mugabe switched his tactics, because he felt very much, not just the eyes of the broader world, but that the southern African community were serious about maintaining and applying pressure if those elections were conducted as they had been in 2008.

I think continued pressure and continued scrutiny of Zimbabwe is essential. While I do not take any position on the application of EU sanctions, the suggestion that we are in a situation of normalisation would worry me, given what has happened in the still very recent

past in Zimbabwe, and given that this is still not a normal country to be a human rights defender yet.

David Mepham: We did take the view that the suspension of the sanctions was premature. I was actually in Zimbabwe a couple of months before the elections last year, and it was clear from talking to a whole range of people that the climate remained very repressive, that journalists continued to be arrested, that human rights activists were being beaten up. I spent time in Harare but also in Bulawayo, the second city of Zimbabwe, and we met an incredibly impressive organisation called Women of Zimbabwe Arise, which may be familiar to some members of the Committee. If you ever get the opportunity to meet them, please do. They are an incredible bunch of people, and they talked about how they were routinely beaten on the streets for peaceful protest.

So this idea that Zimbabwe has made this wonderful transition to something—I just do not see it, and all the evidence that we have on the human rights situation in Zimbabwe is that it continues to be very poor. Abuses are rife. Mugabe won the election. It was more peaceful than previous elections—certainly we did not have the sort of violence that we had in 2002, 2005 and 2008—but that is really because he had put in place measures to ensure that he could win the election without the sort of violence that we had seen in previous elections. So I would encourage the Foreign Office and the British Government to continue to raise human rights concerns with Zimbabwe and not slip into this view that somehow things have changed in any fundamental sense. I do not see the evidence for that at all.

Q29 Ann Clwyd: Are some of these women from countries like Zimbabwe actually being invited to the summit in June on violence against women? We have not seen the draft programme.

David Mepham: I am not sure whether the draft programme has yet been published. I know that the Foreign Office is intending to publish something. The way it is going to work is it is a three-day thing: one day is primarily for politicians and Foreign Ministers and so on; and then they are describing the other two days as a sort of fringe—I suppose it is a bit like a party political conference fringe—with a whole series of different events, meetings, seminars, workshops, theatre. Certainly there will be quite a lot of developing country activists invited to the event, and Human Rights Watch, and probably Amnesty too, has been asked to identify powerful advocates for this cause that can be invited to the event. That is certainly happening; in fact, there are negotiations going on as we speak to try to get visas for these people to attend. That is very positive, because actually if this event is going to be successful it is because those voices are heard at the top table where the politicians are talking.

Tim Hancock: I do not know specifically about Zimbabwe, but I know the Foreign Office are definitely seeking to bring people in who are there on the front line.

Q30 Ann Clwyd: Can we turn to Turkey? What do you think about the recent social media bans in Turkey and the implications for freedom of expression on the internet? Are we seeing examples of this sort of action elsewhere?

Tim Hancock: I am not sure I caught the second bit of that question. What is happening in Turkey is, first, this is a country where the UK has been very supportive of its application to join the European Union. What has happened with the closure of access to

YouTube and the suspension of access to Twitter shows just how far the country has to come—not just because of those actions against social media, but because the mainstream media were not reporting on what was being reported on social media. So that is the big question about Turkey, and we should not forget that when we consider them as being a good future member of the European Union.

More broadly, I am extremely concerned about the extent to which states are clamping down on the internet. I am concerned about its future as something which is open, which is a symbol, with access that is free. We talk about the risk of balkanising the internet, and I do not think it is a risk that is on us for tomorrow, but if you were looking at the medium term, it would be something to be desperately worried about, and it should be a Foreign Office priority. Digital security and digital privacy, I would add, are things that should be safeguarded by this country.

