

“Professionals in the Firing Line”

**A report on violations
of human rights
affecting doctors,
lawyers, teachers,
business people and
other professionals
around the world**

July 2012

**The Conservative Party
Human Rights
Commission**



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1. Introduction

Any thriving economy and open society depends to a large extent on independent, impartial and successful professional services, particularly within the fields of law, education, health care, media and commerce. The impartiality of doctors, nurses and other medical practitioners; the independence of lawyers and judges; the freedom of journalists; and the integrity of teachers and business people are therefore of paramount importance. When the human rights of professionals are undermined or violated, the universal values of human rights for all people everywhere are threatened.

For these reasons, the Conservative Party Human Rights Commission decided in the autumn of 2011 to conduct an inquiry into violations of human rights faced by professionals, notably doctors and other medical practitioners; journalists and other media workers; teachers; lawyers; and business people.

The Commission held two in-depth oral evidence hearings in Parliament, on 8 November and 22 November, where we heard testimony and recommendations from individuals and organisations representing a range of sectors and geographical contexts. These included representatives of the Law Society, the Rights Practice, Article 19 and Medact, as well as the Bahrain Center for Human Rights, and powerful first-hand testimony from Dr. Nada Dhaif, a doctor from Bahrain, Kyaw Zwa, a video journalist from Burma, and Bill Browder, Chief Executive of Hermitage Capital Management regarding a specific case in Russia. The Commission subsequently met with lawyers and relatives representing Mikhail Khodorkovsky from Russia.

In addition, we received written submissions from a wide range of organisations and individuals, including Amnesty International, the Embassy of the Kingdom of Bahrain, the British Medical Association, the Iranian Nobel Peace Prize Laureate Dr Shirin Ebadi, Global Campaign for Education, Human Rights Watch, Index on Censorship, the National Union of Teachers, Peace Brigades International and the Sri Lanka Campaign.

To everyone who gave evidence, either in person or in writing, we are extremely grateful. Receiving first-hand testimony or evidence gathered by credible professional bodies and human rights organisations is absolutely vital, and this report could not have been produced without the hard work and assistance of all those who contributed information and evidence.

Protecting and promoting human rights is “at the very centre” of the United Kingdom’s foreign policy under the current Coalition Government. It is the role of the Conservative Party’s Human Rights Commission to hold the Government to that pledge, and to contribute constructively to the policy-making process by gathering evidence of human rights violations, making policy recommendations and ensuring that the spotlight is placed on

individual cases, geographical situations and thematic issues where the United Kingdom has both a responsibility and an opportunity to act.

This report contains a summary of the issues, and a set of policy recommendations which will be submitted to the Foreign Secretary for their consideration. We hope that in our small way, by conducting this inquiry and publishing this report we may contribute towards protecting lawyers, doctors, nurses, teachers, journalists, business people and others in vulnerable situations around the world, and work towards creating more open societies for professionals to practice with security, freedom and responsibility.

Robert Buckland MP

Chairman, Conservative Party Human Rights Commission

2. Executive Summary

In too many parts of the world today professional people – lawyers, doctors, teachers, journalists, business people and others – face restrictions, hindrances, discrimination, injustice, abuse and physical danger, in the daily course of their work. Threats to their impartiality and professionalism come as a result of variety of factors: repressive government policies, religious extremism, corruption and violent non-State actors. In countries as disparate as Bahrain, Burma, China, Colombia, Iran, Mexico, Pakistan, Russia and Sri Lanka to name just a few, doctors and other health workers, lawyers, media professionals, teachers and business people are prevented from freely performing their professional responsibilities and sometimes face imprisonment, torture and death.

The Foreign Secretary has repeatedly emphasised that the United Kingdom places human rights “at the very heart of foreign policy”, and that our foreign policy must always be consistent with our values. People working in the professions of the law, medicine, education, the media and commerce are vital to any thriving economy and open society, and it is therefore in our interests to ensure that these and other professions are protected from corruption, abuse, unjust restriction, harassment, threat, intimidation and violence. Upholding the human rights of professional people is essential to upholding and underpinning universal human rights for all.

For these reasons, the Conservative Party Human Rights Commission conducted an inquiry into the violations faced by professionals around the world. The Commission held a series of oral hearings, and received extensive written evidence. Professional bodies in the United Kingdom, including the Law Society, the British Medical Society and the National Union of Teachers, made submissions to the Commission, and evidence was also received from Non-Governmental Organisations including Amnesty International, Article 19, The Henry Jackson Society, Human Rights Watch, Index on Censorship, Medact and The Rights Practice. The Commission also heard personal testimony from individual professionals from Bahrain, Burma and Russia, and from representatives of professionals in Belarus, China, Colombia, Iran, Mexico and Sri Lanka.

