



House of Commons
Foreign Affairs Committee

Global Britain: Human rights and the rule of law

Thirteenth Report of Session 2017–19



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*Report, together with formal minutes
relating to the report*

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

Evidence relating to this report is published on the [inquiry publications page](#) of the Committee's website.

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The current staff of the Committee are Tom Goldsmith and Hannah Bryce (Clerks), Dr Ariella Huff (Senior Committee Specialist), Ashlee Godwin, Dr Matthew Harries, Emma Makey, Dr Eoin Martin and Hannah Stone (Committee Specialists), Clare Genis (Senior Committee Assistant), Zara Emmett and Matthew Chappell (Committee Assistants) and Estelle Currie (Media Officer).

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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Summary

The FCO's human rights work is centred around the idea of a rules-based approach: supporting the international rules-based order, built on rules shaped by Britain in the post-war era, with the UN at its heart; and promoting rule of law worldwide.

Current trends present challenges—and opportunities—for the UK's ability to project influence through the UN human rights system. A global backlash is gathering pace, led by Russia and China, to challenge the legitimacy of the current international legal human rights framework. At the same time, power is draining away from the Security Council's permanent five and towards the wider UN membership. Brexit, and the current US administration, mark a shift in the UK's relationship with its traditional allies—though both could allow the UK to be more agile in its human rights diplomacy.

To meet these challenges, and make the most of the opportunities, the Government will need a clear strategy for engaging with the UN—working with those countries that share its values, and winning over those in the middle ground. It cannot afford to be complacent about its levers of influence. The UK has suffered unexpected defeats in UN votes, and should focus its attention on winning posts on influential committees in the UN. That will require the Government to invest more time and resources in UN election campaigns, and supporting UK nationals with the requisite expertise to gain key positions. In this shifting environment, Parliament and the public need the tools to hold the FCO to account for its human rights diplomacy. The FCO should publish clear and measurable objectives for its work at the UN.

The FCO also undertakes a range of activities to promote the rule of law and democracy, through FCO programmes, FCO-funded projects, and membership of international organisations. After Brexit, these will become an even more important means to promote democracy and the rule of law. Despite the FCO's emphasis on rule of law in its human rights priorities, the FCO's Human Rights and Democracy annual report lacks a clear definition of what this concept entails, particularly regarding clear and measurable objectives.

Promoting democracy and the rule of law presents opportunities and challenges for the FCO. It offers the opportunity to project the UK's influence globally, developing a broader set of countries with which to trade, and fostering prosperity. However, the Government will inevitably face conflicting priorities between human rights and other policy areas, notably trade. The FCO also faces a challenge in defining limits of engagement with countries that fail to make sufficient progress in rule of law and democracy. We have concerns about the FCO's engagement with Myanmar/Burma and Bahrain, given the gravity of rights violations in these countries, and are disappointed that the FCO has not designated Turkey as a priority country in the 2017 report.

Introduction

1. The Government has made it clear that promoting human rights, the rule of law, and strengthening the rules-based international system are essential to the foreign policy of “Global Britain”, and that they are closely—even inextricably—linked.¹ Since 2015, the human rights work of the Foreign and Commonwealth Office (FCO) has been based around three broad themes, centred on the idea of a rules-based approach: “democratic values and the rule of law”, “strengthening the rules-based international system”, and “human rights for a stable world”.²

2. Previous Foreign Affairs Committees have carried out regular inquiries into the FCO’s human rights work, examining the annual Human Rights and Democracy report. As part of our overarching inquiry into Global Britain, the Committee decided to examine the FCO’s human rights work from the perspective of its rules-based approach, looking at efforts to strengthen the international rules-based system, and to promote the rule of law worldwide. We focused on the UK’s standing within the United Nations (UN) human rights system; and on the FCO’s programme work on rule of law, and how this interacts with its human rights agenda.

3. As part of our inquiry we heard evidence from Lord Ahmad of Wimbledon, the FCO Minister of State for the Commonwealth and the UN; and from three FCO officials: Richard Jones, Deputy Director, Human Rights and Democracy; Corinne Kitsell, Deputy Director UN & Multilateral / UN Co-ordinator; and Paul McKell, Legal Director. We also heard from Ben Emmerson QC, former UN Special Rapporteur on Counter-terrorism and Human Rights; Professor Rosa Freedman, of the University of Reading; Sir Roger Gale MP, Leader of the UK Delegation to the Parliamentary Assembly of the Council of Europe; Angela Smith MP, Opposition Leader of the UK Delegation to the Parliamentary Assembly of the Council of Europe; Murray Hunt, Director of the Bingham Centre for the Rule of Law; Professor Javaid Rehman, of Brunel University, and appointed after our evidence session as UN Special Rapporteur on Iran; and Natalie Samarasinghe, Executive Director of the United Nations Association - UK (UNA-UK). We received written submissions from current and former independent experts within the UN system, representatives of campaign groups and think tanks, and academics, among others. We are grateful to our witnesses and to those who provided written evidence.

1 FCO, [Human Rights & Democracy: The 2016 Foreign & Commonwealth Office Report](#), Cm 9487, July 2017, page v

2 [FCO Human Rights Work: A New Way Forward \(leaving no priorities behind\)](#), Rob Fenn, Foreign Office Human Rights blog, 5 August 2015

1 Human rights diplomacy at the UN

4. In her 2017 speech to the UN General Assembly, the Prime Minister said that the UN was “at the heart” of the international system, and called for countries to “come together and defend the international order that we have worked so hard to create”.³ The rules-based international order, and the UN, in particular, is “key to the UK’s objectives on human rights”.⁴ UK influence on human rights at the UN is exerted through three main levers: its position on bodies such as the Human Rights Council and Security Council; its financial contributions; and its representation in terms of personnel. Our inquiry identified several factors affecting the context within which this influence is exercised: the global backlash against human rights, the rise of the Global South, the US’s unpredictable stance on human rights, and Brexit.

UK influence at the UN

The Human Rights Council and Security Council

5. The Human Rights Council (HRC) is the UN’s main intergovernmental forum on human rights. We received evidence praising the UK’s leadership role within the Council,⁵ where it contributes “as least as much” as any other state.⁶ The UK has taken the lead on certain country situations, including Syria and South Sudan; and on thematic issues, such as modern slavery and LGBT rights.⁷ The UK is also very engaged with the Universal Periodic Review process.⁸ However, some evidence accused the UK of shielding allies such as Saudi Arabia and Bahrain.⁹ The UK’s current term on the Council ends in 2019, and it has to wait one year before seeking re-election. Professor Sir Malcolm Evans, Chair of the UN Subcommittee for the Prevention of Torture, recommended that the UK should take a more visible role on human rights elsewhere within the UN system, to “pave the way for successful re-election—something which cannot be taken for granted at the moment”.¹⁰ Recent UN election defeats may offer lessons for the campaign: the FCO told us that, before the UK candidate to the International Court of Justice (ICJ) was defeated in 2017, they had been “very confident” of success.^{11 12}

6. An important part of the UK’s influence at the UN derives from its status as one of five permanent members of the Security Council (the “P5”), and as the penholder on Central Africa, Colombia, Cyprus, Libya, Sudan, Yemen, Peacekeeping, Protection of Civilians in Armed Conflict, and Women’s Participation and Protection in connection with Women,

