



# HOUSE OF LORDS

Revised transcript of evidence taken before

## **The Select Committee on Sexual Violence in Conflict**

Inquiry on

### **SEXUAL VIOLENCE IN CONFLICT**

*Evidence Session No. 10*

*Heard in Public*

*Questions 63 - 72*

TUESDAY 3 NOVEMBER 2015

4.45 pm

Witnesses: Mr David Mepham and Ms Lauren Wolfe

#### USE OF THE TRANSCRIPT

This is a corrected transcript of evidence taken in public and webcast on  
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### Members present

Baroness Nicholson of Winterbourne (Chairman)  
 Bishop of Derby  
 Baroness Hilton of Eggardon  
 Baroness Hodgson of Abinger  
 Baroness Kinnock of Holyhead  
 Lord Sterling of Plaistow  
 Baroness Warsi  
 Lord Williams of Elvel  
 Baroness Young of Hornsey

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### Examination of Witnesses

**Mr David Mephram**, UK Director, Human Rights Watch, and **Ms Lauren Wolfe**, Journalist and Director, Women Under Siege Project (via videolink)

**Q63 The Chairman:** Thank you very much for joining us. Could you confirm that you are picking us up now?

**Ms Lauren Wolfe:** Yes.

**The Chairman:** Excellent. Thank you both very much for joining us. We are all very grateful to both of you. I want to make a couple of housekeeping points. This session is on the record. It is being broadcast and will go on the parliamentary website. We take a full note of the meeting but we will ask you to comment on that first, in case there are any minor inaccuracies, before the final note is published. You have knowledge of the Committee Members and have seen our declaration of interests. We have approximately half an hour for this session. For any questions that you cannot answer or are not yet ready to answer, please be kind enough to follow up with something in writing, as we would be very grateful if you would share the maximum amount of your information and knowledge with us on this very difficult subject that we are investigating. I wonder if you might like to begin by commenting on your own views of the topic. Do you have any opening remarks to make?

**Mr David Mephram:** I am very happy to kick off, if that is helpful. Thank you very much for the opportunity to give evidence to the Committee today. By way of introduction, Human Rights Watch has been supportive of the PSVI initiative since it was launched by the previous Foreign Secretary William Hague. I have been a member of the PSVI steering board for the last number of years, along with some of the Members of the Committee, and so there are people around the table who I am very familiar with. I appreciate the role that they have played. I also very much welcomed what Baroness Verma had to say at the open working group on the Women, Peace and Security debate on 13 October. She set out a number of commitments on behalf of the British Government and I am appreciative and supportive of many of those.

I will perhaps make two opening comments to contextualise how Human Rights Watch approaches these issues. Taking on board what I have just said about our broad endorsement and support for the Initiative, we are worried about whether there is the same

level of political commitment to this Initiative since the election. For William Hague, this was a very personal thing and he was deeply attached to it. As Foreign Secretary, he said regularly that this was a personal priority. His successor took over before the election and has not, I do not think, made it quite such a personal priority. He has chosen a member of his Foreign Office ministerial team to be the champion on this issue rather than himself, and that does give us some cause for concern about whether the issue will be at the highest levels in Whitehall-wide discussions. I think we should be cautious and concerned about that.

The second point is a big concern for Human Rights Watch currently in the context of the upcoming spending round. We are worried about where human rights fit in the Government's priorities and the budgetary priorities that are coming up. Some Members of the Committee will be aware of this, but when the new Permanent Secretary at the Foreign Office, Sir Simon McDonald, gave evidence to the Foreign Affairs Committee just a couple of months ago, he was asked about the role of human rights. His reply was, "Although it is one of the things we follow, it is not one of our top priorities". That should be of concern to the Committee because it may have budgetary implications for our work on human rights more generally and for the work on PSVI. I would urge you to be vigilant and have robust discussions with Ministers when they appear before you on those kinds of issues.

My final point on how we conceptualise these issues, and I suspect that some Members of the Committee will be supportive of what I say, is that Human Rights Watch has been making the argument throughout this Initiative that it is very important to situate work on PSVI in the wider Women, Peace and Security Agenda. You cannot detach these issues from broader issues around women's participation and empowerment, their social and legal status, and some of the systematic discrimination that they face in many other contexts around the world. It is important to join up the dots and see these issues in that broader canvas.