3. Key Recommendations

The Conservative Party Human Rights Commission makes the following recommendations to the Foreign Secretary, and believes that the United Kingdom Government should:

- Promote respect for the rule of law and protection for lawyers, in all relevant public statements and bilateral discussions;
- Develop and maintain relationships with lawyers, particularly those at risk and those involved in defending human rights campaigners, political activists, vulnerable communities and anti-corruption cases; embassy staff should visit lawyers, and provide opportunities and platforms for lawyers to meet;
- Ensure that all UK diplomatic missions are implementing the EU Human Rights Defenders Guidelines and are including the protection of local human rights defenders, including lawyers, in their contingency plans for emergency situations;
- Provide financial support and technical expertise to governments and lawyers to increase understanding of the rule of law and the independence of the judiciary, and to investigate human rights violations, address impunity and uphold justice;
- Ratify the UN Convention for the Protection of all Persons from Enforced Disappearances;
- Consider proposing an extension to the mandate of the UN Special Rapporteur on the right to health, to include reporting on protection for and violations of medical neutrality;
- Work with the International Committee of the Red Cross (ICRC) to develop their project *Health Care in Danger*, to better assure the security of healthcare workers during armed conflict;
- Ensure that British diplomatic representatives are present at any trial proceedings involving doctors or other medical professionals where there is evidence that the defendants have been subjected to violations of human rights or are being persecuted as a direct result of fulfilling their professional and ethical medical responsibilities;
- Welcome the Bahraini Government's acknowledgement of abuses committed, and to closely monitor the progress of promised institutional change in Bahrain to ensure that this is carried out quickly and effectively.
- Work to uphold and enforce UN Security Council Resolution 1738 on the protection of journalists;
- Support activities to promote World Press Freedom Day each year;
- Ensure that press freedom and the protection of media workers is raised in all bilateral and multi-lateral fora, with specific attention paid to the EU and the UN,

and particularly with the governments of China, Iran, Mexico, Pakistan, the Philippines, Turkey and Uzbekistan;

- Seek systematic protection of the human rights of teachers around the world;
- Promote the implementation of fundamental labour standards including the International Labour Organisation Conventions 87 and 98;
- That the United Kingdom Government promote the right of teachers to form trade unions;
- Seek accountability for crimes committed against teachers and teacher trade unionists, particularly in Colombia and Ethiopia;
- Seek the release of all teachers imprisoned in Iran;
- Introduce measures to support civil society in Russia by encouraging and facilitating British professional bodies to engage with their Russian counterparts;
- Emphasise that Russia's membership of European and global organisations such as the Council of Europe, OSCE and World Trade Organisation carries with it the responsibility to operate according to international rules;
- In recognition of the unique position of London as a destination of choice for many senior Russian officials, the government should take action to introduce measures to publicly restrict visas and to freeze the assets of Russian officials involved in serious corruption and human rights abuses as soon as possible, as mentioned in the Foreign and Commonwealth Office's Human Rights and Democracy 2011 Report.

4. Violations of Human Rights faced by Lawyers

In many parts of the world, lawyers face serious threats to their professional integrity and personal safety. According to the evidence received from several sources, lawyers face particular challenges when operating in countries where human rights protection is poor or non-existent, corruption is rampant and the rule of law is weak or absent.

Lawyers working on behalf of political dissidents or involved in seeking justice and challenging impunity for serious human rights violations, including massacres, torture and disappearances carried out by State and non-State actors, are putting themselves at significant personal risk. Lawyers who defend the rights of communities at risk from large-scale economic development projects can suffer repercussions, largely because of the financial interests at stake. Lawyers defending individuals facing charges under religious laws such as the blasphemy laws in Pakistan, or defending religious groups, such as Falun Gong in China, face significant risks.



Anti President Musharraf Demonstration, 26th January 2008

In some parts of the world, notably Colombia, Mexico, Nepal and Guatemala, the range of violations of human rights faced by lawyers include death threats and intimidation, stalking, abduction and physical attack, illegal surveillance from state agencies, stigmatisation and defamation, and sometimes criminalisation. Since 1991, over 400 lawyers in Colombia have

¹ Image courtesy of Myles Fisher

been assassinated. The UN Special Rapporteur on the Situation of Human Rights Defenders has noted that States “increasingly resort to legal actions” to impede the work of lawyers, bringing about false criminal charges and prosecutions. “Many others are detained without charge, often without access to a lawyer, medical care or a judicial process, and without being informed of the reason for their arrest,” the Rapporteur reports.²