3 [Theresa May’s speech to the UN General Assembly 2017](#), 20 September 2017

4 FCO, [Human Rights & Democracy: The 2015 Foreign & Commonwealth Office Report](#), Cm 9245, April 2016, Annex A

5 [Q41](#) [Professor Rosa Freedman] Amnesty International UK ([HMR0031](#)), para 11 Marc Limon ([HMR0032](#))

6 [Q35](#), [Q40](#) [Ben Emmerson QC]

7 UNA-UK ([HMR0002](#)), para 2a Marc Limon ([HMR0032](#)) [Q42](#) [Ben Emmerson QC]

8 [Q22](#) [Natalie Samarasinghe]

9 UNA-UK ([HMR0002](#)), para 2a [Q46](#) [Professor Rosa Freedman]

10 Sir Malcolm D Evans KCMG OBE ([HMR0027](#)), para 7 Richard Gowan, of the European Council on Foreign Relations, has also warned that “some non-Western powers might well like to prevent” the UK’s re-election. [Separation anxiety: European influence at the UN after Brexit](#), Richard Gowan, European Council on Foreign Relations, 8 May 2018

11 Oral evidence: The UK’s Influence in the UN, [HC 675](#), 7 February 2018, Q78

12 Corrigendum. Please note that the paper version of the Report is incorrect: in paragraph 5, the number of years the UK has to wait before seeking election to the Council should be one, not three. In paragraph 7, the period of the UK’s required absence from the Council will end in 2020, not 2022.

Peace and Security.¹³ The FCO works to ensure that “human rights remain prominent in the Security Council’s discussions”,¹⁴ and has had some success, bringing about a “clear shift” in the Council’s engagement on human rights, according to evidence.¹⁵ This includes adding human rights language to resolutions, organising briefings for members on rights issues, and deploying tools such as commissions of inquiry into abuses.¹⁶ The FCO’s latest Human Rights and Democracy report puts greater emphasis on the UK’s work at the Security Council, placing this in a new dedicated section.¹⁷

7. Even if the UK’s re-election to the Human Rights Council appears to be both far in the future and a safe bet, the recent unexpected failure of the campaign to re-elect a UK judge to the International Court of Justice should serve as a warning against any complacency on this front, and should encourage planning well in advance. *The FCO should make re-election to the Council an explicit goal. In its response to this report, it should set out its strategy for re-election, including an early indication of timelines and resources. This should include an assessment of how far the UK had fulfilled its campaign pledges by the mid-point of its current three-year term. The FCO should also explain how it plans to advance human rights issues at the UN while it is not a member of the Council from 2020. It should set out in detail in which forums it will pursue human rights objectives, what those objectives are, and what resources will be dedicated to this work.*¹⁸

Funding the UN human rights system

8. The UK is the eighth largest donor to the Office of the High Commissioner for Human Rights (OHCHR)—which provides the secretariat to the Human Rights Council—and the 18th largest in per capita terms.¹⁹ Ben Emmerson QC, former UN Special Rapporteur on Counter-terrorism and Human Rights, warned us that the UN human rights system was “starved of funding”.²⁰ OHCHR has said that, in addition to greater voluntary contributions, it needs an increase in its regular budget in order to carry out its mandated activities.²¹ The FCO’s Human Rights and Democracy report 2015 included a commitment to provide “indirect assistance” to the office by “coordinating donor initiatives” and “helping OHCHR to diversify its donor base”.²² However, this has not featured in subsequent reports.

13 [UN Security Council Working Methods: Penholders and Chairs](#), 20 February 2018, Security Council Report

14 Foreign and Commonwealth Office ([HMR0028](#))

15 UNA-UK ([HMR0002](#)), para 2b

16 UNA-UK ([HMR0002](#)), para 2b

17 FCO, [Human Rights & Democracy: The 2017 Foreign & Commonwealth Office Report](#), Cm 9644, July 2018, page 19

18 Corrigendum. Please note that the paper version of the Report is incorrect: in paragraph 5, the number of years the UK has to wait before seeking election to the Council should be one, not three. In paragraph 7, the period of the UK’s required absence from the Council will end in 2020, not 2022.

19 Office of the High Commissioner for Human Rights, [UN Human Rights Report 2017](#), May 2018, page 138

20 [Q34](#) OHCHR receives less than 4% of the total UN regular budget, relying on unpredictable voluntary donations for more than half of its funds. In 2018–19, OHCHR will get 3.7% of the UN budget. [OHCHR’s Funding and Budget](#), accessed 18 July 2018

21 [OHCHR: Funding Trends](#), accessed 18 July 2018

22 Foreign and Commonwealth Office, [Human Rights and Democracy 2015](#), April 2016, Annex A

UK nationals at the UN

9. The presence of UK nationals within the UN human rights system is a significant component of UK human rights diplomacy. As well as staff positions within bodies such as the OHCHR, there are a range of independent expert positions. These include special rapporteurs and members of working groups, who are appointed to report on particular countries or themes; and members of treaty monitoring bodies, who are elected by states. Though unpaid, independent expert positions fulfil an important function in the UN human rights system, and states play a significant role in the selection process, for both appointed and elected positions.²³ Independent expert roles are significant to UK diplomacy for three reasons. First, while these individuals do not represent the Government,²⁴ gaining positions is perceived as an indicator of national influence.²⁵ Second, their work can coincide with British interests in promoting the international rules-based order.²⁶ Third, at a time when the human rights system is under threat, UK experts can play a part in ensuring that it is not “diluted and undermined”.²⁷ Despite this, some witnesses told us that the UK does not support candidates for independent expert positions to the same degree as other countries.²⁸

10. UK nationals hold a number of high-level staff positions in the UN human rights system.²⁹ However, “very few” have served as independent experts.³⁰ At present, UK nationals hold one seat on a treaty body and two special procedure positions,³¹ though several special rapporteurs are dual nationals. There were 15 British candidates for special rapporteur positions in 2017, but none were successful. This could reflect a “deprioritisation” of these roles on the part of the Government, or a loss of UK influence, or both.³² Until 2014, UK nationals sat on four of the 10 treaty bodies—a similar number to other P5 states.³³ Sir Malcolm Evans told us that, since then, there had been a “significant

23 The role of states is less explicit for “special procedure” candidates, including special rapporteur and working group members, who are—in theory—appointed by the HRC on the basis of individual applications. However, some submissions highlighted the influence of state lobbying in this process. By contrast, the selection of treaty monitoring body members is explicitly state-led. Individuals are nominated by their country of nationality, and then elected by all states parties. There are sometimes negotiations within regional groups, and support often consolidates behind specific candidates before the vote.

[Qq25–26](#) [Natalie Samarasinghe]

Bar Human Rights Committee of England and Wales ([HMR0026](#)), para 18

Dr Rhona Smith ([HMR0034](#)), para 14, 17

[Q55](#) [Professor Rosa Freedman]

[Towards a 21st century treaty body system](#), Wilton Park, 28 February–2 March 2017, WP1574

24 [Q53](#)

25 [Q25](#) [Natalie Samarasinghe]

Sir Malcolm D Evans KCMG OBE ([HMR0027](#)), para 3

26 [Q53](#) [Professor Javid Rehman]

[Q46](#) [Professor Rosa Freedman]

27 [Q53](#) [Professor Rosa Freedman]

[The Rights Practice](#) ([HMR0017](#)), para 24

28 Bar Human Rights Committee of England and Wales ([HMR0026](#)), para 15

Dr Rhona Smith ([HMR0034](#)), summary [Q25](#) [Natalie Samarasinghe]

29 For example, Andrew Gilmour was appointed as Assistant Secretary-General for Human Rights in October 2016

30 Dr Rhona Smith ([HMR0034](#)), summary

31 These are: Professor Sir Malcolm Evans, Chair of the UN Subcommittee for the Prevention of Torture; Rhona Smith, Special Rapporteur on Cambodia; and Sorcha MacLeod, who was appointed in July 2018 to the Working Group on the Use of Mercenaries.