David Mepham: Starting with Turkey, like Amnesty we are very concerned about the way in which the Turkish authorities responded to the Gezi park protests last year. There has been a real clampdown on freedom of association and freedom of expression. The removal of YouTube and Twitter was a very disturbing development, and I hope that the Foreign Office and diplomatic representatives in Istanbul and Ankara are raising these issues strongly at every opportunity. There has been an authoritarian trend in that country for some time—let's not pretend it has suddenly happened in 2013. Erdogan may have many economic achievements under his belt, but there has been a tendency over a number of years to be very intolerant of opposition and criticism, and this is the latest manifestation of that. We should be very concerned by it.

Q31 Ann Clwyd: What about the charges against journalists and academics, and the rounding up of those people?

David Mepham: Yes. Many are being arrested, detained and sacked from their jobs. It is very worrying. I do not have the figures off the top of my head, but it is often said, and we can check the figures, that many journalists in Turkey—I do know the precise league table—are locked up for their views. Obviously, some of it relates to the Kurdish question, which is another issue we might come to, but it is a difficult climate for journalists to write critically in about what the Government is doing.

Tim Hancock: Yes. I think there was a tendency to park a lot of it on the Kurdish issue, and it is much broader than that.

Q32 Mike Gapes: Talking about nationalist authoritarianism, may I turn to Russia? A series of new laws have been passed, with, potentially, a very negative impact on human rights, freedom of assembly, the role of non-governmental organisations, and lesbian, gay and transgender people. What evidence do you have of how these laws are being implemented? Is there a general acceleration of repressive attitudes in Russia?

Tim Hancock: There is a “turn the taps on and turn the taps off” approach in Russia. You can see periods where the repression is felt more keenly, and then, before the Olympics, of course, people were released. I would say that the pattern is bad, that it is negative. Amnesty has an office in Russia; we are able to operate, but we have had the authorities come

knocking. It is much worse for other organisations which are deemed to be foreign agents, for example, under these laws. There is a chilling factor.

Moving beyond organisations, people who are involved in demonstrations can find themselves on the wrong side of the law. Russia is a frightening place to be if you are gay. It is undoubtedly a repressive state. It is one of a number that are tightening laws on organisations that seek to speak out on human rights and related issues—corruption, for example. Fifty laws—we have counted—have been introduced around the world since January 2012 that crank up levels of repression on civil society.

David Mepham: On the general human rights climate, Human Rights Watch has described the human rights climate in Russia as the worst that it has been in the post-Soviet period. I think I said that to the Committee last year, but it remains our view that things are the worst they have been for that period.

Q33 Mike Gapes: Are we back to pre-Gorbachev times yet? Certainly, the rhetoric seems to be, but I was wondering about the actual practice.

David Mepham: In some respects. That is the way that we have described it: that the human rights climate is as bad as it has been since the fall of the Soviet Union. That is a very bleak description but we think it is an accurate one based on the research that we have done. We similarly have an office in Moscow. We have seen the crackdown on free expression and free association and the arrest of protestors. We have seen websites being taken down—just last month a website called grani.ru was taken down by the authorities by the office of the prosecutor general. We are seeing a whole series of ways in which freedom of expression is being restricted by the Russians.

I was talking to my Moscow colleagues about this this week. The one area where there was a bit of freedom of space was in the blogosphere. The Russian blogosphere was lively and people were saying things that were critical of the Russian Government and there is a really determined effort now by the Russian authorities to clamp down on that, too. There is a new law that has just been introduced that requires bloggers with a very modest series of followers to register. There is an intense effort to criminalise public criticism.

On the LGBT issue, I agree with what Tim has said about that. There is a real climate of homophobia. There is this awful group that you may be familiar with, from seeing on the news, called Occupy Paedophilia. They have been responsible for terrible attacks on young gay men, who were then being filmed on mobile phones and put on the internet. They were almost celebrating this fact. There are some 30 branches of this group Occupy Paedophilia across Russia. It is a really intense climate of fear, hatred and violence that has been inflicted on LGBT people in Russia.

Q34 Sandra Osborne: You wouldn't want to give any advice to the First Minister of Scotland, would you, in view of his expression of admiration for President Putin?

