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106th Inter-Parliamentary Conference

The proceedings of the 106th Inter-Parliamentary Conference began at the Ouaga 2000 Conference Centre on the morning of Monday, 10 September with the election by acclamation of Mr. Melegué Traoré, President of the National Assembly of Burkina Faso, as President of the Conference.

In the morning of 13 September, during the General Debate on the political, economic and social situation in the world, the Conference was addressed by His Excellency the President of Burkina Faso, Mr. Blaise Compaoré, who referred to the tragic terrorist attacks against the United States of America and expressed his utter condemnation of all forms of terrorism. The Conference observed a minute of silence. The President noted that the Conference was taking place at a time when, after a decade in which democratic developments and technological progress had brought great hopes, the vast majority of the world's population found itself marginalized by globalisation. He stressed the urgent need for parliamentarians to combat poverty in the world, particularly in Africa, and invited them to call for the cancellation of the debts of poor countries.

1. Inaugural Ceremony

The 106th Inter-Parliamentary Conference was inaugurated on 9 September at a ceremony in the Ouagadougou International Crafts Show (SIAO) in the presence of His Excellency Mr. Blaise Compaoré. Inaugural addresses were delivered by Mr. M. Traoré, Mr. O. Otunnu, Under-Secretary-General and Special Representative of the Secretary-General of the United Nations for Children and Armed Conflict, and Dr. N. Heptulla, President of the Council of the Inter-Parliamentary Union. The ceremony concluded with an address by the President of Burkina Faso, who declared the 106th Inter-Parliamentary Conference officially open.

2. Participation

Delegations of the Parliaments of the following 112 countries took part in the work of the Conference¹: Algeria, Andorra, Angola, Argentina, Australia, Austria, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Chile,

China, Congo, Costa Rica, Côte d'Ivoire², Croatia, Cuba, Cyprus, Czech Republic, Denmark, Egypt, El Salvador, Ethiopia, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Japan, Jordan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Liberia, Libyan Arab Jamahiriya, Lithuania, Luxembourg, Malaysia, Mali, Malta, Mauritania, Mexico, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Rwanda, San Marino, Sao Tome and Principe, Senegal, Singapore, Slovakia, Slovenia, South Africa, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

The following Associate Members also took part in the Conference: the Andean Parliament, the Central American Parliament, the European Parliament, the Latin American Parliament, and the Parliamentary Assembly of the Council of Europe.

The observers included representatives of: (i) Palestine; (ii) United Nations system: United Nations, United Nations Development Programme (UNDP), United Nations Office for Drug Control and Crime Prevention (UNODCCP), United Nations Children's Fund (UNICEF), Joint United Nations Programme on HIV/AIDS (UNAIDS), Food and Agriculture Organization (FAO), International Labour Organization (ILO), United Nations Educational, Scientific and Cultural Organization (UNESCO), World Health Organization (WHO), International Monetary Fund (IMF), International Organization for Migration (IOM); (iii) African Parliamentary Union (APU), Arab Inter-Parliamentary Union, Association of European Parliamentarians for Africa (AWEPA), Maghreb Consultative Council, Nordic Council, Parliamentary Assembly of the Union of Belarus and The Russian Federation, SADC Parliamentary Forum, Parliamentary Union of the OIC States (PUOICM); (iv) Amnesty International, International Committee

¹ For the complete list of IPU membership, see page 18.

² Reaffiliated to the IPU on the occasion of the 106th Conference of the Inter-Parliamentary Union.

of the Red Cross (ICRC), the International Federation of Red Cross and Red Crescent Societies.

The Parliament of Gambia was represented as an observer with a view to future affiliation.

Of the total of 960 delegates who attended the Conference, 523 were members of national parliaments. The parliamentarians included 21 presiding officers of parliament, 28 deputy presiding officers and 141 women parliamentarians (27 %).

3. Modification of the Conference Programme

During the first sitting of the Council on Monday, 10 September, and following the recommendation of the Executive Committee, it was decided to replace the Conference sitting of the afternoon of Tuesday, 11 September, by a special sitting of the Council devoted to discussion of the reform of the Inter-Parliamentary Union.

At the opening of the sitting, and having learnt of the terrorist attack against the United States of America and its tragic consequences, the President of the Council of the Inter-Parliamentary Union read aloud a message addressed to the Speaker of the US House of Representatives and to the Majority Leader of the US Senate on behalf of the representatives of the world's parliaments. The message expressed wholehearted condemnation of the attacks, sympathy to the United States Government, Congress and people, and heartfelt condolences to the families of the victims.

The Council decided to cancel the session of that afternoon. A special sitting of the Executive Committee was immediately convened which decided to hold a special sitting of the Conference the following day. The Committee also issued a declaration expressing the IPU's solidarity and compassion to the people of the United States of America, the Congress and Government. At the opening of the special sitting of the Conference on Wednesday, 12 September, a minute of silence was observed in memory of the victims of the tragic events. The Conference decided unanimously to include in its agenda an emergency supplementary item entitled: *Condemnation of the terrorist attacks of 11 September 2001 on the United States of America*. The resolution on the item was adopted unanimously by the Conference on Friday, 14 September (see paragraph 5). The Conference subsequently decided to modify its programme in the following manner:

- The Committee in charge of the supplementary item would meet after the special sitting and would designate its drafting committee without a prior debate.
- The last sitting of the Conference originally allocated to the General Debate would be replaced by a special sitting of the Council which would examine the reform of the Inter-Parliamentary Union, cooperation with the United Nations, and the programme and budget for 2002. Those speakers registered for the General Debate who would thus not have the opportunity to take the floor would be allowed to submit a written text of their speech, a summary of which would be included in the final summary records of the Conference.
- Finally, the closing session of the Conference would start on Friday, 14 September, at 2.30 p.m. and would be followed by the last sitting of the Council at which it would complete its agenda. As a result of that decision, the Council sitting originally scheduled for Saturday, 15 September, was cancelled.

4. Choice of a Supplementary Item

The Conference had before it four requests for the inclusion of a supplementary item presented by the delegations of Kuwait (on behalf of the Arab Group Members of the IPU), France, the Islamic Republic of Iran, and Cuba.

At the beginning of the consideration of this item, and after taking the floor, the delegations of the Islamic Republic of Iran and Cuba withdrew their respective proposals: *Production and trafficking of drugs: a serious threat to human society, in particular the young, and the prime responsibility of the international community to combat this organised crime*, and *Terrorist activities directed against Cuba from the territory of the United States*, in support of the proposal presented by Kuwait.

Having heard a statement by Kuwait, a statement by Israel opposing the Kuwaiti proposal, as well as statements by France and Egypt, the latter opposing the French proposal, a vote was held by roll call with the following outcome:

- The item proposed by the Parliament of Kuwait entitled: *Contribution of parliaments to dealing with the continuing tragic situation in the occupied Arab territories, to the provision of*

international observers, and to the protection of the Arab Palestinian people, especially unarmed civilians: 728 votes to 202, with 392 abstentions (see page 28 for the details of the vote);

- The item proposed by the Parliament of France entitled: *Safety in shipping and ways to curb the rise in acts of piracy and ecological disasters: 695 votes to 262, with 365 abstentions (see page 29 for the details of the vote);*

The proposal of the Parliament of Kuwait, having received both the necessary two-thirds majority and the highest number of affirmative votes, was added to the agenda as item 6 (see section 6(d) below).

5. Choice of an Emergency Supplementary Item

Following the terrorist attack against the United States, the Conference decided unanimously at its special sitting on Wednesday, 12 September, to include in its agenda an emergency supplementary item entitled: "*Condemnation of the terrorist attacks of 11 September 2001 on the United States of America.*" A text was prepared by the Steering Committee of the Conference in consultation with various delegations and was unanimously adopted by the Conference at its closing sitting on Friday, 14 September (see page 32 for the text of the resolution).

6. Proceedings and Decisions of the Conference and its Study Committees

- (a) General Debate on the political, economic and social situation in the world (Item 3)

The General Debate on the political, economic and social situation in the world took place on the afternoon of Monday, 10 September, on the morning of Tuesday, 11 September, on the afternoon of Wednesday, 12 September and on the morning of Thursday, 13 September. A total of 109 speakers from an equal number of delegations took part in the debate, which was chaired by the President of the Conference. Moreover, and in accordance with the decision taken by the Conference, six other speeches which could not be delivered were submitted to the Secretariat of the Conference for inclusion in the final summary records. During the various sittings, the President invited the Vice-Presidents from the delegations of Benin, Cambodia, Ghana, Lebanon and Venezuela to replace him in the chair.

- (b) Protecting and caring for children, the driving force of future society (Item 4)

This item was considered on 11 and 13 September by the Second Committee (Parliamentary, Juridical and Human Rights Questions), that met in three sittings with its President, Mrs. B. Mugo (Kenya) in the chair. The Committee had before it 16 memoranda submitted by the delegations of Argentina, Australia, Benin, Burkina Faso, Canada, Chile, Congo, Egypt, Hungary, India, Iraq, Japan, Russian Federation, Senegal, Sudan and Sweden as well as four information documents provided by the IPU Secretariat, UNICEF, the International Labour Organization and the International Committee of the Red Cross. The Committee also had before it 26 draft resolutions submitted by the delegations of Australia, Belgium, Burkina Faso, Canada, Chile, Cuba, Egypt, Estonia, France, Germany, Guatemala, India, Indonesia, Iraq, Japan, Kuwait, Niger, Philippines, Republic of Korea, Romania, Senegal, Sudan, Sweden, United Kingdom, Venezuela and the Meeting of Women Parliamentarians.

A total of 47 speakers took the floor during the debate on this item, including keynote addresses from Mr. O. Otunnu, UN Under Secretary-General and Special Representative of the UN Secretary-General for Children and Armed Conflicts and Mrs. R. Salah, UNICEF Regional Director for West and Central Africa. Thereafter, the Committee appointed a drafting committee composed of representatives from Australia, Belgium, Burkina Faso, Egypt, Japan, Kenya, Mexico, Nigeria, Romania, Sweden, Tunisia and Uruguay. The committee met all day on 12 September and in the morning of 13 September with Mrs. F. Al-Refaie (Egypt) in the chair and Mr. N. Kathangu (Kenya) as Rapporteur. It used the draft resolutions submitted by the delegation of the United Kingdom and the Meeting of Women Parliamentarians as the basis for its proceedings and drew from the other drafts, notably those of Belgium, Egypt, Japan and Romania. It also incorporated several proposals made by members of the committee. The resulting consolidated draft was adopted by consensus.

During its sitting on 13 September, the Second Committee heard the report of Mr. N. Kathangu on the work of the drafting committee. It then proceeded to examine the various paragraphs of the draft resolution. A number of editorial amendments were introduced to the text. An amendment submitted by the representative of Tunisia, under operative paragraph 4 on the negative effects of

embargoes, to make specific reference to the children of Iraq and Palestine, was rejected after a vote. A proposal by the same representative to include a new operative paragraph referring to family planning was also rejected after a vote. The Second Committee then adopted the amended text by consensus.

On the afternoon of 14 September, Mr. N. Kathangu submitted the Second Committee's draft resolution to the Conference which adopted it by consensus (see page 19 for the text of the resolution).

- (c) Urgent action to combat HIV/AIDS and other pandemics which seriously endanger public health, and economic, social and political development and even threaten the survival of many nations (Item 5)

This item was considered on 12 and 14 September by the Third Committee (Economic and Social Questions), which met with its President, Mr. E. Gudfinnsson (Iceland), in the chair. The Committee had before it 17 memoranda submitted by Australia, Benin, Botswana, Burkina Faso, Canada, Chile, Congo, Cuba, Egypt, France, Hungary, India, Iraq, Japan, Russian Federation, Senegal and Sudan; five information documents prepared respectively by the World Health Organization, International Labour Organization, United Nations Division for the Advancement of Women, UNESCO and the Joint United Nations Programme on HIV/AIDS (UNAIDS); and 25 draft resolutions submitted by Angola, Australia, Botswana, Burkina Faso, Canada, Chile, Cuba, Egypt, Finland, France, Germany, Guatemala, India, Indonesia, Iraq, Japan, Kuwait, Niger, Philippines, Republic of Korea, Senegal, Sudan, Switzerland, United Kingdom and Venezuela

A total of 58 speakers from 53 countries and 4 international organisations participated in the debate that took place in the Third Committee on 12 September. The Committee appointed a drafting committee comprising representatives of parliaments of the following countries: Angola, Australia, Canada, Cuba, France, Indonesia, Nepal, Senegal, South Africa, Sudan, Switzerland and Uganda. Representatives of UNAIDS, ILO and the International Federation of Red Cross and Red Crescent Societies participated in the work of the drafting committee as advisers.

The drafting committee, after electing Ms. S. Knowles (Australia) as chairperson and Ms. J. Augustine (Canada) as rapporteur, met throughout the day on 13 September. It took the draft resolution submitted by Germany as a basis for its work and drew extensively on many of the other texts before it, on the proposals and ideas put forward during the debate in Committee, as well as on two suggestions concerning HIV-infected children formulated by the drafting committee on item 4 of the Conference agenda. The resulting consolidated draft was adopted by consensus.

On the morning of 14 September, the Third Committee examined the text submitted to it by the drafting committee, introduced a number of amendments and adopted the draft, as amended, by consensus.

On the afternoon of 14 September, Ms. J. Augustine (Canada) submitted the Third Committee's draft resolution to the 106th Conference, which adopted it by consensus (see page 25 for the text of the resolution).

- (d) Contribution of Parliaments to dealing with the continuing tragic situation in the occupied Arab territories, to the provision of international observers and monitors, and to the protection of the Arab Palestinian people, especially unarmed civilians (Item 6)

Having decided to add this item to its agenda, the Conference referred it to the First Study Committee (Political Questions, International Security and Disarmament) which, in keeping with the decision of the Conference Steering Committee taken in the light of the tragic events in the United States, did not hold a debate on the subject.

The Committee met briefly at the end of the morning of 12 September under its President, Mr. A.H. Hanadzlah (Malaysia), to appoint a drafting committee. It had before it a draft resolution submitted jointly by the delegation of Kuwait, the author of the initial proposal for a supplementary item, and the delegation of Egypt, draft submitted by the Islamic Republic of Iran and three amendments by the delegation of Canada to change the title of the item. The drafting committee appointed by the Committee following proposals by various regional groups was composed of delegates from the following countries: Algeria, Argentina, Benin, Cambodia, Canada, Egypt, France, India, Iran (Islamic Republic of), Israel, Morocco, Mexico and

Poland. The drafting committee met on the afternoon of that same day and began its work by electing Mr. Y. Tavernier (France) as President, and Mr. F. El-Baradei (Egypt) as rapporteur.

The drafting committee decided to take the draft resolution submitted by the delegations of Kuwait and Egypt as a basis for its work. It discussed the Canadian proposals to modify the title of the resolution and decided to reject one of them and accept another. The third proposal was referred to the Steering Committee for a decision on its admissibility.

The committee met the following day when it was informed that the Steering Committee had declared the proposed amendment to the title inadmissible. The Steering Committee had also confirmed that the delegate of Israel (who had had to leave the Conference) could not be replaced by a delegate from another country. The drafting committee subsequently prepared a consolidated text, which was approved with one abstention.

On the morning of 14 September, the First Committee began by hearing the report of Mr. F. El-Baradei. It then adopted two amendments to include new elements in the text and rejected another amendment to delete a paragraph. The draft resolution, as amended, was adopted by consensus. The delegation of Iraq then expressed

reservations as to the second preambular paragraph, while the delegation of the Islamic Republic of Iran expressed reservations on all paragraphs implying recognition of Israel. On the afternoon of that same day, the Rapporteur submitted the draft resolution at the final plenary sitting of the Conference, which adopted it by consensus after having declared inadmissible amendments submitted by Lebanon and Canada. After the adoption of the resolution, reservations were expressed by the delegation of the Islamic Republic of Iran (see page 30 for the text of the resolution).

(e) Condemnation of the terrorist attacks of 11 September 2001 on the United States of America (Item 7)

At its sitting on 12 September, the Conference decided to include this topic on its agenda as an emergency supplementary item. It then decided to refer it for consideration to the Conference Steering Committee.

At its sitting on the afternoon of 14 September, the Conference examined and unanimously adopted the draft resolution which had been submitted to it by the Steering Committee (see page 32 for the text of the resolution).

169th Session of the Council of the Inter-Parliamentary Union

The Council of the Inter-Parliamentary Union held its 169th session at the Ouaga 2000 Conference Centre on 10, 11, 13 and 14 September. The first three sittings were chaired by the President of the Council, Dr. N. Heptulla. In the absence of the President and the Vice-President, the last sitting was chaired by Mr. G. Versnick (Belgium), a senior member of the Executive Committee.

The sitting on 11 September was to have been devoted to a debate on reform of the IPU. Instead the Council heard a declaration of condolences and solidarity issued by the President of the Inter-Parliamentary Council following the terrorist attacks carried out that day on the territory of the United States of America.

The Council noted the written and oral reports by Dr. Heptulla on her activities and meetings since the

end of the 168th session in April 2001. The Council also noted an oral report by the President on the activities of the Executive Committee during its 234th (Geneva) and 235th (Ouagadougou) sessions. Moreover, the Council noted the written interim report of the Secretary General on the activities of the Union since its 168th session.

1. Membership of the Union

At its first sitting, the Council decided, on the recommendation of the Executive Committee, to reaffiliate the Parliament of Côte d'Ivoire to the Union.

As a result of that decision, the Union now comprises 142 Member parliaments and five international parliamentary assemblies as Associate Members (see page 18).

2. Reform of the Inter-Parliamentary Union

At its sitting on 13 September, the Council held a debate on the Executive Committee's preliminary proposals for reform of the structures and working methods of the IPU. Those proposals were presented on behalf of the Executive Committee by the two rapporteurs it had appointed for the purpose, Mr. M. Tjitendero (Namibia) and Mr. Versnick. Mr. Tjitendero outlined the general considerations, objectives and history of the process and the proposals before the Council, while Mr. Versnick presented the financial implications. A large number of delegates took part in the ensuing debate in which they addressed every aspect of the reform proposals.

The Council will hold a further debate on the subject at its next session in Marrakech in March 2002 on the basis of a further report of the Executive Committee which should reflect the views expressed during the Ouagadougou debate.

3. Cooperation with the United Nations System

At its first sitting, the Council took note of the written and oral report of the Executive Committee on cooperation between the Inter-Parliamentary Union and the United Nations. The Council was informed of the report of the United Nations Secretary-General dated 26 June 2001 (see page 33 for the text of the report) in which he recommended that the UN General Assembly consider granting a standing invitation to the IPU to participate in the sessions and work of the General Assembly and its subsidiary organs in what amounted to an observer capacity, and that it decide to allow for the circulation of IPU documents in the Assembly.

On the basis of subsequent consultations between the IPU and a large number of representatives of Member States at the United Nations in New York, the Executive Committee had prepared a draft United Nations General Assembly (UNGA) resolution to implement the recommendations of the UN Secretary-General's report (see page 36 for the full text of the draft resolution). The Council approved the text of the resolution and authorised the President of the Council and the Secretary General to forward it to Member States represented by their Parliaments on the IPU Executive Committee with a request that further consultations between Member States be based on that draft.

The Council also called upon all Members of the Union to contact their respective Ministries of Foreign Affairs to enlist the support of their country for an early adoption of this resolution.

At its second sitting, the Council was informed of a draft Council resolution submitted by the Twelve Plus Group that sought to clarify the nature of any contribution that the IPU might make to the United Nations, and the question of who could speak on behalf of the Organisation. As the draft resolution was submitted too late for prior consideration by the Executive Committee, the Council decided to refer it to the Committee and revert to the issue at its next session. At the same time, it instructed the Secretary General to accompany the draft UNGA resolution with a message clearly indicating that such matters would be decided by the Council before the IPU exercised the rights conferred upon the Organisation by its new status.

At its second sitting, the Council also took note of a report submitted by the Secretary General providing an overview of the current level and scope of operational cooperation between the IPU and the United Nations system (see page 37 for the full text of the report).

Finally, the Council took note of information documents provided by the United Nations Office in Vienna on drug control and combating transnational organised crime. The Council recommended that the IPU strengthen its cooperation with the UN Office in Vienna, particularly by promoting ratification and implementation of the UN Convention against Transnational Organised Crime.

4. Programme and Budget for the year 2002 and other Financial Matters

Programme and Budget

On 13 September, the Council considered the Executive Committee's proposals for the programme and budget of the Union for 2002, presented by Mr. Versnick, rapporteur of the Executive Committee. Mr. Versnick explained that in the prevailing situation of uncertainty with regard to the status in the IPU of the United States Congress, the Executive Committee's income forecasts for 2002 did not include an assessed US contribution to the budget for that year. The Executive Committee had also agreed that other members could not be asked to increase their contributions to compensate fully and

immediately for the absence of the US contribution to the tune of some 15% of the budget. Faced with that situation, the Executive Committee had felt that it would not be possible in 2002 to maintain the same level of activities as in 2001. It therefore proposed to hold a single statutory conference in 2002, thereby substantially reducing costs. Other proposals included reducing the budget for specialized meetings and publications, and the subvention to the Association of Secretaries General of Parliaments. It was also proposed that, as a cost saving measure, the Committee for Sustainable

Development should meet during the IPU Conferences instead of at the IPU headquarters. In a gesture of good will, the staff had volunteered to forego the cost-of-living adjustment of their salaries and allowances in 2002. The Executive Committee had studied the level of salaries and allowances of the IPU staff and had found that they were generally at the same level as those of other international organizations based in Geneva. Given the cost of living in Geneva, it was not surprising that the staff costs absorbed a large part of the budget.

Mr. Versnick said that the Executive Committee was proposing ad-hoc reductions pending a decision on the proposed reform of the IPU. With those reductions, the expenditure budget for 2002 would be 10% lower than the current year's. However, members contributions would increase by 5%. The Executive Committee had noted that introducing minimum reforms or implementing a normal programme of work under the current system in 2003 would require a 16% increase in the contributions in 2003. In order to spread that increase and to build up reserves, the Executive Committee proposed that the Council consider asking members to accept a further 5% increase in 2002.

A number of delegations took the floor and underlined the need to reduce costs as countries were experiencing increasing difficulty in meeting their membership dues to international organisations in the worsening economic situation. Several members expressed reservations about the additional proposal to increase the contributions by a further 5%, mainly for the reason that they had not had an opportunity to consult with their parliaments since no advance notice was given of the proposal.

At its sitting on 14 September, following a motion to keep that additional proposal in abeyance and to accept the budget as presented by the Executive Committee with a built-in increase of 5% in the contributions, the Council unanimously approved the budget and table of contributions proposed by the Executive Committee for the year 2002. (see pages 41 to 45).

Accounting practices

On the recommendation of the Executive Committee the Council decided to adopt the accrual basis of accounting in full in the future. The IPU had ceased to use accrual accounting for income accounting in 1993, on the suggestion of the

external auditor. The Council noted that full application of the accrual basis of accounting went hand-in-hand with the "going concern" assumption and the principle of capitalisation of costs of furniture and equipment and such costs that increased the value of fixed assets, and that the value of those assets should be depreciated over their useful life.

Construction of the new headquarters building

The Secretary General informed the Council of the progress made since the Havana session to proceed with the construction project. As approved by the Council in Havana, the total cost of the project was not to exceed SF. 11 million. The agreement for the SF. 9.5 million loan from the Swiss Federal Government to finance construction and renovation work had been signed. The Government of the Republic and the Canton of Geneva was providing the land freehold. IPU would have to purchase for renovation the building valued at SF. 1.1 million that stood on that land, and the Geneva Cantonal authorities would allow the Union to do so in 20 annual and interest-free instalments. There would also be a grace-period of 5 years before payments started. The Secretary General had approached several potential donors and there was good reason to believe that voluntary contributions would meet the balance of SF. 400'000 of the costs. The prices quoted by different suppliers and contractors and accepted by the Building Committee were to be binding. Under these conditions, the Secretary General had given the go-ahead for the major renovation and construction work to start on Monday, 17 September. The project should be completed within 15 months and the move to the new premises was expected in early 2003.

Overview of the Union's financial situation

The Council received a comprehensive report on the financial situation of the IPU which included a detailed description and projection of costs relating to the new headquarters building, and probable budgetary outlay up to 2008.

5. Recent specialised Conferences and Meetings

At its sitting on 14 September, the Council took note of the reports on the following recent specialised conferences and meetings:

- The Parliamentary Meeting on International Trade (Geneva, 8-9 June 2001) (for text of the Declaration adopted by the meeting see page 46);
- The Parliamentary Meeting on the occasion of the Third United Nations Conference on the Least Developed Countries (LDC-III) (Brussels, 14 May 2001);
- The Parliamentary session on the occasion of the 2nd Global Forum on Fighting Corruption (The Hague, 28 May 2001) (for text see page 47); and
- The Parliamentary Meeting on the occasion of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Durban, 2 September 2001) (for text of Declaration adopted by the meeting see page 48).

6. Reports of Plenary Bodies and Subsidiary Committees

At its sitting on 14 September, the Council, having decided to dispense with oral presentations for lack of time except in the case of the Committee on Human Rights of Parliamentarians, took note of the reports on the activities of the following plenary bodies and subsidiary committees during their sessions in Ouagadougou: the Meeting of Women Parliamentarians, the Meeting of Representatives of Parties to the CSCM Process, the Committee for Sustainable Development, the Committee on Middle East Questions, the Committee to Promote Respect for International Humanitarian Law, the Group of Facilitators for Cyprus, and the Gender Partnership Group. The Council then proceeded to fill the vacant positions on the different committees.