32 [Q26](#) [Natalie Samarasinghe]

33 Sir Malcolm D Evans KCMG OBE ([HMR0027](#)), para 3 These were: Professor Sir Malcolm Evans; Diane Mulligan, member of the Committee on the Rights of Persons with Disabilities (until 2016); Professor Sir Nigel Rodley, Chair of the Human Rights Committee (until 2016); and Patrick Thornberry, member of the Committee on the Elimination of Racial Discrimination (until 2014).

diminution” in UK participation: “Today, I am the sole serving UK national, after UK candidates were unsuccessful in a number of recent elections, or candidates not presented. This [...] seems to me to be taken in UN circles as an indication of declining UK traction in human rights matters”.³⁴

11. The Government has acknowledged the need to improve its strategy for UN elections. The FCO told us that it had learned from recent experiences that ministerial engagement and diplomatic networks should be “focused on fewer elections”,³⁵ with greater forward planning.³⁶ In 2018, the UK opted not to put forward a candidate for the Committee on the Elimination of all Forms of Discrimination against Women (CEDAW)—for which it has never made a nomination—citing “difficult decisions about which bodies to seek election for”.³⁷ Instead, the Government is prioritising an election to the International Telecommunication Union (ITU).³⁸ The FCO has also announced steps to increase support for UK candidates seeking UN appointments, though it is not clear how much progress has been made on this.³⁹ We received submissions suggesting that the Government could do more to help UK nationals win appointments, by stepping up efforts to identify suitable candidates, inform them about open positions, and guide them through the application process,⁴⁰ as well as making greater efforts to lobby.⁴¹

12. UK nationals within the UN system play an important role in human rights diplomacy—both in staff and independent positions. In response to our Report on the 2017 International Court of Justice election, the Government agreed to keep the Committee informed about its campaigns for UN elections. We appreciate the Government’s efforts since then to brief the Committee on the International Telecommunication Union election. We reiterate our call for the FCO to continue informing the Committee of each election campaign—to include a broad description of why the post matters, how it will be campaigning, how it will apply lessons drawn from previous experience, and how the post fits into its wider strategy. It should engage other stakeholders, including those in Parliament, in seeking support. In addition, the Government should update the Committee regularly on its five-year plan about the international elections that it plans to target—in private, if necessary.

13. We are concerned by the apparent decline in UK representation on the human rights treaty bodies, which could reflect diminished influence within the UN human rights system. While we appreciate that the Government is responding to recent UN

34 Sir Malcolm D Evans KCMG OBE ([HMR0027](#)), para 3

35 [Q112](#) [Lord Ahmad]

36 Oral evidence: The UK’s Influence in the UN, [HC 675](#), 7 February 2018, Qq92–94

37 HL Deb, 8 March 2018, [col 1312](#)

38 [Q112](#) [Lord Ahmad]

39 In 2016, the FCO said that it had “strengthened and restructured” the team of officials working to support candidates for senior UN positions, including targeted support for those applying for positions of “strategic importance”. The FCO’s website has a page titled “Guidance: Working for international organisations”, that was last updated in October 2015. It has a link to register for alerts about senior jobs in international organisations, including the UN, and states that the FCO will “draw upon this resource when targeting positions of key importance”. In July, the FCO again said that it was “in the process of expanding the team that tries to secure jobs for Brits in different international organisations”.

Leigh Day: Written question, [HL423](#), 6 June 2016

[Guidance: Working for international organisations](#), updated 9 October 2015, accessed 18 July 2018

[Q114](#)

40 [Q56](#) [Professor Rosa Freedman and Professor Javaid Rehman]

UNA-UK ([HMR0002](#)), para 3b

41 [Qq25–26](#) [Natalie Samarasinghe]

[Q55](#) [Professor Rosa Freedman]

election defeats by focusing on a smaller number of campaigns—and while we recognise the importance of the International Telecommunication Union—stepping back from the human rights system is not the answer. The fundamental values on which the system is based are under threat from a sceptical Russia and China, and a disengaged US. The FCO has been clear about the centrality of human rights to global security and economic growth. *The Government should respond to the UN defeats by planning well in advance of upcoming campaigns and investing in relationships with a wider range of states at the General Assembly. In its deliberations over which international elections to prioritise, the Government should consider ringfencing elections to human rights positions. The Government should nominate a candidate for the Committee on the Elimination of Discrimination against Women at the next opportunity, in 2020, and should report its commitment to do so in response to this report.*

14. *While respecting the independence of special rapporteurs and working group members, the integrity of the selection process, and the need to support the best-qualified candidate, the Government should give greater support to UK nationals seeking these roles. This should include sharing details of positions with potential candidates, and offering guidance on application processes. In its response to this report, the Government should set out how it will do so.*

Forces of change

Human rights backlash

15. The UN human rights system is facing a “backlash” from states that seek to undermine it.⁴² The FCO told us that “the Russians and the Chinese are attacking the human rights functions within the UN system”,⁴³ and that China has used the Human Rights Council to promote its “alternative vision of human rights”.⁴⁴ Beijing and other sceptics are working to shape human rights discourse, operating in a “Like-Minded Group”.⁴⁵ They also weaponise budgets to weaken UN human rights mechanisms.⁴⁶ The UN Assistant Secretary-General for Human Rights has warned that Russia and China are attacking his office, devising “new means to cut the Human Rights Office’s budget, [and] reduce our effectiveness.”⁴⁷ The UK has an important role in countering this. It is one of the few Western delegations that can compete with the Like-Minded Group in procedural battles.⁴⁸ It defeated a challenge to the mandate on Sexual Orientation and

42 [The global backlash against human rights](#), edited text of a lecture by Andrew Gilmour, United Nations Assistant Secretary-General for Human Rights, University of California, Berkeley and McGeorge School of Law, Sacramento, 12 and 13 March 2018

43 [Q106](#)

44 China and the international rules-based system inquiry, written evidence from the Foreign and Commonwealth Office ([CIR0018](#)), section 2

45 Human Rights Watch describes this as an “amorphous group” that has usually included Algeria, Bangladesh, Belarus, Bhutan, China, Cuba, Egypt, India, Indonesia, Iran, Malaysia, Myanmar/Burma, Nepal, Pakistan, the Philippines, Russia, Sri Lanka, Sudan, Syria, Venezuela, Vietnam, and Zimbabwe. Human Rights Watch, [The Costs of International Advocacy: China’s Interference in United Nations Human Rights Mechanisms](#), 5 September 2017

46 UNA-UK ([HMR0002](#)), para 1 [Q106](#)

47 [The global backlash against human rights](#), edited text of a lecture by Andrew Gilmour, United Nations Assistant Secretary-General for Human Rights, University of California, Berkeley and McGeorge School of Law, Sacramento, 12 and 13 March 2018

48 Marc Limon ([HMR0032](#))

Gender Identity in 2016,⁴⁹ and arranged for the High Commissioner on Human Rights informally to brief Security Council members on Syria in March, after Russia blocked a formal briefing.⁵⁰ The UK “works hard” in negotiations to protect funding for human rights mandates and posts.⁵¹