**The Chairman:** Thank you very much. Lauren, would you like to make any initial comment?

**Ms Lauren Wolfe:** Thank you to the Committee for having me here via videolink from New York. I appreciate the chance to speak with you. I start by saying that I am a journalist. I am not necessarily a human rights defender, although I work with many around the world. What I can add to this conversation is what I have seen in various contexts of conflict, from Syria to Central America. I can talk about what activists and human rights defenders are facing and what I have witnessed personally, including attacks against them. I will then talk about what it is that they are not receiving in terms of support from States and NGOs internationally. I look forward to answering your questions with that lens.

**Q64 The Chairman:** The first question is a straight-down-the-line one. What is your comprehension of the term "human rights defender"? The EU uses the definition of "civil society activists, journalists, bloggers, or anyone who works to promote human rights in a non-violent way". Does that fit your understanding of the term?

**Mr David Mepham:** That is a very interesting question, which is presumably why you asked it. Interestingly, I was talking to a colleague of mine just yesterday about this whole area of work. She has worked a lot in Afghanistan, and said that it is interesting because the Taliban does not particularly differentiate who it chooses to attack. It will not just attack the NGOs or the journalists; sadly, from its warped perspective, it will see as legitimate targets people

who are working on empowering women or tackling discrimination and abuse. I suspect that Members of the Committee will be familiar with the fact that the most senior Afghan woman police officer was tragically killed, and very shortly thereafter her successor was also killed. From the perspective of the Taliban, she was a legitimate target because of what, as a woman, she personified and represented, and what she was doing was perceived as a threat. Similarly, if we think about the DRC context, you have the remarkable Dr Mukwege—again, people on the Committee will be familiar with him; he runs the Panzi Hospital in South Kivu. He is a medical man but he is also an activist. So in response to your question I would say that we should not narrow the definition too far. There are courageous women, and courageous men, in many places around the world tackling this appalling abuse, sexual violence and rape and championing the rights of women. We should have an expansive definition of human rights defender rather than narrowing it down to just activists or journalists.

**The Chairman:** Thank you very much.

**Ms Lauren Wolfe:** That is an interesting question. Here in the United States we do not consider journalists to be human rights defenders. But I know that in the EU and the UK that is considered to be within the definition. I have a background working at the Committee to Protect Journalists. We saw a number of sexual attacks on journalists who work in conflict zones, particularly on journalists who are reporting on human rights issues and sexual violence. In that sense, you can consider journalists as part of this issue. To that end, it is quite important to talk about journalists as non-combatants who are not receiving particular protections although they face the same risks as activists and people treating survivors.

**Q65 Baroness Warsi:** The G8 Declaration on PSVI called on governments to provide more political and diplomatic support for human rights defenders. Has that happened?

**Mr David Mepham:** I am happy to always be the first to answer or do you want to flip it over?

**The Chairman:** Perhaps you will start.

**Mr David Mepham:** Thank you very much. I will make two quick responses. The previous person sitting here was asked a similar question and replied that maybe it is a bit too early to tell. That would probably be our response also. The awareness-raising was hugely important, and the political attention that that generated has been very important. But we are still some way from seeing that translated into real action by many of the G8 countries, and certainly action on the ground.

I have two thoughts in response to your question on the things that ought to be done but are not being done sufficiently strongly. I am sorry to stick with Afghanistan but, for the last two years, the EU has done a lot of work on developing a plan to support Afghan human rights defenders. Workshops and meetings have been held and things have been drafted, but, when the Taliban seized Kunduz, very recently, the activists there were specifically targeted by the insurgents and many of them were forced to flee. So even though there had been discussion around having focal points, key contact people to call and assistance that could be provided by EU governments, that did not seem to materialise. These people were left to their own devices to find their way out in very dangerous and insecure circumstances. There are questions to be asked about whether the plan that had been worked up was sufficiently robust when put to the test in that situation.

There is another Afghanistan example about what G8 countries can do, which is obviously very relevant to the UK. As many of you will know, a London conference on Afghanistan was held in December 2014. We were disappointed that there was not a more prominent role in that event for Afghan women and activists. There was an event the day before for civil society, as though they could be nicely dealt with the day before. But when it came to the actual conference, at which the key people were present and the decisions were made, just a couple of Afghan women were allowed to speak for about three minutes each, 10 were allowed to observe on a video screen and the rest were not part of the process. That was a shame. I think that more could have been done to draw in Afghan women activists to those kinds of discussions.