Tim Hancock: We did give some advice that those were probably not the wisest words to use, and that President Putin was not a man to be admired from our perspective. Yes, we have passed that on.

Q35 Sandra Osborne: In relation to North Korea, you have said that the UK Government have taken a strong line in the final report of the UN Commission of Inquiry on human rights and the subsequent resolution. Do you think that will have any real practical results on the ground?

Tim Hancock: I think it has a practical result for people. As David was saying, there are people who have managed to get out of North Korea and have been anxious to speak about their experiences. It validates that and that is important. I think it is important in turning attention on North Korea in a way that is not just about the kind of military threat that it is perceived to pose. That is very important, too, because it is a state that is almost without compare in terms of human rights.

The other thing I hope it would do is to dissuade China and other countries from returning people to North Korea when they flee the country. That has been happening, and people who are returned are at risk of disappearance, execution, torture, detention without trial indefinitely. If nothing else, I would hope that it encourages those states not to engage in that kind of practice. If North Korea was a country that responded to international pressure easily, the human rights situation would not be as grim as it is, but I do feel it is something the world needs to be seized of, and that is why I would support the introduction of the Commission of Inquiry report to the Security Council, because it really is that serious.

David Mepham: Can I just add a point on North Korea? I do think that the Commission of Inquiry report on North Korea is extraordinarily important. If the Committee will allow me 10 seconds I will read one sentence from the report because I think it sums up everything it had to say. The Commission's report found that crimes against humanity were committed in North Korea over a period of decades. "These crimes against humanity entail extermination, murder, enslavement, torture, imprisonment, rape, forced abortions and other sexual violence...forcible transfer of populations, the enforced disappearance of persons and the inhumane act of knowingly causing prolonged starvation."

I do not think the world can see such a report produced by a distinguished group of people and put it on the shelf and say there is nothing now further to be done. The problems of having leverage and influence over North Korea are familiar to us, but having produced a report of that strength and power, it is incumbent on Governments, including the UK Government, to find ways in which the findings of that report, via the General Assembly, can somehow get on to the agenda of the Security Council and those issues can be discussed there.

Even though the Chinese will be a problem, we need to find ways potentially of imposing some targeted sanctions against some of the people in the North Korean regime who are responsible for this kind of abuse. I am not minimising the difficulty in terms of international politics of getting there, but I think the report is so damning and so extraordinary in what it has to say about what is going on in North Korea that it really does warrant a very serious response, including from the UK Government.

Q36 Sandra Osborne: You said earlier that Egypt should be a country of concern, rather than just a case study. In the light of the ongoing debate in the US concerning assistance and military exports to Egypt, do you think the UK and EU as a whole have been robust enough in response to the deteriorating human rights conditions and democracy there?

David Mepham: I definitely do not. Human Rights Watch has been very critical of the very weak UK response to the situation in Egypt. Again, we set that out in our written submission to the Committee. I was slightly staggered when, during an Adjournment debate in January this year, the Middle East Minister Hugh Robertson was speaking about Egypt—obviously at a time several months on from the dispersal of the Rabaa city and from 1,000 people dying and 16,000 people being detained—and in his statement on behalf of the Government, he commended the Egyptian ambassador, who happened to be sitting in the Chamber watching the debate, for his work. There was one throwaway, cursory reference to the human rights situation, when he talked very positively about the human rights transition in Egypt. I honestly do not think that is an objective and fair assessment of what is going on in the country. There is a very serious crackdown and extremely serious repression underway in Egypt that warrants a much more serious British response than we have seen thus far.

Tim Hancock: Agreed.

Q37 Chair: Can I thank you both for the way that you are answering these questions, in view of my earlier request? Can I turn to Burma? As you know they recently held a census there—in 2013—for which the UK Government chipped in a fairly substantial sum of money to allow it to be conducted. Contrary to assurances that were given beforehand, on the eve of the census they announced that anyone who identified themselves as Rohingya would not be counted. That was obviously an outrageous situation. Do you think that we should reflect before providing money for that type of operation again?