Global power shifts

16. The human rights backlash is accompanied by a broader shift in power towards the Global South. The P5 have lost credibility,⁵² and the General Assembly has become more assertive. A wider range of countries are growing adept at using the human rights system, albeit often for political ends.⁵³ This broader engagement is welcome, but there is a risk that it could strengthen the sceptics. In our inquiry into the UK’s failed re-election campaign to the ICJ, witnesses pointed—among other factors—to a decline in respect for the Security Council among the UN membership, a wish by some to attack the privileges of the P5,⁵⁴ and a lack of UK influence in the General Assembly.⁵⁵ When we asked whether the FCO should shift resources away from the Security Council to build relationships with smaller states in the General Assembly, former Foreign Secretary Lord Owen said: “We have to do both and we have to staff up the UN”.⁵⁶

The US and Europe

17. Amid these global shifts, the UK is becoming distanced from its traditional core partners at the UN—the US and the EU. Under President Trump, the US is a more “unpredictable” actor on human rights.⁵⁷ In June, Washington announced its intention to withdraw from the Human Rights Council, accusing it of bias and hypocrisy.⁵⁸ The Government has called this decision “regrettable”.⁵⁹ Brexit will also mark a shift in UK human rights diplomacy, much of which is conducted in concert with the EU.⁶⁰ Some witnesses highlighted the opportunities that Brexit and the US departure from the HRC offer for the UK to redefine its role at the UN, becoming “more agile”⁶¹ and “more directly

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- 49 [Q41](#) [Professor Rosa Freedman]
Foreign and Commonwealth Office ([HMR0028](#))
- 50 Amnesty International UK ([HMR0031](#)), para 21
Foreign and Commonwealth Office ([HMR0028](#))
- 51 Foreign and Commonwealth Office ([HMR0028](#))
[Q106](#)
- 52 Oral evidence: The UK’s Influence in the UN, [HC 675](#), Q28 [Sir John Sawers]
- 53 Dr Rhona Smith ([HMR0034](#)), para 25
- 54 Foreign Affairs Committee, [4th Report - 2017 elections to the International Court of Justice](#), HC 860, 27 February 2018
- 55 Oral evidence: The UK’s Influence in the UN, [HC 675](#), 19 December 2017, Q48 [Lord Hannay of Chiswick GCMG]
- 56 Oral evidence: Global Britain, [HC 780](#), 30 January 2018, Q50 [Lord Owen]
- 57 UNA-UK ([HMR0002](#)), para 2d
- 58 [US withdraws from UN Human Rights Council](#), Katrina Manson, Financial Times, 19 June 2018
- 59 [FCO, Boris Johnson: US Human Rights Council withdrawal is regrettable](#), 19 June 2018
- 60 Dr Rhona Smith ([HMR0034](#)), para 24
CAFOD ([HMR0019](#)), para 3.6
Brexit may increase the importance of the UN, meaning that the UK’s “window into the world will be even more through the United Nations”, as the then-Permanent Representative to the UN put it in July 2016.
[Ambassador Matthew Rycroft discusses UK priorities for UN at parliamentary meeting](#), UNA-UK, 7 July 2016
- 61 [Q36](#) [Professor Rosa Freedman]

influential”.⁶² However, these opportunities come with uncertainty about the UK’s focus and priorities.⁶³ Sir John Sawers, former Permanent Representative to the UN, told us that, with Brexit: “We lose twice by, first of all, not being able to shape that EU position, which will form the basis for a common approach. We lose again because we are not part of that EU position in the General Assembly”.⁶⁴

18. With its US and European relationships thrown into doubt, the UK will need to seek a broader range of partners. The FCO has suggested new avenues: Lord Ahmad told us that he was keen to “make that Commonwealth caucus work to good effect within the UN”.⁶⁵ However, this will be complicated: Richard Gowan has argued that such a shift is “exceedingly unlikely to work”, as some influential Commonwealth countries are critics of Western positions on human rights, and that the UK may be better served by building coalitions on a case-by-case basis, rather than “locking itself into another bloc”.⁶⁶

19. **The UK’s human rights diplomacy at the UN is facing serious challenges. While increased engagement by the Global South is welcome, attacks on the system by China, Russia and others are a cause for grave concern, particularly at a time when the US appears to be stepping back from multilateralism. Resource constraints make the UN human rights system particularly vulnerable to being compromised. Given the UK’s diplomatic skills, and status as a P5 member and major donor, it can play an important role in countering the backlash and protecting the international human rights framework. It will need a clear strategy for engaging with the UN—working with those that share its values, and winning over those in the middle ground, to isolate Russia and China—and will need to ensure that its priorities are clearly communicated to its partners.**

20. *In its response to this report, the FCO should set out how it plans to meet the challenges posed by changing political fault lines at the UN. This should include the steps it is taking to work more closely with a broader range of member states, and to address country situations of concern at the General Assembly. It should set out how it plans to co-ordinate its human rights diplomacy with the EU, and how it plans to build a caucus with new partners, such as the Commonwealth. It should also set out how this strategy will be supported by its staffing and resourcing plans for its UN missions over the coming years. The Government should work to ensure the independence and sustainability of the OHCHR. It should assess whether its current level of donations is sufficient, in the light of the challenges facing the system. As a major donor, it should consider supporting the OHCHR’s call for a greater share of the UN budget, and consider returning to its previous commitment to indirectly support the Office by assisting with donor initiatives. The UK should also consider how UN independent experts can be better supported and resourced, given that they are currently unpaid yet play such an important function in the UN human rights system.*

62 Ben Emmerson QC ([HMR0029](#)), para 7

Some evidence also suggested that Brexit would allow the UK to be more flexible in terms of funding to UN agencies.

UNA-UK ([HMR0002](#)), para 1

63 [Q17](#), [Q32](#) [Natalie Samarasinghe]

Oral evidence: Global Britain, [HC 780](#), 30 January 2018, Q25 [Baroness Ashton]

64 Oral evidence: The UK’s Influence in the UN, [HC 675](#), 19 December 2017, Q25

65 Oral evidence: The UK’s Influence in the UN, [HC 675](#), 7 February 2018, Q99

66 [Separation anxiety: European influence at the UN after Brexit](#), Richard Gowan, European Council on Foreign Relations, 8 May 2018

Transparency and accountability

21. Over the last three years, the FCO’s Human Rights and Democracy report has offered a decreasing level of detail on its objectives at the UN—and on human rights more broadly. The 2015 report introduced a detailed set of aims and practical goals for “strengthening the rules-based international system”, among other themes.⁶⁷ This was reduced to a smaller section in the 2016 report, which listed four broad aims at the UN, including difficult-to-measure commitments such as: “contribute to the promotion, protection and fulfilment of human rights worldwide”.⁶⁸ The 2017 report no longer had a section on objectives at all. More broadly, Sir Malcolm Evans warned us that the fluctuation between specific and general priorities in the UK’s human rights diplomacy “sows confusion”, and could undermine the UK’s work at the UN: “I believe the failure to be closely identified with a number of core issues, sustained over time, makes it more difficult for the FCO to achieve its goals and to maintain a clear position in international human rights diplomacy”.⁶⁹