7. Human Rights of Parliamentarians

At its sitting on 14 September, Mr. M. Samarasinghe (Sri Lanka), Vice-President of the Committee on the Human Rights of Parliamentarians, reported to the Council on the work of the Committee at its 94th and 95th sessions which took place respectively in Geneva from 14 to 21 June 2001 and in Ouagadougou from 9 to 13 September 2001.

The Council then adopted without a vote resolutions concerning 138 serving or former MPs in the following 19 countries: Argentina, Belarus, Burundi, Cambodia, Colombia, Djibouti, Ecuador, Gambia, Guinea, Honduras, Indonesia, Madagascar,

Malaysia, Mongolia, Myanmar, Pakistan, Republic of Moldova, Sri Lanka and Turkey. (see pages 69 to 103).

8. Future Inter-Parliamentary Meetings

The Council approved the agenda of the 107th Inter-Parliamentary Conference to be held in Marrakech (Morocco) in March 2002 (see page 64) and the list of organisations invited to attend as observers. (see page 65).

The Council approved the holding of a parliamentary meeting on the occasion of the 4th WTO Ministerial Conference in Doha (Qatar) in November 2001 in cooperation with the European Parliament and other parliamentary assemblies. It gave its approval to the holding of an additional session of the Executive Committee (236th session) in Geneva in December 2001.

The Council approved the holding of a Parliamentary Meeting on the occasion of the Second World Assembly on Ageing (8-12 April) in the programme for 2002. It took note of the following meetings to be organised through extra-budgetary funding : (a) a Seminar for French-speaking Parliaments in Africa on "Parliament and the budgetary process, including from the gender perspective", organised under the Union's Technical Cooperation Programme, in cooperation with UNDP and the World Bank, Bamako (Mali) 1-3 November 2001 and (b) a similar Seminar for Asian Parliaments at a date and venue to be decided.

The Council granted sponsorship to the following events: a Conference on International Humanitarian Law for the Protection of Civilians During Armed Conflict in Africa to be organised by the African Parliamentary Union and held in Niamey (Niger) from 18 to 20 February 2002 at the invitation of the National Assembly of Niger; a Regional Conference on the issues of security, regional cooperation and combating international terrorism to be held in Bishkek (Kyrgyzstan) in 2002 at a date to be determined; and the Fifth Workshop of Parliamentary Scholars and Parliamentarians to be held in Oxfordshire (U.K.) from 3 to 4 August 2002.

The Council took note of the calendar of future meetings and other activities (see page 67).

235th Session of the Executive Committee

The Executive Committee held its 235th session in Ouagadougou on 6, 7, 11, 12, and 13 September 2001. The President, Dr. N. Heptulla, chaired the meeting. The following members and substitutes took part in the session: Mr. M. Al-Saqer (Kuwait), Mr. J. Arévalo (Guatemala), substituting for Mrs. Z. Rios-Montt Sosa, Mrs. S. Finestone (Canada), Mrs. V. Furubjelke (Sweden), Mr. J. Máspoli (Uruguay), substituting for Mr. W. Abdala, Mr. G. Nzouba-Ndama (Gabon), Mr. B. Ople (Philippines), Mr. M.P. Tjitendero (Namibia), Mr. G. Vernick (Belgium), and Mrs. T. Yariquina (Russian Federation). Mr. H. Gjellerod (Denmark) was present after 6 September. Mr. N. Enkbold (Mongolia), and Mr. I. Fjuk (Estonia) were unable to attend.

The proceedings of the Executive Committee were devoted to discussing and making recommendations on agenda items to be addressed by the Council of the Inter-Parliamentary Union which are covered elsewhere in this report. The other matters considered by the Executive Committee are summarised below.

The Committee reviewed the situation of the parliaments of Rwanda, the Republic of Congo, Burundi, and Angola which have transitional legislatures. The members noted the gradual progress in those countries towards the establishment of duly elected parliaments and asked the Secretary General to follow the developments. Regarding the transitional assembly in Rwanda, it noted that the IPU had organised a seminar in Rwanda to discuss gender aspects of the new Constitution, in conjunction with the Rwanda National Assembly.

The Committee also reviewed the situation with respect to the Democratic Republic of Congo. Communications had been received from the Constituent and Legislative Assembly of that country inquiring about the possibilities of affiliation to the Union; the Committee was of the opinion that it did not have all the requisites for membership.

The Committee continued its discussion of the use of the IPU logo. An official request for registration of the logo under the terms of Article 6^{ter} of the Paris Convention for the Protection of Industrial Property had been submitted to the World Intellectual Property Organisation (WIPO) which had told the IPU that it would proceed with the necessary notification for the protection of the name, acronym and emblem of the IPU.

It examined the matter of awards granted for work carried out on behalf of the Union and the question of nominations for the Nobel Peace Prize. It emphasised that no award should be accepted that was incompatible with the fundamental principles and objectives of the IPU as reflected in its Statutes and Rules, and concluded that since it was not itself a Nobel Peace laureate, the organisation as such was not entitled to make nominations for that Prize.

It reviewed a request for full membership status received from the European Parliament and the Central American Parliament, and instructed the Secretary General to hold further discussion of the issue with the interested parties and examine the possibility of offering multinational parliaments an enhanced status.

Meeting and Coordinating Committee of Women Parliamentarians

The Sixth Meeting of Women Parliamentarians took place on Sunday, 9 September 2001, with 113 men and women from the following 63 countries in attendance: Angola, Australia, Belarus, Botswana, Burkina Faso, Cambodia, Cameroon, Canada, China, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Czech Republic, Denmark, Egypt, Ethiopia, Finland, Gabon, Ghana, Guatemala, Guinea, Guinea-Bissau, Indonesia, Iran (Islamic Republic of),

Iraq, Israel, Italy, Jordan, Kenya, Lao Democratic People's Republic, Lebanon, Libyan Arab Jamahiriya, Lithuania, Mali, Mexico, Morocco, Namibia, Nepal, Netherlands, Niger, Nigeria, Norway, Philippines, Portugal, Republic of Korea, Romania, Russian Federation, South Africa, Sudan, Sweden, Switzerland, Togo, Tunisia, Uganda, Ukraine, United Republic of Tanzania, Uruguay, Venezuela, Yemen and Zimbabwe.

Following a brief address by the President of the Coordinating Committee of Women Parliamentarians, Mrs. V. Furubjelke (Sweden), the Meeting elected as its President Mrs. M.M Ouedraogo, Fourth Vice-President of the National Assembly of Burkina Faso, whose acceptance speech included a summary of the position of women in her country.

The President of the National Assembly of Burkina Faso, Mr. M. Traoré, then delivered a statement welcoming the participants, which was followed by a speech by the Council President. During the Meeting, the participants also had the honour of hearing Mrs. C. Compaoré, the First Lady of Burkina Faso, who assured the women parliamentarians of her support and wished every success to the work of the Conference, which was to take up two topics of particular importance for women: HIV/AIDS and the protection of children.

The Meeting heard the report on the work of the Coordinating Committee, presented by its President. It also took note of the report of the Gender Partnership Group, presented by its Rapporteur, Mr. M. Tjitendero. The two reports gave rise to a lively debate. The measures proposed by the Gender Partnership Group to facilitate women's participation in the Union's Meetings were discussed in detail, in conjunction with IPU reform. The Meeting of Women Parliamentarians expressed its support for the approach taken by the Gender Partnership Group while inviting the Coordinating Committee of Women Parliamentarians to examine closely the provisional report of the Group with a view to proposing changes.

In order to prepare the women's contribution to item 4 of the Conference agenda, entitled "*Protecting and caring for children, the driving force of future society*", the women MPs broke up into three working groups, each dealing with a specific sub-topic:

- Children's health with a special focus on HIV/AIDS and its consequences on their lives and futures; *Moderator*: Mrs. G. Mahlangu (South Africa); *Rapporteur*: Mrs. L. Madeiro Garcia (Mexico)
- Protecting children against exploitation and abuse; *Moderator*: Mrs. Y.I. Tan (Malaysia); *Rapporteur*: Mrs. N. Ghannouchi (Tunisia)
- Caring for children, their development and their future. *Moderator*: Mrs. O. Starrfelt (Norway); *Rapporteur*: Mrs. N. Moawad (Lebanon)

Following the delivery of the reports of the three groups, their respective Rapporteurs, the General Rapporteur - Mrs. S. Finestone (Canada) - the President of the Meeting and the President of the Coordinating Committee prepared a resolution which was submitted to the Second Study Committee on behalf of the Meeting of Women Parliamentarians.

Within the framework of IPU action to strengthen the parliamentary dimension of UN efforts to promote partnership between men and women, the Coordinating Committee of Women Parliamentarians informed the Meeting that it had been asked to give its advice on the text of a draft Handbook for MPs on the Convention to Eliminate All Forms of Discrimination Against Women and its Optional Protocol, a booklet produced with the support of the United Nations Division for the Advancement of Women.

Also taken up were other initiatives scheduled to take place during the week, including the panel discussion on "Violence against women: Female genital mutilation".

Lastly, the Meeting of Women Parliamentarians expressed its gratitude to Mrs. S. Finestone, the founder of the Coordinating Committee, whose parliamentary mandate was shortly to be completed.

The Coordinating Committee of Women Parliamentarians met on 9, 10 and 14 September with Mrs. V. Furubjelke in the chair. The sitting of 9 September served to prepare and facilitate the work of the Meeting of Women Parliamentarians. The meeting of 10 September was devoted to analysing the report of the Gender Partnership Group and to expressing views and making suggestions to the Group. At its sitting of 14 September, the Committee assessed the outcome of the Ouagadougou Meetings from the women's standpoint and decided that, in Marrakech, the Meeting of Women Parliamentarians would focus its work on the subject item "*The role of parliaments in developing public policy in an era of globalisation, multilateral institutions and international trade agreements*". It also proposed that a panel be held during the Marrakech statutory Conference on the subject of "*The worst forms of child labour*" and, if possible, a panel on a subject linked to the Conference subject item "*Ten years after Rio: global degradation of the environment and parliamentary support for the Kyoto Protocol*". Finally, the

Committee discussed the organisation of the elections to be held in Marrakech for all of its

regional representatives, both titular and alternate.

Subsidiary Bodies and Committees of the Council of the Inter-Parliamentary Union

1. Meeting of Representatives of the Parties to the CSCM Process

On the occasion of the Ouagadougou Meetings, the representatives of the parties to the process of the Inter-Parliamentary Conference on Security and Cooperation in the Mediterranean (CSCM) held their 19th meeting on Wednesday, 12 September 2001, with Mr. M. Vauzelle (France), in the chair. The session was attended by:

- Representatives of the following main participants: Algeria, Cyprus, Egypt, France, Greece, Italy, Jordan, Malta, Morocco, Portugal, Slovenia, Tunisia and Turkey;
- Representatives of the following associate participants: (i) Russian Federation and United Kingdom; (ii) Palestine; and (iii) Arab Inter-Parliamentary Union, Assembly of the Western European Union, and the Maghreb Consultative Council.

The session was preceded by a meeting of the CSCM Coordinating Committee, held the previous day, which Mr. Vauzelle also chaired and which was attended by the representatives of Algeria, France, Italy, Malta, Morocco, Slovenia and Tunisia. Absences were as follows: the representatives of the Parliament of Spain (not represented at the Conference) and the Syrian Arab Republic, and the representative of the Mediterranean Women Parliamentarians' Task Force, who along with her substitute, was absent from the Conference.

The two meetings took place in a spirit of dialogue and were marked by a shared and strongly asserted desire to consolidate the CSCM process.

Having examined the various initiatives, particularly those of a parliamentary nature, aimed at promoting security and cooperation as well as partnership in the Mediterranean, the participants agreed primarily on the following:

- To hold their twentieth session on 20 March 2002, in conjunction with the Marrakech Meetings.

- To postpone until that session the detailed study of the consolidated draft instrument relating to the creation over the long term of a Parliamentary Assembly of Mediterranean States which they had before them. As the parties to the process will have had time to study the draft with all due attention by then, it could be finalised and endorsed at that stage.
- To include on the agenda of the twentieth Meeting in Marrakech the following topic: *Regional cooperation - The question of direct investment and the debt problem*. To help the Meeting examine the issue in depth, the participants agreed that the parties to the process would send to the Secretary General, during the month preceding the Meeting, substantive communications for circulation in advance to all other parties. The debate would, as far as possible, be launched by experts representing the different backgrounds in the Mediterranean.
- To give priority to questions relating to the follow-up to the Final Document of the Third CSCM, which constitutes a comprehensive and relevant document for consolidating Mediterranean partnership.
- To request the Secretary General to explore the possibility of rearranging the programme of Inter-Parliamentary meetings so that the Meeting of Parties to the CSCM Process has more time for its deliberations.
- To consider convening more frequently than in the past - for example every three years - the Conference on Security and Cooperation in the Mediterranean.
- To note the decisions of the CSCM Coordinating Committee not to act upon a request by the Parliament of Israel to be represented on it, and to include the question of its composition on the agenda of its next session.

2. Committee on the Human Rights of Parliamentarians

The Committee held its 95th session from 9 to 13 September 2001 in Havana. The session was chaired by Mr. J. P. Letelier (Chile), President of the Committee, with the participation of Mr. M. Samarasinghe (Sri Lanka), Vice-President of the Committee, Mr. M. Ousmane (Niger), and Mrs. A. Clywd (United Kingdom), titular members. Mrs. V. Nedvedová (Czech Republic) and Mr. S. Sirait (Indonesia) participated in the session in their capacity as substitute members.

The Committee held six *in camera* meetings during which it studied 56 cases concerning 209 serving or former parliamentarians from 38 countries in all regions of the world. Taking advantage of the presence in Ouagadougou of delegations from several of the countries concerned, the Committee conducted 16 *in camera* hearings. In addition, the Committee asked its members individually to seek information from other delegations attending the 106th Conference regarding several cases before it.

The Committee examined four new cases from three countries; after thoroughly examining the allegations and information submitted to it, it declared three of them admissible. It decided to submit to the Council a report and recommendations on a total of 24 cases concerning 138 serving or former members of Parliament in the following 19 countries: Argentina, Belarus, Burundi, Cambodia, Colombia, Djibouti, Ecuador, Gambia, Guinea, Honduras, Indonesia, Madagascar, Malaysia, Mongolia, Myanmar, Pakistan, Republic of Moldova, Sri Lanka and Turkey. One case in Madagascar was brought to the attention of the Council for the first time. The Committee recommended that the Council close one case regarding five parliamentarians from Argentina, one regarding four parliamentarians from Cambodia, one regarding three parliamentarians from Djibouti, one regarding seven parliamentarians from Guinea and one regarding one parliamentarian from the Republic of Moldova.

3. Committee for Sustainable Development

The Committee for Sustainable Development held a brief meeting in Ouagadougou that was attended by all titular and substitute Committee members present at the 106th Conference. Under the Chairmanship of Mr. P. Günter (Switzerland), Mrs. J. Seitlová (Czech Republic), Mr. K. Isaev

(Kyrgyzstan), titular members, and Mr. T. Colman (United Kingdom) and Mr. M. Sani (Ethiopia), substitute members, examined all activities relating to sustainable development which will be undertaken by the Inter-Parliamentary Union in the months to come and in 2002. The Committee first noted that a fourth round table of parliamentarians on the Convention to Combat Desertification would be held in Geneva on 4 and 5 October 2001, under the auspices of the Convention Secretariat and on the occasion of the fifth Conference of Parties to the Convention.

With regard to the parliamentary contribution to the "*World Food Summit: Five Years After*", the Committee proposed amendments to the draft message prepared jointly by the FAO and IPU secretariats for submission to the Council. In addition to the Summit message, there would also be a half-day parliamentary meeting on the occasion. The Committee also examined a document on the Right to Food written specifically for MPs by the Special Rapporteur on the Right to Food to the UN Commission on Human Rights. The Committee agreed to forward comments on this document to the Secretariat in the coming months so that it could be finalised in the form of a handbook for parliamentarians in time for the 107th Conference.

The Committee members took note of the latest preparations for the parliamentary contribution to the International Conference on Financing for Development (Monterrey, Mexico, 18-22 March 2002) and proposed that the Union's contribution take the form of a declaration, of which a preliminary draft could be prepared by the Secretariat then forwarded to the Committee members to enable them to finalise it by email before the Conference. The text of this message would be submitted to the Council at its session in Marrakech, in March 2002.

The Committee then took up the parliamentary contribution to the World Summit on Sustainable Development (Johannesburg, South Africa, 2-11 September 2001). The members felt that the Inter-Parliamentary Union should definitely be represented at that major UN meeting and proposed that a parliamentary meeting be staged with the help of the South African Parliament. In preparation for that meeting, the Committee members wholeheartedly supported the proposal to include on the agenda of the 107th Conference an item on efforts to combat global warming and on ratification of the Kyoto Protocol. It further felt it useful to

organise on that occasion a half-day presentation on "*Climate change, eradication of poverty and sustainable development*" which UNDP proposes to organise with the IPU on the fringe of the Marrakech Conference. Lastly, the members were informed that the UN would hold the Second World Assembly on Ageing, in April 2002 in Madrid, and approved the idea of staging a parliamentary day hosted by the Spanish Parliament.

4. Committee on Middle East Questions

The Committee met on 10 and 13 September with Mr. Y. Tavernier (France), in the chair. The other titular members present were Mr. R. Ahouadjinou (Benin), Rapporteur, Mrs. P. Chagsuchinda (Thailand), Mrs. O. Starrfelt (Norway) and Mr. S. El-Alfi (Egypt).

The Committee took note of the oral statements made by the delegations of Israel and Palestine while regretting the fact that at the 106th Conference, the two delegations had not been able to meet and resume a direct dialogue under the Committee's auspices. Nevertheless, it expressed the hope that such a meeting would take place at the Marrakech Conference.

The Committee also stressed the need to hold a meeting with the President of the Palestinian Legislative Council, Mr. Ahmed Qurie "Abu Ala" and the Speaker of the Knesset, Mr. Avraham Burg. This meeting was proposed during the Committee's on-site mission in early June 2001 (see report on page 49), and the invitation was accepted by the two parties on the condition that it be held outside the region. To date, no such meeting has been held and the Committee proposed that it take place in the autumn.

5. Committee to Promote Respect for International Humanitarian Law

The Committee, which is composed of the three officers of the Second Committee, met on 10 and 12 September, with its President, Mrs. B. Mugo (Kenya), in the chair (for the text of the Committee's report, see page 51)

6. Group of Facilitators for Cyprus

With the support of the Group, the delegation of the Republic of Cyprus to the Conference (composed this time of a single MP) and the representatives of four political parties of northern Cyprus engaged in a dialogue on 12 September on the basis of equality. They agreed to hold a further meeting at the forthcoming statutory Conference in Marrakech, in March 2002.

7. Gender Partnership Group

The Gender Partnership Group met on 6 and 7 September. On 8 September, it submitted to the Executive Committee a preliminary version of its report to the Council. At the request of the Executive Committee, the report was then brought to the attention of the women MPs at their Meeting on 9 September, then submitted to the Coordinating Committee of Women Parliamentarians on 10 September for its advice. After noting the changes suggested by the Coordinating Committee, the Gender Partnership Group approved them on 12 September. The final report was then presented to the Council on 14 September. (See page 56 for text).

Other events

1. Panel on "Violence against women: Female genital mutilation"

This discussion panel took place on Wednesday, 12 September 2001. The purpose of the session was to explain the various forms of female genital mutilation, a traditional practice which concerns millions of girls and women in over thirty countries, and to make parliamentarians aware of the importance of eliminating it while showing due respect for cultures and individuals. The session,

opened by the President of the Council of the Inter-Parliamentary Union, aroused a great deal of interest, evinced both by the large turn-out of women and men MPs, especially from Africa, and by the intensity of the debate, which was moderated by the President of the National Assembly of Burkina Faso. Various leading figures from Burkina Faso, African women MPs and the President of the Coordinating Committee of Women Parliamentarians participated in the programme. At the close of the Panel, there was a consensus on the

need to go further. A wealth of suggestions for action at the national, sub-regional and international levels were made. With regard to those recommendations that directly concern parliaments and the IPU, the following were especially worthy of note:

In National Parliaments

- Adopt legislation aiming at preventing, combating and punishing female genital mutilation, and plan for awareness building campaigns and educational programmes
- Allocate public funds to support programmes, institutions and NGOs aiming at combating female genital mutilation
- Closely oversee the action of the Executive branch in this area.

Within the framework of the Inter-Parliamentary Union

- Set up a think tank of men and women MPs from both the countries where these traditional practices are still routine and countries of emigration for their nationals, in order to exchange information on legislation,

programmes and good practices to be promoted in response to this complex phenomenon. The work of this think tank could be coordinated within the African Group.

- Invite the Secretary General of the Inter-Parliamentary Union to ask member parliaments to forward the texts of any laws adopted on this subject and ensure distribution of these texts to those concerned.
- Invite the Inter-Parliamentary Union to help develop a database on the question.

2. Information and consultation session for delegations on the preparation of a parliamentary handbook on *Parliamentary oversight of the security sector: instruments and good practices*

The Deputy Director of the Centre for Democratic Control of Armed Forces (DCAF) and the IPU Assistant Secretary General gave a presentation to delegates on progress made in preparing a joint handbook that had been approved in principle by the IPU governing bodies in Havana.

Elections and Appointments

1. Office of President of the 106th Inter-Parliamentary Conference

Mr. M. Traoré, President of the National Assembly of Burkina Faso, was elected President of the Conference.

2. Executive Committee

The Executive Committee elected Mr. M. Tjitendero (Namibia) as its Vice-President for the following year.

The Council elected Mr. Y. Tavernier (France) and Mr. I. Ostash (Ukraine) to the Executive Committee for four-year terms until September 2005.

3. Study Committees of the Inter-Parliamentary Conference

The Second Committee (Committee on Parliamentary, Juridical and Human Rights Questions), re-elected Mrs. B. Mugo (Kenya) as

President and re-elected Mr. J. McKiernan (Australia) and Mr. R.H. Vazquez (Argentina) as Vice-Presidents for a one-year term.

The Third Committee (Committee on Economic and Social Questions) re-elected Mr. E. Gudfinnsson (Iceland) as its President and elected Mr. J-K. Yoo (Republic of Korea) and Mrs. H. Al-Homsi (Syrian Arab Republic) as Vice-Presidents for one-year terms.

4. Committee for Sustainable Development

The Council elected Mr. T. Colman (United Kingdom) to a four-year term as titular member of the Committee until September 2005 and Mr. A. Hasan (Indonesia) as substitute member until the expiry of his predecessor's term in October 2002.

5. Committee on the Human Rights of Parliamentarians

The Council elected Mrs. V. Nedvedová (Czech Republic) as titular member of the Committee for a five-year term and Mr. I. Cutler (Canada) as substitute member for a five-year term until September 2006.

6. Committee on Middle East Questions

The Council elected Mr. T. Hadjigeorgiou (Cyprus) as titular member of the Committee to a four-year term until September 2005.

7. Coordinating Committee of Women Parliamentarians

The Meeting of Women Parliamentarians elected Mrs. Y. Grigorovich (Belarus) to the Coordinating

Committee as titular regional representative for the Eurasia Group until March 2002.

8. Auditors for the 2001 accounts

The Council appointed Mr. N. Enkhbold (Mongolia) and Mr. O.R. Rodgers (Suriname) as Auditors for the 2001 accounts.

9. Secretary General of the Inter-Parliamentary Union

The Council appointed Mr. A.B. Johnsson (Sweden) as Secretary General of the Inter-Parliamentary Union for a further four-year term from 1 July 2002 to 30 June 2006.