The rule of law and the independence of the judiciary are two of the most central foundational features for any free society and yet in many countries these tenets are either weak or non-existent. In Iran, for example, the independent Bar Association, established in 1955, was closed down after the Iranian revolution and the majority of directors were jailed. In the past two years, more than a dozen lawyers who were members of the Bar Association have been imprisoned for defending political prisoners and many lawyers have been disqualified.³

Attempts to develop the rule of law in China have regressed in recent years, particularly as the Chinese Communist Party (CCP) prepares for a change of leadership this year and emphasises “preserving stability” (*weiwen*). A crackdown on all forms of political dissent in the past year has led to an even more difficult situation for lawyers, due to an increase in police surveillance. According to the Rights Practice, “China’s lawyers are on the frontline of a daily struggle to secure respect for the rule of law and to defend the human rights of citizens”.

“All Chinese lawyers face substantial challenges in their work, but the lawyers who take on the most politically sensitive cases run additional risks of losing their licences, arbitrary and extrajudicial detention, and even torture.”

- The Rights Practice

China has shown a complete failure to respect the UN’s Basic Principles on the Role of Lawyers. An increasing number of Chinese lawyers have emerged as human rights defenders and as such have been subjected to harassment, surveillance and restrictions by the Chinese authorities. Some have been abducted, beaten, tortured, held incommunicado or held under short-term house arrest.

The following cases in particular are of grave concern:

² As quoted in the written submission by Peace Brigades International – see appendices

³ See written submission, “Only Ourselves to Blame”, by Dr Shirin Ebadi

- Cheng Guangcheng, a blind lawyer who has spent most of the past six years in prison or under house arrest for filing law suits on behalf of women forced to have abortions under China's one child policy;
- Gao Zhisheng, a human rights lawyer who defended Falun Gong and house church Christians and has at various times in recent years been jailed, disappeared, severely beaten, and is currently still in prison;
- the "Molihua lawyers", including Tang Jitian and Dr Teng Biao, who have been detained for varying periods in the past year;
- the "Beihai lawyers", who have been beaten up and arrested on various occasions; and
- Liu Xiaoyuan, a Beijing-based lawyer and friend of the artist Ai Weiwei, who was detained for six days in April 2011 at an undisclosed location.⁴

In Bahrain, a prominent defence lawyer, Mohamed al-Tajer, was arrested without a warrant in 2001 by over twenty masked security officers who took him to an unknown location. On 12 June 2011 he was brought before a military court and charged with spreading rumours and malicious news and incitement of hatred towards the regime. His trial was then referred to a civilian court. He was released from prison in August, but his legal status is unclear and he does not believe that the charges have been dropped.⁵

In Iran, human rights lawyer Nasrin Sotoudeh, a mother of two young children, was arrested on 4 September 2010 and is now serving an eleven-year sentence. She had represented Nobel Peace Prize recipient and Iranian lawyer Dr Shirin Ebadi as well as many other human rights campaigners and political activists.⁶

"Lawyers are a vital part of a functioning justice system. This makes them a target for repressive regimes who want to stifle the truth and prevent reform. Preventing lawyers from carrying out their proper role obstructs a fair hearing and denies victims a remedy. Interfering with a lawyer's professional duty is to interfere with the administration of justice."

- Courtenay Barklem

The Commission received a wide range of recommendations from experts, which can be found in full in the written submissions in the appendices. The Commission would like to draw attention to the following and recommend that the British Government:

⁴ See written submission by The Rights Practice

⁵ See written submission by Amnesty International

⁶ Ibid.,

- Promote respect for the rule of law and protection for lawyers in all relevant public statements and bilateral discussions;
- Develop and maintain relationships with lawyers, particularly those at risk and those involved in defending human rights campaigners, political activists, vulnerable communities and anti-corruption cases; embassy staff should visit lawyers, and provide opportunities and platforms for lawyers to meet;
- Ensure that all UK diplomatic missions are implementing the EU Human Rights Defenders Guidelines and are including the protection of local human rights defenders, including lawyers, in their contingency plans for emergency situations;
- Provide financial support and technical expertise to governments and lawyers to increase understanding of the rule of law and the independence of the judiciary, and to investigate human rights violations, address impunity and uphold justice;
- Ratify the UN Convention for the Protection of all Persons from Enforced Disappearances.

5. Violations of Human Rights faced by Medical Practitioners

Doctors, nurses and other health workers (e.g. physiotherapists, occupational therapists, dieticians, clinical laboratory scientific staff, psychotherapists and clinical psychologists) are facing growing interference with their impartiality and professionalism and in some cases threats to their personal safety in a number of countries around the world.