22. The UK’s human rights diplomacy will be carried out in a complex and shifting environment in the coming years, and the UN will play a still-greater role in UK foreign policy after Brexit. It is crucial that Parliament and the public have the tools to hold the FCO to account for its human rights work at the UN. The move away from specific human rights objectives to vague aspirations—which at worst amount to little more than warm words and waffle—is a retrograde step. To remove the objectives altogether, at a time when they are more important than ever, is alarming. To a cynical observer it suggests an attempt to dodge accountability for success or failure against measurable objectives. *In its next Human Rights and Democracy report, the FCO should publish detailed and measurable goals for its human rights diplomacy at the UN.*

67 FCO, [Human Rights & Democracy: The 2015 Foreign & Commonwealth Office Report](#), Cm 9245, April 2016, Annex A

68 FCO, [Human Rights & Democracy: The 2016 Foreign & Commonwealth Office Report](#), Cm 9487, July 2017, Annex A

69 Sir Malcolm D Evans KCMG OBE ([HMR0027](#)), para 5

2 Promoting the rule of law and democracy

Defining democratic values and the rule of law

23. In 2015, the Government announced a change in its overall human rights priorities. Instead of eight specific priorities,⁷⁰ it set out three broader themes, largely based on the idea of supporting a rules-based approach.⁷¹ The 2015 and 2016 Human Rights and Democracy reports both open with a chapter that sets out the FCO's work on "democratic values and rule of law". However, despite this emphasis on the rule of law, the reports do not offer a clear definition of the concept. Murray Hunt, Director of the Bingham Centre for the Rule of Law, told us that clear definitions are crucial: "when we say we promote democracy, the rule of law and human rights [...] we have to get much more detailed about what that actually means in practice, and what the more detailed core concepts and principles are."⁷² The 2017 report features even less detail on the rule of law: the first chapter has been renamed as "Human Rights and Democracy Priority Themes", and references to the rule of law have been removed entirely from the chapter.

24. **We welcome the emphasis on a "rules-based" approach in the Government's human rights priorities—both within the UN and more broadly. This builds on the UK's strengths, as one of the core supporters and founders of the international rules-based order, and represents a pragmatic approach to promoting human rights worldwide. In the light of this, the lack of detailed reporting on rule of law activities in the FCO's Human Rights and Democracy reports is unhelpful. In future reports, the FCO should provide a clear definition of what it means by the rule of law and should distinguish its strands of activity on the rule of law from its work on broader human rights and democracy promotion.**

Activities and programmes

25. The FCO undertakes a range of programmes to promote the rule of law and democracy. These are delivered in a variety of ways: directly by posts; through FCO-funded projects administered by civil society organisations; and through UK membership of international organisations. The Magna Carta Fund is the FCO's dedicated strategic fund for delivering human rights and democracy work. In 2016–17, the Fund provided support to 118 projects from a budget of £10.6m. Of this, 97% went to countries eligible for official development assistance (ODA), and 65% went to human rights priority countries, a set of 30 countries in which the FCO concentrates its human rights activities (these include Bahrain, China and Iraq).⁷³ Additionally, the FCO provides support to rule of law activities through

70 These were known as "6+2": abolition of the death penalty; global torture prevention; women's rights; freedom of religion or belief; freedom of expression; business and human rights; democratisation; and preventing sexual violence in conflict.

71 Sir Malcolm D Evans KCMG OBE ([HMR0027](#)), para 4 These are: "democratic values and the rule of law", "strengthening the rules-based international system", and "human rights for a stable world".

72 [Q72](#)

73 FCO, [Magna Carta Fund Programme Strategy 2016/17](#), 2016

FCO, [Human Rights & Democracy: The 2016 Foreign & Commonwealth Office Report](#), Cm 9487, July 2017, page 29

For example, in Ukraine, the Magna Carta Fund has funded programmes to defend the rights of the LGBT community and to support journalists and human rights defenders in Crimea.

other Government funds such as the Conflict, Stability and Security Fund (CSSF), the Global Britain Fund, and the Rules-Based International System Fund.⁷⁴ Additionally, a large proportion of the FCO's work to promote democratic values is undertaken by the Westminster Foundation for Democracy, an executive non-departmental public body which receives grant-in-aid funding from the FCO and a grant from DFID.

26. *There have been concerns raised about the lack of accessible information on some UK human rights funding programmes, e.g. the CSSF, the Global Britain Fund and the Rules-Based International System Fund, as well as human rights funding through posts, and on the impact of human rights programme funding more generally. The FCO should be clearer about how all such funding is allocated and used and what it achieves, and should inform us in its response to this report how it plans to increase transparency in this respect. The FCO should also clarify how, following Brexit, monies currently provided to EU human rights funding streams will be reallocated to advance the UK's international human rights work.*

Work through international organisations

27. The UK also undertakes activities to promote and defend democracy and the rule of law through membership of a range of international organisations, including the Commonwealth, NATO, and the Organization for Security and Co-operation in Europe (OSCE). A significant proportion of the UK's work in this area is undertaken in partnership with the EU.⁷⁵ Membership of the Council of Europe also provides a key outlet for “the UK to advance its human rights objectives in Europe and beyond”.⁷⁶ The UK's delegation to the Council's Parliamentary Assembly has played a role in promoting democratic values and the rule of law through the Council of Europe's mechanisms, including participating in recent election observation missions in Turkey and Azerbaijan. The leader of the delegation, Sir Roger Gale MP, told us how it has “blazed the trail” to root out internal corruption within the Council.⁷⁷ Angela Smith MP told us that the UK has been firm in its stance on member states with rule of law violations, notably Russia (currently facing full suspension) and Azerbaijan.⁷⁸ She said that the Council of Europe would become an increasingly important forum for projecting UK influence: “We are a soft power, and we have to use our soft power effectively. The Council of Europe will be one of the remaining places where we can deliver and make good use of that soft power”.⁷⁹

28. *Following the UK's withdrawal from the EU, UK involvement in these mechanisms will become an even more important tool for the UK's work to promote democracy and the rule of law, strengthening the international rules-based system.*

74 Foreign and Commonwealth Office [HMR0028](#)

75 For example, through joint working in Burundi, Colombia and the DPRK.

76 FCO, [Human Rights & Democracy: The 2016 Foreign & Commonwealth Office Report](#), Cm 9487, July 2017, Page 26

77 [Q65](#)

78 [Q66](#)

Further detail on this work can be found in the FCO's 2017 report. FCO, [Human Rights & Democracy: The 2017 Foreign & Commonwealth Office Report](#), Cm 9644, July 2018, page 21

79 [Q78](#)

Opportunities and challenges

Projecting UK influence globally

29. The FCO's work to strengthen democratic values and the rule of law globally provides an important instrument for projecting the UK's influence overseas, driving trade and prosperity through the promotion of these values. Ben Emmerson summarised how promoting the rule of law can enable trade and attract investment through the creation of a framework of states with shared legal understandings and mechanisms. With independent judiciaries and the ability to adjudicate disputes without bribery or corruption, doing business is simpler.⁸⁰ Murray Hunt added:

it is an important part of our global influence to take moral leadership on these issues, including the rule of law. It is also part of another objective—promoting business and promoting a rules-based international legal system. This is all part of creating the conditions for stability, security and prosperity.⁸¹

30. Promoting the rule of law and democracy globally is key to developing the UK's prosperity. Simply put, it is easier for the UK to trade with countries that adhere to internationally accepted norms on the rule of law with clear and fair judicial processes than with those that do not share these common systems and values.