Membership of the Union as of 14 September 2001

Members (142)

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Samoa, San Marino, Sao Tome and Principe, Senegal, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe

Associate Members (5)

Andean Parliament, Central American Parliament, European Parliament, Latin American Parliament, Parliamentary Assembly of the Council of Europe

Resolutions, Decisions and Votes of the 106th Inter-Parliamentary Conference

PROTECTING AND CARING FOR CHILDREN, THE DRIVING FORCE OF FUTURE SOCIETY

*Resolution adopted by consensus by the 106th Conference
(Ouagadougou, 14 September 2001)*

The 106th Inter-Parliamentary Conference,

Recognising that inadequate protection of children and violations of their rights are caused or aggravated by poor economic conditions, poverty, unemployment, increasing international organised crime, lack of education, inadequate legislation or law enforcement, armed conflict and natural disasters, as well as insufficient democratic structures,

Reaffirming the belief that children are the driving force of present day and future society, and that it is the duty of parliaments and parliamentarians to safeguard and protect their most basic rights,

Aware that poverty, hunger and disease are impediments to education and development,

Reaffirming the commitment by all States to break the cycle of poverty within a single generation,

Recalling the 1989 UN Convention on the Rights of the Child and its Optional Protocols, the Declaration and Plan of Action for the Survival, Protection and Development of Children (1990), the Vienna Declaration and Programme of Action on Human Rights (1993), and the Beijing Platform for Action (1995),

Concerned that the UN Convention on the Rights of the Child has not been fully implemented and that not all States have ratified it,

Recognising the important work carried out by international organisations in promoting children's rights, especially the United Nations, UNICEF, UNESCO, ILO and the International Red Cross and Red Crescent Movement,

Expressing concern that economic globalisation and the rapid development of the information society could increase poverty and widen the knowledge gap between and within countries,

Stressing that international solidarity and cooperation are crucial to the well-being of all children of the world, and to the fulfilment of their rights,

Reiterating the IPU's deep concern over embargoes and other sanctions which inflict unwarranted suffering on the people of the countries affected, particularly women and children,

Reaffirming the IPU resolutions and actions to promote the rights of the child,

Protecting children's rights

1. *Urges* States that have not yet ratified the 1989 UN Convention on the Rights of the Child to do so as a matter of priority, and, along with those countries which have ratified the Convention, to implement fully the obligations it entails; to incorporate fully such commitments into their

domestic law and to prepare a precise plan of action with the requisite budgetary resources in order to attain the goals of the Convention within a reasonable time;

2. *Encourages* States to cooperate with and assist the UN Committee on the Rights of the Child, and other UN bodies or agencies, as well as non-governmental organisations, which have specific responsibilities to protect children's rights;
3. *Calls on* States to consider the appointment of a special ombudsman for children with the necessary independence and powers to act effectively, and to ensure that their recommendations and those of similar institutions are enforced by relevant authorities;
4. *Urges* the international community to take immediate action to lift embargoes and other sanctions which have negatively affected children in different parts of the world, with special emphasis on severe situations;
5. *Recommends* that States spare no effort in promoting and supporting the family and local community in guaranteeing the rights of children to development, protection and education;
6. *Calls on* States, when taking decisions that affect children, to take into account the views of the children themselves in order to protect their best interests and attempt to analyse and evaluate all the consequences of such decisions in a systematic fashion;

Poverty

7. *Reaffirms* parliaments' commitment to contribute, at national and international levels, to breaking the cycle of poverty within a single generation, in order to nurture children in a safe environment in which they can be physically healthy, mentally alert, emotionally secure, socially competent and able to learn;

Discrimination

8. *Urges* States to take appropriate measures to prevent, combat and eliminate all forms of discrimination against children on the basis of race, colour, sex, language, religion, national, ethnic or social origin, descent, economic status, disability or because their situations make them vulnerable (migrant, refugee and internally displaced children);

The girl child

9. *Calls on* all States to take the necessary measures, including legal reforms where appropriate, to ensure the full and equal enjoyment by the girl child of all human rights and fundamental freedoms, to take effective actions against violations, such as sexual abuse and female genital mutilation, and to develop programmes and policies for the girl child that place her on an equal footing with the boy child;
10. *Urges* governments and parliaments to take all appropriate measures, including enacting laws, to end the persisting violation of the girl child by female genital mutilation;

Disabled children

11. *Calls on* all States:
 - (a) To take all necessary measures, including appropriate budgetary allocations, to ensure the full and equal enjoyment of all human rights and fundamental freedoms by children with disabilities;

- (b) To develop and enforce legislation with a view to ensuring dignity, prosperity and self-reliance for disabled children so as to facilitate their active participation in the community, including adequate and effective access to appropriate high-quality special education;

Health

- 12. *Calls on* all States to take all appropriate measures to guarantee a safe and healthy start in life for all children, by providing access to effective, equitable and sustainable primary health-care systems in all communities, ensuring access to information and referral services, adequate water and sanitation services, tackling major causes of malnutrition and promoting a healthy lifestyle among children and adolescents;
- 13. *Urges* States to ensure that particular emphasis is placed on the prevention of HIV infection in children, to provide support and rehabilitation to infected children and their families as well as orphans, preferably within their community, and to ensure that all necessary measures are taken to protect them from all forms of discrimination;

Education

- 14. *Calls on* all States:
 - (a) To recognise the right to education on the basis of equal opportunity by making basic education compulsory and free, and ensuring that all children, regardless of gender, have access to it, and make secondary education available and accessible to all;
 - (b) To invest substantially in the education of children and to guarantee that educational materials are free of charge;
 - (c) To provide children with adequate training to cope with the demands of the global information society, including through cooperation, coordination and the exchange of experiences between countries;

Torture/violence

- 15. *Calls on* all States:
 - (a) To take all necessary measures to protect children from torture, attack, displacement and other cruel, inhuman or degrading treatment or punishment, and all forms of violence, including physical, mental and sexual abuse, abuse by police and other law enforcement authorities, or by employees in juvenile detention centres, orphanages, child-care institutions and others, as well as from violence in the street, schools and the home;
 - (b) To investigate and prosecute in cases of torture and other forms of violence against children in order to ensure that those responsible for such offences receive appropriate disciplinary or penal sanctions;
- 16. *Urges* all States that have not ratified the UN Convention Against Torture to do so in order to universalise the prohibition of torture in international law;

Child labour

- 17. *Calls on* all national parliaments, governments and the international community:
 - (a) To translate into concrete action their commitment to the progressive and effective elimination of child labour that is likely to be hazardous, interfere with the child's

education or be harmful to the child's health or physical, mental, spiritual, moral or social development, and to the immediate elimination of the worst forms of child labour;

- (b) To this end, to promote education as a key strategy, and devise economic policies, where necessary in cooperation with the international community, that address factors contributing to these forms of child labour;

- 18. *Calls on* all States that have not yet ratified ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour and Convention No. 138 concerning the Minimum Age for Admission to Employment to do so and to incorporate them into their national legislation;

Sexual exploitation and trafficking of children

- 19. *Calls on* all States:

- (a) To criminalise and effectively penalise all forms of sexual exploitation and abuse of children, including within the family or for the purposes of commerce, child pornography and child prostitution, or child sex tourism and the related use of the Internet, with a view to ensuring that child prostitution and pornography are unequivocally condemned and eliminated throughout the world;

- (b) To take all appropriate national, bilateral and international measures to develop laws, policies, programmes and practices to ensure the effective implementation of international instruments for preventing and combating the trafficking and sale of children for any purpose or in any form;

- 20. *Urges* all governments and parliaments to promote and ensure the speedy signing and ratification of the UN Convention against Transnational Organized Crime and its Related Protocol against Trafficking in Persons, especially Women and Children (2000);

- 21. *Calls on* all States that have not yet ratified the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2000) to do so;

Children in armed conflicts

- 22. *Urges* States to take all appropriate measures:

- (a) To foster a culture of peace and non-violence, in particular among children and young people, in observance of the UN International Decade for a Culture of Peace and Non-Violence for the Children of the World, 2001-2010;

- (b) To protect children and their families during armed conflicts, in accordance with international humanitarian law, and to give priority to children in processes to restore peace and in post-war rehabilitation programmes;

- (c) To ensure that persons under the age of 18 are not recruited into their armed forces, and that members of the armed forces and armed groups are under the age of 18 do not take a direct part in hostilities, either in international or internal conflicts, and to consider the enforcement of such participation as a war crime;

- 23. *Exhorts* all States and other parties to armed conflicts to end the use of child soldiers, ensure their demobilisation and effective disarmament and implement measures for their rehabilitation, physical and psychological recovery and reintegration into society;

24. *Calls on* all States that have not yet ratified the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (2000) to do so;
25. *Urges* all States to take all appropriate measures to prevent the diversion to armed conflict of scarce economic resources that would otherwise have been used to provide for and sustain the basic rights of children;

Juvenile justice

26. *Calls on* all States to take appropriate steps in accordance with the UN Beijing Rules and Riyadh Guidelines:
 - (a) To ensure compliance with the principle that children should be deprived of their liberty only as a measure of last resort and for the shortest appropriate period of time, in particular before trial, and to ensure that, if they are arrested, detained, or imprisoned, children are separated from adults;
 - (b) To ensure that no child in detention is sentenced to forced labour or deprived of access to and provision of health-care services, hygiene and environmental sanitation, education and basic instruction, taking into consideration the special needs of children with disabilities;
 - (c) To promote law enforcement and separate juvenile justice systems with specially trained staff that fully safeguard child rights and seek children's reintegration into society;

Street children

27. *Calls on* all States, including through international cooperation:
 - (a) To prevent and abolish arbitrary and summary executions, torture, all forms of violence against and exploitation of children working and/or living on the street, and other violations of their rights, and to bring the offenders to justice;
 - (b) To adopt and implement policies for the protection, rehabilitation and reintegration of these children, and to adopt economic and social remedies to the problems of children working and/or living on the street;
 - (c) To protect refugee children, unaccompanied children seeking asylum and internally displaced children, who are particularly exposed to risks in connection with armed conflict, such as recruitment, sexual violence and exploitation;
 - (d) To pay particular attention to programmes for voluntary repatriation and, wherever possible, local integration and resettlement, to give priority to family tracing and reunification and, where appropriate, to cooperate with international humanitarian and refugee organisations;

IMPLEMENTATION AND FOLLOW-UP

The world parliamentary community represented by the IPU pledges, in the light of the forthcoming UN General Assembly Special Assembly on Children, to take appropriate measures with a view to ensuring effective promotion and protection of the rights of the child. In this connection, the IPU urges all parliaments to take action, at national and international level:

- (a) To establish and/or strengthen the relevant legislative framework;

- (b) To ensure that adequate financial and other resources are allocated to the promotion and protection of the rights and well-being of children and to see to it that they are utilised in the most efficient and transparent manner;
 - (c) To legislate in order to bring pressure to bear on their respective governments and all interested parties, to prevent the transfer abroad of funds illegally acquired by corrupt leaders and, where such transfers have taken place, to ensure repatriation to their countries of origin, so that they may be allocated to programmes for the promotion of children's welfare;
 - (d) To institute mechanisms within the IPU for the monitoring, analysis, evaluation and exchange of information on parliamentary action in the context of the promotion and protection of children's rights, in accordance with the UN Convention on the Rights of the Child.
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**URGENT ACTION TO COMBAT HIV/AIDS AND OTHER PANDEMICS WHICH
SERIOUSLY ENDANGER PUBLIC HEALTH, AND ECONOMIC, SOCIAL AND
POLITICAL DEVELOPMENT AND EVEN THREATEN THE SURVIVAL
OF MANY NATIONS**

*Resolution adopted by consensus by the 106th Conference
(Ouagadougou, 14 September 2001)*

The 106th Inter-Parliamentary Conference,

Recalling its previous resolutions on the subject of HIV/AIDS, *drawing attention* to World Health Assembly resolution 54/10 of 21 May 2001 entitled "Scaling up the response to HIV/AIDS", and *referring* to the "Handbook for Legislators on HIV/AIDS, Law and Human Rights", published in autumn 1999 thanks to the close cooperation between the IPU and the Joint United Nations Programme on HIV/AIDS (UNAIDS),

Deeply concerned about the devastating health, economic and social impact of HIV/AIDS, given that 95% of all persons with HIV live in developing countries and that almost 5.3 million new cases of infection were recorded in 2000, an increasing number of which concern women, and especially young women,

Convinced that public education is an essential factor in the prevention of infection as a long-term solution to pandemics,

Alarmed by the connection between HIV infection and economic and political instability, especially in the light of the following:

- (a) The World Health Organization (WHO) anticipates that in southern Africa, rather than increasing, average life expectancy will decrease to 43 years over the next decade, a drop of 17 years,
- (b) AIDS has generated a grave crisis which has a profound impact on societies and their development, causing the breakdown of the family nucleus, leaving millions of children orphaned (there are estimated to be around 9 million "AIDS orphans" worldwide) and depriving growing sections of the population of their livelihood,
- (c) Health systems in the developing countries are already stretched to the limit and are unable to cope with AIDS and the infectious diseases with which it is associated,
- (d) The close link between AIDS and poverty makes it imperative that poverty reduction be an integral part of reducing vulnerability to HIV and reducing the impact of AIDS,
- (e) Infectious diseases also deplete the labour force, delay economic development and increase poverty in developing countries, and have an extremely serious effect on economic and social development,

Observing that AIDS is behind the spread of other infectious diseases, such as malaria and tuberculosis, and that mortality rates for these diseases are rising,

Considering that malaria is also spreading independently of AIDS, due to the fact that pathogens are becoming increasingly drug-resistant, the disease carriers have developed a resistance to many insecticides, and global warming favours the appearance of the disease in countries hitherto spared,

Recognising the contribution of Red Cross and Red Crescent volunteers, of volunteers provided by other agencies, community organisations and associations of persons living with AIDS to turning back the tide of AIDS, and *recalling* the IPU's commitment to support and strengthen the volunteer movement, as outlined in the resolution of the 105th IPU Conference in Havana,

Considering that although the use of anti-retroviral combination therapies can successfully delay the progression of HIV infection for many years and that these medicines have already reduced the AIDS mortality rate in Europe and the USA by 75 per cent, millions of infected persons, especially in Africa, cannot afford these treatments,

Taking into consideration the fact that under Article 31 of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement), countries may pass national legislation allowing the use, under certain precisely defined circumstances, of a patented product without the authorisation of the rights holder,

Deeply concerned that the pharmaceutical industry generally invests very little in researching and developing new medicines against tropical diseases (between 1975 and 1997, for example, 1,223 new medicines were put on the market, yet only 13 of them were designed to treat tropical diseases),

Reaffirming the principles set out in the Global Strategy Framework for HIV/AIDS endorsed by the UNAIDS Programme Coordinating Board and the World AIDS Strategy adopted by the WHO and endorsed by the UN General Assembly, the main goals of which are preventing HIV infection, reducing the effects of infection on individuals and society, and mobilising and pooling national and international efforts to combat AIDS,

Recognising the urgent need for a coordinated and sustained response to the epidemic,

Convinced of the need to work on a global scale to ensure that despite overstretched public budgets, no effort is spared to reduce, as far as possible, the number of new infections,

1. *Calls on* all parliamentarians to step up their efforts to establish effective national and international AIDS policies and programmes which are specifically tailored to the needs of the various target groups, and to take account of gender issues and cultural and religious sensitivities. These policies should include prevention measures such as public information, education and support for behaviour change, including the use of condoms, measures to counter discrimination and the provision of care and support to affected persons, including orphans;
2. *Urges* the international community to complement and supplement efforts of developing countries that commit a larger portion of national funds to fighting the HIV/AIDS epidemic, through increased international development assistance and projects focusing on human and material resources, particularly physicians and health professionals, and on medical equipment;
3. *Calls on* the countries represented at the Union to strengthen partnerships and cooperation with regard to the exchange of experience and best practices and the transfer of relevant environmentally friendly technologies for the prevention and treatment of HIV/AIDS, and to take the necessary steps to implement the Declaration of Commitment on HIV/AIDS "Global Crisis - Global Action" adopted at the UN General Assembly Special Session on HIV/AIDS in June 2001;
4. *Urges* the pharmaceutical industry to reduce the prices of medicines, above all in the developing countries, to waive its monopoly on production and marketing as part of a re-negotiation of the TRIPS Agreement on intellectual property, and to participate directly in the financing of measures to combat AIDS and contribute to the funding of research, especially into the development of vaccines;

5. *Calls on States, pharmaceutical companies and the scientific community to give greater priority to researching the diseases which are prevalent in developing countries, in particular HIV/AIDS, which, despite its dramatic consequences, receives only 0.5 per cent of health budgets, and urges governments to launch joint vaccine research programmes on HIV/AIDS, malaria and other infectious diseases, and earmark additional funding for existing programmes;*
 6. *Reminds the governments of the African countries of their obligation to draw on the positive experiences gained in the development of confidential voluntary counselling and testing as preventive measures by persuading relevant persons in associations and religious and cultural organisations of the need for cooperation, and to allocate at least 15 per cent of national budgets to health and education, in accordance with the decisions of the OAU Abuja Summit of April 2001;*
 7. *Calls on all governments to give human rights precedence over trade rights, to incorporate them into trade rules, and to take account of human rights standards in the WTO TRIPS Agreement, and urges them to ensure the protection of human rights by drawing on the "UN Guidelines on HIV/AIDS and Human Rights", and on the ILO "Code of Practice on HIV/AIDS and the World of Work";*
 8. *Urges all States to ensure access to health services and affordable drugs, and to education and social services for HIV-infected children, and invites them to give special attention to children whose parents have died of AIDS and to take initiatives to prevent them from being stigmatised;*
 9. *Calls for special attention to be given to the prevention of HIV, particularly with regard to mother-to-child transmission and victims of rape, including informed consent and voluntary and confidential testing, counselling and treatment, by ensuring access to care and improving the quality and availability of affordable drugs and diagnostics, especially anti-retroviral therapies, and by building on existing efforts, with special attention to breastfeeding;*
 10. *Urges governments to grant due recognition and support to the "International Partnership against AIDS in Africa" as a framework for action against AIDS in Africa, as well as to the Global Fund against AIDS, launched by the United Nations Secretary-General during the United Nations General Assembly Special Session on HIV/AIDS in June 2001;*
 11. *Invites governments and all other concerned parties to make better use of modern information and communication technologies with a view to establishing a global network of information resources on HIV/AIDS and on experience accumulated in combating this pandemic.*
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**Results of roll-call vote on the request of the delegation of Kuwait
(on behalf of the Arab Group Members of the IPU) for the inclusion of a
supplementary item entitled**

**"CONTRIBUTION OF PARLIAMENTARIANS TO DEALING WITH THE CONTINUING TRAGIC SITUATION IN THE
OCCUPIED ARAB TERRITORIES, TO THE PROVISION OF INTERNATIONAL OBSERVERS, AND TO THE PROTECTION
OF THE ARAB PALESTINIAN PEOPLE, ESPECIALLY UNARMED CIVILIANS"**

Results

Affirmative votes	728	Total of affirmative and negative votes ...	930
Negative votes.....	202	Two-thirds majority	620
Abstentions.....	392		

Country	Yes	No	Abst.	Country	Yes	No	Abst.	Country	Yes	No	Abst.
Algeria	14			Iceland		10		Romania		2	12
Andorra			10	India	13	10		Russian Federation	15		5
Angola	12			Indonesia	22			Rwanda			12
Argentina	8		7	Iran (Islamic Republic of)	18			San Marino			10
Australia		13		Iraq	14			Sao Tome and Principe		absent	
Austria			12	Ireland			11	Senegal	12		
Belarus	7		6	Israel		12		Singapore		absent	
Belgium			12	Italy			17	Slovakia		8	4
Benin	11			Japan			20	Slovenia		absent	
Bolivia		10		Jordan	11			South Africa	13	3	
Bosnia and Herzegovina	5	5	1	Kenya	14			Sri Lanka		absent	
Botswana	11			Kuwait	11			Sudan	15		
Brazil			10	Kyrgyzstan	11			Suriname	10		
Burkina Faso	12			Lao People's Dem. Republic	11			Sweden		5	7
Burundi		absent		Latvia		absent		Switzerland			12
Cambodia	3		10	Lebanon	11			Syrian Arab Rep.	13		
Cameroon		absent		Liberia	6		5	Thailand	10		
Canada		15		Libyan Arab Jamahiriya	11			Togo	11		
Chile	3		10	Lithuania			11	Tunisia	12		
China	23			Luxembourg		absent		Turkey	12		6
Congo	11			Malaysia	14			Uganda	13		
Costa Rica		10		Mali	12			Ukraine	5		12
Côte d'Ivoire	13			Malta	10			United Arab Emirates	11		
Croatia			11	Mauritania	10			United Kingdom			17
Cuba	13			Mexico	8		11	United Republic of Tanzania	14		
Cyprus		absent		Morocco	14			Uruguay			11
Czech Republic	2	11		Mozambique	13			Venezuela	5		5
Denmark		6	6	Namibia	11			Viet Nam	10		
Egypt	18			Nepal			14	Yemen	13		
El Salvador	4		8	Netherlands		13		Yugoslavia	6	6	1
Ethiopia	16			New Zealand		11		Zambia		absent	
Finland		12		Niger	13			Zimbabwe	13		
France			17	Nigeria	20						
Gabon	11			Norway		3	8				
Germany		19		Peru		absent					
Ghana	13			Philippines			10				
Greece			13	Poland			10				
Guatemala		12		Portugal	4		8				
Guinea	12			Republic of Korea		6	10				
Guinea-Bissau	11										
Hungary			10								

N.B. This list does not include one delegation present at the Conference which was not entitled to vote pursuant to the provisions of Article 5.2 of the Statutes.

After the close of the votem the delegation of the Republic of Korea informed the Secretariat in writing that the results of the vote as announced did not accurately reflect its original intention. The delegation further stated that "For the agenda item proposed by the delegation of Kuwait, the delegation of the Republic of Korea originally intended to vote '6 Yes, 10 abstentions', not '6 No, 10 abstentions' as recorded".

**Results of roll-call vote on the request of the delegation of France
for the inclusion of a supplementary item entitled**

**"SAFETY IN SHIPPING AND WAYS TO CURB THE RISE IN ACTS OF PIRACY
AND ECOLOGICAL DISASTERS"**

Results

Affirmative votes	695	Total of affirmative and negative votes ...	957
Negative votes.....	262	Two-thirds majority	638
Abstentions.....	365		

Country	Yes	No	Abst.	Country	Yes	No	Abst.	Country	Yes	No	Abst.
Algeria		14		Guinea-Bissau			11	Philippines	10		
Andorra	10			Hungary	10			Poland	10		
Angola		12		Iceland	10			Portugal	12		
Argentina	7		8	India	23			Republic of Korea	16		
Australia	13			Indonesia	15		7	Romania	14		
Austria	12			Iran (Islamic Republic of)		18		Russian Federation	10		10
Belarus			13	Iraq		14		Rwanda	12		
Belgium	12			Ireland	11			San Marino	6		4
Benin			11	Israel	12			Sao Tome and Principe		absent	
Bolivia	10			Italy	17			Senegal	6		6
Bosnia and Herzegovina	5	5	1	Japan	20			Singapore		absent	
Botswana	3	8		Jordan		11		Slovakia	12		
Brazil	10			Kenya		14		Slovenia		absent	
Burkina Faso			12	Kuwait		11		South Africa	3		13
Burundi		absent		Kyrgyzstan			11	Sri Lanka		absent	
Cambodia	13			Lao People's Dem. Republic	7		4	Sudan		15	
Cameroon		absent		Latvia		absent		Suriname			10
Canada	15			Lebanon		11		Sweden	12		
Chile	13			Liberia	6		5	Switzerland	12		
China			23	Libyan Arab Jamahiriya		11		Syrian Arab Rep.		13	
Congo		11		Lithuania	11			Thailand	9		1
Costa Rica	10			Luxembourg		absent		Togo			11
Côte d'Ivoire	7		6	Malaysia			14	Tunisia		12	
Croatia	11			Mali			12	Turkey	12		6
Cuba		13		Malta	5	5		Uganda	13		
Cyprus		absent		Mauritania		10		Ukraine	17		
Czech Republic	12		1	Mexico	11		8	United Arab Emirates		11	
Denmark	12			Morocco			14	United Kingdom	17		
Egypt		18		Mozambique			13	United Republic of Tanzania		14	
El Salvador			12	Namibia		11		Uruguay	6		5
Ethiopia			16	Nepal	14			Venezuela	5		5
Finland	12			Netherlands	13			Viet Nam	3		7
France	17			New Zealand	11			Yemen			13
Gabon			11	Niger			13	Yugoslavia	13		
Germany	19			Nigeria			20	Zambia		absent	
Ghana	10		3	Norway	11			Zimbabwe			13
Greece	13			Peru		absent					
Guatemala	12										
Guinea			12								

N.B. This list does not include one delegation present at the Conference which was not entitled to vote pursuant to the provisions of Article 5.2 of the Statutes.

CONTRIBUTION OF PARLIAMENTS TO DEALING WITH THE CONTINUING TRAGIC SITUATION IN THE OCCUPIED ARAB TERRITORIES, TO THE PROVISION OF INTERNATIONAL OBSERVERS AND MONITORS, AND TO THE PROTECTION OF THE ARAB PALESTINIAN PEOPLE, ESPECIALLY UNARMED CIVILIANS

Resolution adopted by consensus by the 106th Conference
(Ouagadougou, 14 September 2001)*

The 106th Inter-Parliamentary Conference,

Recalling the United Nations resolutions that have repeatedly asserted the right of the Palestinian people to self-determination and to the establishment of an independent State as well as the right of return of the Palestinian refugees,

Affirming Israel's right to live in security within internationally recognised borders,

Recalling the relevant United Nations Security Council resolutions and other applicable United Nations resolutions,

Recalling also its previous related resolutions and more particularly the one adopted at the 97th Conference (Seoul, April 1997) concerning the Holy City of Jerusalem, and those adopted at the 103rd Conference (Amman, April 2000), and the 104th Conference (Jakarta, October 2000),

Affirming the internationally recognised human rights principles enshrined in various United Nations resolutions and international conventions and repeatedly endorsed by the Inter-Parliamentary Union,

Asserting the importance of respecting international humanitarian law, in particular the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War, of 1949,

Deeply concerned by the tragic events that are taking place in the occupied Palestinian territories and have led to numerous deaths and injuries, mostly among innocent Palestinian and Israeli civilians, due to excessive use of force by the Israeli army and security forces and to all forms of violence,

Also deeply concerned at the increase in terrorist activities, mainly affecting Palestinian and Israeli civilians and other populations of the world,

Reaffirming that a just and lasting solution to the Arab-Israeli conflict must be based on the principle of land for peace and the implementation of United Nations Security Council resolution 242 (1967) and 338 (1973) and United Nations General Assembly resolution 194 (1948), and on an active negotiating process which takes into account the legitimate rights of the Palestinian people, including their right to self-determination and to establish an independent State,

* The delegation of the Islamic Republic of Iran expressed reservations on those elements of the text which implied recognition of Israel.

