



House of Commons
Foreign Affairs Committee

**The FCO's
administration and
funding of its human
rights work overseas:
Government Response
to the Committee's
Fourth Report of
Session 2015–16**

**Second Special Report of
Session 2016–17**

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The Foreign Affairs Committee

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

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The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the internet via www.parliament.uk.

Publication

Committee reports are published on the Committee's website at www.parliament.uk/facom and in print by Order of the House.

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Contacts

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

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Special Report

The Foreign Affairs Committee published its Fourth Report of Session 2015-16, on *The FCO's administration and funding of its human rights work overseas*, on 5 April 2016, as House of Commons Paper HC 860. The response from the Government was received on 30 June 2016 and is appended below.

Appendix: Response from the Foreign and Commonwealth Office

The Foreign & Commonwealth Office (FCO) notes the Foreign Affairs Committee's report on the FCO's Administration and Funding of its Human Rights Work Overseas, published on 22 March 2016.

This report sets out the FCO's response to each of the Committee's conclusions and recommendations. The Committee's text is in bold and the FCO's response is in plain text. Paragraph numbers refer to the Committee's report.

The FCO's apparent de-prioritisation of human rights

1. **Whilst the Minister strongly rejected the suggestion that the FCO has de-prioritised human rights, the written evidence that we received indicates that there is plainly a perception that this has occurred. (Paragraph 8)**
2. **Perceptions and symbols matter, particularly in the context of the UK's soft power and international influence. We recommend that the FCO is more mindful of the perceptions it creates at Ministerial level, especially when other interests are engaged such as prosperity and security, as is the case with China, Egypt and Saudi Arabia. (Paragraph 9)**

The best guide to the priority we attach to human rights is the degree to which we bring all our diplomatic resources, analysis and influencing skills to bear to support and advance human rights around the world. Promoting human rights is an integral part of our national interest and foreign policy goals—as underlined in the FCO's Single Departmental Plan and most recently by the Foreign Secretary, in Parliament, during the Queen's Speech debate on 24 May; and by Baroness Anelay during the Queen's Speech debate in the House of Lords on 23 May.

The FCO's strong commitment to promoting and protecting human rights is clear from our activities over recent months. For example, we have just doubled the Magna Carta Fund for Human Rights and Democracy to £10.6 million and approved over 100 high-quality projects which will provide practical interventions tailored to local contexts.

We raise human rights issues with China, Egypt and Saudi Arabia at every appropriate opportunity. For example, the Foreign Secretary discussed human rights issues during his visit to the Gulf Cooperation Council states at the end of May 2016. China, Egypt

and Saudi Arabia were designated Human Rights Priority Countries in our 2015 Annual Report. All three are also vital interlocutors on issues of prosperity and security. These agendas are mutually reinforcing.

Human rights violations lead to unstable, less democratic societies, in which the conditions conducive to radicalisation can become established. This creates situations in which terrorism can flourish, endangering British citizens both at home and overseas. Equally, the absence of democratic freedom, good governance, and the rule of law has an impact on prosperity, taking individuals out of markets, reducing innovation, and restricting access to opportunity. This in turn has an impact on the UK's ability to trade with other countries, and to create jobs and prosperity for British citizens.

In our interactions with other countries, we focus on what works. Our global network allows us to exploit a variety of opportunities—be it at the Human Rights Council in Geneva or through raising our concerns directly with government interlocutors. In all areas of this work, we draw on the deep expertise of our officials at post, who understand the local context and advise on how we should tailor our approach for maximum impact.

3. The decision by the current Foreign Secretary not to fly the Rainbow Flag at FCO buildings for Pride 2015 signalled an apparent change in FCO policy and sent a message that contradicts much of the actual work and objectives of the FCO. We recommend that the FCO reverses its decision not to fly the Rainbow Flag for national Pride events. In the absence of such events due to host nation intolerance of equality around sexuality, the FCO should fly the Rainbow Flag from Missions abroad alongside the Union Flag on IDAHOT Day (International Day Against Homophobia, Transphobia and Biphobia). (Paragraph 11)

The FCO has a very clear policy on flag flying: it is to fly the Union Flag at the FCO and all its Embassies, High Commissions and Consulates at all times. The only other flags that are flown are of the constituent countries of the UK and the UK overseas territories on significant days for them, and the European Union flag in certain countries. These flags are always flown in addition to the Union flag and in a junior position. The UK is a member of, or supports, many organisations and associations, but does not fly any other flags. For example, the FCO does not fly the Commonwealth or NATO flags.