Conflicts with other Government priorities

31. In practice, the FCO can face challenges in supporting human rights in countries with which the UK has other and potentially conflicting priorities in areas such as trade and development. We received evidence citing specific examples of conflicts between the UK's approach to trade policy and human rights in Saudi Arabia and the Philippines, stating that the UK has failed to take a firm approach to human rights violations in these countries due to trade relationships.⁸² The UK's trade relations with non-EU countries are currently mediated through several types of EU agreements,⁸³ which include clauses relating to human rights, the rule of law and democracy. In preparation for Brexit, the UK is seeking to roll over existing trade agreements, and to strike new deals with other countries. However, there is concern that this may be used as an opportunity to remove the human rights components of the deals.⁸⁴ Lord Ahmad said that he could not give assurances on "what clauses, in what way, in what nature" future trade deals would include human rights.⁸⁵ He added that "of course it's a priority, but we have also got to be reflective of how we can get the greatest traction with particular countries".⁸⁶

80 [Q38](#)

81 [Q65](#)

82 Campaign for Human Rights in the Philippines ([HMR0009](#)), Human Rights Watch ([HMR0024](#)), War Child UK ([HMR0022](#))

83 These include Free Trade Agreements, Cooperation Agreements and Association Agreements.

84 CAFOD ([HMR0019](#)), The Rights Practice ([HMR0017](#))

85 [Q94](#), [Q96](#)

86 [Q91](#)

32. There is also a widespread perception that the FCO is prioritising trade objectives above all others. This was reinforced by a senior FCO official’s evidence before a predecessor Committee in 2015,⁸⁷ and by the number of UK trade envoys appointed by the UK Government in comparison with the number of human rights envoys or representatives.⁸⁸

33. **The Government will face conflicting priorities between human rights and other Government policies, especially trade deals. This may create short term conflicts, but the prioritisation of human rights is in the UK’s long-term commercial, as well as moral, interest. The Government should commit to including human rights clauses within future trade agreements. In its response, the Government should set out how this commitment could work in practice. It should also explain to us the steps it is taking to promote joined-up working between representatives from other Government departments within posts.**

Limits of engagement

34. The FCO also faces a challenge in defining potential limits of engagement with countries that fail to make sufficient progress in rule of law and democracy reform. The 2016 report’s country profile for Myanmar/Burma describes the deterioration of the situation in Rakhine State, detailing “torture, ill treatment, extrajudicial killing, arson, mass rape and other forms of sexual violence committed by security forces”.⁸⁹ The situation has since further deteriorated with atrocity crimes committed against the Rohingya community, a development acknowledged in the 2017 report.⁹⁰ The UK Government has continued to fund programmes in the country, notably a £25 million DFID multi-year programme of parliamentary strengthening support to the Burmese Parliament and a £720,000 FCO-administered CSSF programme to reform law and order through the security sector.⁹¹ The International Development Committee has expressed concern about parliamentary support to Myanmar/Burma, and recommended that DFID and implementing partners should review the project, and suspend it if satisfactory progress has not been made.⁹² Burma Campaign UK said:

87 Oral evidence: FCO budget and capacity, [HC 467](#), 15 September 2015, Qq9–11

88 There are currently 31 trade envoys, while the FCO’s latest Human Rights and Democracy Report names just three human rights envoys or special representatives, covering four issues: Lord Ahmad, as the Prime Minister’s Special Representative on Preventing Sexual Violence in Conflict, and the Prime Minister’s Special Envoy on Freedom of Religion or Belief; Joanna Roper, as the FCO’s Special Envoy for Gender Equality; and Sir Eric Pickles (The Rt Hon Lord Pickles), as UK Envoy for Post-Holocaust Issues.

[Trade envoys](#), accessed 28 August 2018

FCO, [Human Rights & Democracy: The 2017 Foreign & Commonwealth Office Report](#), Cm 9644, July 2018.

89 FCO, [Human Rights & Democracy: The 2016 Foreign & Commonwealth Office Report](#), Cm 9487, July 2017, page 33–34

90 For further information see the Foreign Affairs Committee’s inquiry into violence in Rakhine state. Foreign Affairs Committee, First Report of Session 2017–19, [Violence in Rakhine State and the UK’s response](#), HC 435

91 Department for International Development, Programme for Democratic Change, [Development Tracker Myanmar, updated 1 June 2018](#)
FCO, [Conflict, Stability and Security Fund Burma](#)

92 International Development Committee, Fourth Report of the Session 2017–19, [Bangladesh, Burma and the Rohingya Crisis](#), HC1054, para 74

Despite all the changes in Burma and major human rights crises, the Foreign Office approach to Burma appears to be based on the same assumptions and narrative developed in 2012. There should be a mandatory periodic review or evaluation of policy in countries with human rights concerns.⁹³

35. Written evidence also expressed concern about continued FCO assistance to Bahrain on human rights and the rule of law. Since 2012, the FCO has provided more than £5 million of funding for technical assistance to train Bahraini police and prison guards on human rights and investigate allegations of torture. This includes £400,000 for a public order project, despite crackdowns on public protest in Manama. Very few details of the spending, which is funded predominantly through the CSSF, have been made public. The Bahrain Institute for Rights and Democracy states that the FCO is “denying the severe violations perpetrated by the Bahraini government; as well as the failures of UK funded oversight bodies”.⁹⁴ Since the commencement of the UK support programme, capital punishment has resumed, with 14 individuals sentenced to death in 2017.⁹⁵ The FCO has assessed the situation in Bahrain as a “mixed picture”.⁹⁶ Murray Hunt suggested that rule of law programmes should have clear performance markers: “We need to have agreed mechanisms in advance for scrutinising rule of law performance on the basis of agreed values that are spelled out in detail.”⁹⁷

36. The FCO should outline clear mechanisms for measuring progress in its rule of law and democracy programmes. Whilst the door to negotiation with states must always be kept open, the FCO should respond firmly to countries that fail to make sufficient progress in these areas in order to underline the importance of international standards and rules on human rights. States that fail to make progress, or that regress, should be subject to repercussions, including the suspension of support. For the most extreme cases, such as the ongoing serious and systematic abuse of the Rohingya from Rakhine province by the Burmese government, the FCO should create a measured and graduated set of responses to human rights catastrophes. The FCO should review the current situation in Bahrain and Myanmar/Burma and report its findings to us to further consider whether funding should continue to either country.