N.B. This list does not include one delegation present at the Conference which was not entitled to vote pursuant to the provisions of Article 5.2 of the Statutes.

Referring to the Mitchell Report on methods to end the current surge of violence,

Convinced that the application of the conclusions of the Mitchell Report, which has received the support of the United Nations, the international community and the parties to the conflict, will lead to fairer and more balanced conditions in order to break up the cycle of violence and to solve the crisis, opening avenues for a peaceful solution,

Alarmed by Israel's closure of Beit Al-Sharq (Orient House) and other Palestinian institutions in breach of the Oslo Agreements, and its designs to isolate Jerusalem from its surroundings in violation of numerous United Nations Security Council resolutions and other international conventions,

Expressing full support for the peace process and the efforts made to find an equitable and lasting solution to the Arab-Israeli conflict,

1. *Demands* of the Government of Israel and of the Palestinian Authority that they reaffirm their resolve to respect the existing agreements, to enforce unconditionally and immediately the cessation of all violent acts, to renew their cooperation in security matters, to avail themselves more of means which aim at restoring confidence between the two peoples, thus establishing a period of significant pacification, and to return to a constructive dialogue, which comprises the substantive issues, by means of bilateral negotiations;
 2. *Condemns* the murdering of civilians and children, the extra-judicial assassination of Palestinians, the demolition of homes, and the targeting of the economic infrastructure of Palestinian society;
 3. *Calls on* Israel, as a means of defusing tension, to withdraw its military forces from the area immediately surrounding Palestinian cities and villages; to freeze all settlement activities; to refrain from attacking civilians and installations, and to lift its siege of the Palestinian territories;
 4. *Calls on* the Palestinian Authority to implement efficient methods to avoid terrorist activities in the territory under its jurisdiction;
 5. *Calls* for the dispatching of international observers and monitors to the occupied Palestinian territories to ensure respect for international humanitarian law and to end violence in these territories;
 6. *Calls on* Israel, the occupying power, to withdraw from the recently occupied Palestinian national institutions, including Beit Al-Sharq (Orient House), and to stop all plans to isolate the Arab city of Jerusalem;
 7. *Calls* for the resumption of negotiations in order to achieve a comprehensive and lasting peace by ending the Israeli occupation, establishing an independent Palestinian State with its capital in Jerusalem and solving the Palestinian refugee question equitably;
 8. *Requests* the IPU Secretary General to convey this resolution to the United Nations Secretary-General, to ensure its follow up and to report to the next Conference of the Inter-Parliamentary Union.
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CONDEMNATION OF THE TERRORIST ATTACKS OF 11 SEPTEMBER 2001 ON THE UNITED STATES OF AMERICA

*Resolution adopted unanimously by the 106th Conference
(Ouagadougou, 14 September 2001)*

The 106th Inter-Parliamentary Conference,

Distraught and horrified at the terrorist attacks committed in the United States of America, particularly in New York and Washington, D.C., on 11 September 2001,

Considering the attachment of the Inter-Parliamentary Union to human life, security, peace, dialogue and prosperity in the world,

Recalling its outright condemnation of terrorism as a means of action or expression,

1. *Condemns* with the utmost energy the terrorist attacks perpetrated against the United States of America on 11 September 2001;
 2. *Assures* the victims, their families, and the American Government, Congress and people of its solidarity in these tragic circumstances;
 3. *Invites* all States represented within the Union to work together with the United States of America to expose and punish the perpetrators of these terrorist acts and their accomplices, in accordance with international law;
 4. *Calls on* all States to develop or strengthen their cooperation with a view to preventing and stamping out terrorist activities throughout the world.
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Reports, Decisions and Resolutions of the 168th Session of the Council of the Inter-Parliamentary Union

United Nations

A/55/996



General Assembly

Distr.: General
26 June 2001

Original: English

Fifty-fifth session

Agenda item 26

Cooperation between the United Nations and the Inter-Parliamentary Union

Cooperation between the United Nations and the Inter-Parliamentary Union

Report of the Secretary-General

1. The Inter-Parliamentary Union (IPU) and the United Nations have continued to strengthen their cooperation since the 1996 signature of the cooperation agreement between the two organizations. The General Assembly has annually debated efforts by IPU and the United Nations to secure parliamentary input to the major undertakings of the United Nations.
2. The first-ever Conference of Presiding Officers of National Parliaments, which was held at Headquarters from 30 August to 1 September 2000, concluded with the adoption of the Declaration entitled «The Parliamentary vision for international cooperation at the dawn of the third millennium», in which the Presiding Officers pledged their commitment to international cooperation with a strong United Nations at its core, and reaffirmed their belief that the United Nations should remain the cornerstone of effective global cooperation.
3. Subsequently, the Heads of State and Government, in the United Nations Millennium Declaration of 8 September (resolution 55/2) resolved «to strengthen further cooperation between the United Nations and national parliaments, through their world organization, the Inter-Parliamentary Union, in various fields, including peace and security, economic and social development, international law and human rights and democracy and gender issues».
4. IPU has consistently endeavoured to contribute actively to the major governmental commitments of the past decade, expressed through its world conferences, by seeking the views of Parliaments on progress, obstacles and further initiatives that could contribute to their success.
5. IPU is presently classified as a non-governmental organization (NGO) in consultative status with the Economic and Social Council (Category I). This

classification dates back to 1947 and no longer corresponds to the status of the world organization of parliaments, a unique inter-State organization representing 141 parliaments. The ability of the Inter-Parliamentary Union to give full meaning to the United Nations Millennium Declaration and the Declaration adopted at the Conference of Presiding Officers of National Parliaments is limited by this status.

6. The Secretary-General, in his report to the fifty-fifth session of the General Assembly (A/55/409), echoed the words of the Millennium Declaration and, having reviewed the latest developments in the cooperation between both organizations, expressed his hope that this relationship could soon be recognized through a new, strengthened and formalized relationship between IPU and the General Assembly.

7. The General Assembly, in its resolution 55/19 of 8 November 2000, welcomed the efforts by IPU to provide this parliamentary contribution and enhanced support to the United Nations and requested the Secretary-General, in consultation with Member States and IPU to explore ways in which this new and strengthened relationship may be established between IPU, the General Assembly and its subsidiary organs and to report thereon to the Assembly by May 2001.

8. In April 2001, the IPU Council adopted a report on cooperation between IPU and the United Nations, which suggested that the relationship between IPU and the General Assembly should be such as to allow IPU, in practice, to bring a parliamentary dimension to the United Nations and to permit the United Nations to cooperate with parliaments through IPU.

9. Specifically, the Inter-Parliamentary Union is suggesting the following areas as those in which it can play a role in strengthening cooperation between the United Nations and national parliaments:

(a) Channel to the United Nations the views of the people, in all their diversity, as expressed in parliamentary debates and discussions at IPU;

(b) Promote parliamentary awareness and action in support of international agreements reached at the United Nations and through United Nations programmes;

(c) Further international agreements by promoting activities by parliaments and their members to mobilize public opinion and forge national support for international action;

(d) Prepare analyses and reports on parliamentary activities relevant to the work of the United Nations, particularly in areas where IPU has a particular expertise;

(e) Provide support for parliaments with the aim of increasing their capacity to carry out, at the national level, their legislative and oversight functions with regard to matters that are subject to international cooperation at the United Nations.

10. In order to ensure the greatest added value to the strengthened cooperation between the two organizations, IPU suggests that it work with the Secretary-General and the States Members of the United Nations to identify elements for a programme of work for IPU in which it would promote parliamentary debate and action in specific areas jointly identified as priorities for receiving parliamentary attention and support. It also suggests that the United Nations be given the ability to propose items for consideration by IPU.

11. These measures would allow for a more systematic provision of a platform for the United Nations to interact directly with parliaments and their members. In practice this could be done at the different parliamentary meetings organized by IPU, including by expanding on the annual parliamentary meeting organized

in connection with the United Nations General Assembly and by systematically organizing parliamentary meetings in connection with special sessions of the General Assembly and other United Nations conferences and summits.

12. In addition to political support for the activities of the United Nations, it is also suggested that IPU provide greater operational support to the work of the United Nations departments, programmes and agencies. With respect to the promotion of peace and security, IPU may, through its technical assistance programme, be in a position to channel support from national parliaments to the building and strengthening of democratic structures and, in particular, to the parliaments themselves in certain areas of peace-building or peacekeeping operations. IPU has developed specific expertise on human rights, democracy and gender issues on which cooperation with the United Nations could be expanded, in particular through the provision of statistical data and technical assistance to States.

13. The Secretary-General is in agreement with the suggestions made by IPU as a means to strengthen the parliamentary dimension of the work of the United Nations. He recognizes, as the General Assembly did in its resolution 55/19, the unique character of IPU as a world organization representing national parliaments. Consequently, and in view of the General Assembly's stated desire to establish a new, strengthened and formalized relationship between itself, its subsidiary organs and IPU, the Secretary-General, having consulted with Member States and IPU, wishes to make the following recommendations, as requested in resolution 55/19:

(a) As an exception to the criteria established by the General Assembly in its decision 49/426 of 9 December 1994, the Assembly may wish to grant IPU a standing invitation to participate, as appropriate, in the sessions and work of the General Assembly and its subsidiary organs and in the international conferences convened under the auspices of the United Nations;

(b) In addition, the General Assembly may wish to consider a decision concerning the circulation of the documents of IPU in the Assembly;

(c) The General Assembly may also wish to consider inviting the specialized agencies of the United Nations to adopt similar modalities for cooperation with IPU.

14. Should the General Assembly decide to accept any of the recommendations made by the Secretary-General, he would, immediately upon enactment of its decision, initiate a joint review by the United Nations and IPU of the cooperation agreement concluded between the two organizations in 1996.

COOPERATION BETWEEN THE UNITED NATIONS AND THE INTER-PARLIAMENTARY UNION

Draft resolution for the 56th Session of the United Nations General Assembly

The General Assembly,

Recalling its resolution 55/2 of 8 September 2000³, which resolved «to strengthen further cooperation between the United Nations and national parliaments, through their world organization, the Inter-Parliamentary Union, in various fields, including peace and security, economic and social development, international law and human rights and democracy and gender issues»,

Recalling moreover its resolution 55/19 of 8 November 2000⁴ in which it expressed the wish that the cooperation between the United Nations and the Inter-Parliamentary Union be further consolidated, and requested the Secretary-General, in consultation with Member States and the Inter-Parliamentary Union, to explore ways in which a new and strengthened relationship may be established between the Inter-Parliamentary Union, the General Assembly and its subsidiary organs,

Having considered the report of the Secretary-General (A/56/...) which takes stock of cooperation between the two organizations over the last twelve months,

Having also considered the report of the Secretary-General of 26 June 2001⁵ in which, after consultations with Member States and IPU, he recommended that the General Assembly consider:

- (a) Granting IPU a standing invitation to participate, as appropriate, in the sessions and work of the General Assembly, its subsidiary organs and international conferences convened under the auspices of the United Nations,
- (b) deciding to allow for the circulation of the documents of IPU in the Assembly, and
- (c) inviting the specialized agencies of the United Nations to adopt similar modalities for cooperation with IPU,

Taking into consideration the cooperation agreement between the United Nations and the Inter-Parliamentary Union of 1996, which provides the foundation for current cooperation between the two organizations,

Recalling the unique inter-state character of the Inter-Parliamentary Union,

1. *Welcomes* the efforts made by the Inter-Parliamentary Union to provide for a greater parliamentary contribution and enhanced support to the United Nations;
2. *Decides*, as an exception to the criteria established by the General Assembly in its decision 49/426 of 9 December 1994, to extend a permanent invitation to the Inter-Parliamentary Union to participate in the sessions and work of the General Assembly and its subsidiary organs [in the capacity of observer];
3. *Further decides* to allow for the circulation of official documents of IPU in the Assembly on the understanding that no financial implications result for the United Nations;

³ *United Nations Millennium Declaration* (paragraph 30)

⁴ *Cooperation between the United Nations and the Inter-Parliamentary Union (A/RES/55/19)*

⁵ *Cooperation between the United Nations and the Inter-Parliamentary Union (A/55/996)* (Paragraph 13 (a), (b) and (c))

4. *Invites* the specialized agencies of the United Nations to adopt similar modalities for cooperation with IPU;
 5. *Requests* the Secretary-General to take the necessary action to implement the present resolution and to submit a report to the General Assembly at its fifty-seventh session on the various aspects of cooperation between the United Nations and the Inter-Parliamentary Union;
 6. *Decides* to include in the provisional agenda of its fifty-seventh session the item entitled "Cooperation between the United Nations and the Inter-Parliamentary Union".
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OVERVIEW OF THE LEVEL AND EXTENT OF OPERATIONAL COOPERATION BETWEEN THE INTER-PARLIAMENTARY UNION AND THE UNITED NATIONS SYSTEM

Peace and security

The IPU is acting in support of several UN peace building operations. It is providing technical assistance to the transitional assemblies in Burundi and Rwanda. In Burundi the assistance consists of helping the Assembly follow up on the Arusha Accords and prepare for the Parliament that will be elected at the end of the period of transition. The project is implemented with financial support from the European Union.

In Rwanda, the IPU is supporting efforts to strengthen the Assembly and its Human Rights Committee as well as to assist in providing a gender dimension to the new Constitution which is being drawn up. It counts upon financial support from the United Nations Development Programme (UNDP).

The IPU is also providing technical assistance to the newly elected constituent assembly in East Timor, with funding from UNDP. Following an initial needs assessment, the project focuses on providing information and experiences relating to alternative constitutional models and providing support in establishing a parliament with its required services.

Human Security

In cooperation with the United Nations, the Government of Japan has established a Global Commission on Human Security. The Commission is interested in receiving a parliamentary input into its work and is inviting the IPU to promote parliamentary involvement in developing the work of the Commission.

Development

The Human Development Report 2002 will address the theme of governance for human development and poverty eradication. It will focus on accountability as a key factor in the promotion of human development with equity and social justice. While the IPU will provide input to the report, as it has done for the last few years, the UNDP is also inviting the organisation to join in organising a policy roundtable on the themes of the report that will take place shortly after the launch of the report itself.

The Food and Agriculture Organisation (FAO) will hold a world summit of food security at the end of 2001. The IPU is encouraging parliaments to take an active part in the preparation of the summit.

The Council will be invited to approve a message to the Summit prepared by the Inter-Parliamentary Union Committee's on Sustainable Development. In addition, FAO and the Italian Parliament are inviting the IPU to assist in organising a half-day parliamentary meeting on the occasion of the Summit.

Moreover, the Union is preparing a parliamentary handbook on the right to food, in cooperation with the Special Rapporteur of the Commission of Human rights on the subject and the Union's Committee for Sustainable Development.

The United Nations will hold a World Conference on Finance for Development in Monterrey, Mexico, in March of next year. The IPU has already provided support to this event by encouraging parliaments to take an active interest in its preparation and by debating some of the issues before the conference. The United Nations and the Mexican Congress are both keen to see IPU being present at the Conference and to take an active role in the implementation of its results.

The IPU is also developing its relationship with the World Bank. The Bank is keen to organise parliamentary meetings with the IPU on specific development issues, for example, the relationship between sustainable development and human rights.

In March 2002, the United Nations will hold a World Conference on Ageing in Madrid, Spain. The UN Department concerned has expressed interest in securing an IPU contribution to this event. The Spanish Parliament is offering to host a one-day parliamentary meeting together with the IPU on the occasion of the conference.

Also next year, in September, the United Nations will hold a World Summit on Sustainable Development in Johannesburg, South Africa. The UNDP proposes that IPU join in providing input to the preparatory process by organising a panel discussion on climate change on the occasion of the next statutory conference in Marrakech.

Since 1998, the IPU is providing support to the Secretariat of the UN Convention to combat desertification and has assisted in organising a parliamentary meeting on the occasion of the annual meeting of the parties to the convention. The next parliamentary meeting will take place in Geneva in October 2001.

International trade

In cooperation with the World Trade Organisation (WTO), the IPU organised a parliamentary meeting on international trade in Geneva in June 2001. Following up on that event, the IPU is seeking to organise a meeting of members of parliaments attending the Fourth WTO Ministerial Conference in Doha, Qatar, in November 2001, in cooperation with other parliamentary organisations and assemblies. Moreover, the participants in the International Trade Meeting in Geneva called on IPU to undertake comparative studies on the manner in which parliaments address international trade issues.

International law and human rights

For several years now, the IPU has been conducting surveys and promoting adherence to the International Humanitarian Law Conventions as well as Statutes of the International Criminal Court. The parliamentary handbook that was launched in 1999 has proven a particularly effective promotional tool. It has been translated into a dozen languages so far.

The IPU provided a parliamentary contribution to the Third World Conference Against Racism that took place in Durban, South Africa, in September 2001. The Union is committed to promoting parliamentary action in support of implementation of the results of the conference and will work to this effect in cooperation with the United Nations High Commissioner for Human Rights (UNHCHR).

The IPU has also signed an agreement with the UNHCHR to produce jointly a parliamentary handbook on international human rights law standards and mechanisms. Moreover, the Office of the High Commissioner is keen to work with the IPU in organising meetings and exchanges with members of parliamentary human rights bodies.

The IPU is finalising a parliamentary handbook on international refugee protection. The book is produced in cooperation with the UN High Commissioner for Refugees and the Officers of IPU's Second Study Committee. It will be launched on the occasion of the first meeting of the States parties to the 1951 Convention which is convened by the Swiss Government in Geneva in December 2001.

Another handbook is being finalised on the subject of combating the worst forms of child labour. The publication is the result of a collaborative effort between the International Labour Organisation (ILO), the IPU and the officers of its Second Study Committee. The handbook will be launched during the ILO Governing Council in March 2002.

Recently, the UN Office in Vienna and the Union have intensified contacts with a view to promoting a parliamentary contribution to the work of the Vienna Office. Specific areas of cooperation include promoting ratification and implementation of the UN Convention of Transnational Organised Crime and its Protocols.

The IPU is organising, together with UNICEF, a Forum on legislative initiatives to support the follow-up to the Special Session of the UN General Assembly on Children. The Forum will take place at UN Headquarters on 20 September.

Good governance

The IPU is implementing a three-year parliamentary support programme with funding from the UNDP. Activities currently carried out under this programme include providing technical support to legislative assemblies in several developing countries.

As part of this programme, the Union is also organising a series of sub-regional seminars on the budget process, including from a gender perspective. A first seminar took place in 2000 in Kenya for English speaking African parliaments. A second seminar will be held in Mali in November 2001 for French-speaking African parliaments. Plans are also being drawn up for seminars in Europe and South-East Asia.

The IPU provided a parliamentary input to the Third United Nations Conference on the Least Developed Countries (LDC III). The UNDP is keen to enlist the IPU in helping to mobilise political support in Parliaments for implementation of the results of the conference. Specifically, they would welcome IPU support for developing a global fund for good governance that was established at the conference, part of which is meant to assist in strengthening parliaments in least developed countries.

The IPU is providing support to UN efforts to fight corruption and organised a parliamentary session on the occasion of the second global forum on fighting corruption and safeguarding integrity, held by the government of the Netherlands in The Hague in May 2001. The United Nations Office in Vienna is starting to develop an international convention relating to the fight against corruption and would like the IPU to channel a parliamentary input.

The IPU is working closely with the UN Division for the Advancement of Women (UNDAW) to promote adherence to and implementation of the Convention for the Elimination of Discrimination Against Women (CEDAW) and its Optional Protocol. It also informs parliaments of reporting requirements under these instruments.

Moreover, the IPU has developed a parliamentary handbook on the subject in cooperation with UNDAW and the Coordinating Committee of the Meeting of Women Parliamentarians. The handbook will be presented at the 107th Statutory Conference in Marrakech, Morocco.

Education, science and technology

The IPU has a close working relationship with the United Nations Education, Science and Culture Organisation (UNESCO). UNESCO seeks to develop this relationship, particularly with a view to the IPU's promoting parliamentary action in support of UNESCO's strategic objectives to ensure education for all.

As part of these activities, UNESCO is inviting the IPU to take part in a panel discussion on 18 October 2001 on the occasion of UNESCO's annual conference in Paris in October/November 2001. Moreover, UNESCO

would like the IPU to organise a one-day meeting with regional parliamentary assemblies on how to develop a parliamentary dimension to the work of UNESCO.

The United Nations is holding a World Summit on the Information Society in Geneva in December 2003. The International Telecommunication Union (ITU) is responsible for organising the event in cooperation with organisations of the UN system. The Executive Secretariat of the Summit is inviting the IPU to take part in preparing the event.

Specifically, the Executive Secretariat is keen to receive IPU input in developing the agenda for the Summit. Discussions are currently underway to explore the possibility of providing a parliamentary contribution to the event which would include organising a parliamentary conference on modern information and communication technology and its impact on democracy. The Parliament of India has expressed interest in possibly hosting such an event.

BUDGET OF THE INTER-PARLIAMENTARY UNION FOR THE YEAR 2002

*Budget approved by the Council of the Inter-Parliamentary Union
at its 169th session (Ouagadougou, 14 September 2001)*

Expenditure Heading	Budget 2001 SF.	Estimate 2002 SF.	Change
1. Statutory sessions	1 800 000,00	960 000,00	-840 000,00
2. Special conferences and similar meetings	280 000,00	200 000,00	-80 000,00
3. Committees and similar meetings	150 000,00	165 000,00	15 000,00
4. Special programme activities	290 000,00	168 000,00	-122 000,00
5. Information and publications	109 000,00	74 000,00	-35 000,00
6. Library acquisitions	26 000,00	15 000,00	-11 000,00
7. United Nations Liaison Office in New York	277 000,00	278 600,00	1 600,00
8. Duty travel and representation	75 000,00	65 000,00	-10 000,00
9. Council President's representation allowance	30 000,00	30 000,00	0,00
10. Permanent staff	5 911 000,00	6 050 300,00	139 300,00
11. Temporary staff and external services	87 000,00	75 000,00	-12 000,00
12. Headquarters premises	152 000,00	156 800,00	4 800,00
13. HQ supplies, equipment and communication	570 000,00	556 000,00	-14 000,00
14. Miscellaneous charges	15 000,00	20 000,00	5 000,00
15. Subvention to ASGP	116 000,00	100 000,00	-16 000,00
16. Replenishment of reserves	92 000,00	76 300,00	-15 700,00
	9 980 000,00	8 990 000,00	-990 000,00

ESTIMATES OF RECEIPTS

Income Heading	Budget 2001 SF.	Estimate 2002 SF.	Change
1. Contributions from member Parliaments	9 900 000,00	8 910 000,00	-990 000,00
2. Sale of publications	15 000,00	15 000,00	0,00
3. Administrative fees from extra-budgetary projects	60 000,00	60 000,00	0,00
4. Sundry income	5 000,00	5 000,00	0,00
	9 980 000,00	8 990 000,00	-990 000,00

**TABLE OF CONTRIBUTIONS
TO THE BUDGET OF THE INTER-PARLIAMENTARY UNION FOR THE YEAR 2002**

*Table approved by the Council of the Inter-Parliamentary Union
at its 169th session (Ouagadougou, 14 September 2001)*

Members and Associate Members	Percentage	Amount of the contribution for 2002 (Swiss Francs)
Albania	0,20	20 020,--
Algeria	0,33	33 033,--
Andorra	0,20	20 020,--
Angola	0,20	20 020,--
Argentina	0,69	69 070,--
Armenia	0,26	26 026,--
Australia	1,50	150 152,--
Austria	0,84	84 085,--
Azerbaijan	0,35	35 035,--
Bangladesh	0,20	20 020,--
Belarus	0,48	48 049,--
Belgium	1,11	111 112,--
Benin	0,20	20 020,--
Bolivia	0,20	20 020,--
Bosnia and Herzegovina	0,23	23 023,--
Botswana	0,20	20 020,--
Brazil	1,57	157 159,--
Bulgaria	0,30	30 030,--
Burkina Faso	0,20	20 020,--
Burundi	0,20	20 020,--
Cambodia	0,20	20 020,--
Cameroon	0,20	20 020,--
Canada	2,89	289 293,--
Cape Verde	0,20	20 020,--
Chile	0,26	26 026,--
China	0,86	86 087,--
Colombia	0,30	30 030,--
Congo	0,20	20 020,--
Costa Rica	0,20	20 020,--
Côte d'Ivoire	0,20	20 020,--
Croatia	0,29	29 029,--
Cuba	0,27	27 027,--
Cyprus	0,21	21 021,--
Czech Republic	0,50	50 051,--