The targeting of doctors and other health workers was particularly apparent in Bahrain in 2011 when security forces targeted hospitals and accused some doctors, nurses and paramedics of criminal and anti-government activity. This campaign of intimidation began with the denial of access to medical treatment for injured protestors during the anti-government demonstrations in February 2011. The situation escalated and in March, security forces attacked several hospitals and medical centres, including the largest public hospital in the country, the Salmaniya Medical Complex. Security forces surrounded the hospital, stationed tanks at the entrance, and seized control of the complex. Medical staff, patients and ambulances were prevented from leaving the hospital. In other medical centres security forces fired teargas, rubber bullets and pellet guns at the entrances.

The authorities in Bahrain then launched a major operation to arrest medical personnel. Over 200 medical professionals were arrested, including several dozen doctors, and subjected to brutal interrogation, mistreatment, detention and prosecution. On 6 June, 2011 the trial of 48 medical staff in a special military court began, on charges of felony and misdemeanour. Most defendants had little or no access to lawyers or family members.

“I witnessed the torture of my colleagues right in front of me, I experienced all sorts of violations. I was threatened with rape, subjected to verbal and physical abuse, and electrocuted by a member of the Bahraini Royal Family. They threatened to hurt my kids and to detain my husband.”

- Dr Nada Dhaif

The Commission heard first-hand testimony from one doctor, Nada Dhaif, in a hearing in Parliament on 22 November 2011. Dr Dhaif, an oral and dental surgeon working in private practice, described to the Commission how more than twenty armed security forces in civilian clothing had raided her family home and took her and other family members away at gunpoint at around 3am on 19 March 2011. “My 80 year-old father was taken at gunpoint. My brother, a High Court judge, was forced at gunpoint to lead them to my home. They had no arrest warrant – and they put a gun to my other brother’s head,” she recalled.

In the car Dr Dhaif was blindfolded, handcuffed, threatened and during interrogation accused of having links to Iran and Hezbollah, and of funding terrorism. She was held in solitary confinement for 22 days and then taken to jail.

With no access to a lawyer or to her family, she was blindfolded and forced to sign a confession, and then, with about fifty other medical professionals, ordered to give a public confession in front of television cameras. "I thought 'this is madness. We are like lambs taken to the slaughter'. I heard the most stupid confessions." A special military court found her and approximately 20 other medical professionals guilty of anti-government activities and she was sentenced to 15 years in prison. She was released on parole, but lodged an appeal in a civilian court. "The charges related to occupying the government hospital, holding weapons, inciting the overthrow of the regime, but I have never practised in the government hospital, I work in private practice, and have nothing to do with the government hospital," she said.

Medical professionals were targeted because "we were first-hand witnesses," Dr Dhaif told the Commission. "We saw lots of bloodshed. It is because we are credible witnesses that they had to silence us. We had to shut up. We are mostly from highly-educated, wealthy families, so the government cannot buy us off."

As a result of this crackdown against medical professionals in Bahrain medical facilities are reportedly chronically under-staffed. "One hundred per cent of the trauma section was taken, so there were no doctors – they were either suspended, sacked or on trial. Over 200 medics were arrested, and many were sacked or suspended," Dr Dhaif said. She added that Bahrainis want a democratic, secular society but she is concerned that if there is no assistance from the international community Iran might get involved, which poses a threat to regional and global security. "I feel so abandoned by the international community. We cannot depend on anyone except ourselves," she said.⁷ However, it should also be noted that in a submission from the Embassy of the Kingdom of Bahrain, the Bahraini government claims that "every public sector employee dismissed or suspended has returned to work with full back pay." Dr Dhaif disputes this statement and claims that many are still suspended.

In response, the Bahraini Government stated that in March 2012 the Bahraini Attorney General announced that criminal prosecutions against 15 of the 20 medical professionals in the case referred to in the evidence of Ms Al-Khawaja would be dropped, and their cases referred to the Medical Disciplinary Board. The Commission was also delighted to learn, on 14th June 2012, that Dr Nada Dhaif was found innocent of all charges, along with eight other colleagues.

⁷ For further information, see www.doctorsinchains.org and a video regarding the situation in Bahrain: <http://bit.ly/tHQfLI>

The Commission condemns the human rights infringements of 2011 in Bahrain, especially those committed in February and March, and was very concerned to hear the evidence that we did about teachers, lawyers and doctors. However, we welcome the Bahraini Government's acknowledgement of the abuses committed and note the reform efforts of the Bahraini authorities, in particular the establishment of the National Human Rights Institution, the reforms to the police service and the reinstatement of students and public sector employees in early 2012. The establishment of a Ministry for Human Rights and Social Development is also a most welcome step in the right direction to restoring basic civil rights and urges the Ministry to uphold the highest international human rights standards.