**The Chairman:** We have quite a lot of questions to get through. I think that Baroness Warsi would very much like to hear from Lauren on that question.

**Ms Lauren Wolfe:** I have a very simple answer based on what I have learned from speaking to various groups, such as the Nobel Women's Initiative. The G8 Declaration on Preventing Sexual Violence in Conflict has not changed anything so far. What those groups point to as a more useful mechanism is the UN General Assembly Resolution on the Protection of Women Human Rights Defenders, which came about at around the same time. The G8 Declaration is nothing more than a statement. The UNGA Resolution requires member countries to vote on it and implement action plans. Of course these action plans have not been implemented widely so far, but it is a starting point. Other than that, they also point to EU guidelines on protections of human rights defenders as another positive step. However, when it comes to the G8 Declaration, the activists I have spoken to are quite sceptical.

**The Chairman:** Thank you. I turn to the Bishop of Derby for the next question.

**Q66 Bishop of Derby:** I would like to ask you two questions about the position of human rights defenders in the various countries that you have experience of. First, have you come across legal structures in place to protect them? Do those work and what could we learn from them? Secondly, is there a difference between how local and international human rights defenders are treated?

**Mr David Mepham:** I am happy to answer that first. Again, it is an important question. The reality is that in many of the countries where, for example, the PSVI initiative has focused—Afghanistan, Colombia, Somalia, the DRC and Syria—the social status of women is already very limited. Their legal standing is extremely low and there are all sorts of patterns of discrimination against them. So they start from a very disadvantageous position. Although some of those countries may have legislation or constitutions that, in theory, allow free expression and free association, in practice, when women activists try to challenge abuse or discrimination or raise these sensitive issues in cultural contexts where it is fairly taboo to talk about them, they face all sorts of difficulties in doing so. Somalia is perhaps a good example to focus on, because the British Government have rightly invested a lot in Somalia because sexual violence and rape are big issues there. To their credit, the Somali government have developed a new plan to try to address this. However, we work a lot in Somalia, and when I talk to local activists involved in Somali research, they say that, again, very little is happening on the ground to change things and issues around stigma and so on have not really been tackled—and some of those stigma issues are particularly important.

There are also situations that we have documented in the recent past in which people have come forward to say that they have been raped by members of the security forces. Rather than being supported and given counselling and all the rest of it, they are treated as criminals, because they are challenging the security forces and making allegations about the good soldiers of Somalia—how dare they do that. There is an irony that the survivors and victims are treated as criminals, and that is a big problem.

You asked about the difference in treatment for local and international human rights defenders. Of course they both have a very important role to play, but local defenders are often much more attune to the local context; they speak the language and understand the history. They do not necessarily have the same level of resourcing or access to international decision-makers in the corridors of power. As an international human rights organisation, Human Rights Watch tries to work very closely with local organisations, learning from and supporting them, but also perhaps bringing some media exposure to their concerns and helping connect their issues with policymakers in key capitals.

**Bishop of Derby:** Thank you.

**Ms Lauren Wolfe:** Just to add to the Somalia example, if you look at the Democratic Republic of Congo you will see that one of the major perpetrators of rape is the Congolese army. When human rights defenders or women are sexually violated, they do not want to go to the State and receive protection because it is the State that is perpetrating these attacks against them.

As for what kinds of legal mechanisms are already set up for certain countries, I do not know of many that are successful but I can point to Mexico and Honduras where they have laws to protect human rights defenders. But the issue is implementation.

The biggest recourse in the Central American and South American region is the Inter-American Commission on Human Rights. I can point to two examples: Lydia Cacho, a journalist in Mexico who was attacked, was able to take her case there; and Jineth Bedoya, a journalist who was raped about 15 years ago because of her reporting. She went to the Colombian government, and it took 11 years for her case to sit in the attorney-general's office. But because that is the first recourse before you can make it to the Inter-American Commission on Human Rights, she had to wait all that time until she could finally bring her case to the Commission. There may be mechanisms in place but they are being implemented well, and the process is slow and works against victims and human rights defenders overall.