Tim Hancock: Yes, in Burma, for sure. I actually understand the Foreign Office's thinking. The extent to which there have been intercommunal tensions within Burma is very significant. To know the numbers of different communities is an important exercise, but when it turns out that the people you are working with are effectively writing off at an official level a whole part of the population, that clearly would make you reflect on your co-operation. The assessment of Burma and the progress that it has made over the past year is realistic enough. We have seen releases, but over the first six months of this year we are seeing some of the old practices recurring. I don't think we can talk about progress [Interruption.]

Chair: Can I interrupt a second? We are nearly at the end. We have a Division in the Chamber. We are near the end of our line of questions. There really is only one more subject. It may make sense to write to you and ask you to answer that question in writing rather than make you wait for 15 minutes for what may be only two or three minutes further.

David Mepham: Can I say something about Burma? I think the census has been very badly handled in Burma. It is extremely worrying that UNFPA and others—the donors supporting it—pressed ahead when a lot of organisations such as Human Rights Watch were saying, “Look, this is not right. You have not planned this properly. There is likely to be further instability and further problems.” Yet they pressed ahead and the census has been held. We saw in Sittwe, the capital of Arakan state, a lot of violence: 300 INGO and UN humanitarian workers had to be airlifted out of that province because of the violence that ensued, which appeared to be deliberate attacks on humanitarian agencies. There remains a very parlous humanitarian situation in Arakan. It was regrettable that the donors, including the UK, did not take a step back and think a little harder before pressing ahead with the census in the way that they did. There is cause now for some reflection.

Chair: Thank you. I know Ann Clwyd also wanted to ask you a question about Burma, which she may write to you about. Thank you both very much, indeed. As ever, that was a very useful session.

Sitting suspended for a Division in the House.

On resuming—

In the absence of the Chair, Rory Stewart was called to the Chair.

Examination of Witness

Witness: **Professor Malcolm Evans OBE**, Professor of Public International Law, University of Bristol, gave evidence.

Q38 Chair: Welcome, Professor Malcolm Evans, and thank you very much for joining us.

The Committee is now focusing on the Government's work to promote freedom of religion and belief. Perhaps I may start off before handing over to colleagues. The Foreign Office has stated that it has ramped up its efforts to promote freedom of religion or belief in recent months in response to what it calls a "rising tide of restrictions." In your view, Professor, has the situation worsened in reality, or are we just more aware of persecution restrictions?

Professor Evans: It is very difficult to know whether it is just greater awareness, but all the evidence seems to suggest that there is a greater realisation, perhaps, of those things that ought to be understood as being a form of—let us call it—violations of the freedoms of religion and belief. For many of the things, which perhaps in the past were considered to be just the way things were, their effect and the impact they may have on the enjoyment of freedom of religion and belief is probably now better understood, so I would think that that is one of the things that are contributing towards that, but that is only part of the story. At the same time, there seem to be increasing reports and evidence of what is properly called a rising tide of difficulties around the enjoyment of this belief around the world today. Clearly, better knowledge and reporting is an element of that, but it would be right to think that this is an increasing problem.

Q39 Chair: Are there particular parts of the world where this is an increasing problem? Is it a trend in the Middle East, for example?

Professor Evans: From what we can see, there is clearly evidence of considerably less tolerance and co-existence between religious communities in countries where historically, although there have been major differences of approach, there appears to have been tolerance and co-existence for many years. We also see an increasing number of states introducing laws on blasphemy, and so on and so forth, in a way that can be used in a negative fashion. My own particular area of focus is not so much on country-specific situations, but the way this has been handled through international organisations and institutions at an international level.

Q40 Chair: So to take you up on your area of expertise, how would you assess what the Foreign Office is doing? Do you think it is doing the right kind of thing? What more could it be doing?