As part of their respect for human rights and fundamental freedoms, we urge the Bahraini Government to allow entry into Bahrain for foreign journalists and human rights organisations so that the criminal investigations which are now under way can be fully observed. Furthermore, the Commission would urge the British Government to closely monitor the implementation of these reforms to ensure that, as stated by the Bahraini Embassy in their response, their behaviour "conforms to the highest international standards"⁸.

Medical professionals are increasingly under threat in other countries as well. The Commission received examples of cases from Syria, Iran and India. In October 2011, Amnesty International published a report called *Health Crisis: Syrian Government targets the wounded and health workers*. Some health professionals in Syria have been arrested, tortured, abused, and in some instances killed. According to the British Medical Association there are reports of some doctors being used by the authorities as "tools of repression" and being instructed to abuse wounded protestors seeking treatment in state-run hospitals.⁹

In India a renowned paediatrician and human rights activist, Dr Binayak Sen, was sentenced to life imprisonment in Chhattisgarh for sedition and conspiracy against the state. He was released on bail by the Supreme Court in April 2011. Dr Sen is accused of collaborating with an underground Maoist movement but human rights organisations believe he has been targeted because of his work documenting levels of starvation in the state and his participation in fact-finding missions to investigate human rights violations, carried out by the People's Union for Civil Liberties. His imprisonment was condemned by Amnesty International, Human Rights Watch, the Global Health Council and the British Medical Association. Dr Sen has been a critic of both Maoist and state violence.¹⁰

It is also known that medical professionals in conflict zones are sometimes deliberately targeted by those involved in the conflict. In Sri Lanka during the final stages of the civil war the Sri Lankan military was accused of intentionally shelling field hospitals, killing doctors and other medical professionals. The United Nations Report of the Secretary-General's

⁸ See written submission by the Bahrain Embassy

⁹ See written submission by British Medical Association

¹⁰ Ibid.,

Panel of Experts on Accountability in Sri Lanka reported that: “The Government systematically shelled hospitals on the frontlines. All hospitals in the Vanni were hit by mortars and artillery, some of them were hit repeatedly ...” In the conflicts in Burma’s ethnic states attacks by the Burmese Army on clinics and medics are well-documented.

A number of policy recommendations have been submitted to the Commission, and these are detailed in the individual appendices. The Commission wishes to draw particular attention to the following, and recommends that the British Government:

- Consider proposing an extension to the mandate of the UN Special Rapporteur on the right to health, to include reporting on protection for and violations of medical neutrality;
- Work with the International Committee of the Red Cross (ICRC) to develop their project *Health Care in Danger*, to better assure the security of healthcare workers during armed conflict;
- Ensure that British diplomatic representatives are present at any trial proceedings involving doctors or other medical professionals where there is evidence that the defendants have been subjected to violations of human rights or are being persecuted as a direct result of fulfilling their professional and ethical medical responsibilities;
- Welcome the Bahraini Government’s acknowledgement of abuses committed, and to closely monitor the progress of promised institutional change in Bahrain to ensure that this is carried out quickly and effectively.

6. Violations of Human Rights faced by Media Workers

Since 2010 over 500 journalists have been killed and in 2011 alone at least 97 were killed, according to the press freedom organisation Article 19. Pakistan, Sri Lanka, Mexico, the Philippines and Somalia are among the most dangerous countries for journalists, although Turkey and Uzbekistan have the highest number of journalists imprisoned. It is estimated that in total 145 journalists are in jail around the world, with 67 in Turkey alone, mostly held under anti-terror laws. Media workers are also vulnerable to gender-based violence and disappearances. At least 10 journalists disappeared in Mexico in 2011.

The Commission notes with surprise that of the countries where journalists and media workers are most at risk, several are non-conflict situations and some are emerging democracies. Article 19 told the Commission that the overwhelming majority of crimes and abuses against journalists go unpunished, meaning that both State and non-State actors operate with impunity. Most journalists at risk are nationals of the countries concerned, and as such have less protection than foreign correspondents.