Selection and assessment of human rights priority countries

37. The FCO’s annual Human Rights and Democracy reports contain assessments of 30 designated human rights priority countries. In selecting these countries, the FCO considers the human rights situation in the country, its human rights trajectory, and the UK’s ability to influence change.⁹⁸ The list of priority countries remained unchanged in the 2017 report, although the profiles are more detailed. The assessments provide a concise overview of the situation within a country together with mentions of UK (or EU) efforts to tackle human rights abuses.⁹⁹ In written evidence, there was criticism of the style and content of the FCO’s assessments, including “the inconsistent quality of reporting

93 Burma Campaign UK ([HMR0011](#))

94 Bahrain Institute for Rights and Democracy (BIRD) ([HMR0008](#))

95 Bahrain Institute for Rights and Democracy (BIRD) ([HMR0008](#))

96 FCO, [Human Rights and Democracy: The 2016 Foreign and Commonwealth Office Report](#), Cm 9487, July 2017, pages 32

97 [Q75](#)

98 FCO, [Human Rights and Democracy: The 2016 Foreign and Commonwealth Office Report](#), Cm 9487, July 2017, page 32

99 FCO, [Human Rights and Democracy: The 2017 Foreign and Commonwealth Office Report](#). Pages 28 and 30

between country entries”.¹⁰⁰ For example, the entry for Iran is critical of violations of freedom of religion and belief and LGBT rights, whereas the entry for Saudi Arabia does not mention this, despite the situation also being very serious. Lord Ahmad said that “the non-inclusion of a country does not necessarily mean [...] that we are not doing quite specific things bilaterally”.¹⁰¹ We note with surprise the decision not to include Turkey, given the sustained human rights transgressions within the country and the UK’s potential to influence the government, a concern reflected in numerous submissions to the inquiry.¹⁰²

38. Although we agree that the FCO must necessarily be selective in its choice of priority countries, and in the information provided under each entry, we are disappointed by the omission of Turkey, given the sustained and worrying deterioration in the human rights situation. We recommend that the FCO designates Turkey as a priority country in its next report. We also recommend, to improve the consistency of the information provided for each of the priority countries, that some key human rights indicators, including the use of the death penalty, treatment of minority groups and the LGBT community, respect for freedom of religion or belief, women’s rights and the situation of human rights defenders, are addressed under every entry.

100 Amnesty International UK ([HMR0031](#))

101 [Q119](#), [Q121](#)

102 For example Human Rights Watch ([HMR0024](#))

Corrigendum: Please note that the paper copy of the Report incorrectly cited Reprieve HMR0001

Conclusions and recommendations

Human rights diplomacy at the UN

1. Even if the UK's re-election to the Human Rights Council appears to be both far in the future and a safe bet, the recent unexpected failure of the campaign to re-elect a UK judge to the International Court of Justice should serve as a warning against any complacency on this front, and should encourage planning well in advance. *The FCO should make re-election to the Council an explicit goal. In its response to this report, it should set out its strategy for re-election, including an early indication of timelines and resources. This should include an assessment of how far the UK had fulfilled its campaign pledges by the mid-point of its current three-year term. The FCO should also explain how it plans to advance human rights issues at the UN while it is not a member of the Council from 2020. It should set out in detail in which forums it will pursue human rights objectives, what those objectives are, and what resources will be dedicated to this work.* (Paragraph 7)
2. UK nationals within the UN system play an important role in human rights diplomacy—both in staff and independent positions. In response to our Report on the 2017 International Court of Justice election, the Government agreed to keep the Committee informed about its campaigns for UN elections. We appreciate the Government's efforts since then to brief the Committee on the International Telecommunication Union election. *We reiterate our call for the FCO to continue informing the Committee of each election campaign—to include a broad description of why the post matters, how it will be campaigning, how it will apply lessons drawn from previous experience, and how the post fits into its wider strategy. It should engage other stakeholders, including those in Parliament, in seeking support. In addition, the Government should update the Committee regularly on its five-year plan about the international elections that it plans to target—in private, if necessary.* (Paragraph 12)
3. We are concerned by the apparent decline in UK representation on the human rights treaty bodies, which could reflect diminished influence within the UN human rights system. While we appreciate that the Government is responding to recent UN election defeats by focusing on a smaller number of campaigns—and while we recognise the importance of the International Telecommunication Union—stepping back from the human rights system is not the answer. The fundamental values on which the system is based are under threat from a sceptical Russia and China, and a disengaged US. The FCO has been clear about the centrality of human rights to global security and economic growth. *The Government should respond to the UN defeats by planning well in advance of upcoming campaigns and investing in relationships with a wider range of states at the General Assembly. In its deliberations over which international elections to prioritise, the Government should consider ringfencing elections to human rights positions. The Government should nominate a candidate for the Committee on the Elimination of Discrimination against Women at the next opportunity, in 2020, and should report its commitment to do so in response to this report.* (Paragraph 13)
4. *While respecting the independence of special rapporteurs and working group members, the integrity of the selection process, and the need to support the best-qualified*

candidate, the Government should give greater support to UK nationals seeking these roles. This should include sharing details of positions with potential candidates, and offering guidance on application processes. In its response to this report, the Government should set out how it will do so. (Paragraph 14)

5. The UK's human rights diplomacy at the UN is facing serious challenges. While increased engagement by the Global South is welcome, attacks on the system by China, Russia and others are a cause for grave concern, particularly at a time when the US appears to be stepping back from multilateralism. Resource constraints make the UN human rights system particularly vulnerable to being compromised. Given the UK's diplomatic skills, and status as a P5 member and major donor, it can play an important role in countering the backlash and protecting the international human rights framework. It will need a clear strategy for engaging with the UN—working with those that share its values, and winning over those in the middle ground, to isolate Russia and China—and will need to ensure that its priorities are clearly communicated to its partners. (Paragraph 19)
6. *In its response to this report, the FCO should set out how it plans to meet the challenges posed by changing political fault lines at the UN. This should include the steps it is taking to work more closely with a broader range of member states, and to address country situations of concern at the General Assembly. It should set out how it plans to co-ordinate its human rights diplomacy with the EU, and how it plans to build a caucus with new partners, such as the Commonwealth. It should also set out how this strategy will be supported by its staffing and resourcing plans for its UN missions over the coming years. The Government should work to ensure the independence and sustainability of the OHCHR. It should assess whether its current level of donations is sufficient, in the light of the challenges facing the system. As a major donor, it should consider supporting the OHCHR's call for a greater share of the UN budget, and consider returning to its previous commitment to indirectly support the Office by assisting with donor initiatives. The UK should also consider how UN independent experts can be better supported and resourced, given that they are currently unpaid yet play such an important function in the UN human rights system. (Paragraph 20)*
7. The UK's human rights diplomacy will be carried out in a complex and shifting environment in the coming years, and the UN will play a still-greater role in UK foreign policy after Brexit. It is crucial that Parliament and the public have the tools to hold the FCO to account for its human rights work at the UN. The move away from specific human rights objectives to vague aspirations—which at worst amount to little more than warm words and waffle—is a retrograde step. To remove the objectives altogether, at a time when they are more important than ever, is alarming. To a cynical observer it suggests an attempt to dodge accountability for success or failure against measurable objectives. *In its next Human Rights and Democracy report, the FCO should publish detailed and measurable goals for its human rights diplomacy at the UN. (Paragraph 22)*

Promoting the rule of law and democracy

8. We welcome the emphasis on a “rules-based” approach in the Government's human rights priorities—both within the UN and more broadly. This builds on the UK's

strengths, as one of the core supporters and founders of the international rules-based order, and represents a pragmatic approach to promoting human rights worldwide. In the light of this, the lack of detailed reporting on rule of law activities in the FCO's Human Rights and Democracy reports is unhelpful. *In future reports, the FCO should provide a clear definition of what it means by the rule of law and should distinguish its strands of activity on the rule of law from its work on broader human rights and democracy promotion.* (Paragraph 24)