The fact that the FCO does not fly the Rainbow Flag from official flag poles has no bearing on our commitment to promote lesbian, gay, bisexual and transgender (LGB&T) rights. The rainbow symbol was used in central FCO communications and in innovative and creative ways by UK Diplomatic Missions overseas to mark IDAHOBIT. By narrowly focusing on the Rainbow Flag, observers risk missing the real story, namely the substance and impact of our work.

For example, on 17 May—IDAHOBIT (the International Day Against Homophobia, Transphobia and Biphobia)—many Embassies and High Commissions carried out activities to defend LGB&T communities from discrimination and violence. At an event to mark the day for FCO staff and external civil society organisations, FCO Minister for Human Rights, Baroness Anelay, announced that in 2016/17, the FCO will dedicate over £900,000 of its Magna Carta Fund for Human Rights and Democracy to projects working with LGB&T communities around the world. These projects are aimed at: improving

institutional protection against discrimination; removing or amending discriminatory laws, policies and practices; reducing hate speech, violence or harassment based on discrimination; and increasing the participation of LGB&T communities in their societies.

Operation of the FCO's new human rights priorities

4. The embedding of human rights across the FCO's network would be welcomed if it did not coincide with a perceived lack of Ministerial priority. Plainly the actual effect of a change of approach could be to decrease focus on the specific human rights issues that were formerly included within the narrower thematic priorities. We recommend that Posts should be encouraged to develop specific human rights objectives in their business plans under the three themes, taking into account local assessment of the most relevant issues and needs. Given that human rights work has been mainstreamed across the FCO network, we seek reassurance from the FCO that the three human rights themes are incorporated in staff and team objectives and performance assessments, even for those whose focus is not specifically on human rights. (Paragraph 18)

Our mainstreaming approach is driven by FCO Ministers, in their speeches, visits and policy decisions. It also places great emphasis on local knowledge, taking full advantage of the skills of our people in the field to exert UK influence and defend human rights in the most effective way. We use a number of tools to ensure that mainstreaming is a success: a monthly human rights bulletin that goes to all UK Heads of Mission and their teams; a focus on human rights in both the foundation and practitioner levels of the Diplomatic Academy; and our series of one-page "How To" notes on key aspects of human rights work.

Posts in each Human Rights Priority Country (HRPC) have been instructed to draw up a human rights strategy by this summer. We will monitor these carefully and compare best practice examples. Baroness Anelay will convene HRPC heads of post to discuss this initiative during the FCO's Leadership Conference in July.

For other countries, our mainstreaming approach requires that we allow Posts to determine how best the UK can make a difference on human rights in-country. In some countries, that might be through reflecting human rights in their business plans, or ensuring that staff and team objectives contain the human rights themes.

Support for local human rights programmes

5. The current administration of the Magna Carta Fund for Human Rights and Democracy acts against an intelligent deployment of resources which takes into account a clear assessment of in-country human rights priorities. The FCO should change its policy on the mandatory registration of organisations which apply for funding from the Magna Carta Fund to enable those which have been suitably vetted but face genuine restrictions to proceed to the next stage of the application process. (Paragraph 20)

The FCO has a clear obligation to ensure value for taxpayers' money and to seek to ensure the safety of individuals involved in any projects that we fund. To do so, the FCO conducts due diligence on partner organisations. This includes asking for evidence that they comply with local registration requirements. In most cases, we would only enter into

an agreement with an organisation which complied in full. However, our decisions are made with careful assessment of risk and our due diligence framework allows us to take account of local factors. We do fund unregistered organisations, including for work on human rights, in a very limited number of cases.