Journalists in Belarus are facing increasing harassment. On 3 September 2010 one of Belarus' leading journalists, Oleg Bebenin, was found hanged in his country home. Belarus is ranked 189 out of 196 countries for press freedom by Freedom House, lower than Iran or Zimbabwe. The State controls almost all mainstream media outlets, and new restrictions were introduced in a 2008 statute 'On Mass Media Law of the Republic of Belarus'. This allowed state prosecutors and the Ministry of Information to close or suspend news outlets if they "threaten the interests of the state or the public". Throughout 2009 many licences for media groups were denied, and media organisations which are outwardly hostile to the regime face even greater risks. Natalia Radzina, the editor of Charter97, a news website, was threatened with rape, and journalist Veranika Charkasava was murdered.¹¹ Journalist Irnya Khalip, wife of former presidential candidate and prisoner of conscience Andrei Sannikau, was held under house arrest and subsequently given a two-year suspended sentence on 16 May 2011.¹²

"The Soviet era habit of associating the "crimes" of the parent to their children has restarted with the children of opposition journalists received threatening anonymous calls on their mobile telephones."

- Index on Censorship

¹¹ See written submission by Index on Censorship

¹² See written submission by Amnesty International

In China scores of bloggers and journalists, along with other activists, have been arrested in the past year. According to the Foreign Correspondents Club of China more than a dozen reporters, including from international media organisations such as the BBC, CNN and Bloomberg, were beaten or detained by security officers as they covered possible protests. Former *Caijing* magazine journalist Zhang Jialong, who covered the detention of artist Ai Weiwei, went missing in April 2011 after being approached by a person claiming to represent the police. The writer and Nobel Peace Prize laureate Liu Xiaobo has been held incommunicado since December 2008, and was sentenced in 2009 to eleven years in prison.¹³

Journalists in Iran face harassment, torture and imprisonment. Women's rights activist and journalist Faranak Farid was arrested on 3 September 2011 and detained without charge while her home was searched. She is reported to have been beaten so severely that she is now unable to move one of her arms, and has lost the hearing in her left ear. Writer and journalist Taghi (or Taqi) Rahmani was detained between 9 February and 15 May 2011.¹⁴

Several journalists have been detained in Syria including Mohammed Zaid Mastou, Khaled Sid Mohand, Adel Walid Kharsa and Dorothy Parvez.¹⁵

The Commission recommends that the British Government take the following steps to increase protection for media workers and to promote press freedom:

- Work to uphold and enforce UN Security Council Resolution 1738 on the protection of journalists;
- Support activities to promote World Press Freedom Day each year;
- Ensure that press freedom and the protection of media workers is raised in all bilateral and multi-lateral fora, with specific attention paid to the EU and the UN, and particularly with the governments of China, Iran, Mexico, Pakistan, the Philippines, Turkey and Uzbekistan.

¹³ Ibid.,

¹⁴ Ibid.,

¹⁵ Ibid.,

7. Violations of Human Rights faced by Teachers

Teachers face increasing challenges in countries ruled by repressive regimes or at the hands of violent non-State actors, particularly if they are involved in teaching unions or other political activities. According to the National Union of Teachers (NUT) in the UK, the situation for teachers in Colombia, Ethiopia and Iran is especially concerning. The Global Campaign for Education, Amnesty International, Human Rights Watch and the Bahraini Centre for Human Rights have all highlighted the situation for teachers in Bahrain.

Forty nine trade unionists were assassinated in Colombia in 2010, of whom 27 were teachers and members of the Colombian teacher union FECODE. In 2009, Education International published a report on political violence against the education sector, entitled *Colombia's Classroom Wars*, and the report claimed that between 1991 and 2006 over 800 Colombian teachers and education workers were murdered. These killings were primarily carried out by right-wing paramilitary organisations, and were committed with impunity. In June 2011, Joge Elicier de los Rios Cardenas, a teacher responsible for an environmental education project, was shot several times outside his school. He had publicly denounced the effects on the local community of open air mining.

Colombian teachers' and education trade unions' recognition of the precarious circumstances under which the majority of Colombian people live, and their efforts to challenge this, subjects activists and members to persecution and harassment by legal and illegal groups.

- National Union of Teachers

Teaching unions in Ethiopia have been restricted and teachers active in illegal union activities have faced intense persecution. Teachers who have criticised the government's education policies have been dismissed. In 2008, teachers established a new union, the National Teachers' Association, but the authorities refused to register the organisation. In November 2011 an Ethiopian teacher burned himself to death in protest against human rights violations, after having been jailed for helping to organise demonstrations against government corruption.