9. *There have been concerns raised about the lack of accessible information on some UK human rights funding programmes, e.g. the CSSF, the Global Britain Fund and the Rules-Based International System Fund, as well as human rights funding through posts, and on the impact of human rights programme funding more generally. The FCO should be clearer about how all such funding is allocated and used and what it achieves, and should inform us in its response to this report how it plans to increase transparency in this respect. The FCO should also clarify how, following Brexit, monies currently provided to EU human rights funding streams will be reallocated to advance the UK's international human rights work.* (Paragraph 26)
10. Following the UK's withdrawal from the EU, UK involvement in these mechanisms will become an even more important tool for the UK's work to promote democracy and the rule of law, strengthening the international rules-based system. (Paragraph 28)
11. Promoting the rule of law and democracy globally is key to developing the UK's prosperity. Simply put, it is easier for the UK to trade with countries that adhere to internationally accepted norms on the rule of law with clear and fair judicial processes than with those that do not share these common systems and values. (Paragraph 30)
12. The Government will face conflicting priorities between human rights and other Government policies, especially trade deals. This may create short term conflicts, but the prioritisation of human rights is in the UK's long-term commercial, as well as moral, interest. *The Government should commit to including human rights clauses within future trade agreements. In its response, the Government should set out how this commitment could work in practice. It should also explain to us the steps it is taking to promote joined-up working between representatives from other Government departments within posts.* (Paragraph 33)
13. *The FCO should outline clear mechanisms for measuring progress in its rule of law and democracy programmes. Whilst the door to negotiation with states must always be kept open, the FCO should respond firmly to countries that fail to make sufficient progress in these areas in order to underline the importance of international standards and rules on human rights. States that fail to make progress, or that regress, should be subject to repercussions, including the suspension of support. For the most extreme cases, such as the ongoing serious and systematic abuse of the Rohingya from Rakhine province by the Burmese government, the FCO should create a measured and graduated set of responses to human rights catastrophes. The FCO should review the current situation in Bahrain and Myanmar/Burma and report its findings to us to further consider whether funding should continue to either country.* (Paragraph 36)

14. Although we agree that the FCO must necessarily be selective in its choice of priority countries, and in the information provided under each entry, we are disappointed by the omission of Turkey, given the sustained and worrying deterioration in the human rights situation. *We recommend that the FCO designates Turkey as a priority country in its next report. We also recommend, to improve the consistency of the information provided for each of the priority countries, that some key human rights indicators, including the use of the death penalty, treatment of minority groups and the LGBT community, respect for freedom of religion or belief, women's rights and the situation of human rights defenders, are addressed under every entry.* (Paragraph 38)

Formal minutes

Wednesday 5 September 2018

Members present:

Tom Tugendhat, in the Chair

Ian Austin	Ian Murray
Chris Bryant	Andrew Rosindell
Mike Gapes	Mr Bob Seely
Stephen Gethins	Royston Smith

Draft Report (*Global Britain: Human rights and the rule of law*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 38 read and agreed to.

Summary agreed to.

Resolved, That the Report be the Thirteenth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available (Standing Order No. 134).

[Adjourned till Tuesday 11 September at 2.00pm]

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

Tuesday 6 March 2018

Question number

Natalie Samarasinghe, Executive Director, the United Nations Association UK (UNA-UK)

[Q1–33](#)

Tuesday 19 June 2018

Ben Emmerson QC, former Special Rapporteur on Counterterrorism and Human Rights, **Professor Rosa Freedman**, Professor of Law, Conflict and Global Development, University of Reading, and **Professor Javaid Rehman**, Professor of Law, Brunel University

[Q34–62](#)

Sir Roger Gale MP, **Angela Smith MP**, and **Murray Hunt**, Director, Bingham Centre for the Rule of Law

[Q63–81](#)

Wednesday 11 July 2018

Lord Ahmad of Wimbledon, Minister of State for the Foreign and Commonwealth Office, **Richard Jones**, Deputy Director, Human Rights and Democracy, **Corinne Kitsell**, Deputy Director UN and Multilateral/UN Co-ordinator, and **Paul McKell**, Legal Director, Foreign and Commonwealth Office

[Q82–125](#)

Published written evidence

The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

HMR numbers are generated by the evidence processing system and so may not be complete.

- 1 Action on Armed Violence ([HMR0007](#))
- 2 Adalah - The Legal Center for Arab Minority Rights in Israel ([HMR0012](#))
- 3 All-Party Parliamentary Group for International Freedom of Religion or Belief ([HMR0016](#))
- 4 Amnesty International UK ([HMR0031](#))
- 5 Baha'i community of the UK ([HMR0015](#))
- 6 Bahrain Institute for Rights and Democracy (BIRD) ([HMR0008](#))
- 7 Bar Human Rights Committee of England and Wales ([HMR0026](#))
- 8 BBC World Service ([HMR0023](#))
- 9 Ben Emmerson QC ([HMR0029](#))
- 10 Burma Campaign UK ([HMR0011](#))
- 11 CAFOD ([HMR0019](#))
- 12 Campaign Against Arms Trade ([HMR0010](#))
- 13 Campaign for Human Rights in the Philippines ([HMR0009](#))
- 14 Catholic Bishops' Conference of England and Wales (department of international affairs) ([HMR0013](#))
- 15 Dr Rhona Smith ([HMR0034](#))
- 16 Foreign and Commonwealth Office ([HMR0028](#))
- 17 Foreign and Commonwealth Office ([HMR0035](#))
- 18 Hamdi Akin Ipek ([HMR0030](#))
- 19 Human Rights Watch ([HMR0024](#))
- 20 Lawyers for Palestinian Human Rights ([HMR0018](#))
- 21 Marc Limon ([HMR0032](#))
- 22 National Union of Journalists ([HMR0021](#))
- 23 Professor Javaid Rehman ([HMR0033](#))
- 24 REDRESS ([HMR0025](#))
- 25 Reprieve ([HMR0001](#))
- 26 Reprieve ([HMR0020](#))
- 27 Sir Malcolm D Evans KCMG OBE ([HMR0027](#))
- 28 The Rights Practice ([HMR0017](#))
- 29 UNA-UK ([HMR0002](#))
- 30 War Child UK ([HMR0022](#))

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website. The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2017–19

First Report	Violence in Rakhine State and the UK's response	HC 435
Second Report	The future of UK diplomacy in Europe	HC 514
Third Report	Kurdish aspirations and the interests of the UK	HC 518
Fourth Report	2017 elections to the International Court of Justice	HC 860
Fifth Report	The UK's response to hurricanes in its Overseas Territories	HC 722
Sixth Report	Global Britain	HC 780
Seventh Report	Global Britain and the 2018 Commonwealth Summit	HC 831
Eighth Report	Moscow's Gold: Russian Corruption in the UK	HC 932
Ninth Report	The FCO's preparations for the 2018 World Cup	HC 1011
Tenth Report	Global Britain and the Western Balkans	HC 1013
Eleventh Report	UK arms exports during 2016	HC 666
Twelfth Report	Global Britain: The Responsibility to Protect and Humanitarian Intervention	HC 1005
First Special Report	The United Kingdom's relations with Russia: Government Response to the Committee's Seventh Report of Session 2016–17	HC 322
Second Special Report	The UK's relations with Turkey: Government Response to the Committee's Tenth Report of Session 2016–17	HC 333
Third Special Report	'Political Islam', and the Muslim Brotherhood Review: Government Response to the Committee's Eighth Report of Session 2016–17	HC 334
Fourth Special Report	Violence in Rakhine State and the UK's response: Government Response to the Committee's First Report	HC 868
Fifth Special Report	The future of UK diplomacy in Europe: Government response to the Committee's Second Report	HC 918

Sixth Special Report	Kurdish aspirations and the interests of the UK: Government response to the Committee's Third Report	HC 983
Seventh Special Report	2017 elections to the International Court of Justice: Government response to the Committee's Fourth Report	HC 1012
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