In terms of international organisations, I echo what has already been said. I do not believe that we pay enough attention to the grass-roots organisation that work locally, speak the language and understand the issues better. I have in fact seen international NGOs come in and try to take over, but they are not paying attention to the people who already understand the issues and can guide the larger groups.

**Mr David Mepham:** May I make a five-second intervention?

**The Chairman:** Very quickly. We have a lot more questions.

**Mr David Mepham:** Having spoken to my colleagues who work in the DRC, one of the tragic ironies about the whole situation of appalling levels of sexual violence is that it has strengthened and given momentum to the women's movement in the DRC. One of my colleagues told me that the movement has really grown in prominence and profile over the

past 10 years, partly as a consequence of what has happened. Maybe that is an inadvertent consequence on which we could build.

**Q67 Baroness Hilton of Eggardon:** To a large extent, you have already answered my question about the level of support and security that human rights organisations get, which I gather is pretty minimal. What steps would you like to see taken to improve the security and protection that human rights organisations get in these various countries? Is there some way that things can be improved?

**Mr David Mepham:** It will depend, from case to case. However, to make some general comments, clearly there is an issue about the enforcement of the law. Where the law exists, and says that people have the right to protest, associate and criticise, that law needs to be upheld. There are many cases in which it has not been. In terms of the United Kingdom's relationship with key countries through its National Action Plan on Resolution 1325 and through the work of the PSVI plans, we should be thinking about ways in which we can help countries to have the right laws in place, properly enforce them and allow people to get redress when their rights are not respected; that is very important.

There is also a difficult issue around challenging cultural conservative norms and the reluctance of people to talk about these issues. The PSVI has been very helpful in showing that we are prepared to talk about this; it may be seen as a stigma or a taboo topic in your country, but we want to force this into the open and talk about what is going on as a way to build the opportunity for further progress.

A more practical thing is whether the United Kingdom and other G8 member countries can provide support to those defenders who are very vulnerable, imperilled or threatened. There are times when those people need to be taken out of their country and, frankly, given a visa to come to the United Kingdom to be safe. I think that we are sometimes a bit slow to do that.

**Ms Lauren Wolfe:** If we cannot issue visas, which I support, one thing I have seen help human rights defenders is receiving a high-level award from a country. It gives them a level of protection. I am thinking in particular of Julienne Lusenge in the Democratic Republic of Congo, who runs an amazing organisation that works with survivors of sexual violence, called SOFEPADI. She has received many threats because of her work, but she was given the French Legion of Honour medal and, since then, has become an international figure and therefore more untouchable.

My other comment on the greater security and protection that could be given is that very little funding is given by State governments overall for such issues. Even when it is given, it is given on a project-by-project basis. So there is very little operational support, which means that when human rights defenders go out to do their work, they are taking shortcuts and are not able to do things in the safest possible way. As a journalist, I know what that is like: if you cannot take the safe road because you have to get there fast and cheaply, you are putting yourself at risk. That needs to be addressed.

**Baroness Hilton of Eggardon:** Thank you. That is extremely interesting.

**Q68 Baroness Hodgson of Abinger:** Do you think that links with foreign governments or the international community present risks for human rights defenders, and how might these risks be mitigated? On the one hand, they want international support—and I take your point

that awards and making people internationally prominent can help—but sometimes, just giving support in-country without that international media focus can present risks. It is a balance. Would you like to comment on that?

**Mr David Mepham:** That is another very good question and there is no snappy answer. A lot will depend on context. You are right to say that there are times when international engagement and context might put people at risk or in greater jeopardy. Human Rights Watch works all the time with activists in very dangerous situations, and we make a very frank assessment of whether our involvement and that of the international community will help or hinder. There are times when it might hinder, and we need to be honest about that. But our overall view, and we very much take a steer from the local activists on this, is that it tends to be beneficial in most cases to shine the spotlight on events so that people in the wider world are aware of what is going on. The dissemination of what is happening is quite an effective way to get even the most abusive local commanders or local autocratic governments to hold back a bit because they know that everybody is watching. It varies from case to case but, on balance, there are probably more circumstances in which shining a spotlight and international pressure and engagement are beneficial for women's rights activists.

