



Amnesty International **UK ELECTION MANIFESTO 2005**

Amnesty International UK believes respect for human rights should be at the centre of government policy and practice

The UK is a permanent member of the UN Security Council, a member of the European Union and G8, a leading member of NATO and the Commonwealth, and a member of the UN Commission on Human Rights. It enjoys an influential role in the world. The UK's system of government as well as its legal and judicial traditions are highly regarded and mirrored in the arrangements of many other states. The UK is actively involved in the development of international human rights law, international standards and monitoring mechanisms. At home, the Human Rights Act 1998 ensures that respect for human rights is a feature of the development and implementation of government policies, practices and laws on pain of challenge before the courts.

However, now the drive to counter terrorism at home and abroad is eroding and, in some cases, removing the human rights of individuals. Reducing the numbers of refugees and asylum seekers receives higher priority than respecting human rights through fair and humane decision-making. The UK's commitment to human rights is not always evident in its responses to international initiatives on arms control and the human rights responsibilities of multinational companies. And a concerted approach to tackling the serious abuse of human rights that violence against women represents is long overdue.

Amnesty International is calling on the next government to:

- Develop a UK-wide strategy to stop violence against women
- Support an international arms trade treaty
- Protect the rights of refugees
- Guarantee human rights while countering terrorism
- Hold companies to account for their impact on human rights
- Protect human rights through the EU
- Promote human rights abroad

1. Stopping violence against women

Violence against women is a malignant and undiagnosed cancer in UK society.

The British Crime Survey for 2001-02 found an estimated 635,000 incidents of domestic violence in England and Wales, in which 81 per cent of the victims were women. Worse still, domestic violence is just one form of violence that women in the UK experience. Other examples include rape, sexual harassment and assault, so-called honour killings, forced and early marriage, trafficking, forced prostitution, female genital mutilation. The BCS estimates that approximately three-quarters of a million women (754,000) have been raped on at least one occasion since age 16.

This violence is a burden on public services and a drain on society. More importantly, it is a violation of women's human rights and demands a response from government.

Recent years have seen important legislative advances, including the Sexual Offences Act 2003, the Female Genital Mutilation Act 2003 and the Domestic Violence Bill, currently before Parliament. In addition, various agencies have sought to increase their understanding of, and response to, gender-based violence and have undertaken initiatives to spread awareness of the problem.

These steps are welcome but are not enough. Initiatives are often confined to a specific type of abuse or responding agency. It is indicative of a piecemeal approach that fails to make the connections between different forms of violence. Instead, Amnesty International believes a comprehensive and fully resourced strategy is required – developed in full consultation with women's groups and others.

The next government should work with the devolved administrations to:

- **Adopt a national strategy aimed at eliminating violence against women in the UK**

A UK-wide strategy would highlight the connections between all forms of violence against women. It would facilitate consistency and coordination in government policy, enhance knowledge transfer across sectors and promote a coherent integrated approach to prevention. A UK-wide strategy could focus attention on neglected and under-resourced issues, such as trafficking and female genital mutilation.

- **Produce a UK-wide strategy that is fully resourced and comprehensive**

A properly resourced UK-wide strategy would be able to increase knowledge of violence against women through improved data collection and research. It should be the means to ensure that the right legislative measures are in place and are effective. A UK-wide strategy should monitor and improve the performance of key agencies against agreed standards. It should address violence against women through formal education and public awareness campaigns and guarantee the full provision of services (including meeting the needs of women from minority communities and those who are especially vulnerable).

2. Supporting an international Arms Trade Treaty

Amnesty International has long campaigned for tougher arms controls. Now we are working with other non-governmental organisations to campaign for a ban on the transfer of arms that could be used to seriously violate established standards of human rights, humanitarian law and non-aggression. National and regional approaches to arms control can be piecemeal and ad-hoc. The resulting loopholes allow arms sales to continue to destinations of concern, fuelling conflict, poverty and human rights abuses. This is a global problem that needs a global solution.