Professor Evans: The first thing to say is that I have been working in this area for over 20 years now as an academic, and as an academic who has involved himself in the practical end of international protection. I have no hesitation at all in saying that the position being taken by the Foreign Office at the moment is probably the most robust it has been throughout all that time. That is the first thing to be quite clear about. The inclusion of freedom of religion and belief as a Foreign Office thematic priority, as it currently is and has been for the last couple of years now, frankly would have seemed unachievable a number of years ago. So the fact that it has achieved that level of prominence and focus is to be greatly welcomed. That being said, the question is how that translates over into action in practice and whether more can be done to make that focus a reality. I think there is.

Q41 Chair: Okay, so could you give us some concrete examples of what more the Foreign Office could be doing?

Professor Evans: One thing that is much talked about is the idea of mainstreaming the theme within other areas of activity across the Foreign Office. That is said to be being done; I think moves are being made in that direction. As I understand it, new training is taking place in an attempt to raise what is increasingly called “religious literacy”—that is rather an unfortunate way of putting it, but I think we know what we mean—among those working within the Foreign Office, certainly here in London. The extent to which that is capable of being replicated in the work being done around the world is slightly more problematic.

The way in which the Foreign Office configures some of its aid and assistance programmes could be better in this regard. For example, the human rights development programme operates on an annual application cycle. If you are going to make meaningful impacts in an area such as this where much of it is based on building bridges between communities, Governments and sensitising awareness-raising, the time frame for effective realisation of projects will almost certainly have to be longer than this to have the impact that it should. Whether it is possible to look at the way that those schemes are configured in order to give them a greater chance of impact is something that could be done. That is one concrete example.

Q42 Chair: Do you reckon that individual embassies really understand how to do this work? Are there challenges for the Foreign Office in being seen as a credible actor? Will people in the Middle East, for example, really see the British Government as an independent actor on religion?

Professor Evans: It is always a difficulty when embassies are involved in any programme of this nature, no matter what the field, so in one sense I don’t know that the challenges are that much greater than they are in any other area, but I do think they are somewhat greater than in other areas. One of the problems, in my view—to go back to the way that fund is configured—is, for example, that applications need to be in conjunction with the various embassies. If you are a group that is looking to put in for project support, yet you

have to be talking to a foreign Government to be able to configure this, that could be a big disincentive, particularly in such a sensitive area as this. One of the consequences of that can also be that you might unwittingly be giving aid to those who have a degree of—shall we say—Government sanction and are therefore perhaps not the most appropriate partners and lack credibility in the eyes of some within a country. So I think there are some structural issues around the way in which both the programme is configured and is being attempted to be delivered—which is just endemic in the way that the thing is structured—which may play out less than optimally, shall we say, in the context of its work on freedom of religion and belief compared with other areas.

Chair: Thank you very much, Professor Evans.

Q43 Sandra Osborne: Just before I ask the question I was going to ask, could I just ask about the UK itself? We know that all religions can be subject to discrimination, persecution or whatever throughout the world, but there is quite a strong feeling in this country about persecution against Christians at the moment. I have certainly noticed a big increase in my postbag, with people writing to me about North Korea, the Middle East and other areas where Christians are being persecuted. Does the Foreign Office engage with the Churches in this country about how they could assist with this problem abroad or, indeed, with the Muslim community and other religions in the country? Are there connections between the different religions and the Foreign Office on this particular issue?

Professor Evans: I cannot speak for the full range of contacts that the Foreign Office has in this regard. One of the difficulties that I know in the past the Foreign Office has had—as many have when engaging with religious communities on such issues—is that of selectivity. There are a large number of religious communities, and one of the great difficulties in this area is knowing who you speak to, because the moment that you start speaking to some, others wonder why you are not speaking to them, and so on and so forth. I think these were used as reasons in the past perhaps not to do this as much as has been done; I think now there are attempts to do this in a meaningful fashion. I believe that there are attempts to have meaningful engagement with faith and belief communities—I should stress: it is belief as well as faith communities—in this country around international engagement with freedom of religion and belief, and I think that is a positive. One of the difficulties is knowing how to structure this effectively. I think perhaps there is scope for listening more to those communities and knowing how they can best input into these conversations.