In Iran, teacher unionists have faced arrest and detention and teachers belonging to religious minorities have faced serious persecution. In 2011 the Iranian authorities attempted to shut down the Baha'i Institute for Higher Education, the only higher education facilities for Baha'is. Dozens of academic staff were detained. In 2008, Farzad Kamangar, a 35 year-old teacher, was imprisoned and charged with 'enmity towards God'. Farzad Kamangar was sentenced to death and executed in 2010. The Iranian Teacher Trade

Association has been prevented from holding meetings and many teachers remain in detention.¹⁶

Teachers, university professors and students in Bahrain have faced severe violations of human rights since the protests in February 2011. For example, on 29 March 2011 Jaleela al-Salman, Vice President of the Bahrain Teachers Association, was arrested at gunpoint in her bedroom in front of her children. The Bahraini Teachers' Union was dissolved in April 2011 and a new union established by the Ministry of Social Development. There are reports from the General Federation of Bahrain Trade Unions that more than 132 teachers have been dismissed.

In its response, the Bahraini Government has said that about 400 students were reinstated in December 2011, and that all public sector employees were reinstated at the beginning of this year with the support of trade unions and the ILO.

The Commission notes the recommendations in the submissions received, and draws particular attention to the following actions that the British Government should take:

- Seek systematic protection of the human rights of teachers around the world;
- Promote the implementation of fundamental labour standards including the International Labour Organisation Conventions 87 and 98;
- Promote the right of teachers to form trade unions;
- Seek accountability for crimes committed against teachers and teacher trade unionists, particularly in Colombia and Ethiopia;
- Seek the release of all teachers imprisoned in Iran.

¹⁶ See The National Union of Teachers – submission on Iran

8. Violations of Human Rights faced by Business People

"Doing business in Russia is like playing Russian Roulette...you may get away with it a few times, but eventually, you will blow your head off. In my case, it was Sergei Magnitsky, a young lawyer who lost his life defending my business from corrupt, Russian government officials. That roulette is what businesses face every day in Russia."

- Bill Browder

Business people operating in countries with a weak or non-existent concept of the rule of law, no independent judiciary and high levels of corruption face significant risks not only financially but also personally.

The Commission received first-hand evidence regarding two cases from Russia which are cause for very grave concern. In a hearing in Parliament on 22 November, William Browder, founder and Chief Executive of Hermitage Capital Management, gave evidence regarding the murder of Sergei Magnitsky. Mr Browder was the largest foreign investor in Russia until November 2005, when he was denied entry to the country and declared "a threat to national security" for his role in exposing corruption in large Russian corporations. Three years later, his lawyer, Mr Magnitsky, uncovered a massive fraud operation committed by Russian government officials involving the theft of US\$230 million of state taxes which Hermitage Capital Management had paid in 2006. After testifying against the officials involved, Mr Magnitsky was arrested and imprisoned without trial by the same officials. He was tortured in an attempt to force him to retract his allegations and falsely incriminate himself. For almost a year he suffered horrific conditions in detention, endured physical and psychological torture, and as a result his health deteriorated dramatically. He was denied medical attention despite over twenty requests for assistance, and died on 16 November 2009, aged 37.



The US Congress, the Canadian Parliament, the Dutch Parliament and the European Parliament have all passed legislation or resolutions demanding or imposing visa bans and asset freezes on Russian officials involved in the illegal arrest, torture and death of Sergei Magnitsky, and in July 2011 the US Administration banned all Russian government officials involved in the case from entering the US. Mr Browder urges the United Kingdom to take similar action, because the UK is the most favoured destination for Russian officials. He alleges that at least five Russian officials involved in the case have visited London in the past two years.

When asked whether this case was an isolated incident or symptomatic of a more widespread issue in Russia, Mr Browder replied: “Ask any lawyer in Russia whether they feel safe and almost all will say no.”

The case of Mikhail Khodorkovskiy, owner of Yukos Oil, illustrates the systemic nature of the problem in Russia. Eight years ago he and his business partner, Platon Lebedev, were arrested by the Russian authorities on false charges of tax evasion, fraud and embezzlement. It was widely regarded to have been a politically motivated move from President Putin, in an attempt to eliminate any viable political opponent. In February 2007, just before Mr Khodorkovskiy and Mr Lebedev were eligible for release on parole, the authorities announced new charges of embezzlement and money laundering. The prison terms of Mr Khodorkovskiy and Mr Lebedev were extended until 2016. In May 2011 Amnesty International designated Mr Khodorkovskiy and Mr Lebedev as “Prisoners of Conscience”.

According to Mr Khodorkovskiy’s legal team “the attacks on professionals go far beyond Khodorkovskiy and Magnitsky”. They claim that there are at least 300,000 “economic prisoners” in Russia’s jails, many of them victims of State corruption.

“My father has been recognised by Amnesty International as a “Prisoner of Conscience” but his case is only one of the many hundreds of thousands of injustices faced by professional people in Russia.”