The next government should:

- **Actively support efforts to establish a legally binding international Arms Trade Treaty to regulate arms transfers**

Amnesty International is pressing for a legally binding international Arms Trade Treaty, drafted according to recognised standards of human rights and humanitarian law, in time for the UN Small Arms Review Conference in 2006. Such a treaty already has the support of Mali, Cambodia, Costa Rica, Finland, Iceland and Kenya – states in different parts of the world representing both supplier countries and affected regions.

- **Extend the licensing requirement in the Export Control Act to cover all brokering deals by UK brokers wherever they occur, and introduce mandatory registration for all those intending to broker arms**

Currently the Export Control Act requires arms brokers to obtain a licence only if they operate within the UK: those wishing to avoid scrutiny can simply step out of the country to conduct their business.

3. Creating a just and fair asylum system

The UK's asylum agenda is driven by an obsession with keeping the numbers down. This has resulted in three pieces of asylum-related legislation since 1997 to deter applicants and make access to the UK's territory, asylum procedures and welfare benefits difficult for those fleeing persecution. The focus of asylum policy should be on protecting individuals who are fleeing from human rights violations and who are in need of international protection.

Amnesty International proposes the following key principles for a fair and satisfactory asylum procedure, to guarantee that those at risk of serious human rights abuses if returned to a particular country are identified and afforded protection.

- **Every asylum claim should be considered fully on its individual merits**

Fast track procedures should not prevent full consideration of each case and claims should not be prejudged on the basis of nationality. All asylum applicants should have a meaningful right of appeal against a negative decision.

- **Initial decision-making on asylum applications should be 'front-loaded'**

Resources should be focused on good quality defensible decisions early in the decision-making process. 'Front-loading' enhances efficiency by ensuring that the initial Home Office decision is based on a full understanding of the applicant's case and is therefore reliable. This is not only fairer, it may also avoid wasting public money on financing appeals against flawed initial refusals.

- **Asylum applicants should have access to expert legal advice**

Restrictions on publicly funded immigration and asylum work since April 2004 have resulted in the withdrawal of established solicitors from this area of work. This may leave many asylum applicants without access to proper legal representation.

- **Immigration controls should not prevent refugees from seeking asylum**

There are almost no legal routes to the UK for those in need of international protection, owing to a raft of mechanisms such as visa regimes on refugee producing countries, carriers' sanctions, and other measures which force asylum seekers to travel illegally. Access to UK territory should be ensured for those in need of international protection.

- **Asylum seekers should have access to welfare benefits throughout the process, or permission to work**

A Court of Appeal ruling found that the policy of denying food and shelter to asylum seekers was unlawful. The Home Secretary changed the process so that the majority of applicants in need of welfare support would receive it and not risk destitution.

- **Asylum seekers should not be detained arbitrarily**

An increasing number of asylum seekers are held in detention in the UK, many for the duration of the asylum process, with no automatic access to judicial oversight of the decision to detain.

- **The 1951 UN Refugee Convention must be upheld and implemented properly**

With widespread human rights abuses documented in many countries of the world, the protection afforded by the Convention is relevant and essential to those fleeing persecution.

4. Guaranteeing human rights while countering terrorism

The international framework of human rights standards and obligations is under sustained attack through the prosecution of the 'war on terror'. All governments have an obligation to protect the security of those under their jurisdiction. But the hunt for the 'terrorist' cannot simply ride roughshod over fundamental rights of individuals and communities.

UK counter terrorism measures

The UK government considers that the UK is a prime target for 'terrorist' attacks by al-Qa'ida or related groups. Between 11 September 2001 and the end of March 2004, 561 people were arrested, of whom 100 were charged and just six convicted of offences under the Terrorism Act 2000. Seventeen foreign nationals have been interned as suspected 'terrorists' under the Anti-terrorism, Crime and Security Act (ATCSA) 2001. Thirteen were still held in July 2004. To do this, it has been necessary for the government to derogate from the International Covenant on Civil and Political Rights and the European Convention on Human Rights. The UK is the only country in Europe to have done so.