We recognise the current difficulties faced by many organisations due to the shrinking of civil society space in many parts of the world, notably Russia and most recently China. Reversing this trend, which is harmful for the countries concerned and the whole international community, will take time. But the UK, with its vibrant civil society and large stake in the success of our international partners, is at the forefront of these efforts. There have been some positive developments. There have been some positive developments. Last month, for example, following the visit of two groups of MPs to London for talks which included the importance of the role of civil society, the Kyrgyz Republic's Parliament rejected a "foreign agents" bill. If it had been approved the bill would have impacted on the ability of Non-Government Organisations to operate effectively within the country. In Uganda, UK quiet diplomacy helped persuade the government to pass a less restrictive Non-Governmental Organisations Law on 26 November 2015, which has been warmly welcomed by civil society.

6. We welcome the doubling of the FCO's annual funding for its dedicated human rights and democracy programme (renamed the Magna Carta Fund for Human Rights and Democracy) to £10.6 million. (Paragraph 21)

The doubling of our funding is a clear demonstration of the FCO's commitment to human rights. We are currently finalising the successful projects for 2016–17.

The FCO's monitoring and evaluation practices

7. We recommend that the FCO should continue to address how it evaluates its human rights work. It should consider publishing headline targets for the outputs of its human rights policy in its Annual Report on Human Rights and Democracy, including assessment of progress against these targets in the biannual updates on Human Rights Priority Countries and Annual Reports which follow. (Paragraph 24)

Following the FAC's inquiry, we looked carefully at the issue of evaluation. Given the often incremental nature of progress on human rights, and the fact that progress is largely within the gift of other governments, output targets are, in many cases, not appropriate. As a result of this consideration, however, we included an annex in the Annual Report on Human Rights and Democracy, which sets out the FCO's vision and goals for 2016.

Annual Report on Human Rights and Democracy

8. We recommend the FCO consider if elements of DfID's Development Tracker could be replicated presentationally (with allowances for security considerations) on the human rights section of the FCO's website. (Paragraph 26)

The DFID development tracker is a useful tool, which works well for presenting the key information for each country regarding DFID's development priorities and its funding profile and budget. It was designed to be a cross-government platform and already shows FCO data, and links to FCO country pages. We will consider whether it might

be appropriate to use some of the presentational elements in our reporting on HRPCs, though there is some doubt as to whether changes—especially in social attitude and political will—will be tangible enough in the short term to be presented in such a form. Several civil society organisations already produce a variety of human rights indicators each year; we will continue to make use of these.

Human Rights Priority Countries

9. The failure to include Egypt and Bahrain amongst the list of Human Rights Priority Countries contributes to the perception that the FCO has become more hesitant in promoting and defending international human rights openly and robustly notwithstanding the importance of private diplomacy. We recommend that Egypt and Bahrain be included on the list of Human Rights Priority Countries in the FCO's 2015 Annual Report on Human Rights and Democracy. (Paragraph 27)

Bahrain and Egypt were both included as Human Rights Priority Countries in the 2015 Annual Report on Human Rights and Democracy.

BENCHMARK STATEMENTS ON THE INDIVIDUAL CASES/ISSUES/ COUNTRIES IDENTIFIED IN THE FAC'S PLANS FOR FUTURE SCRUTINY

Waleed Abu Al Khair & Mohammed Fahad Al Qahtani

Waleed Abu Al Khair is a Saudi Arabian lawyer who had a role in founding the organisation Monitor for Human Rights in Saudi Arabia. On 6 July 2014, he was found guilty of sedition, breaking allegiance, establishing an illegal organisation and insulting the judiciary. He was sentenced to 15 years' imprisonment, fined SAR 200,000 (approximately £32,000), given a 15-year international travel ban, and had his websites closed down. An appeal court upheld his sentence on 12 January 2015. Mohammed Fahad Al Qahtani co-founded the Saudi Civil and Political Rights Association (ACPRA). In March 2013 he was found guilty of breaking allegiance, inciting disorder and founding an unlicensed organisation, and sentenced to a 10-year prison term and a 10-year international travel ban.