- Pavel Khodorkovskiy

While it is likely that state corruption such as this affects business people in other parts of the world, notably China, the Commission heard specific evidence regarding the situation in Russia. The Commission met with Mr Khodorkovskiy’s son Pavel Khodorkovskiy on 9 February 2012 and received written evidence from his legal team.

The Commission notes that since 2001, UK-Russia bilateral trade has been growing by an average of 21% year-on-year and in 2010 UK exports to Russia increased by 51% to £3.45 billion. It is also important to note that British shareholders have lost approximately \$70 billion as a result of the destruction of Yukos Oil, and that Russia is now ranked 154 out of 178 nations in Transparency International's Corruption Perceptions Index below Iran, Libya and Zimbabwe. It is widely believed that corruption costs Russia £195 billion a year. As Mr Khodorkovsky's legal team point out in their submission, "the UK starts out from a position of strength in dealing with the Russian authorities and encouraging the regime to understand that change needs to happen. There is an internal battle in Russia – between statist and modernisers. The UK must provide those modernisers with the rationale and mandate to end human rights abuses, encourage rule of law culture, and crack down on corruption in the legal system".



Mikhail Khodorkovsky

The Commission was delighted by the Government's recent statement that "[w]here there is independent, reliable and credible evidence that an individual has committed human rights abuses, the individual will not normally be permitted to enter the United Kingdom" (p.53)¹⁷. This is a hugely welcome step and mirrors the positive actions being taken at the

¹⁷ 'Human Rights and Democracy': The 2011 Foreign and Commonwealth Office Report, p.53, available at: <http://fcohrdreport.readandcomment.com/>

EU level and in the US Congress. The Commission urges the British Government to take action to implement this change to the Immigration Rules as soon as possible.

Specifically, the Commission urges the British Government to take the following steps:

- Introduce measures to support civil society in Russia by encouraging and facilitating British professional bodies to engage with their Russian counterparts;
- Emphasise that Russia's membership of European and global organisations such as the Council of Europe, OSCE and World Trade Organisation carries with it the responsibility to operate according to international rules;
- In recognition of the unique position of London as a destination of choice for many senior Russian officials, the government should take action to introduce measures to publicly restrict visas and to freeze the assets of Russian officials involved in serious corruption and human rights abuses as soon as possible, as mentioned in the Foreign and Commonwealth Office's Human Rights and Democracy 2011 Report.

9. Conclusions

War, corruption, extremism, terrorism and repression result in grave violations of human rights in many parts of the world, affecting many people. Lawyers, medical practitioners, journalists, teachers and business people are, however, often some of the first targets and are vulnerable to restrictions, harassment, intimidation, threat, violence, arrest, imprisonment, torture and even killing.

By promoting the rule of law, press freedom, anti-corruption and international standards for medical ethics and labour rights, the United Kingdom can strengthen the protection of such vulnerable professionals and help societies develop in a way that is more open, free and respectful of universal human rights. The United Kingdom has a responsibility to pursue such values proactively in its foreign policy, not only because it is right to do so but because it is also in our interests. Corrupt, repressive societies with no respect for the rule of law or ethical and professional standards do not make reliable trading partners.

A foreign policy that combines pressure for change, where appropriate and necessary, with investment in developing skills, capacity and infrastructure where possible, would enhance the role of professionals around the world. Working together with others, the United Kingdom must put its knowledge, expertise, experience and influence at the disposal of professionals in vulnerable situations around the world, and in so doing build a freer and more stable world for us all.

10. Appendices – written submissions

- [Amnesty International](#)
- [Article 19](#)
- [Embassy of the Kingdom of Bahrain](#)
- [British Medical Association](#)
- [William Browder, Chief Executive Officer, Hermitage Capital Management – “The Sergei Magnitsky Case”](#)
- [Dr Shirin Ebadi, Nobel Peace Prize Laureate](#)
- [Global Campaign for Education](#)
- [Human Rights Watch](#)
- [Index on Censorship](#)
- [The Law Society](#)
- [The Legal Team of Mikhail Khodorkovsky](#)
- [Medact](#)
- [The National Union of Teachers – submission on Colombia and Ethiopia](#)
- [The National Union of Teachers – submission on Iran](#)
- [The National Union of Teachers – further submission on Iran](#)
- [Peace Brigades International](#)
- [The Rights Practice](#)
- [Sri Lanka Campaign](#)
- [Response from Alice Samaan, Bahraini Ambassador to the United Kingdom](#)

Appendices can be found on the Commission’s website:

<http://www.conservativehumanrights.com/>