The next government should:

- **Repeal Part 4 of the Anti-terrorism, Crime and Security Act 2001**

Amnesty International is pressing for repeal of the unwarranted powers that allow for the detention of foreign nationals by the executive, without charge or trial, without time limit - on the basis of secret evidence which those held will not hear, see or be able to challenge effectively.

- **Either charge and try fairly or release those held under Part 4 powers**

The government should release all those persons detained unless they are charged with a recognisable criminal offence and guaranteed a fair trial.

- **Prohibit the use of evidence obtained through torture**

Detention proceedings before the Special Immigration Appeals Commission allow for the use of evidence that may have been extracted through the torture of witnesses held in other countries. This is in clear breach of the UK's obligations under international law and should stop immediately.

Guantánamo Bay

In July 2004, 592 people from 42 countries were still detained by the US authorities in Guantánamo Bay. Four UK nationals and at least three former UK residents are among those held. Five UK nationals were released without charge in March 2004 and will face no further legal action in the UK.

Most of those detained have now been held for over two and a half years - without charge, without access to their

families and overwhelmingly without access to legal counsel. The US government has indicated that specially established military commissions could be used to try some of the detainees. Amnesty International is deeply concerned over the prospect of such trials, which would not meet international fair trial standards and would contravene US obligations under international law.

- **Detainees should be guaranteed a fair trial or released**

Access to legal representation, the suspension of interrogations until this is provided and a fair trial process are the bottom line for all the detainees held by US authorities. Anyone not brought to trial in a prompt manner and in accordance with international fair trial standards should be released.

- **The UK government should press for the fair trial or release of all detainees**

In July 2004, the Attorney General, Lord Goldsmith, stated that he was: 'unable to accept that the US military tribunals proposed for those detained at Guantánamo Bay offer sufficient guarantees of a fair trial in accordance with international standards'. The UK government should continue to press the US authorities for the fair trial or release of those detained.

5. Holding companies to account for their impact on human rights

In recent years, companies have been associated with many grave human rights violations, especially in developing countries. Examples include the enslavement of child workers through forms of debt bondage in India, forced labour in Myanmar and China, and the assassination of trade unionists in Colombia. The Universal Declaration of Human Rights calls on 'every organ of society' to play its part in securing the observance of these rights. Therefore companies have a responsibility to safeguard human rights in their own operations and in their wider sphere of influence.

Amnesty International believes that market mechanisms and voluntary frameworks alone will not lead to higher standards of social responsibility, unless they are accompanied by appropriate incentives and disincentives built into the regulatory framework. We therefore call for:

- **The development of international standards to hold companies to account for their impact on human rights, wherever they operate**

The UN Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights should be supported and used as a starting point for the development of an international framework to hold companies to account for their impact on human rights.

- **Proper investigation of alleged breaches by UK companies of OECD guidelines**

Ensure full and impartial investigation of complaints against UK companies with regard to breaches of the Organisation for Economic Cooperation and Development Guidelines for Multinational Enterprises.

- **An improvement in the social, environmental and economic performance of companies by requiring greater disclosure, transparency and accountability to stakeholders. In particular:**

- **Companies should report against a comprehensive set of key social, environmental and economic performance indicators**

The government's proposals on non-financial reporting, the Operating and Financial Review, are a start, but need strengthening. In particular; reports must address stakeholders, not only shareholders, and directors must report on all key social and environmental impacts, not only those which, in their opinion, have a major influence on the current and future prospects of the company.

- **Directors' duties should include a specific duty of care for the social and environmental impacts of their businesses**

Directors should have a duty of care for the social and environmental impacts of their businesses, in the same way as they currently have a 'financial duty' to shareholders.