**Baroness Hodgson of Abinger:** Lauren, what is your view on this?

**Ms Lauren Wolfe:** I would add one quick point. As a member of the media, of course I believe in shining the spotlight. But what I do, and what groups such as Human Rights Watch do, is take our cues from the local grass-roots groups. They know which survivors are able to speak, receive protection and be safe if we use their names in the spotlight. Listening to the local groups is the best course of action.

**The Chairman:** Lauren, you commented earlier that you knew of several cases that had come to court. Do you recall whether those cases won or not?

**Ms Lauren Wolfe:** I was speaking of two particular cases from the many that I know about. If you look at sexual violence cases that have come to the ICC, you will see that it is a very slow-moving mechanism. When Jineth Bedoya went to the Inter-American Commission on Human Rights, one of the perpetrators came forward, but it took years—these things just take years.

While I am talking about the ICC, I want to add one point. I think governments and international NGOs very much focus on finding justice through courts such as the ICC. But when you speak to local activists, that is the farthest thing from their minds. They are not interested in the ICC; they are interested in local justice. That needs to be much more the priority.

**Q69 Baroness Young of Hornsey:** Both of you in different ways deal with the documentation of sexual violence. Perhaps you can give us an insight into the work that you do on that front and how you use that documentation. Sometimes it can be useful as a way of simply noting the history, as it were, of what has happened and recording those experiences. But there do not seem to be many cases in which it is possible to use that documentation to bring about prosecutions and break down this culture of impunity. Could both of you please comment on that?

**Mr David Mepham:** Documenting human rights abuse of any kind is a sensitive thing to do. That is what Human Rights Watch, Amnesty and other organisations do, day in, day out: we

document human rights abuse and talk to people who have been badly treated in all sorts of ways, and we have developed protocols for doing that. But of course sexual violence and abuse is even more sensitive and difficult, and so we have developed further internal guidance and protocols about how we go about doing that. As you would expect, that is very much based on an understanding of how some of these crimes are hidden: they are not documented, people do not want to talk about them, there are problems of stigma, and there are concerns about what the effect would be were a woman to come forward in Afghanistan or Somalia to say that she had been raped by her uncle. I have not squared this with my colleagues, but it may be that I could share something with you in written form about our protocols—that may be useful. Of course, there is the PSVI Protocol as well, which was a very good thing that had a lot to say about how this should be done.

There are two other core points. One of the things that is most important is that you do not retraumatise, to use a slightly clunky expression, those who are already traumatised by what they have been through. We have to be incredibly careful in the way in which we do the interviewing and secure the testimony. The other point is that are times when you simply cannot do it. There are times when it is not possible to get this information because the woman, or the man, would be put in further jeopardy or made more insecure as a result of getting the testimony, or because we are not in a position to help by referring them on to some sort of service provision. So there are times when we decide that it is not possible to do that because it would be retraumatising to the individuals concerned. We have done a lot of work on that, and I will look to see whether we could share something with you in written form. Obviously we take incredibly seriously how we do that and the protocols and so on.

**The Chairman:** Thank you. That would be helpful.

**Baroness Young of Hornsey:** Lauren, would you like to comment on that?

**Ms Lauren Wolfe:** Sure. One of the interesting projects that I have done at the Women's Media Center at the Women Under Siege Project involved the creation of a map—it was originally meant to be crowd-sourced—with Columbia's Mailman School of Public Health. We started documenting cases of sexualised violence and putting little red dots on a map of Syria—the project was all about Syria. We did this for about three years and aggregated all the cases, whether they came from Human Rights Watch, the International Rescue Committee, the UN or media reports. Also, I personally went on the ground and documented about 40 different cases. Putting that all together showed where in the country particular cases might be occurring and where responder services would be useful, if there was any way of getting them into the country, but of course we have seen that it is nearly impossible to get inside Syria. I think that doing something innovative was helpful in getting it on to the world stage. I have worked with investigators at The Hague and elsewhere at different NGOs to make sure that the documentation could be used in the future as evidence. It is not evidence right now but, if there are going to be some sort of trials, I would like to know that the documentation could be useful. It is a potential model, moving forward, for documenting this kind of crime. It is a variation of what journalists and human rights activists already do.

**Baroness Young of Hornsey:** If you want it to be used in some sort of future criminal prosecution, does that mean that it has to be developed to a particular standard? Do people share those standards, so that there is that potential?