Members and Associate Members	Percentage	Amount of the contribution for 2002 (Swiss Francs)
Democratic PR of Korea	0,23	§
Denmark	0,75	75 076,--
Djibouti	0,20	20 020,--
Ecuador	0,22	22 022,--
Egypt	0,25	25 025,--
El Salvador	0,20	20 020,--
Estonia	0,25	25 025,--
Ethiopia	0,20	20 020,--
Finland	0,69	69 070,--
France	5,39	539 546,--
Gabon	0,20	20 020,--
Georgia	0,29	29 029,--
Germany	7,93	793 804,--
Ghana	0,20	20 020,--
Greece	0,49	49 050,--
Guatemala	0,21	21 021,--
Guinea	0,20	20 020,--
Guinea-Bissau	0,20	20 020,--
Hungary	0,35	35 035,--
Iceland	0,22	22 022,--
India	0,50	50 051,--
Indonesia	0,33	33 033,--
Iran (Islamic Republic of)	0,86	86 087,--
Iraq	0,30	30 030,--
Ireland	0,35	35 035,--
Israel	0,39	39 040,--
Italy	3,91	391 396,--
Japan	10,55	1 056 069,--
Jordan	0,20	20 020,--
Kazakhstan	0,45	45 046,--
Kenya	0,20	20 020,--
Kuwait	0,41	41 042,--
Kyrgyzstan	0,22	22 022,--
Lao People's Democratic Republic	0,20	20 020,--
Latvia	0,28	28 028,--
Lebanon	0,20	20 020,--
Liberia	0,20	20 020,--
Libyan Arab Jamahiriya	0,40	40 041,--
Liechtenstein	0,20	20 020,--
Lithuania	0,30	30 030,--
Luxembourg	0,24	24 024,--

Members and Associate Members	Percentage	Amount of the contribution for 2002 (Swiss Francs)
Malawi	0,20	20 020,--
Malaysia	0,30	30 030,--
Mali	0,20	20 020,--
Malta	0,20	20 020,--
Marshall Islands	0,20	20 020,--
Mauritania	0,20	20 020,--
Mauritius	0,20	20 020,--
Mexico	0,95	95 096,--
Monaco	0,20	20 020,--
Mongolia	0,20	20 020,--
Morocco	0,22	22 022,--
Mozambique	0,20	20 020,--
Namibia	0,20	20 020,--
Nepal	0,20	20 020,--
Netherlands	1,49	149 151,--
New Zealand	0,40	40 041,--
Nicaragua	0,20	20 020,--
Niger	0,20	20 020,--
Nigeria	0,30	30 030,--
Norway	0,67	67 068,--
Panama	0,20	20 020,--
Papua New Guinea	0,20	20 020,--
Paraguay	0,20	20 020,--
Peru	0,24	24 024,--
Philippines	0,25	25 025,--
Poland	0,60	60 061,--
Portugal	0,36	36 036,--
Republic of Korea	0,79	79 080,--
Republic of Moldova	0,30	30 030,--
Romania	0,34	34 034,--
Russian Federation	5,50	550 557,--
Rwanda	0,20	20 020,--
Samoa	0,20	20 020,--
San Marino	0,20	20 020,--
Sao Tome & Principe	0,20	20 020,--
Senegal	0,20	20 020,--
Singapore	0,30	30 030,--
Slovakia	0,28	28 028,--
Slovenia	0,27	27 027,--
South Africa	0,54	54 055,--
Spain	1,91	191 194,--

Members and Associate Members	Percentage	Amount of the contribution for 2002 (Swiss Francs)
Sri Lanka	0,20	20 020,--
Sudan	0,20	20 020,--
Suriname	0,20	20 020,--
Sweden	1,15	115 117,--
Switzerland	1,20	120 122,--
Syrian Arab Republic	0,23	23 023,--
Tajikistan	0,21	21 021,--
Thailand	0,29	29 029,--
The FYR of Macedonia	0,20	20 020,--
Togo	0,20	20 020,--
Tunisia	0,22	22 022,--
Turkey	0,43	43 044,--
Uganda	0,20	20 020,--
Ukraine	0,60	60 061,--
United Arab Emirates	0,37	37 037,--
United Kingdom	4,54	454 460,--
United Republic of Tanzania	0,20	20 020,--
Uruguay	0,23	23 023,--
Uzbekistan	0,37	37 037,--
Venezuela	0,62	62 063,--
Viet Nam	0,20	20 020,--
Yemen	0,20	20 020,--
Yugoslavia	0,33	33 033,--
Zambia	0,20	20 020,--
Zimbabwe	0,20	20 020,--
Andean Parliament	0,02	2 003,--
Central American Parliament	0,01	1 003,--
European Parliament	0,10	10 010,--
Latin American Parliament	0,02	2 003,--
Parliamentary Assembly of the Council of Europe	0,06	6 010,--
	89,01	8 910 000,--

FINAL DECLARATION

of the Parliamentary Meeting For a Free, Just and Equitable Multilateral Trading System:
Providing a Parliamentary Dimension
(Geneva, 8 and 9 June 2001)

We believe that globalisation brings both opportunities and challenges to all countries and peoples. To attain benefits for countries and regions of different levels of development, however, international trade - like international financial and economic arrangements - must be designed to promote human welfare everywhere and preserve cultural diversity.

The focus must be on people-centred development. This concept includes increased market access for the exports of developing countries, and greater scope for debt reduction allied with increased development assistance and better access to technology; it must be built upon an equitable world trading regime and sound international financial institutions. There is also a need to ensure that trade rules and practices do not undermine sustainable development goals.

From these perspectives, we are committed to strengthening the rules-based world trading regime with the World Trade Organisation (WTO) at its centre; access to WTO should be open to new members on a non-discriminatory basis in order to achieve universal membership. We hope to see the resolution of outstanding implementation issues from the Uruguay Round and greater focus on development in future trade negotiations.

This task falls to governments. It is they who negotiate international trade rules and arrangements on behalf of States. Concurrently, it is the duty of Parliaments to scrutinise government action in this as in other fields and to enact appropriate legislation. As the legitimate representatives of the people who have been elected to protect their interests and represent their views and aspirations, we are entirely committed to carrying out these responsibilities to the full.

To this end, we need to intensify our activities in national parliaments to oversee and influence government policy in relation to trade negotiations. At the international level, we need to complement these activities by meeting to obtain and share information, exchange views and experiences and discuss the structure, working methods and issues facing governments at the WTO.

We call on the Inter-Parliamentary Union (IPU) to work with other parliamentary assemblies and organisations in assisting us to meet these challenges. We invite the IPU to hold a parliamentary meeting on the occasion of the Fourth WTO Ministerial Conference and to present plans for a programme of activities which, on the above basis, seeks to build a parliamentary dimension to international trade negotiations and arrangements.

THE ROLE OF PARLIAMENTS AND SUPREME AUDIT INSTITUTIONS IN THE FIGHT AGAINST CORRUPTION

Recommendations for Ministerial Declaration

Adopted by the Parliamentary Session on the occasion of the 2nd Global Forum on Fighting Corruption and Safeguarding Integrity, organized at the request of the Government of the Netherlands, by the Inter-Parliamentary Union in collaboration with the International Organization of Supreme Audit Institutions (INTOSAI), in The Hague, Netherlands, on 28 May 2001

Parliaments are elected to represent the people and have constitutional responsibilities to legislate and oversee the Government. They therefore, have a pre-eminent role to play in the global drive to curb corruption.

Parliaments can and should adopt appropriate legislation, take an active role in the ratification of relevant international instruments and incorporate their provisions in national legislation. They should also make maximum use of the constitutional, parliamentary and other legal mechanisms available to ensure full accountability and transparency in government. In this context, parliaments should also rely on the Supreme Audit Institutions of their respective countries.

For parliaments to fulfil this function efficiently, they themselves should promote and foster integrity, confidence and legitimacy. This requires that the processes whereby parliaments are elected should be transparent and fair and should ensure equitable representation of the society. Furthermore, parliamentarians should design and implement for themselves such integrity instruments as codes of ethics/conduct, including, among other provisions, declaration of assets, conflict of interest legislation, etc.

The international community should extend support to parliaments, particularly in developing countries and emerging democracies, in strengthening their capacity to combat corruption through sensitisation programmes, establishment of effective parliamentary structures and processes (committees and other oversight mechanisms), promoting greater access of parliamentarians to information on public affairs and ensuring greater interaction between parliament and the civil society to ensure its effective involvement in the management of public affairs.

International co-operation is also required among parliamentarians in order to foster the exchange of best practices and coordinate parliamentary contribution to the fight against corruption. The Inter-Parliamentary Union, the world organisation of parliaments should be encouraged to play this role as well as contributing to the strengthening of parliamentary capacity in this field.

In recognition of the important role Supreme Audit Institutions, as well as other bodies such as Ombudsman, play in combating corruption, parliaments should lay down the appropriate legal framework for the establishment and functioning of such institutions including through the provision of adequate resources and proper follow-up to the work and reports of such bodies.

Supreme Audit Institutions and their umbrella organisation, the International Organisation of Supreme Audit Institutions (INTOSAI) see their main contribution to fight corruption in improving overall transparency and accountability, supporting an environment that limits the opportunity for acts of corruption and creating a climate of good governance.

SAI should play a mayor role in auditing government accounts and operations and in promoting sound financial management and accountability in the governments. Citizens, international donor organisations and other entities should be able to put increasingly higher expectations into their national governments and those governments depend on the SAI to help ensure public accountability. INTOSAI will support its members by providing a platform to exchange experience and information. SAI should increasingly pay attention to the risks connected with the globalisation and especially to the negative effects of corruption and fraud.

ACTION OF PARLIAMENTS AND THEIR MEMBERS IN THE FIGHT AGAINST RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE

Final Declaration

of the Parliamentary Meeting organized by the Inter-Parliamentary Union and the South African Parliament in Durban, South Africa, on 2 September 2001

We, the members of parliament attending the parliamentary meeting held on the occasion of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, declare that racism violates the fundamental human right to equality and denies millions of human beings all over the world the full enjoyment of both their civil and political rights and their social, economic and cultural rights. It is our belief that the prevalence of armed conflict in many parts of the world has resulted in worsening poverty and in forced population movements in search of new lives and opportunities. We are equally of the opinion that although modern technology brings people closer and has the potential of giving great benefits to humankind, it can also hasten the spread of racist ideas and intolerance towards others. No country can claim to be free from racism, racial discrimination, xenophobia and related intolerance.

As parliamentarians we are aware of the particular role and responsibility that Parliaments and their members have in the fight against racism, racial discrimination and related intolerance, for parliaments adopt laws, approve the national budget and oversee the executive branch of government. Members of parliament have a personal responsibility to use their influence on public opinion to promote the values of diversity and tolerance.

The Program of Action to be adopted at the World Conference invites the Inter-Parliamentary Union to contribute to the activities of the International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance by encouraging national parliaments to review progress in relation to the objectives of the World Conference. It also invites the Inter-Parliamentary Union to encourage debate in, and action by, Parliaments on legal measures to be taken at the national level to combat racism, racial discrimination, xenophobia and related intolerance.

We urge Parliaments to provide special mechanisms to monitor and ensure effective implementation by governments and to initiate activities to fight against racism, racial discrimination, xenophobia and related intolerance. Such actions would be strengthened by co-operation with civil society.

We hereby pledge to make every effort, within our parliaments and constituencies, to combat racism, xenophobia and racial discrimination and to work towards the establishment of a society based on solidarity, tolerance and equality. To that end, we shall do our utmost to ensure that our States cooperate closely with the United Nations in its endeavours to establish a world free from direct and indirect discrimination based on race, colour, work and descent, national or ethnic origin, gender or on any other feature. In that regard, we are conscious of the importance of national adherence to and implementation of relevant international treaties, in particular the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) and the Convention relating to the Status of Refugees and its Protocol.

We shall urge our Parliaments to adopt and monitor the implementation of laws that are consistent with their Constitutions and which are necessary for this purpose, including, where required, measures of affirmative action and systems of redress for the victims of racist acts. We shall also strive to make sure that leading figures in society, including members of parliament, along with educational institutions such as schools imbue current and future generations with a profound appreciation of the value of diversity in a world where we all share a common heritage and destiny.

We urge our Parliaments and members to follow up the implementation of the World Solidarity Fund adopted by the General Assembly of the United Nations with its main objective to alleviate poverty, reduce inequalities and injustice and racial hatred and to enhance and strengthen solidarity and tolerance between people and Nations.

We accordingly call on the Inter-Parliamentary Union to take appropriate action to follow up on the Program of Action to be adopted by the World Conference.

MISSION CARRIED OUT BY THE COMMITTEE ON MIDDLE EAST QUESTIONS IN THE REGION (1- 6 JUNE 2001)

*Report noted by the Council at its 169th session
(Ouagadougou, 14 September 2001)*

At the 105th IPU Conference held in Havana from 1 to 6 April 2001, the Council of the Inter-Parliamentary Union, presided by Dr. Najma HEPTULLA (India), accepted the proposal that the Committee on Middle East Questions, under the chairmanship of Mr. Yves TAVERNIER (France), undertake a field mission at the invitation of the Jordanian, Israeli and Palestinian delegations in order to promote dialogue among the political authorities and to inform itself as fully as possible about the situation in the region.

A Committee delegation, headed by Mr. Yves TAVERNIER (France) and composed of Mr. Raymond Ahouandjinou (Benin), Mr. Andreas Philippou (Cyprus, Rapporteur) and Mrs. Oddbjorg Ausdal Starrfelt (Norway) undertook a mission from 1 to 6 June 2001 to Jordan, Israel and the territories under the control of the Palestinian National Authority. The mission visited Amman, Jerusalem, Tel Aviv, Bethlehem, Ramallah and Gaza.

The IPU Committee met with the Speaker of the Jordanian National Assembly, Mr. Abdulhadi Majali, the President of the Jordanian Senate, Mr. Zaid Al Rifai, the President of the Palestine National Council (PNC), Mr. Saleem Al Zahnoun, the Speaker of the Palestinian Legislative Council (PLC), Mr. Ahmed Qurei, Abu Ala, the Speaker of the Knesset, Mr. Avraham Burg, the Israeli Minister of Foreign Affairs, Mr. Shimon Peres, the President of the Palestinian Authority, Mr. Yasser Arafat, the Israeli Minister of Justice, Mr. Meir Sheetrit, and a number of other Jordanian, Israeli and Palestinian parliamentary and political personalities.

Putting an end to violence

The Committee was very shocked by the different forms of violence that it encountered during its mission: as soon as it had arrived, the delegation went to Tel Aviv to lay a wreath in memory of the victims of the bomb attack of 1st June and to visit the injured; the parliamentarians gained a clear impression of the heightened tension that prevailed in the Gaza Strip as a result of it being sealed off by Israeli forces. At one point, in front of a settlement, they found themselves under fire.

Israeli society's demand for security is completely understandable and legitimate; it is clear, however, that the use of force will never lead to the implementation of lasting security. On the contrary, it risks increasing the exasperation of the Palestinians and perpetuating further violence.

On the IPU Committee's behalf, the Chairman called on both parties to immediately implement all the recommendations of the Mitchell report and particularly those related to the immediate cessation of violence, the victims of which are the civilian populations.

During a meeting of almost two hours, the President of the Palestinian Authority, Mr. Yasser ARAFAT, informed the delegation that immediately after the Tel Aviv attack he had issued a communiqué clearly and firmly condemning that act. He stated that he would do his best to prevent acts of violence by Palestinians. He recalled his agreement with the conclusions of the Mitchell report and his wish for international observers to monitor its implementation.

Mr. Shimon PERES, the Israeli Minister of Foreign Affairs, reiterated the Israeli government's agreement with the Mitchell report and the different phases to rebuild confidence and to reopen global political negotiations. He hoped that the international community would put pressure on President Arafat to renounce violence definitively. If the Palestinians respected the cease-fire, the Israeli government would implement a freeze in the settlements.

The settlements

As called for in the Mitchell report, the Committee insisted on a complete freeze of settlements in the Occupied Territories.

It is certain that in a great many cases, particularly in the Gaza Strip, the presence of settlements is a permanent source of tension and conflicts. The political antagonisms between two communities which feel distinct and in opposition to each other, the scarcity of land and water, the differences in living standards, and the population pressures all serve to create an explosive situation.

The resumption of dialogue

For the delegation it was clear that the failure of the Camp David, Sharm-el-Sheik and Taba negotiations and the renewal of violence had deeply disappointed a number of political representatives and destroyed the confidence that had started to emerge between the two parties.

It is for this reason that the IPU Committee has called on all its interlocutors promptly to resume a political dialogue that should lead to the improvement of both the living conditions of the Palestinian people and the security of Israel. In this spirit, it welcomes the announcement by the Speakers of the Knesset and the PLC, that, as the Committee had suggested, they would meet in the near future. Other direct contacts between parliamentarians from both parties would also take place. The IPU remains ready to assist in these endeavors.

The Committee demands that the PLC be able to meet in order to fulfill its mandate and express the will of the Palestinian people.

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The IPU Committee on Middle East Questions aims to facilitate direct contacts between Arab and Israeli parliamentary delegations, and to promote parliamentary action in support of the peace process. The mission and its outcome, after five days in the Middle East at the invitation of the parliamentary authorities, coincide perfectly with the objectives that the IPU set for the Committee. This action to facilitate the resumption of dialogue will continue during the 106th IPU Conference in Ouagadougou in September 2001.

**REPORT OF THE COMMITTEE TO PROMOTE RESPECT FOR
INTERNATIONAL HUMANITARIAN LAW
AND
REPORT ON THE ACTIVITIES OF THE OFFICERS OF THE SECOND STUDY COMMITTEE**

*Report noted by the Council at its 169th session
(Ouagadougou, 14 September 2001)*

1. The Officers of the Second Study Committee (Parliamentary, Juridical and Human Rights Questions) constitute the Committee to Promote Respect for International Humanitarian Law (IHL). In that capacity, they pursue a world survey on parliamentary action to ensure respect for IHL and look into other initiatives aimed at promoting such respect. In addition, Mrs Beth Mugo (Kenya), President, Mr. Jim McKiernan (Australia) and Mr. Ricardo Vazquez (Argentina) Vice-Presidents, have been entrusted with the task of developing two Handbooks for parliamentarians: a Handbook on international refugee law and a Handbook on ways to ensure implementation of the Convention on the Worst Forms of Child Labour. In this dual capacity, they held a session during the Ouagadougou IPU Statutory Meetings.

International Humanitarian Law

2. The Committee's mandate is "*to follow, with the help of the International Committee of the Red Cross (ICRC), the question of respect for international humanitarian law, particularly the status of ratification of international instruments on this question and the implementation of measures at the national level, disseminate information and make observations with a view to promoting respect for international humanitarian law*". Its main work so far has consisted in conducting a series of surveys through which the IPU Council has been able to take a preliminary stock of parliamentary awareness of and action in the field. It has further developed jointly with the ICRC a handbook for parliamentarians. In October 1999, it received the complementary mandate to monitor implementation of the resolution of the 102nd IPU Conference on the *Contribution of parliaments to ensuring respect for and promoting international humanitarian law on the occasion of the 50th anniversary of the Geneva Conventions*.

1. IPU-ICRC Handbook for Parliamentarians on "Respect for International Humanitarian Law"

3. This Handbook, jointly released in 1999 by the ICRC and the IPU, was developed to respond to the need, clearly identified by the Committee through its surveys, to better inform Members of Parliament about IHL rules and norms and encourage measures which Parliament as an institution and individual Members can take to ensure effective respect for them. The Handbook has immediately met with great success insofar as various IPU Members have undertaken to translate it into their national language and various organisations of the UN system have entered into negotiations with the IPU to develop similar documents on other subjects.

4. At its session in Ouagadougou, the Committee welcomed the release of the German version of the Handbook and expressed its gratitude to the German Bundestag for this important initiative. The Committee is proud to note that, as at 1 September 2001, and thanks to the support of the ICRC and its corresponding delegations, the Handbook has thus already been released in

- English
- French
- Spanish
- Arabic : by courtesy of the Parliament of Morocco
- Russian: by courtesy of the State Duma of the Russian Federation
- Japanese: by courtesy of the National Diet of Japan
- Indonesian: by courtesy of the Indonesian House of Representatives
- German: by courtesy of the German Bundestag
- Serbian: by courtesy of the Yugoslav Red Cross Society.

5. Other versions to be released shortly include:
- Portuguese: by courtesy of the Parliament of Brazil
 - Hebrew: by courtesy of the Knesset of Israel
 - Hindi: by courtesy of the Rajya Sabha of India
 - Swahili: by courtesy of the Kenyan Parliament

The ICRC has further announced that translations into Greek, Farsi, Turkish and Mongolian were well advanced and that translations into other languages were being considered.

6. The Committee would like to express its appreciation and thanks to all those parliaments referred to above for having undertaken to translate the Handbook, and wishes to encourage other countries to follow suit, in consultation with the IPU and the ICRC for copyright purposes.

7. It urges that, as far as these translations are concerned, they and all other Parliaments concerned arrange for a public launching in Parliament, with the participation of the IPU and the ICRC, possibly combined with a related parliamentary event such as a seminar on the subject involving the ICRC and competent national actors. It further encourages the widest possible dissemination of these translations in all countries concerned. The Handbook will in fact have served its full purpose if it is made available to as many MPs as possible and serves as a basis for events and seminars aimed at raising parliamentary awareness of IHL issues.

8. In this respect, the Committee welcomed the arrangements made in Kenya to present the Swahili version of the Handbook officially to Parliament in October next in an event involving the IPU and the ICRC. It similarly expressed satisfaction at arrangements being made in Argentina to hold shortly an ICRC Round Table for parliamentarians based on the Handbook.

9. The Committee wishes to take this opportunity to recall that, while basically aimed at MPs and parliamentary bodies, the Handbook can be a useful reference tool for competent ministries, national commissions for the implementation of international humanitarian law, and other relevant institutions such as the armed forces and the security forces and also the Judiciary.

2. Survey on "Parliamentary awareness and action in the field of international humanitarian law and related issues"

10. Based on a new inquiry questionnaire, tailored to each State's level of ratification of international instruments in the field of IHL, the Committee launched a new phase of its ongoing survey a few months ago.

11. The survey aims at assessing Parliament's current involvement in matters relating to IHL issues. The questionnaire was prepared by the Committee in order to collect updated information on two essential measures Parliaments can take to ensure respect for international humanitarian law : becoming party to international treaties in this field and setting up parliamentary mechanisms for International Humanitarian Law issues. In order to facilitate the collection of data, the survey was geared to the situation of each country with regard to their position on various IHL treaties.

12. Part A of the questionnaire focused on the current stage of examination of particular IHL treaties within Parliament and, when relevant, explored the reasons of their non-ratification. Thirteen selected treaties representing the classical body of IHL were examined as follows:

- Protocol Additional to the Geneva Conventions of August 12, 1949, and relating to the Protection of Victims of International Armed Conflicts of June 8, 1977 (Protocol I)
- Protocol Additional to the Geneva Conventions of August 12, 1949, and relating to the Protection of Victims of Non-International Armed Conflicts of June 8, 1977 (Protocol II)

- Competence of the International Fact-finding Commission (Article 90 of the Additional Protocol I of June 8, 1977)
- The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, The Hague, 14 May 1954
- Protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, The Hague, 26 March 1999
- Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, opened for signature in London, Moscow and Washington, 10 April 1972
- Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be Deemed to be Excessively Injurious or to have Indiscriminate Effects and its Protocols, Geneva, 10 October 1980
- Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (Protocol II), Geneva, 10 October 1980
- Protocol on Blinding Laser Weapons (Protocol IV to the 1980 Convention), 13 October 1995
- Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, January 13, 1993
- Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, 18 September 1997
- The Statute of the International Criminal Court, Rome, 17 July 1998
- Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, 25 May 2000.

Part B of the questionnaire deals with parliamentary mechanisms and practices aimed at ensuring respect for international humanitarian law and raising awareness in this field.

13. In Ouagadougou, the Committee was pleased to already record replies from some 63 national Parliaments as follows : Algeria, Andorra, Argentina, Australia, Azerbaijan, Belarus, Burundi, Canada, Chad, Colombia, Croatia, Cyprus, Czech Republic, Denmark, Finland, France, Germany, Guatemala, Haiti, Hungary, Iceland, Indonesia, Japan, Jordan, Kazakhstan, Kenya, Latvia, Lithuania, Luxemburg, The F.Y.R. of Macedonia, Malawi, Mali, Mexico, Moldova, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Palau, Philippines, Poland, Republic of Korea, Russian Federation, Samoa, Sierra Leone, Slovakia, Slovenia, South Africa, Sudan, Sweden, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Kingdom, Uruguay, Zambia and Zimbabwe

14. Having performed a preliminary analysis of the material thus collected, the Committee wishes to express its gratitude at the ICRC for its support and assistance in this respect.

15. Subject to further replies which it is expecting, the Committee's main finding at this early stage is that there is a clear and stated need for parliaments and their members to redouble their action in the field of IHL, and for the IPU and the ICRC to promote parliamentary awareness and action in this field. The most common

request emerging from the survey is in fact a request for technical assistance from either the ICRC or the United Nations to acquire parliamentary in-depth knowledge of the issues involved. The Committee holds the view that such requests will need to be actively followed up by both the United Nations and the ICRC, including ICRC delegations in the various parts of the world.

16. The Committee also holds the view that there is a need for the ICRC, in its own daily endeavours, to pay closer attention to parliaments as key actors with regard to national implementation of the rules of IHL. With this in mind, it has asked the ICRC representative to explore avenues in this regard.

17. The Committee intends to further its survey and present a detailed analysis of its outcome in 2002, with the relevant recommendations.

3. Conference on International Humanitarian Law Issues

18. The Committee heard an update on the recent developments concerning the holding of an African Parliamentary Conference on International Humanitarian Law. This Conference is to be organised by the African Parliamentary Union, and hosted by the Parliament of Niger, in Niamey, in February 2002. The Inter-Parliamentary Union and the International Committee of the Red Cross have been asked to contribute to the project and support it.