- **Companies should be liable before the UK courts for their impact on human rights in countries lacking legal safeguards**

People harmed by UK companies' operations overseas should be able to seek redress in UK courts, when there is no effective remedy in the country where the damage occurred.

6. Promoting human rights through the European Union

The EU and the world

The EU is committed to pursuing the protection and realisation of human rights and democratic values worldwide. To deliver on this commitment requires a Common Foreign and Security Policy that is guided by international law. The EU should take a lead internationally in the area of human rights, promoting universal ratification and observance of all international human rights treaties and standards. The gap between rhetoric and practice should be closed through a more coherent approach with human rights at the core of all external policies.

The UK Presidency of the EU in 2005 should address:

- **Restoring the profile and priority for human rights in the EU's dealings with the world**

Appoint an EU Special Representative for Human Rights to ensure that the EU promotes human rights on the world stage. Make human rights a standard item on the agenda of meetings with third countries.

- **Building effective monitoring mechanisms**

Monitoring mechanisms are required to ensure that the EU monitors compliance with the legally binding human rights clause that has formed part of agreements between the EU and other countries since 1995.

Human rights within the EU

The EU remains reluctant to address problems of human rights violations within its borders or to establish accountability at the EU level for the human rights performance of its member states. The vision of building an 'area of freedom, security and justice' across the Union is far from the reality experienced by asylum seekers, immigrants, suspects in police stations and defendants in courts.

Counter-terrorism measures lack essential safeguards, and the Charter of Fundamental Rights risks becoming a source of complacency rather than accountability.

The UK Presidency of the EU in 2005 should address:

- **Effective monitoring of human rights within the EU**

Establish a strong human rights agency to carry out effective monitoring of the human rights situation within the EU.

- **Protect the rights of suspects and defendants**

Implementation of the European Arrest Warrant needs to be completed in such a way as to protect the rights of individuals. Negotiations on the proposed framework decision on the rights of suspects and defendants in criminal proceedings must not lead to a weakening of the standards currently set by international law.

- **Creating a Common European Asylum System**

Development of the system is at a critical juncture. Too much is being left to national legislation on key asylum issues. An independent and impartial European refugee documentation centre is needed to provide information on the countries producing refugees.

7. Promoting human rights abroad

The promotion and protection of human rights is receding in prominence as a feature of UK foreign policy. Political imperatives have muted criticisms by the UK of human rights violations committed by new-found allies prosecuting the 'war on terror'. The UK's stance in debates surrounding the development of new international and regional human rights instruments (on arms control; corporate accountability; in the Council of Europe and EU) is becoming lukewarm or unenthusiastic.

The next government should:

- **Restore human rights as a central component of foreign policy**

Respect for human rights should not be sacrificed for short-term political gain. The UK government should make vigorous and public representations opposing laws, policies, practices and actions that violate human rights in any country.

- **Defend the integrity of the International Criminal Court**

The UK government presents itself as an energetic supporter of the International Criminal Court but is reluctant to take a strong stand against US actions undermining the court.

- **Support the development and effective application of international and regional human rights instruments**

For many years, successive UK governments failed to accept any of the protocols allowing individuals to complain to the UN that their human rights, as set out under the UN's human rights treaties, have been violated. The announcement, in July 2004, that the government would allow individual petition to the Committee on the Elimination of All Forms of Discrimination Against Women is welcome. However, it should not be used as a reason to delay acceptance of individual petition to the three other human rights treaties with such complaint procedures (most crucially, scrutiny by the UN Human Rights Committee under the International Covenant on Civil and Political Rights).



Amnesty International UK 99-119 Rosebery Avenue London EC1R 4RE

Tel 020 7814 6200 Fax 020 7833 1510 www.amnesty.org.uk

From 2005, the Amnesty International UK address will be: 17-25 New Inn Yard London EC2A 3EY

Amnesty International UK

August 2004