Q44 Sandra Osborne: How much infringement of religious freedom in the world is due to official state policy and how much is state-tolerated activity conducted by others?

Professor Evans: Of course, a lot of the violence and persecution that takes place is not necessarily mediated by the state, but it is a fine line to draw between that which is state-imposed, shall we say, and that which is state-tolerated, and tolerance of known likelihood of abuse is tantamount to the same thing in many instances, so I'm not sure that it's very easy to make that distinction.

A lot depends on what we mean by “violations”. Many of the violations that seriously impact on religious believers around the world are the result of legislative frameworks that are perhaps difficultly drawn together. For example, in many countries it is still difficult to get legal personality if you are a religious organisation, or there might be very real difficulties

in attaining legal status, which may make it very difficult to be able to own property, for example, and places of worship. In some, if you don't have a legal personality or are not officially recognised according to some strict criteria, and even the very practice of religion is unlawful in that country. A lot of things flow on from that and those sorts of restrictions clearly are state-sponsored in that sense, as is the way that some restrictive laws on apostasy, blasphemy and so on play out in other countries. But in other places, of course, it tends to be more acquiescence in traditional rivalries and hostilities which Governments at different times have encouraged when it suits their interests, frankly. It is difficult to be more precise than that, I am afraid.

Q45 Sandra Osborne: Do you think that the FCO should prioritise its resources on tackling persecution of a certain kind?

Professor Evans: I have grave reservations about the entire approach of focusing on persecution as the way into dealing with the problem. Persecutions in many ways form the backdrop to the issues that need to be addressed, but whether focusing on dealing with particular instances of persecutions is the focus for action I think, in many ways, has proven to be ill-founded. We have seen that in other areas where there has been a focus on anti-Semitism then being matched by claims that we ought to be focusing on Islamophobia that lead on to claims that we ought to be focusing on Christianophobia and so on.

There is a danger—I have seen this in some international organisations that I have worked in, particularly the OSCE—that, frankly, religious groups almost end up competing for the position of most persecuted group to try to attract attention. That is obviously borne out of a genuine concern for the way in which their co-believers are being treated, but it also makes it more difficult for the international community and others to engage with them. The reason for this is that, when you do, it appears that you are taking sides and supporting some groups as opposed to others.

The argument that I would always advance is that it is important to build on the idea of the freedom of religion and belief as a positive good to be enjoyed by all, rather than focusing on particular vulnerable groups as the only point of attention. Clearly, when some groups are being targeted, their concerns need to be dealt with, but it must be within this broader overall framework if it is to be effective, in my view.

Q46 Ann Clwyd: What about when religious beliefs impinge on the protection and promotion of other human rights, such as women's rights and LGBT rights?

Professor Evans: I have to say that this is a question that is rightly raised frequently, but I am always caused to reflect that it is not a question that is raised in other areas in quite the same way. For example, I do a lot of work in the area of torture, torture prevention, prison conditions and so on, yet I have never heard anybody say that one of the reasons why we ought to be cautious or raise issues about ensuring that detainees are not subject to torture and ill-treatment is because these people might have been responsible for violations of the rights of others. I think that we need to be careful in going down this route.

Clearly there are very real issues concerning how some believers in the name of their religion do things that tread upon the rights of others, but this is no different from what happens in many other walks of life, and we must not lose sight of the fact that we are not

talking here about the rights of religions, but the individual rights of believers. They are certainly to be put in no lesser position than the other legitimate rights of women, LGBT and others. While we must be properly careful to ensure that the rights of all peoples are respected, we must not inadvertently use that as a reason for de-prioritising the legitimate rights of people to enjoy their own freedom of religion and belief.