19. The main objective of the Conference is to allow an exchange of views among parliamentarians on IHL and to outline lasting future parliamentary and inter-parliamentary action. It should enable parliamentarians to understand better the rules of international humanitarian law, the importance of compliance with these rules for the safety of civilians during armed conflict, and the role of parliament and its members in ensuring such compliance. The Conference should also emphasise the measures that parliaments and their members can take, in the context of armed conflict, in order to avoid threats to civilians and to remedy the situations with which they are faced.

20. The Committee earnestly *hopes* that this event will promote knowledge of the rules of IHL. It is furthermore *convinced* that the seminar would contribute to spread awareness of IHL in a region affected by various conflicts and where such law is consequently crucial. It *calls* on African Parliaments to support this initiative and widely participate in the Conference with delegates that specifically deal with IHL issues. It further urges the IPU Council to accept the request for sponsorship to be presented to it by the organisers.

Handbook for Parliamentarians on International Refugee Law

21. As Officers of the Second Study Committee and at the request of the IPU Executive Committee, the Committee members worked closely with the United Nations High Commissioner for Refugees to develop a Handbook for Parliamentarians on International Refugee Law.

22. They are pleased to announce that the Handbook has been finalised and wish to thank the UNHCR with which cooperation over the last twelve months has been sustained, efficient and fruitful, as well as the IPU Secretariat for its support.

23. They trust that the outcome of this cooperation is a solid and thorough guide to a rather complex subject involving highly sensitive issues in many countries, and that it will be a document helpful for MPs and all those working with them as also for governments and organisations concerned with refugees issues. In developing it, they have aimed at presenting all legal and other issues and data involved accurately and in such a manner as to offer MPs with a complete albeit synthetic picture of the matter.

24. The Handbook is due to be launched in Geneva on the occasion of the 50th anniversary of the 1951 Convention on Refugees, on 12 December of this year, and will be widely distributed to Parliaments immediately afterwards and on the occasion of the 107th IPU Conference in Marrakech.

25. The three Officers of the Second Committee trust that the handbook will meet with the same success and interest as the one on respect for international humanitarian law. They wish to invite Parliaments in advance to consider taking all appropriate measures to ensure its wide distribution and use, as suggested under paragraph 7 above with regard to the handbook on IHL.

Handbook for Parliamentarians on the Worst Forms of Child Labour

26. Similarly, the Officers of the Second Committee have worked closely for over ten months with the International Labour Organization to develop a Handbook for Parliamentarians on the Worst Forms of Child Labour.

27. They are pleased to announce that this Handbook has also been finalised and wish to express gratitude to the ILO and more especially its specialised department - IPEC - with which co-operation has been very dynamic and rewarding. Thanks also go to the IPU Secretariat for its support.

28. They trust that the outcome of this cooperation will be considered as a solid and thorough document providing a wide perspective on the complexity of the issues involved and tools for addressing them efficiently as a matter of human rights and of sustained development. It trusts that in addition to being helpful for MPs and all those working with them, the Handbook will be helpful to all three constituents of the International Labour Organisation - Governments, employers and trade unions - and to all others desirous of enlisting in the multi-faceted combat against the worst forms of child labour.

29. The Handbook will be launched and made available to MPs on the occasion of the 107th IPU Conference in Marrakech. As the co-authors, the Officers of the Second Committee earnestly hope that a panel discussion on the subject, highlighting good practices from which examples and incentives may be derived, may be organised jointly with ILO during the Conference in support of the launching. The Handbook will also be launched in parallel in Geneva during the session of the ILO Governing Body.

GENDER PARTNERSHIP GROUP

*Report noted by the Council at its 169th session
(Ouagadougou, 14 September 2001)*

Summary

- In September 1997, the Gender Partnership Group began to consider ways and means of strengthening balanced participation by men and women in the work of the Inter-Parliamentary Union⁶.
- After two years of observing the situation with regard to the presence of women in delegations to the Union's Conferences and on its governing bodies and standing committees, in February 2000, the Group undertook a consultation of the Organisation's Members on a series of reflections and possible steps to achieve a better balance.
- In April 2001, in the light of the results of the consultation, the Group submitted to the Council a report suggesting three amendments to the Union's Statutes and presenting ideas to be taken into consideration in conjunction with the process of structural IPU reform as well as a series of incentives and accompanying measures. It accompanied its proposals with reflections and questions which, in its opinion, require thorough discussion before a vote is taken. The report was immediately forwarded to all of the Union's members and to the regional groups.
- At its Ouagadougou session, held from 6 to 8 September 2001, the Group studied the results of this new phase of consultation. It noted that between February 2000 and September 2001, 98] of the Union's 141 members (i.e. 69.5 per cent) conveyed their views and observations on its suggestions and reflections and that there was a clear majority in favour of the measures described, in particular the proposed amendments to the Statutes. The Group further consulted the Coordinating Committee of Women Parliamentarians at a special sitting held on Tuesday, 10 September.
- Accordingly, the Group sets out its proposals here, preceded by a reminder of the concepts which serve as a backdrop to its work.
- Bearing in mind the fact that the Council launched, on Tuesday, 11 September in Ouagadougou, a substantive debate on the proposal for structural IPU reform prepared by the Executive Committee, the Group invites the Council to take steps to ensure that the following proposals are examined together with the proposals for structural reform, of which they are a complement or an extension.
- Having concluded this first phase of its mission, the Group feels that it must continue its work with a view to consolidating gender partnership within the Inter-Parliamentary Union in all fields.

⁶ The Gender Partnership Group was established under a resolution of the Inter-Parliamentary Council (167th session, April 1997) after the specialized IPU Conference on the theme "*Towards partnership between men and women in politics*", held in New Delhi in February 1997. The resolution expresses the wish that "*all the work of the Union will henceforth take into account more constantly and explicitly than in the past the need to act in the spirit of partnership between men and women, and decides with this in mind, to establish (the Group) entrusted with seeing to it that the interests and visions of both parts of the population are taken into account equally*". It asks the Group to study the possibility of instituting "*a rule which would apply equally to all delegations failing to include at least one woman among their members and which would decrease by two the number of votes to which those delegations would be entitled at the IPU Conference*."

I. Reminder of the conceptual framework

1. Both the setting-up and work of the Gender Partnership Group are based on Principle N° 4 of the *Universal Declaration on Democracy*, adopted by the Inter-Parliamentary Union in 1997, which constitutes the guiding principle of the Organisation's policy on gender issues and is at the basis of the Group's creation:

"The achievement of democracy presupposes a genuine partnership between men and women in the conduct of the affairs of society in which they work in equality and complementarity, drawing mutual benefit from their differences."

2. The Gender Partnership Group wishes to recall that the word "gender" is used not as an alternative term for the word "women" but rather to underscore the fact that society is made up of men and women, boys and girls. In other words, no matter how unsuitable and unsatisfactory the word may appear, it does have the merit of encouraging people to view society in terms of its two components and from the perspective of a new dynamic - a society in which men and women participate on an equal and complementary basis.

3. Equality is not synonymous with identity, and otherness is no hindrance to equality. Nevertheless, the Group is well aware of the strength of the ancestral belief that, because men and women are different and have different roles to play, they have a given rank in society. It also realises that the idea that some activities such as politics are better suited to men than women is one which dies hard. This is why it is vital for children to learn at a very early age, at home and elsewhere, that men and women are equal and make a contribution that is different yet of equal value to the well-being of society. Only then will girls and boys grow up free from the prejudices that we are fighting today. Clearly, parity and gender partnership do not only concern women's emancipation and cultural values but also encompass social, economic and political issues. It would be pointless to believe that a society can survive and prosper without equal participation between men and women in all of its constituent sectors.

II. Overall views and recommendations

4. The Gender Partnership Group feels that such a dynamic must pervade all of the Union's activities and inspire the reform of the Organisation now under way. It is in this spirit that it sets out below four series of measures which, based on its consultation of the Members over the past 18 months, appear to meet with the approval of a majority of the Union's Members.

5. With these proposals, the Group has tried to strike the best possible balance between two extreme and opposing positions, that of supporters of sometimes very radical measures and sanctions applied across the board, and that of supporters of dialogue and persuasion, without recourse to any incentives or pressure. It has been guided in this respect by the extraordinary wealth of reflections generated by its work and by the suggestions and nuances contributed by many Members in support of its own ideas.

6. As far as the Group is concerned, the most important thing is to promote substantive change through persuasion and incentives and at the same time establish a clear legal framework which, while safeguarding the sovereign right of IPU members to organise themselves freely and according to their national reality, favours the emergence of an Inter-Parliamentary Union which is more democratic in terms of its composition and functioning. Bearing in mind that it is an ideal to be achieved by an organisation which brings together representatives of very diverse cultures and social and political backgrounds, the Group feels that this requires realism and common sense and a subtle mixture of flexibility and firmness.

7. This also implies that gender issues must not remain a women's domain; in this respect, the Group has been pleased to note that, within the Inter-Parliamentary Union, more and more men from all societies are showing an interest in these questions.

III. Structural measures proposed within the framework of the Organization's reform

8. Based on the outcome of the consultation of the IPU membership carried out since February 2000, and its observation of the IPU situation and context over more than three years, the Group recommends that the following measures be considered in connection with IPU reform.

9. The Group limits itself at this juncture to presenting the ideas without formalizing the corresponding proposals for the amendment of the Union's Statutes and Rules.

(i) Conference of the Inter-Parliamentary Union: see Section IV

(ii) Council of the Inter-Parliamentary Union

- Enlarge the composition of the Council to three representatives per country instead of two.
- Maintain the one person one vote rule applied in the context of the Council and the rule by which only those members who are present in the room can cast their vote.
- Provide that delegations whose composition - effective and not only announced - is non-mixed would have two representatives instead of three, and thus two votes instead of three.

(iii) Executive Committee

- See to it that any enlargement of the Executive Committee includes a proportional enlargement in the female membership stipulated by Article 24.2 of the Statutes.

(iv) Committees

- Include in the Rules a provision stipulating that all Committees must have officers of both sexes.
- Include in the Rules a provision stipulating that all Committees must take gender issues (according to the definition given above) into consideration in all their debates, resolutions and decisions.
- Make provisions by which a rapporteur of the Meeting of Women Parliamentarians may form part ex officio of a drafting committee.

(v) Meeting of Women Parliamentarians

- Make provisions allowing the Meeting of Women Parliamentarians to involve male parliamentarians in the debates on a more regular basis than that foreseen under its existing Rules (Rule 4.2⁷), with a view to promoting dialogue on gender issues.
- To that effect, envisage in the context of the Meeting of Women Parliamentarians a special thematic segment involving male parliamentarians, by which it may be possible to enhance dialogue on and understanding of gender issues.⁸

⁷ Article 4.2 states as follows: "Male members of Parliaments may follow the work of the Meeting of Women Parliamentarians. Subject to the approval of the participants, the President may give them the floor." Having in mind the need to facilitate dialogue between male and female parliamentarians, the Coordinating Committee of Women Parliamentarians decided to draft an amendment to that rule.

⁸ This option is supported by the Coordinating Committee of Women Parliamentarians which welcomes the idea of enhancing the mechanisms for dialogue between male and female parliamentarians but feels that, in the current context, a forum for consultation among women parliamentarians is still needed within the IPU.

- Alternatively, envisage transforming the Meeting of Women Parliamentarians into a Meeting for the Promotion of Gender Partnership, and make arrangements for each of the Union's members to be represented in the Meeting by a male and a female MP.

10. To help the Members take a decision on the above proposals, the Group wishes to note that, after careful consideration, it has not deemed it necessary to retain:

- (i) The argument put forward by some that applying the provisions advocated above would imply an infringement of the sovereignty of parliaments to form their delegations as they see fit on the basis of criteria relating to competence, representativeness and political balance. The Group holds the view that for a mixed parliament criteria for representativeness and political balance and competence-related criteria were not called into question, whereas the criterion for gender representativeness was guaranteed;
- (ii) A proposal that single-sex delegations may not sit on the Council; and
- (iii) A proposal that single-sex delegations not be authorized to submit draft resolutions.

IV. IPU Conference: Proposed amendments to the Union's Statutes

11. The following proposals stem from the observation of the composition of delegations conducted since late 1997 by the Gender Partnership Group. In presenting them, the Group has not lost sight of the existing situation in national parliaments, which it summed up in the previous report. It is precisely against this backdrop that the Group deems it important for the Union to assert its will to encourage a global change, particularly in countries where political life tends to remain men's "private preserve". The Group noted that persuasion-based measures (pressing requests by the governing bodies to the Union's Members to include women in their delegations, and letters sent by the Secretary General to delegations whose announced composition was non-mixed) have had an impact that, although appreciable, has been overly limited and are a very long-term undertaking.

12. Above and beyond these considerations, the following proposals reflect the results of the consultation of the Union's members conducted by the Group over more than 18 months (see Annex I), as well as an in-depth reflection on the arguments put forward by both sides in support of their decision to support or on the contrary to oppose the suggested measure.

(i) First amendment

Redraft Article 10.1 of the Statutes⁹ to make it mandatory, not optional to include at least one woman in each delegation; the article would read, in the future, as follows:

The Conference shall be composed of parliamentarians designated as delegates by the Union's Members. Members shall strive for an equal representation of men and women in their delegations.

Interpretative clauses for the application of the above rule:

- (i) The above rule would not be an obstacle to the registration of single-member delegations.
- (ii) The rule would be applicable to all of the Union's Members, regardless of the composition of the national parliament. In other words, no derogation would be made for parliaments and National Groups with no or hardly any women MPs.

⁹ Article 10.1. of the Statutes states as follows: " The Conference shall be composed of parliamentarians designated as delegates by the Members of the Union, including if possible at least one woman if the Member has women parliamentarians."

- (iii) Non-compliance with the rule would lead to the sanctions stipulated in the second and third amendments below.

(ii) Second amendment

Insert a new paragraph 3, worded as follows, in Article 10 of the Statutes:

Any delegation composed exclusively of parliamentarians of the same sex shall automatically be reduced by one person.

Interpretative clauses for the application of the above rule:

- (i) The above rule would be applicable to any delegation formed of parliamentarians of the same sex for three consecutive sessions of the Conference.
- (ii) To avoid having to apply the sanction to members whose delegation at a Conference is non-mixed owing to mere circumstances beyond their control, the rule would only be applied starting with the third Conference, taking into consideration the actual composition of the delegation, not its announced composition.
- (iii) The rule would be applicable to any delegation with at least two parliamentarians. Accordingly, applying the rule would mean that only one parliamentarian would be accredited as member of the delegation and that the second parliamentarian would be registered as an advisor (delegations are authorized to register a maximum of two parliamentarians as advisors).
- (iv) For delegation with the total authorised number of parliamentarians, the rule would mean that only seven parliamentarians (instead of eight) would be accredited as members of the delegation for countries with a population of less than 100 million inhabitants, and nine parliamentarians (instead of ten) for countries whose population is equal to or greater than this figure. The additional parliamentarian would be registered as an advisor.

(iii) Third amendment

Include a new paragraph, worded as follows, in Article 15.2 of the Statutes:

Any delegation composed exclusively of parliamentarians of the same sex shall have a minimum of eight votes (instead of the ten for mixed delegations) at the Conference of the Inter-Parliamentary Union. For delegations entitled to a certain number of additional votes, the overall calculation will be made on the basis of eight votes instead of ten.

Interpretative clause for the application of the above rule:

- (i) The above rule would be applicable to any delegation composed of parliamentarians of the same sex - minimum two - for three consecutive sessions of the Conference.
- (ii) To avoid having to apply the sanction to members whose delegation at a Conference is non-mixed owing to mere circumstances beyond their control, the rule would only be applied starting with the third Conference, taking into consideration the actual composition of the delegation, not its announced composition.

13. The Group firmly believes that the imperative nature of the rules introduced by the above amendments would not only be consistent with the nature of Statutes but could also induce the Union's Members to respect more scrupulously the democratic principle of equality and gender partnership.

14. As for parliaments which are not in a position to take into consideration the provisions of Article 10.1 of the Statutes as long as they have no women members, the Group was led to note that those who considered that the measure should be applied strictly so that it might serve, in the countries concerned, to create awareness of the importance of encouraging women to participate in political life, were in a clear majority as compared to those who considered that it would be unjust for parliaments to suffer on account of a situation stemming from a cultural context, the current state of legislation and, in certain cases, decisions by voters and political parties. The Group made the same observation with regard to parliaments which in practice might find it difficult to comply with the rule laid down in the Statutes, even if they wished to do so, simply because they have a very limited number of women parliamentarians.

15. To help Members decide on the above proposals, the Group wishes to point out that, after close consideration, it did not deem it necessary to retain three substantive arguments put forward by some members who were against all or part of the suggested measures.

- Some asserted that applying these measures would imply disregarding parliaments' sovereign right to compose delegations as they see fit. The Group did not accept this argument: it felt that the criteria for political representativeness of a parliaments composed of men and women were not affected while, on the other hand, the criterion for gender representativeness was guaranteed.
- Some suggested that the proposals were patronising: however, insofar as, in their amended form, they do not single out either sex, this argument, to which the Group was sympathetic, is groundless.
- Some suggested that instead of penalising delegations with no women members, additional rights might be granted to delegations with women members. The Group did not accept this idea, as it felt that such a measure would be patronising and contrary to the principle of equality.

V. Incentives and accompanying measures

16. The Group is mindful that the situation within the Inter-Parliamentary Union and the way it evolves depend on national realities that are not only cultural but also legal and political. It is conscious of the diversity of cultural and social contexts and of the very different ways societies evolve in terms of gender relations.

17. At the national level, it is convinced that efforts need to be made to educate boys and girls from a very early age and in a sustained manner down the generations, in order to make everyone aware of gender equality and the contribution that a genuine partnership between men and women can make to society.

18. As for the Inter-Parliamentary Union, the Group is of the view that the measures proposed above need to be supplemented by incentives. Accordingly, it suggests the following measures:

- (a) Continue to collect and disseminate data on women's participation in political life, in particular their presence in parliament, as well as information on progress in domestic and regional legislation with regard to gender issues and women's contribution to the democratic process.
- (b) Encourage and support initiatives taken in countries where women are not yet entitled to vote or to stand for election and which are aimed at remedying the situation.
- (c) Endeavour to develop in this respect some form of pedagogy in the context of action taken by the Union to promote democracy and gender partnership.
- (d) Induce parliaments to debate measures needed, in the light of their cultural and social environment, to ensure gender parity and partnership in practice.

- (e) Continue to collect and disseminate at every statutory Conference data concerning the comparative shares of men and women MPs within the Organization's delegations and bodies. Pending the entry into force of the above proposed amendments to the Statutes: circulate a list of any delegation in breach of article 10.1 of the Statutes, including to the regional groups.
- (f) Reinforce the appeal urging parliaments to form mixed delegations, which is already contained in the convocations of the Conference of the Inter-Parliamentary Union. Pending the entry into force of the above proposed amendments to the Statutes: request the Secretary General to systematically continue drawing the attention of non-mixed delegations to the need to remedy this situation and forward copies of such communications to the coordinator of the corresponding regional group.
- (g) Encourage the geopolitical groups to discuss measures to be taken and to keep these questions on their agenda as a standing item.

Annex

Results of the Consultation of the Union's Members on three amendments to the Statutes suggested by the Gender Partnership Group

With regard to these amendments to the Statutes, the statistical results of the consultation conducted of the Union's Members between February 2000 and September 2001 are as follows, and the Group wishes to specify that it has examined them in the light of the substantive comments and analysis which accompanied them in many cases.

Opinions received from 98/141 IPU Members, i.e. 69.5 % of the Members (excluding answers to circular letter GRP/2001/DSG.7)			
<i>Suggested measure</i>	<i>In favour</i> <i>Number of votes</i>	<i>Against</i> <i>Number of votes</i>	<i>Observations</i>
Redraft Article 10.1. of the Statutes to make it mandatory, not optional, to include at least one woman in each delegation	82	12	25
Sanction all delegations in breach of Article 10.1, as amended, by reducing the number of members to which they are entitled	69	29	24
Sanction all delegations in breach of Article 10.1, as amended, by reducing the number of votes to which they are entitled in the Conference	60	38	22

The answers came from the following countries: Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Benin, Bolivia, Botswana, Brazil, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, China¹⁰, Congo, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Ethiopia,

¹⁰ The Parliament of China and Mongolia did not answer questions 2 and 3.

Fiji¹¹, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kenya, Latvia, Luxembourg, Malawi, Malaysia, Mali, Mauritius, Mexico, Monaco, Mongolia, Morocco, Namibia, Netherlands, New Zealand, Niger, Nigeria, Norway, Papua New Guinea, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, San Marino, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Yemen, Yugoslavia, Zambia and Zimbabwe.

The Parliaments of the following countries have not yet contributed: Albania, Bangladesh, Bosnia and Herzegovina, Bulgaria, Cape Verde, Chile, Colombia, Costa Rica, D.P.R. Korea, Djibouti, Egypt, El Salvador, Estonia, Guinea-Bissau, Kuwait, Kyrgyzstan, Lao P.D.R., Lebanon, Liechtenstein, Liberia, Libyan Arab Jamahiriya, Lithuania, Malta, Marshall Islands, Mauritania, Mozambique, Nepal, Nicaragua, Panama, Paraguay, Samoa, Sao Tome and Principe, Senegal, Suriname, Switzerland, Tajikistan, Togo, Uganda, United States of America, Uzbekistan, Venezuela, Viet Nam.

Countries that have answered to the Circular letter GRP/2001/DSG.7 of 11 May 2001: Andorra, Belgium, Bolivia, Burundi, Cyprus, Germany, Iraq, Japan, Kenya, Luxembourg, San Marino, Singapore, Slovakia, South Africa, Sweden, Switzerland, Tunisia, United Kingdom, Yemen.

To date (8 September 2001), the Group also has a note from the Twelve Plus Group, agreeing to the measures, and another note from the Parliamentary Assembly of the Council of Europe mentioning that the Union's efforts induced the latter body to take similar action in order to consolidate gender partnership within the institution.

On 10 September, in Ouagadougou, a special sitting of the Coordinating Committee of Women Parliamentarians was devoted to studying a preliminary version of the present report. The Committee's views were then conveyed to the Group.

¹¹ The Parliament of Fiji was dissolved after its reply to the initial consultation had been received.