**Ms Lauren Wolfe:** No. I have found it quite surprising how standards vary. I am assuming that the protocols that have been developed by PSVI could be some sort of standard. When

you speak to lawyers who work on these issues, they tell you things that they will need, but it is not some sort of guidebook or handbook. I have done media training with other journalists trying not to retraumatise victims but to gather the documentation that could be useful.

**Mr David Mepham:** The other part of the question, which I did not answer, was whether we used that in court—

**The Chairman:** Let me come on to Baroness Hodgson. I think you have some supplementaries to Baroness Young's questions.

**Q70 Baroness Hodgson of Abinger:** I think that to a large extent David has answered this supplementary that I was going to ask about whether the PSVI aids you in this work. To what extent does your organisation utilise the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict and how would you see it developing? Lauren, perhaps you could also comment on this documentation and on whether you think it has been helpful and how you would like to see it develop to become even more effective. Perhaps you would like to start, David, as you partly answered it already.

**Mr David Mepham:** We are positive about the PSVI Protocol. We think that it is an important step forward. Again, the challenge is to translate that into systems nationally and locally that people can use, because there is no point in just compiling the evidence if you cannot do anything with it, which is what I was just about to say on the second part of the last question. There are cases around the world before international tribunals—Human Rights Watch has given evidence before the ICC—so we can take evidence of appalling crimes of sexual violence and abuse and people have been prosecuted as a result of that. To come back to Baroness Hodgson's question, yes, we need to find ways to translate very good guidance, protocols and principles into things that are useable and implementable at the national level. That is the challenge.

**Baroness Hodgson of Abinger:** Lauren, would you like to comment on that?

**Ms Lauren Wolfe:** Just briefly, I would shift over to talking about the lack of survivor services. I think that that should become more of a priority for the PSVI and any government interested in getting involved in this issue. There really are very few of these services and the grass-roots groups are struggling to provide them.

**Q71 The Chairman:** Thank you very much indeed. We have hit our time limit, so could I just ask each of you to make a final comment? What single thing would you like our Committee to recommend that would enable your work to be more effective? Lauren, will you answer that first?

**Ms Lauren Wolfe:** Sure. It is very clear to me that the missing voices at the London summit on sexual violence, which received quite a bit of criticism since, showed that survivors' voices are not being heard—I am thinking of the Afghan women who sat not speaking at the teleconference, as was mentioned. I think that bringing survivors' voices into this discussion is the most crucial thing that we can do. A lot of countries are implementing sexual violence initiatives, but it is becoming an excuse for militarisation and any grass-roots-level group that includes survivors can tell you that this is a problem. I would leave it there: the grass-roots groups and the survivors need to be more a part of all this as we move forward.

**Mr David Mepham:** I agree with that. I know that Baroness Kinnock would like to come in.

**The Chairman:** What would you like to say?

**Mr David Mepham:** I agree with the point that has been made. Bringing in the voice of survivors is absolutely essential.

**Q72 Baroness Kinnock of Holyhead:** My question is really to Lauren on an issue that some of us here in Parliament have been following very closely. The Human Rights Council recently raised concerns—this included the UK—about the Helms amendment. Should there be a recognition that women and girls raped in conflict are not seeking to use abortions as family planning, which is what is implied when these cases are discussed? I would be very interested in hearing your view on the Helms amendment.

**Ms Lauren Wolfe:** I am sorry if I am smirking, but in all my reporting trips I have never witnessed any of the young women I have met seeking family planning when they are seeking abortion services. I know that if we are looking at Syria and talking about Yazidi women who are returning pregnant, or pregnant women returning in Nigeria in mass numbers from Boko Haram, one of the problems is that there are no local abortion providers; there is nowhere to turn. The Helms amendment is preventing troops providing those services. This is Obama—how do I put this?—saying that it is okay to keep this thing in place but it is not a legal restriction at this point; he needs to sort of wave it away. That is entirely possible and it will be entirely beneficial to young girls whose lives are being changed not only by rape but by having a child that they did not want and do not want to care for.

**The Chairman:** Thank you very much indeed, both of you. It is possible that there are still a couple of questions that we have not asked. With your permission, we will put them in writing to you and look forward to your answers. If you have any further comment in addition to your answers today, please feel free to put them on paper for us. We are most grateful to both of you. Thank you very much indeed.