Q47 Mike Gapes: I have two questions, one of which follows on from our earlier evidence session. As you were speaking, it struck me that one country that we were discussing earlier was Bahrain. On the one hand, there are human rights difficulties there but, on the other hand, if you are Jewish or Christian, it is one of the few countries in the Muslim Arab world where you are free to practise your religion with no difficulties whatsoever. In fact, members of the legislative system come from those religious minorities. Clearly there is no blanket overall position, and places considered to have poor human rights in one way may not in others, and yet, in some countries where we might think they are making progress, you cannot really practise your religion at all. Would you like to comment on that thought?

Professor Evans: Indeed, yes; you are absolutely right. One of the regrettable truths in the human rights sphere is that I do not know that any country can really be seen to be—shall we say—level across all areas. It has always been the way that some countries perhaps—if you want to use the expression—score better in relation to others for a whole host of historical, social, cultural or other reasons. I think that is one of the difficulties of seeing human rights in terms of a scorecard, and one of the difficulties with league tables and indicators—it all depends what you choose to weight. I think that, again, reflects the idea that you are viewing it from a country-compliance perspective, rather than what I think ought to be the way, which is looking at the extent to which individuals are able to enjoy the particular right in question. If you view it from the point of view of whether an individual is able to exercise their right of freedom of religion and belief, rather than the general state in regard to other countries within an overall envelope, you get a better focus.

Of course I am entirely alive to the reality that, from a Foreign Office and from a diplomatic perspective, one has to deal with the totality, but this is one of the reasons for arguing for quite sharp and better focused instruments at least to make sure that issues of freedom of religion and belief are properly brought to that table. At the moment, although there is a willingness to do so, whether the tools are in place for that is, I think, a matter that needs to be reflected on.

Q48 Mike Gapes: My second question is not related. A few years ago, the United Nations established a so-called “dialogue of civilisations”, and Jorge Sampaio, who was the President of Portugal, was put in the lead role in that. In the previous incarnation of this Committee we actually visited him when we were in Lisbon and talked about that activity and organisation. Has that had any impact or progress? They had various meetings where leaders of different faiths came together, globally. Has that had any impact in terms of what is happening down below, or is it just like a lot of international events where good people make declarations, but members of their organisations then carry out bad things afterwards?

Professor Evans: Regrettably, I think there is inevitably a lot of truth in the last observation that you made. At the same time, I do not want to downplay the importance of these important, high-level and symbolic occasions and processes. The question is: how are they translated into practical action? I think that is the critical question that one really should

be focusing on, because there are still quite a lot of what I would call important and potentially productive—shall we say—symbolic engagements taking place, but will they then be picked up and taken forward in a concrete and practical way?

You mention the alliance of civilisations, and that was partly designed to defuse the tensions in this area around the very difficult issue of the defamation of religions debate, which you may be familiar with. This was the difficult idea that what is an individual freedom of individuals' religions should be spun over into the protection of religions as an organised entity, so those who speak ill of a religion in some ways could be subject to a legal process, criminalising hate speech against not individuals but religions. This debate has been dominant in the international arena for the past 10 to 12 years. The alliance of civilisations debate was, at least in part, designed perhaps to defuse that, but did not really prove a good route to do it.

The defusing then spilled over into something that figures heavily in the Foreign Office report, which is the process around what is called resolution 1618, and now the Istanbul process, which is a process designed perhaps to take the heat out of the defamation of religions debate by focusing on questions of incitement of religious hatred and of violence as the conceptual route through which to deal with this problem. While I think that that is an important step forward, it is by no means the entire picture. I think one of the things we need to be vigilant about is that the entire question of freedom of religion and belief does not get caught up in narrow debates on ultimately negative contexts about how we avoid religious stereotyping and how we combat discrimination and hate speech. All these things are very important, but if that is all that we are doing, we are rather missing the broader issue about how we actually ensure that people, on a more mundane, day-to-day basis, are able to enjoy their freedom of religion and belief in the way that I mentioned.

Q49 Mike Gapes: Can I just ask a follow-up question? You referred in an earlier answer to the question of people being regarded as apostates. Clearly some groups—certainly within Islam—are regarded as apostates. Ahmadiyya Muslims are discriminated against in Saudi Arabia and in Pakistan. There are the Baha'is in Iran, and there are clearly other groups. Is the problem that there is no agreed definition of what is a religion?