Agenda of the 107th Inter-Parliamentary Conference (Marrakech, 17- 23 March 2002)

*Approved by the IPU Council at its 169th session
(Ouagadougou, 14 September 2001)*

1. Election of the President and Vice-Presidents of the 107th Conference
 2. Consideration of possible requests for the inclusion of a supplementary item in the Conference agenda
 3. General Debate on the political, economic and social situation in the world
 4. The role of parliaments in developing public policy in an era of globalisation, multilateral institutions and international trade agreements
 5. Ten years after Rio: global degradation of the environment and parliamentary support for the Kyoto Protocol
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List of International Organisations and Other Bodies to Be Invited to Follow the Work of the 107th Conference as Observers

*Approved by the IPU Council at its 169th session
(Ouagadougou, 14 September 2001)*

Palestine

United Nations (UN)
United Nations Conference on Trade and Development (UNCTAD)
International Labour Organization (ILO)
Food and Agriculture Organization of the United Nations (FAO)
United Nations Educational, Scientific and Cultural Organization (UNESCO)
World Health Organization (WHO)
World Bank
International Monetary Fund (IMF)
International Fund for Agricultural Development (IFAD)
World Trade Organization (WTO)

Council of Europe
International Organization for Migration (IOM)
Latin American Economic System (LAES)
League of Arab States
Organization of African Unity (OAU)
Organization of American States (OAS)

ACP-EU Joint Parliamentary Assembly (JPA)
African Parliamentary Union (APU)
Amazonian Parliament
Arab Inter-Parliamentary Union
ASEAN Inter-Parliamentary Organization (AIPO)
Assemblée parlementaire de la Francophonie
Assembly of the Western European Union (WEU)
Association of Asian Parliamentarians for Peace (AAPP)
Baltic Assembly
Commonwealth Parliamentary Association (CPA)
European Parliamentarians for Africa (AWEPA)
Indigenous Parliament of the Americas
Inter-Parliamentary Assembly of the Commonwealth of Independent States
Inter-Parliamentary Committee of the West African Economic and Monetary Union (WAEMU)
Inter-Parliamentary Council against Antisemitism
Maghreb Consultative Council
Nordic Council
Parliament of the Economic Community of West African States (ECOWAS)
Parliamentary Assembly of the Black Sea Economic Co-operation (PABSEC)
Parliamentary Assembly of the OSCE
Parliamentary Assembly of the Union of Belarus and the Russian Federation
Parliamentary Association for Euro-Arab Co-operation (PAEAC)
Parliamentary Union of the Organisation of the Islamic Conference Members (PUOICM)

Southern African Development Community Parliamentary Forum (SADC)

Amnesty International

International Committee of the Red Cross (ICRC)

International Federation of Red Cross and Red Crescent Societies (IFRC)

World Federation of United Nations Associations (WFUNA)

Future Meetings and other Activities

***Approved by the IPU Council at its 169th session
(Ouagadougou, 14 September 2001)***

Meeting of parliamentarians attending the 56 th session of the United Nations General Assembly Debate in the UN General Assembly on UN-IPU cooperation	NEW YORK (UN Headquarters) October-November 2001
Seminar for French-speaking Parliaments in Africa on " <i>Parliament and the budgetary process, including from the gender perspective</i> ", organised under the Union's Technical Cooperation Programme, in cooperation with UNDP and the World Bank	BAMAKO (Mali) 1-3 November 2001
Parliamentary Meeting on the occasion of the 4 th WTO Ministerial Conference (9-13 November 2001) organised in cooperation with the European Parliament and other parliamentary assemblies	DOHA (Qatar) November 2001
Information Seminar on the Functioning of the Union (English language)	GENEVA 26-30 November 2001
236 th session of the Executive Committee	GENEVA December 2001
96 th session of the Committee on the Human Rights of Parliamentarians	GENEVA (IPU Headquarters) January 2002
Conference on International Humanitarian Law for the Protection of Civilians During Armed Conflict in Africa organised by the Union of African Parliaments with IPU and ICRC sponsorship	NIAMEY (Niger) 18-20 February 2002
107 th Inter-Parliamentary Conference and related meetings	MARRAKECH (Morocco) 14-23 March 2002
<ul style="list-style-type: none">- Inter-Parliamentary Conference- Inter-Parliamentary Council (170th session)- Executive Committee (237th session)- Meeting of Women Parliamentarians (7th session)- Coordinating Committee of Women Parliamentarians- Gender Partnership Group- Committee to Promote Respect for International Humanitarian Law	

- Coordinating Committee of the CSCM
- Meeting of Parties to the CSCM process (20th session)
- Committee on the Human Rights of Parliamentarians (97th session)
- Committee for Sustainable Development
- Committee on Middle East Questions
- Group of Facilitators for Cyprus

Seminar for Asian Parliaments on "*Parliament and the budgetary process, including from the gender perspective*", organised under the Union's Technical Cooperation Programme, in cooperation with UNDP and the World Bank

March 2002

Parliamentary Meeting on the occasion of the Second World Assembly on Ageing (8-12 April 2002)

MADRID (Spain)
April 2002

Fifth Workshop of Parliamentary Scholars and Parliamentarians organised by the Centre for Legislative Studies of Hull

OXFORD (United Kingdom)
3-4 August 2002

171st session of the IPU Council and related meetings

GENEVA
October/November 2002

Regional Conference on the issues of security, regional cooperation and combating international terrorism organised by the Parliament of Kyrgyzstan with IPU sponsorship

BISHKEK (Kyrgyzstan)
2002

Resolutions Concerning the Human Rights of Parliamentarians

CASE N° ARG/20 - RAMÓN EDUARDO SAADI) ARGENTINA
CASE N° ARG/21 - CARLOS ANGEL PAVICICH)
CASE N° ARG/22 - MS. OLINDA MONTENEGRO)
CASE N° ARG/23 - CARLOS LORENZO TOMASELLA)
CASE N° ARG/24 - NICOLAS ALFREDO GARAY)

***Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
at its 169th session (Ouagadougou, 14 September 2001)***

The Council of the Inter-Parliamentary Union,

Referring to the resolution it adopted at its 168th session (April 2001) on the case of Mr. Ramón Eduardo Saadi, Mr. Carlos Angel Pavicich, Ms. Olinda Montenegro, Mr. Carlos Lorenzo Tomasella and Mr. Nicolás Alfredo Garay of Argentina, and to the related report of the Committee on the Human Rights of Parliamentarians,

Having heard a member of the Argentine delegation to the 106th Conference and *taken note* of communications from the sources dated 23 August and 3 September 2001, and of a communication from Dr. Hugo Sager dated 17 August,

Bearing in mind that the case is to be seen in the context of the 1994 constitutional amendment, changing the electoral system of the Senate, and of the conflicting interpretations by the parties concerned as to the powers and procedures of the Senate and the provincial assemblies with respect to the implementation of Transition Clause 4, which provides for an indirect electoral system to be applied during a transition period starting in 1995 and running until December 2001,

Recalling also that the Inter-American Commission on Human Rights, which in its decision N° 132/99 declared the case of Mr. Pavicich and Ms. Montenegro admissible, and placed "*itself at the disposal of the parties for the purpose of reaching an amicable settlement*"; whereas the complainants took up the offer of the Commission, the Senate of the Nation has so far failed to act upon the Commission's invitation,

Noting in this connection that, according to the information provided at the hearing held in Ouagadougou, the Senate was unable to act for want of due notification of such invitation on the part of the Executive branch and that, moreover, the whole matter would become irrelevant with the end of the transition period and the holding of direct Senate elections on 10 December 2001,

Noting that the sources confirm that there have been no new developments and that the Senate has remained inactive with respect to this case,

Considering finally that under the International Covenant on Civil and Political Rights and the American Convention on Human Rights, to both of which Argentina is a party, States have an obligation to implement the rights set forth in those instruments, including the rights guaranteed under Article 25 and Article 23, respectively, and to guarantee that those rights are applied even-handedly,

1. *Deeply regrets* that the Senate of the Nation has not seen fit to take account of the concerns and considerations it expressed in its previous resolutions; *refers* in particular to the detailed arguments set forth in the resolution it adopted at its 165th session (October 1999);

2. *Is therefore led to conclude* that in deciding on the question of the incorporation in the Senate of the Nation of Mr. Ramón Eduardo Saadi, Mr. Carlos Angel Pavicich and Ms. Olinda Montenegro, and of Mr. Carlos Lorenzo Tomasella and Mr. Nicolás Alfredo Garay, the Senate of the Nation failed to apply consistent criteria when exercising its powers under Article 64 of the Constitution and that, in so acting, it failed to respect the right of the persons concerned to stable and consistent application of the law;
3. *Stresses* yet again that the complete renewal of the Senate under the new electoral provisions in December 2001 does not have the effect of annulling the prejudice already caused to the persons concerned and, through them, both to the parliamentary institution and to the electorate; once again *calls on* the Senate to rectify this situation;
4. *Notes* that proceedings concerning this matter are pending before the Inter-American Commission on Human Rights, whose decisions are binding upon Argentina;
5. *Decides* to close further examination of this case and *requests* the Secretary General to inform both the Senate of the Nation and the sources accordingly, and to transmit the resolution to the Inter-American Commission on Human Rights.

CASE N° BLS/01 - ANDREI KLIMOV) BELARUS
CASE N° BLS/05 - VICTOR GONCHAR)
CASE N° BLS/10 - VALERY SHCHUKIN)

***Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
at its 169th session (Ouagadougou, 14 September 2001)***

The Council of the Inter-Parliamentary Union,

Referring to the resolution it adopted at its 168th session (April 2001) on the case of Mr. Victor Gonchar, Mr. Andrei Klimov and Mr. Valery Shchukin, all members of the Thirteenth Supreme Soviet of Belarus elected in 1995, and to the related report of the Committee on the Human Rights of Parliamentarians,

Having heard the Chairman of the Standing Committee on Legislation and Judicial and Legal Issues of the House of Representatives, who was a member of the delegation of Belarus to the 106th Conference (Ouagadougou, September 2001),

Recalling that, in April 2001, the Deputy Minister of the Interior reported that members of a gang suspected to be responsible for Mr. Gonchar's disappearance had been arrested, that the investigation was about to be concluded and that Parliament would be among the first to be informed; *considering* that, according to the Chairman of the Standing Committee on Legislation and Judicial and Legal Issues, the investigation is still under way and Parliament has received no information in this respect,

Recalling that Mr. Klimov, who is serving a six-year prison term, was not included in the amnesty law of August 2000 because, as the authorities stated, an appeal against the judgment handed down on him in March 2000 was still pending at the time; the appeal was turned down in December 2000 for good conduct; *considering* that, according to the Chairman of the Standing Committee on Legislation and Judicial and Legal Issues, Mr. Klimov may be granted early release on 11 August 2002 for good conduct; *recalling* further that, according to the sources, Mr. Klimov is suffering from incipient diabetes and a heart disease; according to the Chairman of the Standing Committee on Legislation and Judicial and Legal Issues, Mr. Klimov is in good health and had no complaints when OSCE Ambassador Wieck paid him a visit,

Recalling that Mr. Shchukin has on many occasions been arrested, detained or fined for participating in unauthorised demonstrations and "*hooliganism*", the latest incident having reportedly occurred on 18 May 2001, and affirms that he suffered police ill-treatment on various occasions without the police acting upon his complaint; the authorities affirmed that investigation of his complaints revealed no such ill-treatment,

1. *Thanks* the Chairman of the Standing Committee for Legislation and Judicial and Legal Issues for the information and observations he provided;
2. *Is deeply concerned* that, two years after Mr. Gonchar's disappearance, the investigations have still been unavailing, particularly in the light of previous information suggesting that results have been obtained; *urges* the authorities promptly to fulfil their duty to ascertain Mr. Gonchar's fate;
3. *Considers* that Parliament cannot remain indifferent to the disappearance of a Member of Parliament, albeit one belonging to a previous Parliament, and *calls upon* it to avail itself of its oversight responsibility in relation to this investigation;
4. *Remains concerned* at the continuing imprisonment of Mr. Klimov, particularly in view of the serious misgivings it has previously expressed about respect for the right to fair trial and the right to defend oneself, and the harshness of the sentence handed down on him, which it considers grossly disproportionate to the alleged offence;
5. *Recalls* that Belarus, as a party to the European Convention on Human Rights, is bound to respect the right to fair trial, an essential ingredient of which is the right to defence, as the European Court of Human Rights has consistently ruled;
6. *Calls therefore once again* on the authorities to grant Mr. Klimov an amnesty and to release him forthwith;
7. *Notes* that Mr. Shchukin is due for release on 12 September, and *awaits* confirmation of this;
8. *Requests* the Secretary General to convey this decision to the authorities and to the sources;
9. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (March 2002).

BURUNDI

CASE N° BDI/01 - S. MFAYOKURERA
CASE N° BDI/02 - N. NDIHOKUBWAYO
CASE N° BDI/03 - L. NTIBAYAZI
CASE N° BDI/05 - I. NDIKUMANA
CASE N° BDI/06 - G. GAHUNGU

CASE N° BDI/07 - L. NTAMUTUMBA
CASE N° BDI/26 - N. NDIKUMANA
CASE N° BDI/29 - P. SIRAHENDA
CASE N° BDI/35 - G. GISABWAMANA

*Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
at its 169th session (Ouagadougou, 14 September 2001)*

The Council of the Inter-Parliamentary Union,

Referring to the resolution it adopted at its 168th session (April 2001) on the case of the above-mentioned parliamentarians of Burundi and to the related report of the Committee on the Human Rights of Parliamentarians,

1. *Regrets* that no reply from the authorities has been forthcoming, in particular as to the serious allegations that Mr. Sirahenda was extrajudicially executed in Mabanda military camp;
2. *Reiterates* the considerations and concerns it expressed in its previous resolution on this case;
3. *Requests* the Secretary General to invite the authorities once again to provide the information sought;
4. *Requests* the Committee to resume examination of this case at its next session in the light of any information or observation it may have meanwhile received from the authorities.

CASE N° CMBD/01 - SAM RAINSY)	CAMBODIA
CASE N° CMBD/02 - SON SOUBERT)	
CASE N° CMBD/03 - POL HAM)	
CASE N° CMBD/04 - SON SANN)	
CASE N° CMBD/05 - KEM SOKHA)	

Resolution adopted without a vote by the Council of the Inter-Parliamentary Union at its 169th session (Ouagadougou, 14 September 2001)

The Council of the Inter-Parliamentary Union,

Referring to the resolution it adopted at its 168th session (April 2001) on the case of Mr. Sam Rainsy, Mr. Son Soubert, Mr. Pol Ham, Mr. Son Sann and Mr. Kem Sokha, of Cambodia, and to the related report of the Committee on the Human Rights of Parliamentarians,

Taking account of a communication from Senator Chhang Song, dated 22 August 2001,

Having heard the multiparty delegation of Cambodia to the 106th Conference (September 2001),

Recalling that, at the hearing of the Cambodian delegation held on the occasion of the 105th Conference (April 2001), Senator Chhang Song undertook to seek from the competent authorities the information it has been requesting for some time as to the stage reached in the investigations into the grenade attack of October 1995 against Mr. Kem Sokha, Mr. Pol Ham, Mr. Son Sann and Mr. Son Soubert, and that of March 1997 against Mr. Sam Rainsy; he also undertook to ascertain whether judicial proceedings against Mr. Kem Sokha and Mr. Sam Rainsy were still pending and merely suspended owing to their parliamentary immunity,

Considering that it appears from Senator Chhang Song's report, as well as from the information provided by the Cambodian delegation, that no investigations into the grenade attack of October 1995 on the former MPs concerned, at the time members of the Buddhist Liberal Party, are currently under way; *considering* also that, according to the information provided by the Minister of Justice to Senator Chhang Song, the charges of incitement to racial unrest and damage to public property brought against Kem Sokha in autumn 1998 have been withdrawn,

Recalling that Mr. Son Sann has died, Mr. Son Soubert was appointed a member of the Constitutional Court, Mr. Pol Ham works for the United Nations Office in Phnom Penh and Mr. Kem Sokha is a member of the Senate and Chairman of its Committee on Human Rights and Reception of Complaints,

Considering that, according to information provided by the competent authorities to Senator Chhang Song, the investigations into the grenade attack of March 1997 against Sam Rainsy, conducted by the Cambodian authorities jointly with the FBI, are still under way but have as yet yielded no result,

Considering that, on 17 August 2001, the Ministry of Information issued an order to confiscate a book Mr. Rainsy had published under the title "*The Light of Justice*" on the ground that it contained information "*which defames and accuses without evidence the Royal Government issued from the democratic elections held in 1998, raises suspicions and tells lies about it*"; Mr. Rainsy has lodged a complaint with the competent court and the National Assembly,

1. *Thanks* the Cambodian delegation for its cooperation; *thanks* in particular Senator Chhang Song for the efforts he made to obtain the information sought;
2. *Notes with regret* that the investigation into the grenade attack of October 1995 has been abandoned without result, thus affording the authors of that attack de facto impunity; *concludes* that the authorities have thus failed to comply with their statutory duty to dispense justice;
3. *Notes* that investigations into the grenade attack of March 1997 are still under way and *earnestly hopes* that, four years having elapsed since the crime, results will be forthcoming soon;
4. *Expresses concern* at the confiscation of a book published by Mr. Sam Rainsy on the ground that it defames the Government; *notes* that Mr. Rainsy has lodged a complaint, and *is confident* that the judiciary will examine it with due regard to the right to freedom of expression, which would be meaningless if it did not comprise the right to level even harsh criticism at government politics;
5. *Notes* that no charges or other proceedings are pending against Mr. Kem Sokha, Mr. Pol Ham and Mr. Son Soubert; consequently *decides* to close their case as well as that of Mr. Son Sann while regretting that the authorities failed to respect their right to justice in failing to bring to justice those responsible for the grenade attacks against them;
6. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case of Mr. Rainsy and to report it at its next session (March 2002); *requests* the Secretary General to inform the authorities and sources accordingly.

CASE N° CO/01 - PEDRO NEL JIMÉNEZ OBANDO) COLOMBIA
CASE N° CO/02 - LEONARDO POSADA PEDRAZA)
CASE N° CO/03 - OCTAVIO VARGAS CUÉLLAR)
CASE N° CO/04 - PEDRO LUIS VALENCIA GIRALDO)
CASE N° CO/06 - BERNARDO JARAMILLO OSSA)
CASE N° CO/08 - MANUEL CEPEDA VARGAS)

***Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
at its 169th session (Ouagadougou, 14 September 2001)***

The Council of the Inter-Parliamentary Union,

Referring to the resolution it adopted at its 168th session (April 2001) on the case of Mr. Pedro Nel Jiménez Obando, Mr. Leonardo Posada Pedraza, Mr. Octavio Vargas Cuéllar, Mr. Pedro Luis Valencia Giraldo, Mr. Bernardo Jaramillo Ossa and Mr. Manuel Cepeda Vargas of Colombia, and to the related report of the Committee on the Human Rights of Parliamentarians,

Taking account of the information provided by the Human Rights Programme of the Vice-Presidency of the Republic on 23 August 2001,

*Recalling that the MPs concerned, members of the *Unión Patriótica*, were all assassinated between 1986 and 1994 and that only in the case of Senator Cepeda Vargas have the murderers, two army non-commissioned officers (NCOs), Mr. Justo Gil Zúñiga Labrador and Mr. Hernando Medina Camacho, been identified and brought to justice; they were discharged from the military in November 1999 and on 28 January 2001 sentenced to 43 years' imprisonment at second instance by the Bogotá High Court; *recalling that former paramilitary leader Carlos Castaño, who had been indicted as the presumed instigator of the crime, was acquitted,**

*Recalling that the two convicts have since been formally accused of involvement in the killing on 14 July 1999 of Lieutenant Talero Suárez, when they were supposed to be in preventive detention, a factor which it considered to lend credence to the fear expressed by the sources that the *de facto* freedom of movement of the two NCOs may well explain the death threats against Senator Cepeda's son and daughter-in-law, the disappearance of the wife and the daughter of the main witness in the Cepeda case and the attempt, in December 1999, to kidnap the second daughter of the witness; *recalling that it has on several occasions urged the authorities to transfer them to a civilian prison, particularly since they are no longer in the army;**

*Considering that, according to the information provided by the Human Rights Programme of the Vice-Presidency, the two convicts were transferred to Picaleña Prison, which according to the source is a civilian prison; *noting that, according to the source, the main witness in the Cepeda case was held in that same prison until at least September 2000 and, should he still be in detention there, his life may be in danger,**

Considering that, according to the Human Rights Programme of the Vice-Presidency, preliminary investigations into the death threats against Senator Cepeda's son and daughter-in-law are being conducted by the Human Rights Unit of the Attorney General's Office,

Considering that on 15 April 2001 the trial started of three suspects in the case of Senator Jaramillo, a witness having provided details implicating Carlos and Fidel Castaño and Gustavo Adolfo Mesa, a member of the disbanded Medellín cartel currently in prison for the murder of a journalist, Jorge Enrique Pulido,

*Recalling that, according to the authorities, special measures have been taken to combat impunity, namely the establishment of a "Search Squad for private justice groups", set up in December 1997 under Presidential Decree 2895, together with the establishment by the Attorney General's Office, in 1999, of 26 sub-units in as many sectional directorates for the purpose of investigating crimes committed against *Unión Patriótica* members,*

Noting that the 2001 report on Colombia of the United Nations High Commissioner for Human Rights observed that "Carlos Castaño Gil had gained public visibility in the national and international media with disconcerting ease and that while paramilitary operations were still on the rise, they had not encountered any governmental action aimed at stopping them; that by contrast with the large military offensives against the guerrillas, deploying huge human and logistic resources in campaigns that last for weeks, the results of the Government's anti-paramilitary policy ... were patchy",

1. *Thanks the Human Rights Programme of the Vice-Presidency of the Republic for the information provided and for its cooperation; nevertheless regrets the lack of response from the National Congress;*
2. *Expresses satisfaction at the transfer of Senator Cepeda's murderers to a civilian prison; wishes to ascertain whether the main witness in the case, who has been decisive in establishing the truth,*

- is currently held in the same institution and, if so, whether special measures have been taken to ensure his personal security;
3. *Notes* that preliminary investigations into the death threats against Senator Cepeda's son and daughter-in-law are still ongoing, *wishes to ascertain* what actual progress has been made since November 1999 when the relevant complaint was lodged; *reiterates* its wish to ascertain the result of the investigation, if any, into the disappearance of the wife and the daughter of the main witness in Senator Cepeda's case;
 4. *Notes with satisfaction* that the trial of the persons suspected of the murder of Senator Jaramillo has started; nevertheless *observes with grave concern* that one of them, Carlos Castaño, appears to be living completely at ease; *wishes* therefore to ascertain what steps the authorities have taken or intend to take to apprehend him so that he may be tried in accordance with the law;
 5. *Can but infer* from the lack of any information on judicial proceedings in the cases of Mr. Pedro Nel Jiménez Obando, Mr. Leonardo Posada Pedraza, Mr. Octavio Vargas Cuéllar and Mr. Pedro Luis Valencia Giraldo that the investigations concerning their murder are still at a standstill;
 6. *Notes* that appropriate legislation and mechanisms are in place in Colombia to combat paramilitary elements; *urges* the authorities to make effective use of those provisions in order to ensure that justice is done;
 7. *Considers* that, given the number and magnitude of the cases and the fact that some of them have come to a standstill, an on-site mission would assist in promoting a satisfactory settlement;
 8. *Requests* the Secretary General to contact the parliamentary authorities with a view to organising such a mission as early as possible with a mandate to gather information from the competent parliamentary, governmental, administrative and judicial authorities, as well as from the families of the victims and their lawyers;
 9. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (March 2002), in the light of such information as the on-site mission may have gathered.
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CASE N° CO/09 - HERNÁN MOTTA MOTTA - COLOMBIA

Resolution adopted without a vote by the Council of the Inter-Parliamentary Union at its 169th session (Ouagadougou, 14 September 2001)

The Council of the Inter-Parliamentary Union,

Referring to the resolution it adopted at its 168th session (April 2001) on the case of Senator Hernán Motta Motta of Colombia, and to the related report of the Committee on the Human Rights of Parliamentarians,

Recalling that Mr. Motta had been receiving death threats which forced him into exile in October 1997; his name is reportedly on a death list drawn up by the paramilitary group led by Carlos Castaño Gil, who admitted publicly in March 2000 on a private TV channel that he personally decided who was to be executed by his group,

Recalling that, according to information provided by the Human Rights Office of the Vice-Presidency of the Republic on 28 April 2000, the investigation into the death threats is being conducted by the Special Prosecutor of Santa Fe de Bogotá and is still at the preliminary stage; at the time, the Office was in the process of contacting members of the Unión Patriótica to ascertain whether they had received any new information which might help to advance the investigation; *considering* in this respect, however, that Mr. Motta says he has not so far been contacted for that purpose,

Considering that it appears from the latest communication of the former Human Rights Office of the Vice-Presidency of the Republic (now Human and Humanitarian Rights Programme - Vice Presidency of the Republic), dated 23 August 2001, that it has been in contact with the National Director of the Prosecutor's Office (Directora Nacional de Fiscalías) to seek information on progress made in the relevant investigation, but so far to no avail,

Noting that the United Nations Commission on Human Rights, in its Chairman's Statement of 2001 on Colombia, the text of which is the result of negotiations held with the Colombian authorities, mentions that it is "*encouraged by the creation of a National Coordination Centre set up to coordinate all State activities to combat the paramilitaries in all their forms and calls upon the Government of Colombia to make sure that these and other related measures are effectively implemented and to ensure that those responsible are brought to civilian justice*" and that it "*takes note of the announcement of the Six-Point Plan put forward by the Government of Colombia in January 2001 to tackle paramilitary groups. Concrete action is now required*",

1. *Thanks* the Human Rights Office of the Vice-Presidency for the information provided;
2. *Wishes to ascertain* whether it has meanwhile contacted Mr. Motta, as intended, and received information from the National Director of the Prosecutor's Office about the investigation in this case;
3. *Wishes to ascertain* whether Carlos Castaño is suspected of being involved in this case, given the strong leads suggesting that he was behind the death threats against Mr. Motta;
4. *Notes with satisfaction* that a wide range of mechanisms is in place to combat paramilitary groups, and *urges* the authorities, in particular the National Congress as guardian of human rights, to show the necessary political will to make sure that they are used in order to dispense justice in this case;
5. *Considers* that, since the case has come to a standstill, an on-site mission would lend fresh impetus to the Committee's work on the case, and consequently *requests* the Secretary General to contact the parliamentary authorities with a view to organising a mission as early as possible to gather the fullest possible information from the competent parliamentary, governmental, administrative and judicial authorities;
6. *Requests* the Secretary General to communicate this resolution to the parliamentary authorities and to the source;
7. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (March 2002), in the light of such information as the on-site mission may have gathered.