Saudi Arabia is an FCO Human Rights Priority Country. We regularly make our views known, including through the UN Universal Periodic Review process, and the FCO's Annual Report on Human Rights and Democracy. We raise our human rights concerns with the Saudi Arabian authorities at the highest level. The UK strongly supports freedom of expression. People must be allowed to discuss and debate issues freely, peacefully challenge their governments, exercise the right to freedom of thought, conscience and religion, and speak out against violations of human rights wherever they occur.

We continue to monitor both cases closely. We also work in parallel with the EU and other likeminded countries on these cases. The UK does not shy away from raising human rights concerns with Saudi Arabia, but we believe we will often be more successful discussing them privately with Saudi Arabia than criticising them publicly. This view is endorsed by a range of Saudi activists.

Muhammad Anwar & Khizar Hayat

Pakistan lifted the de facto moratorium on the use of the death penalty following a terrorist attack on a school in Peshawar, in December 2014 for terrorist offences, and in March 2015 for all capital crimes. There were more than 325 executions in 2015, and an estimated 8,000 people on death row. Domestic public support for the death penalty is considerable. The UK makes its opposition to the death penalty clear to the Government of Pakistan. In October 2015, FCO Minister, Tobias Ellwood, wrote to the Pakistan High Commissioner to the UK expressing deep concern about ongoing executions in Pakistan.

We remain concerned about Muhammad Anwar (an alleged juvenile convicted of murder in 1998) and Khizar Hayat (a mentally ill man sentenced to death in 2003). We continue to follow their cases, and those of others facing the death penalty, closely. Together with our EU partners, we continue to make known to the government of Pakistan our concerns about the death penalty and urge it to adhere to its international obligations.

Fred Bauma and Yves Makwambala

Fred Bauma and Yves Makwambala have been detained without charge since March 2015 in contravention of Democratic Republic of Congo (DRC) law. Their detention is one symptom of a narrowing of political space in the country which the UK has been active in highlighting, including through the visits of the UK Special Envoy for the Great Lakes Region and through our membership of the UN Security Council.

The FCO has raised concerns repeatedly with the government of DRC about the detention of Fred Bauma and Yves Makwambala, both bilaterally and alongside EU and other partners. We will continue to press the DRC government either to bring charges against Fred Bauma and Yves Makwambala or to release them. We will also continue to push for increased political space, notably freedom of assembly and freedom of speech, ahead of the Presidential elections due to take place at the end of the year.

Lee Po

The FCO remains deeply concerned by the case of British citizen Lee Po and others associated with the Mighty Current publishing house. We continue to call for Mr Lee's liberty to be fully restored and stand ready to provide consular assistance. Since Mr Lee's disappearance from Hong Kong on 30 December 2015, we have raised his case with the Chinese and Hong Kong Special Administrative Region (SAR) Governments at the highest levels, including by the Prime Minister, Foreign Secretary and Chancellor of the Exchequer. The FCO Minister for Asia, Hugo Swire, raised the case with the Chinese Ambassador. Officials in Hong Kong, Beijing and London have raised the case regularly in contacts with their Chinese and Hong Kong counterparts.

In his Six-Monthly Report to Parliament on Hong Kong published on 11 February, the Foreign Secretary set out the UK's view that Mr Lee was involuntarily removed to the mainland without any due process under Hong Kong SAR law, and that this constituted a serious breach of the Sino-British Joint Declaration on Hong Kong. The UK has called for Mr Lee's immediate return to Hong Kong. Moreover, we have urged the Chinese and Hong Kong SAR governments to reassure the people of Hong Kong that law enforcement in the Hong Kong SAR is exclusively the responsibility of the Hong Kong authorities, and

that the fundamental rights and freedoms of Hong Kong residents will continue to be fully protected, and respected by all, in accordance with the Joint Declaration and Basic Law (Hong Kong's constitution).

Kamal Foroughi

Kamal Foroughi, a dual British-Iranian national, has been detained in Iran since May 2011 and is serving an eight-year sentence for espionage and possession of alcohol in the home. We support appealing for clemency on humanitarian grounds.