Professor Evans: Getting a definition of what is a religion is always going to be a difficult thing—I think we all understand that—but we also have great difficulties defining other things we seem happy to work with, such as minorities, national minorities and so on. The difficulty of defining a religion ought not to quite stand in the way. We must remember we are not talking only about religion, but about religion and belief, so we are also talking about those who do not subscribe to religious forms of belief, and atheists and others are protected by these norms.

The real difficulty that many have in this area is that there is just a lack of normative substance around what the freedom of religion and belief actually entails in practice. It is hugely notable that, compared with many—indeed most—other areas of human rights, such as rights of the child, women's rights and racial discrimination, there has really been no serious attempt in the last 45 years or more to try to lend greater specificity to what the freedom of religion and belief actually means. We have the statement in the universal declaration, and we have the international covenant on civil and political rights. The normal route would then be to devise an international convention that would take this matter forward.

This was first instigated in the 1960s and then put on ice in the mid-1960s, and the received wisdom is that it would be premature to return to it, because it is a little bit difficult. This is exactly what is always said.

Perhaps the more positive argument not to do such a thing is that it would be very risky to do so, because it would risk unsettling the consensus that currently exists around what we have, but the trouble with that argument is that when we look to the introductory comment about the “rising tide” and so on, this so-called consensus does not seem to be delivering very well for more and more people, so there is at least an argument that we are trying to defend a consensus which, if it exists at all, is ineffectual in delivering what it is meant to achieve. So the risks may not be as great as they appear after all.

Be that as it may, the point remains that there is this—shall we say—severe lack of understanding within the international community about what, practically, freedom of religion and belief means, in a way that is not true of other rights. Of course, this makes things difficult for the Foreign Office and anyone else trying to work towards its implementation.

Chair: Professor, talking about organisations and their rules, I am afraid we have to remain quorate, and, at some point, a couple of our colleagues are going to have to go and see the Egyptian Foreign Minister, so I want quickly to bring in Sandra Osborne for a final question.

Q50 Sandra Osborne: Going back to what you said about priorities, what do you think about the research by the Pew Research Centre, which said that Christians are now the most persecuted faith group in the world? Do you think that is grounds for the FCO to prioritise its efforts to confront that trend, or would that undermine its encouragement of a cross-faith response to persecution?

Professor Evans: I am not sure that it needs to be the most prevalent form of persecution to justify this being a course of activity. I would take the view that any form of known persecution of persons on the basis of their freedom of religion and belief should justify concerted policy action, not only because of the importance of the right, but because of all the other things that it feeds into. The research that you mention also points to increasing evidence of the extent to which, in those countries where freedom of religion and belief is not enjoyed, there is more likely to be a multiplicity of other forms of human rights violations, and also poor governance and poor opportunity for economic growth. There is an increasing understanding that, actually, the enjoyment of freedom of religion and belief from a human rights perspective is a key to releasing a much broader range of goods within a community in terms of the enjoyment of all rights, but also economic rights, economic development, and stability and security.

Q51 Sandra Osborne: But do you agree with the assertion that Christians are now the most persecuted faith group in the world? That is what they are saying.

Professor Evans: They are certainly saying that. I am not in a position to—nor would I wish to—contest that. All I would say is that, once again, this shows that this is a very serious phenomenon that, frankly, I do not believe has been taken seriously by enough people over the last 30 or 40 years. That is why I welcome the new focus that the Foreign Office is

bringing to this, but I do think that it needs to think through precisely what making this a policy focus actually means in terms of concrete action and activity.

Chair: Professor, thank you so much. I am afraid we have a couple more questions that we will send in writing, if that is okay, just in case you have a chance to respond to them in a written submission. We are very grateful for your time and apologise that the Division bell has cut down the time that we could have had with you. We look forward to seeing you, I hope, in the future. Thank you very much indeed.

Professor Evans: Thank you.