We remain deeply concerned about Mr Foroughi's continued detention, particularly given his age and current state of health. We have been in contact with Mr Foroughi's family since they brought his case to our attention in May 2013, and we have raised the case regularly with the Iranian authorities since 2014. This has included making clear our concerns for Mr Foroughi's health, given his age and medical history, and the request for a humanitarian gesture of clemency. The Iranian Government does not recognise dual nationality for Iranian citizens, so rejects our requests for consular access. Nevertheless, we continue to lobby both in London and Tehran, requesting consular access for our officials to visit Mr Foroughi and for assurances that he has access to lawyers and receives appropriate medical care.

The Prime Minister raised Mr Foroughi's case in a letter to President Rouhani on 19 October 2015 and again in a telephone call on 19 January 2016. Most recently the Foreign Secretary raised this case with the Iranian Foreign Minister on 17 May. The Minister for the Middle East and North Africa, Tobias Ellwood, also raised Mr Foroughi's case with the Iranian Charge d'Affaires in London on 18 May. We continue to regularly lobby the Iranian Government on this case.

Ibrahim Halawa

Ibrahim Halawa and 493 other people are on trial for their alleged role in violence during protests in Ramses Square in 2013. The case has been subject to lengthy proceedings and delays. As Ibrahim Halawa is an Irish citizen, the Irish Government is taking the lead role on this case. Irish officials have been monitoring his trial and continue to provide consular assistance to Mr Halawa. We have offered our assistance to the Irish Government, and have met senior officials to offer our support. The British Embassy in Cairo is following the case. We continue to call on the Egyptian Government to review mass judicial decisions. It remains UK policy to oppose the death penalty in all circumstances, as a matter of principle.

Dawit Isaak

The UK regularly raises with the Eritrean authorities the detention of prisoners on political grounds and without trial, which is in contravention of international human rights law. This includes Dawit Isaak, a Swedish-Eritrean dual national, who is believed to have been detained by Eritrean authorities since 2001. We have repeatedly raised this case alongside our EU partners, for example at the EU-Eritrea political dialogues held under Article 8 of the Cotonou Convention. Most recently we discussed political prisoners in the country at the political dialogue of 5 April 2016. We have also called on Eritrea at the UN Human Rights Council to release all those arbitrarily detained.

Andy Tsege

Andargachew Tsege, a British National, has been detained in Ethiopia since June 2014 after being transferred from Yemen whilst en route to Eritrea. The Ethiopian Government alleges that Mr Tsege was planning to visit camps operated by an organisation proscribed as a terrorist group in Ethiopia. Mr Tsege is held under sentence of death (imposed in absentia in 2009 and 2012 following a failed coup attempt in Ethiopia).

Since we were informed of his arrest, the FCO has repeatedly sought to provide consular support to Mr Tsege. The Foreign Secretary has consistently raised Mr Tsege's case with his Ethiopian counterpart, requesting regular consular access for British officials, and for Mr Tsege to be given access to a lawyer and a legal route through which he can challenge his transfer from Yemen and his conviction. As a result of the FCO's interventions, Mr Tsege has been moved to a federal detention facility. Members of his family in Ethiopia are now able to visit and deliver supplies. The Ambassador and Deputy Head of Mission in Addis Ababa have been granted more frequent consular access since September 2015, and a senior FCO official visited Mr Tsege on 1 June 2016 at the Foreign Secretary's request. Also on 1 June 2016, the Foreign Secretary raised Mr Tsege's case during meetings with both the Ethiopian Prime Minister and Foreign Minister when he was visiting Addis Ababa. Prime Minister Hailemariam gave assurances that Mr Tsege will be allowed access to independent legal advice to enable him to discuss options under the Ethiopian legal system. We will continue to press the Ethiopians for as long as necessary to ensure that Mr Tsege has legal representation.

LGBTI rights in the Commonwealth

In advance of the Commonwealth Heads of Government Meeting (CHOGM) in Malta last year, the Prime Minister met the then Commonwealth Secretary General and stressed that the Commonwealth must do more to end discrimination. The Prime Minister subsequently raised LGB&T rights when he met other Commonwealth Leaders during CHOGM. He also highlighted the need to do more to end discrimination against LGB&T people in his public closing statement to the media.

Also at CHOGM, Parliamentary Under-Secretary of State for International Development, Baroness Verma, chaired the People's Forum LGB&T dialogue. This was a valuable opportunity to engage with civil society groups in highlighting the need for Commonwealth governments and key stakeholders to come together to identify a clear path towards safeguarding the rights of LGB&T people.

We welcomed the CHOGM communiqué and Leaders' Statement which provide solid foundations upon which we can build as we move forward, under the stewardship of a new Secretary General, towards the next CHOGM, which will be hosted in the UK. The Leaders' Statement recognised the economic potential that can be unlocked by tackling discrimination and exclusion.

We will continue our support to Commonwealth small states as they work through the Universal Periodic Review process in Geneva. This is a vital procedure which helps to ensure that Commonwealth countries are better able to meet their human rights obligations. Our support includes assistance via the Commonwealth Forum of National Human Rights Institutions, which is currently chaired by the Northern Ireland Human Rights

Commission—to which we have provided funding for this purpose. In this financial year, we are supporting an LGBT project in Botswana which will promote non-discriminatory laws and policies.

Ratification and enforcement of the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol to the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Persuading and enabling other governments to ratify and implement the key UN counter-torture instruments lies at the heart of the UK's approach to preventing torture. Nearly all UN member states have ratified the Convention against Torture, which imposes an absolute ban on carrying out or abetting torture. To date, however, relatively few have implemented that Convention's optional protocol (OPCAT), which sets out a roadmap for the establishment of powerful National Preventative Mechanisms. Ratification of the OPCAT is widespread in Europe and South America, but largely absent in Asia, North America and North and East Africa.

Approaching the tenth anniversary of the OPCAT, the UK's National Preventative Mechanism is well-established and offers a model of implementation which other states might usefully copy. We continue to use our diplomatic and project tools to share this model with others and urge them to accelerate the process of ratification. We have funded torture prevention projects globally to the value of approximately £600,000 annually since 2011; this level of support will continue under the Magna Carta Fund for Human Rights and Democracy. Ratifications in the last year by Belize, Cape Verde, Mongolia and Rwanda can be counted as successes for the UK's approach.

Egypt

We designated Egypt as a Human Rights Priority Country in our 2015 Annual Report on Human Rights and Democracy, reflecting our concern about Egypt's human rights trajectory and our commitment to support Egypt in improving it. Our current focus is on detentions of political activists, police abuses, and restrictions on civil society. In the past year, FCO Ministers have made public statements on restrictions on civil society and the trial of Al Jazeera journalists. We have raised Egypt in our national statements at every session of the UN Human Rights Council since September 2013. The Prime Minister raised human rights and the need for political progress with President Sisi during his visit to London in October 2015, and FCO Minister for North Africa, Tobias Ellwood, and our Ambassador to Egypt have raised human rights issues with the Egyptian authorities in Cairo and in London on several occasions.

We have also made clear that we want to help improve the current trajectory through sustained engagement with Egypt. We are funding projects promoting human rights and democracy in Egypt, including those that support women's rights, freedom of expression and the Egyptian Parliament. We have deployed a gender adviser to Cairo in support of our work on women's rights.

Eritrea

We remain deeply concerned about the human rights situation in Eritrea. Eritrea has continued to be a Human Rights Priority Country (HRPC) for the FCO. In 2015, Eritrea increased its international human rights engagement, including through its response to its second Universal Periodic Review process at the UN Human Rights Council. As part of this process, the UK made a number of recommendations, including encouraging Eritrea to enact its constitution and to limit the duration of its national service. Eritrea is also developing a stronger relationship with the UN Office of the High Commissioner for Human Rights (OHCHR). In March 2016, the OHCHR was allowed to conduct the first independent visit to a place of detention since the late 2000s.

Through our direct bilateral discussions, we continue to press Eritrea to take further steps on human rights. In 2015, we provided funding for the Slynn Foundation to conduct a scoping visit to Eritrea to look at possible future projects in relation to judicial reform within Eritrea. We will continue to support Eritrea's engagement with UN human rights bodies, and encourage them to extend this cooperation to the UN Special Rapporteur on Human Rights in Eritrea. The UK took part in the latest round of the EU Article 8 Dialogue on Human Rights with Eritrea on 5 April 2016.