CASE N° CO/121 - PIEDAD CÓRDOBA - COLOMBIA

***Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
at its 169th session (Ouagadougou, 14 September 2001)***

The Council of the Inter-Parliamentary Union,

Referring to the resolution it adopted at its 168th session (April 2001) on the case of Mrs. Piedad Córdoba of Colombia, and to the related report of the Committee on the Human Rights of Parliamentarians,

Considering that Mrs. Córdoba, as President of the Senate Human Rights Committee, was at the forefront of denouncing human rights and humanitarian law abuses,

Recalling the following information on file:

- Mrs. Córdoba was kidnapped on 21 May 1999 by a group of 15 heavily armed men claiming to be members of the Attorney General's Office; while in the hands of the paramilitary, she was taken from place to place by government helicopters;
- Mr. Carlos Castaño, at that time head of the paramilitary "Autodefensas Unidas de Colombia" (AUC), subsequently admitted his group's responsibility for the kidnapping; On 4 June 1999, Mrs. Córdoba was released and handed over to a commission made up of Senate members, the International Committee of the Red Cross (ICRC) and the Attorney General's Office, in the presence of Mr. Carlos Castaño;
- Upon Mrs. Córdoba's release, her telephone conversations were tapped and transcripts of them published in the media, jeopardising her personal safety;
- Investigations have been launched by the Attorney General into the kidnapping, registered under N° 521, and the tapping of Mrs. Córdoba's telephone conversations;
- On 9 September 1999 Mrs. Córdoba reported to the media the existence of a plan to kill her, asserting that those behind the plan were extreme right-wing military; at a press conference on 6 October 1999, Mrs. Córdoba announced that, given the lack of effective security measures and the absence of any political resolve on the part of the Government and Congress to guarantee the rights of the opposition, she and her family had to go into exile; Mrs. Córdoba has been granted political asylum abroad,

Taking account of the information transmitted on 23 August 2001 by the Human Rights Office of the Vice-Presidency of the Republic, that the investigation into the kidnapping and the death threats with which Carlos Castaño has been linked is being conducted by the Human Rights Unit of the Attorney General's Office,

Bearing in mind that Colombia is a party to the International Covenant on Civil and Political Rights and to the American Convention on Human Rights, both of which guarantee the right to security of person,

Noting that the 2001 report on Colombia of the United Nations High Commissioner for Human Rights pointed out that "Carlos Castaño Gil had gained public visibility in the national and international media with disconcerting ease and that while paramilitary operations were still on the rise, they had not encountered any governmental action aimed at stopping them; that, by contrast with the large military offensives against the guerrillas, deploying huge human and logistic resources in campaigns that last for weeks, the results of the Government's anti-paramilitary policy ... were patchy",

1. *Thanks* the Human Rights Office of the Vice-Presidency of the Republic for the information provided; *regrets*, however, the absence of any communication from the parliamentary authorities showing any interest in the fate of one of their colleagues;

2. *Notes* that Carlos Castaño has been officially linked to the investigation concerning the kidnapping and the death threats issued against Senator Córdoba; *nevertheless remains deeply concerned* that no action appears to have been taken to apprehend him and bring him to justice;
 3. *Recalls* that Colombia, like any other State, is under an obligation to ensure the security of the persons under its jurisdiction, both directly, by means of reasonable and appropriate measures to protect them, and indirectly through the identification and punishment of those who threaten their security; and *urges* the authorities once again to do their utmost to bring to justice those responsible for Mrs. Córdoba's kidnapping and the death threats she received;
 4. *Firmly believes* that the fight against the paramilitary groups, which is crucial to solving this case, requires the existence, along with appropriate legislation and machinery, of resolute political will to take effective action;
 5. *Considers* that an on-site mission would help the Committee to make progress in this case; consequently *requests* the Secretary General to contact the parliamentary authorities with a view to organising a mission as early as possible to gather information from the competent parliamentary, governmental, administrative and judicial authorities, as well as from the source;
 6. *Requests* the Secretary General to communicate this resolution to the parliamentary authorities and to the source;
 7. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (March 2002), in the light of such information as the on-site mission may have gathered.
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CASE N° CO/122 - OSCAR LIZCANO - COLOMBIA

Resolution adopted without a vote by the Council of the Inter-Parliamentary Union at its 169th session (Ouagadougou, 14 September 2001)

The Council of the Inter-Parliamentary Union,

Referring to the resolution it adopted at its 168th session (April 2001) on the case of Mr. Oscar Lizcano of Colombia and to the related report of the Committee on the Human Rights of Parliamentarians,

Recalling that Mr. Lizcano was kidnapped by the main Colombian guerrilla group, the Revolutionary Armed Forces of Colombia (FARC), while he was attending the inauguration of a football field on 5 August 2000 in Riosucio, in the Province of Caldas, the region he represents in Parliament; the kidnapping was related to municipal elections since all the local political candidates were kidnapped along with Mr. Lizcano; while they were released, Mr. Lizcano remains in the hands of FARC,

Considering that, according to the information provided by the source on 2 April and 20 June 2001, Mr. Lizcano's health has seriously deteriorated in captivity,

Recalling that the Colombian authorities have been engaged for some time in a process of negotiation with FARC, and that after a two-day meeting on 8 and 9 February 2001, the President of the Republic and the leader of FARC agreed to prolong the existing demilitarised zone for a further eight months; under this process, the Colombian authorities signed an agreement with FARC on 2 June 2001 concerning an exchange of sick rebels for kidnapped government soldiers, which led to a first release on 17 June 2001 and a second release of 250 police officer and soldiers at the end of July 2001,

Recalling also that the Colombian authorities have shown in the past that when there is sufficient political will they are capable of securing someone's release, as was clearly illustrated in the case of the brother of the main government negotiator with FARC, whose release the Government obtained in a matter of days,

Stressing that a government is obliged to ensure the safety of all of its citizens and, when such safety is jeopardised by non-State actors, a lack of adequate government action to restore it may result in the authorities sharing accountability for the crime by omission,

1. *Deeply regrets* that the Colombian authorities, in particular the National Congress, have not provided any information or observation concerning the kidnapping of Mr. Lizcano and the efforts made to secure his release;
2. *Remains deeply concerned* that Mr. Lizcano has now been in FARC hands for over a year, despite the ongoing talks between the Government and the guerrilla group;
3. *Urges* the Colombian authorities once again, in their negotiations with FARC, to make his release a priority, particularly in view of his reportedly impaired health;
4. *Wishes to ascertain* whether the authorities have sought to arrange access for the International Committee of the Red Cross in order to provide him with the necessary medical assistance;
5. *Believes* that Parliament has a particular interest in taking action not only to secure the release of one of its members but also to prevent such kidnappings in the future, constituting as they do a threat to Parliament as such and to the citizens it represents; *wishes to ascertain* whether the National Congress has taken any steps to secure Mr. Lizcano's release;
6. *Considers* that an on-site mission would contribute to progress in this case and, consequently, *requests* the Secretary General to contact the parliamentary authorities with a view to exploring the possibility of such a mission, whose mandate would be to meet with the competent parliamentary and governmental authorities, the source and any other entities possibly able to assist in finding a satisfactory solution;
7. *Requests* the Secretary General to communicate this resolution to the parliamentary authorities and to the source;
8. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (March 2002), in the light of such information as the on-site mission may have gathered.

CASE N° DJI/09 - AHMED BOULALEH BARREH)
CASE N° DJI/10 - ALI MAHAMADE HOUMED) DJIBOUTI
CASE N° DJI/11 - MOUMIN BAHDON FARAH)

***Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
at its 169th session (Ouagadougou, 14 September 2001)***

The Council of the Inter-Parliamentary Union,

Referring to the resolution it adopted at its 168th session (April 2001) on the case of Mr. Ahmed Boulaleh Barreh, Mr. Ali Mahamade Houmed and Mr. Moumin Bahdon Farah of Djibouti, and to the related report of the Committee on the Human Rights of Parliamentarians,

Taking account of a communication from the President of the National Assembly dated 12 September 2001,

Recalling that Mr. Boulaleh Barreh, Mr. Mahamade Houmed and Mr. Bahdon Farah were found guilty on 7 August 1996 of insulting the President of the Republic and sentenced to six months' imprisonment, a fine and five years of deprivation of their civic rights, as a result of which they were debarred from standing in the parliamentary elections of December 1995 and the presidential elections of April 1999; their trial went ahead despite a Constitutional Court ruling of 31 July 1996 that the lifting of their parliamentary immunity had been flawed,

Recalling that, on 7 February 2000, the Government and the armed rebellion signed a Framework Peace Agreement whereby the members of the armed rebellion were granted an amnesty; *mindful* of the view it took at its 166th, 167th and 168th sessions that, given the spirit of reconciliation expressed in the Peace Agreement, it would also be fitting to extend the amnesty to former members of Parliament since their attacks on the authorities had been purely verbal,

Considering that, according to the letter from the President of the National Assembly of 12 September 2001, the President of the Republic proposed to the National Assembly the adoption of a clemency measure, and that the Standing Committee of the National Assembly has followed that proposal and pronounced an amnesty which also includes the former MPs concerned,

1. *Is gratified* at the gesture of reconciliation extended to the former MPs, granting them an amnesty and thus clearing them of all charges brought against them;
2. *Reaffirms* its conviction that, in making the allegedly offensive statement, the MPs concerned were merely exercising their right to freedom of speech;
3. *Is confident* that the National Assembly will henceforth guarantee that the rights and privileges of its members are fully respected and do its utmost to ensure that they enjoy the requisite freedom of speech for the effective exercise of their parliamentary mandate;
4. *Decides* to close this case and *requests* the Secretary General to inform the authorities and the sources accordingly.

**CASE N° EC/02 - JAIME HURTADO GONZALEZ) ECUADOR
CASE N° EC/03 - PABLO VICENTE TAPIA FARINANGO)**

***Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
at its 169th session (Ouagadougou, 14 September 2001)***

The Council of the Inter-Parliamentary Union,

Referring to the resolution it adopted at its 168th session (April 2001) on the case of Mr. Jaime Ricaurte Hurtado González and Mr. Pablo Vicente Tapia Farinango, a member and substitute member, respectively, of the National Congress of Ecuador, and to the related report of the Committee on the Human Rights of Parliamentarians,

Taking account of the information provided by the Prosecutor General and the Special Commission of Inquiry (CEI) on 7 June and 30 August 2001,

Recalling the following information on file:

- Mr. Jaime Ricaurte Hurtado González, Mr. Pablo Vicente Tapia Farinango and their assistant, Mr. Wellington Borja Nazareno, were shot dead on 17 February 1999 shortly after leaving the morning plenary sitting of the National Congress;
- The preliminary report of the police investigation, resting primarily on the testimony of the main suspect at the time, Mr. Washington Fernando Aguirre, and made public on 19 February 1999 by the President of the Republic, concluded that the motive for the killing was Jaime Hurtado's links with the Colombian guerrilla movement;
- The Special Commission of Inquiry (CEI) set up by the Government to establish the truth has since its inception described the findings of the preliminary police report as "*fabricated, incomplete and contradictory*" and has gathered evidence suggesting that Mr. Hurtado's investigations into corruption cases involving high-profile figures from both business and political circles may have been the motive for the crime;
- The judge, who was not assigned to the case until 10 months after the murder, discarded the police conclusions, and is at present conducting the preliminary investigation which he had closed on 21 December 2000 but reopened on 22 January 2001 to take additional evidence;

Recalling that three persons, Mr. Ponce, Mr. Merino and Mr. Aguirre, were arrested on 18 February 1999 and sentenced on 2 August 2000 to six years' imprisonment for criminal association in connection with the triple murder; *noting* that in March, April and May 2001 they were granted early release for good conduct after serving two years of their sentence; *considering* in this respect the following:

- the Special Commission of Inquiry expressed concern at their early release, particularly in the case of Mr. Merino, who was granted early release for good conduct despite a fight he reportedly had with Jairo Almanza, a person accused of drug trafficking who had escaped from Ibarra Prison six months before the murder of Jaime Hurtado together with Wilthbert Ayerbe, the person who had contracted Washington Aguirre to prepare the crime;
- the CEI has therefore requested the National Congress to summon the Director of Social Rehabilitation, who had authorised those early releases, to question him in this connection and to determine whether he had acted in accordance with the law;
- according to the information provided by the Prosecutor General, the reduction of the prison sentences of the accused, Cristián Ponce and Serguey Merino, was granted by the competent bodies under the legal regulations in force;
- on 6 August 2001, Mr. Ponce and Mr. Aguirre were summoned by the Judge, but failed to appear; the CEI fears that they may already have left the country,

Considering further that the presumed perpetrator of the murder, who, according to the CEI, has been formally declared a suspect in the Hurtado case, Freddy Contreras Luna, is currently serving in the Rehabilitation Centre of Varones - Quito (Centro de Rehabilitación Social) a 12-year prison sentence handed down on him on 19 March 2001 in another murder case; according to the CEI, although he might be granted early release in the near future, the judge has not acted upon its petition to order his preventive detention in the Hurtado case,

Taking account of the Prosecutor General's observation of 7 June 2001 that the department of public prosecution, through its designated Prosecutor, is actively pursuing the triple murder case with the Court and the CEI, and that her Office do its utmost to ensure that the perpetrators are brought to justice; *noting* in this connection that, in his reply to a request for information from the Canadian National Group, the Ambassador of Ecuador to Canada stated that the reopening of the investigation permitted the completion of various investigative actions in order to conclude the preliminary investigation, prepare the indictment and

proceed to the trial stage; however, according to the information provided by the CEI on 30 August 2001, none of the investigative actions requested by the CEI has in fact been carried out, in particular as regards the interrogation of certain police officers, despite an undertaking given by the General Police Commander to the CEI on 20 April 2001 that they would testify,

Recalling that on 24 October 2000 the National Congress adopted a resolution urging the Government to grant pensions to the families of the murdered parliamentarians, in line with previous practice in the case of deceased members of parliament,

Bearing in mind that, on the occasion of the on-site mission which Committee member Juan Pablo Letelier carried out in April 2000, the Government authorities expressed their support for the work of the Special Commission of Inquiry and the judicial investigation,

1. *Thanks* the Prosecutor General and the Special Commission of Inquiry for the information provided;
2. *Notes with satisfaction* the undertaking of the Prosecutor General to make every effort to bring the murderers to justice and to cooperate with the CEI; *expresses the earnest hope* that such cooperation will permit the completion of evidence taking as requested by the CEI;
3. *Is alarmed* that Mr. Ponce and Mr. Aguirre, both having been granted early release, failed to obey a summons, and *urges* the authorities to make every effort, as their duty requires, to ensure that they obey court orders and are placed at the disposal of the court;
4. *Urges* likewise the authorities to ensure that the presumed perpetrator of the murder, Mr. Fredy Contreras Luna, is placed at the disposal of the judge in this case;
5. *Wishes to ascertain* (a) the procedural status of Mr. Merino, Mr. Ponce, Mr. Aguirre and Mr. Contreras in the murder case of Mr. Hurtado, Mr. Tapia and Mr. Wellington and (b) the stage reached in the proceedings in this case and their result, if any;
6. *Wishes to ascertain* also whether the National Congress has taken action to question the Director of Social Rehabilitation in connection with the early releases of Mr. Aguirre, Mr. Ponce and Mr. Merino;
7. *Reiterates* its conviction that Parliament has a particular interest in ensuring that the murder of one of its members does not go unpunished since, in the final analysis, the unpunished murder of an MP stands as a threat to all other members of the parliament concerned and to the society it represents as a whole;
8. *Regrets* therefore all the more that, since the on-site mission to Ecuador in April 2000, there has not been any response from the parliamentary authorities, which has prevented the Committee from taking account of their views in its deliberations in this case and of any steps they may have taken to monitor the investigation;
9. *Calls once again* on the National Congress to make every effort to ensure that justice is fully done in this case, *inter alia* by supporting the work of Special Commission of Inquiry, including with financial resources;
10. *Trusts* that the Government has acted on the National Congress resolution requesting that the families of the victims are granted a pension, and *reiterates its wish* to receive confirmation of this;

11. *Requests* the Secretary General to convey this decision to the President of the National Congress, the Minister of Justice, the Prosecutor General, the Special Commission of Inquiry and the sources;
 12. *Requests* the Committee to continue examining this case and report to it at its next session (March 2002).
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CASE N° GMB/01 - LAMIN WAA JUWARA – GAMBIA

***Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
at its 169th session (Ouagadougou, 14 September 2001)***

The Council of the Inter-Parliamentary Union,

Referring to the resolution it adopted at its 168th session (April 2001) on the case of Mr. Lamin Waa Juwara, a former member of the House of Representatives of the Gambia, and to the related report of the Committee on the Human Rights of Parliamentarians,

Taking account of a communication from the Speaker dated 15 June 2001,

Recalling the following evidence on file:

- Mr. Juwara was subjected to frequent arbitrary arrests and incommunicado detentions during the rule (1994-1996) of the Armed Forces Provisional Ruling Council (AFPRC); on 30 June 1997, he filed a lawsuit against the competent authorities claiming compensation for the human rights violations he had suffered at the hands of officials acting under State authority; on 29 July 1998, the judge dismissed the case, ruling that it was not subject to the jurisdiction of the courts, having regard to Section 13 of Schedule 2 to the Constitution of 1997, which guarantees AFPRC officers immunity from prosecution in respect of any act or omission in the performance of their official duties; Mr. Juwara lodged an appeal against the ruling but decided to withdraw it following a reform of the court system whereby the Supreme Court of the Gambia henceforth replaces the Privy Council as the country's highest court of appeal;
- Mr. Juwara was again arrested on 17 May 1998, when he was severely ill-treated in State custody at the hands of members of the now banned "22 July movement" and its leader, Mr. Baba Jobe; his incommunicado detention lasted until 8 June 1998, when the Supreme Court released him on bail; the authorities ignored court orders for medical treatment and for the release of Mr. Juwara upon expiry of the 72-hour legal deadline for bringing charges against him;
- To date, the authorities have taken no action to investigate the complaint of severe ill-treatment suffered by Mr. Juwara on 17 May 1998, although within two weeks of his release Mr. Juwara sent the Attorney General a medical certificate attesting to the severe injuries he had sustained as a result of such ill-treatment, and widely publicised the incident;
- On 22 February 1999, the Brikama Magistrate's Court acquitted Mr. Juwara and others on the charge which had prompted his arrest, namely causing unlawful damage to construction works at the Brikama Mosque, and ruled that there was no case to answer; the State appealed against the decision,

Recalling that one of its main concerns in this case relates to Section 13 of Schedule 2 to the 1997 Constitution, whereby all members of the former Armed Forces Provisional Ruling Council (AFPRC) enjoy immunity and as a result of which Mr. Juwara has been denied compensation for the arbitrary arrests, detention and ill-treatment he suffered under AFPRC rule; *noting* in this connection that the National Assembly is said to have recently enacted a law, made retroactive to January 2000, granting blanket immunity to all security and government personnel who through their actions kill, injure or harm any person or persons,

Considering that, in his letter of 15 June 2001, the Speaker expressed the view that the National Assembly could not intervene in the case of Mr. Juwara as it had no "juridical" powers or responsibility;

Bearing in mind that the Gambia is a signatory to the United Nations International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights, both of which

prohibit torture and ill-treatment and guarantee freedom from arbitrary arrest and detention; that these rights are also embodied in the Constitution of the Gambia,

Noting that on 11 June 1998 the United Nations Special Rapporteur on Torture sent an urgent appeal on behalf of Mr. Juwara to the Gambian authorities (see E/CN.4/1999/61), which has so far met with no response (see E/CN.4/2001/66),

Noting that, in its resolution 2001/62 adopted on 25 April 2001, the United Nations Commission on Human Rights "urges all Governments to promote the speedy and full implementation of the Vienna Declaration and Programme of Action, in particular ... to abrogate legislation leading to impunity for those responsible for grave violations of human rights such as torture and prosecute such violations, thereby providing a firm basis for the rule of law" and goes on to "stress that all allegations of torture or other cruel, inhuman or degrading treatment or punishment should be promptly and impartially examined by the competent national authority, that those who encourage, order, tolerate or perpetrate acts of torture must be held responsible and severely punished, ... and that national legal systems should ensure that the victims of such acts obtain redress and are awarded fair and adequate compensation and receive appropriate socio-medical rehabilitation",

Bearing in mind Decree 31 (National Goals and Objectives Decree 1995) whereby "adherence to the principles and the objectives of the United Nations ... shall remain the cornerstone of the Foreign Policy of The Gambia",

1. *Thanks the Speaker for his communication; regrets nevertheless the lack of response of the judicial and governmental authorities;*
2. *Remains deeply concerned at the de facto impunity granted to those responsible for ill-treating Mr. Juwara in May 1998 while he was in State custody; deplores that the authorities have so far failed to investigate Mr. Juwara's denunciation of such ill-treatment; also deplores that the authorities have as yet failed to respond to the appeal addressed to them in this respect by the United Nations Special Rapporteur on Torture;*
3. *Reiterates its deep concern at Section 13 of Schedule 2 to the 1997 Constitution, which has the effect of granting impunity to members and officers of the former Armed Forces Provisional Ruling Council and deprives Mr. Juwara of his right, as enshrined in Article 9, paragraph 5, of the ICCPR, to receive compensation for the many arbitrary arrests and detentions he suffered under AFPRC rule;*
4. *Urges the authorities once again to comply with their duties under international law and, in line with their stated commitment to observe the principles and objectives of the United Nations, to bring to justice those responsible for Mr. Juwara's ill-treatment and to compensate him in an appropriate manner for the violations of his right to liberty;*
5. *Affirms that the National Assembly, as the State body competent to legislate and to oversee the action of the executive branch, has a role to play in this case: as legislator it is competent to ensure that Gambian laws, including the Constitution, are consistent with the country's international obligations; as the body overseeing the executive branch, including the police, it is competent to ensure that the executive authorities, including the police, respect human rights and that redress is provided in case of abuse of such rights;*
6. *Urges therefore once again the National Assembly to take legislative action to ensure that laws are consistent with the Gambia's international obligations, that human rights violations are punished and that compensation is paid to victims of such violations; also urges it to avail itself of its monitoring role to inquire into alleged human rights abuses by the police, and insists that perpetrators of such violations must be brought to justice;*
7. *Reiterates its wish to ascertain the stage reached in the "Brikama Mosque case" proceedings;*

8. *Requests* the Secretary General to convey this resolution to the parliamentary and governmental authorities, as well as to Mr. Juwara; *also requests* the Secretary General to forward it to the competent United Nations human rights bodies and Commonwealth authorities;
9. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (March 2002).

CASE N° GMB/03 - OMAR JALLOW - GAMBIA

***Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
at its 169th session (Ouagadougou, 14 September 2001)***

The Council of the Inter-Parliamentary Union,

Referring to the resolution it adopted at its 168th session (April 2001) on the case of Mr. Omar Jallow of the Gambia and to the related report of the Committee on the Human Rights of Parliamentarians,

Taking account of a communication from the Speaker dated 31 August 2001,

Recalling the following information on file:

- Mr. Omar Jallow, a member of the House of Representatives dissolved in 1994 and former Minister, was arrested on or about 12 October 1995 and held in army barracks at Fajara in Bakau, without any charge ever having been brought against him; he was released on 4 November 1996; his repeated petitions to the President of the Republic seeking compensation for suffering caused as a result of his arbitrary detention have been to no avail so far; Mr. Jallow has reportedly abandoned his claim for compensation in view of Section 13 of Schedule 2 to the Constitution, which grants immunity from prosecution for all office-holders of the former Armed Forces Provisional Ruling Council (AFPRC);
- Owing to Decree N° 89 of 14 August 1996, which disqualifies indefinitely all persons who held the office of President, Vice-President or Minister in the Government of the Republic of the Gambia in the 30 years preceding 22 July 1994, Mr. Jallow, an MP and Minister at the time, was debarred from participating in any political activity; on 8 July 1999, he filed a lawsuit in the High Court of the Gambia seeking a declaration that, under the Gambian Constitution, he was entitled to exercise his right of association; the High Court having ruled in May 2000 that it was not competent to deal with the matter, Mr. Jallow took his case to the Supreme Court,

Noting that, in the many resolutions it has adopted on this case, it has consistently pointed out that Decree 89 runs counter to the human rights guarantees enshrined in the International Covenant on Civil and Political Rights and in the African Charter on Human and Peoples' Rights, to both of which the Gambia is a party, and urged the authorities, in particular the National Assembly, to make it consistent with the Gambia's obligations under those treaties;

Noting in this respect that, in his letter of 31 August 2001, the Speaker reported that the Government had repealed Decree 89,

Noting finally that legislative elections are due to be held in October 2001 in the Gambia,

1. *Thanks* the Speaker for his communication;

2. *Notes with satisfaction* that Decree 89 has finally been repealed and *trusts* that, as a result, Mr. Jallow has now recovered the full exercise of his political rights and will be able to stand in the next elections, should he so wish;
3. *Recalls* that Mr. Jallow has been the victim of arbitrary arrest and, pursuant to Article 9, paragraph 5, of the ICCPR, therefore has an enforceable right to compensation;
4. *Calls* consequently on the authorities, in particular the National Assembly, to ensure that Section 13 of Schedule 2 is so amended as to enable Mr. Jallow to exercise his right under that ICCPR provision;
5. *Requests* the Secretary General to convey this resolution to the parliamentary and governmental authorities and to Mr. Jallow, as well as to the competent United Nations human rights bodies, the Commonwealth authorities and the European Union;
6. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (March 2002).

GUINEA

CASE N° GUI/01 - MAMADOU BHOYE BA

CASE N° GUI/02 - MAMADOU BARRY

CASE N° GUI/03 - T. OUSMANE DIALLO

CASE N° GUI/05 - EL-HADJ A. MADY KABA *

CASE N° GUI/06 - KOUMAFING KEÏTA *

CASE N° GUI/07 - MAMADY YÖ KOUYATE

CASE N° GUI/08 - I. KALIL KEÏTA

***Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
at its 169th session (Ouagadougou, 14 September 2001)***

The Council of the Inter-Parliamentary Union,

Referring to the resolution it adopted at its 168th session (April 2001) on the case of the above-mentioned parliamentarians of Guinea and to the related report of the Committee on the Human Rights of Parliamentarians,

Recalling that the MPs concerned were all arrested, allegedly in *flagrante delicto*, without their parliamentary immunity having been lifted, and were sentenced in trials flawed by serious irregularities to prison terms ranging from two to five months; a National Assembly resolution calling for suspension of the detention of Mr. Bhoeye Ba, Mr. Ousmane Diallo and Mr. Mamadou Barry was not respected; Ms. Koumafing Keïta and Mr. El-Hadj Amiata Mady Kaba, now both deceased, and Mr. Mamady Yö Kouyate and Mr. Ibrahima Kalil Keïta stated that they had suffered serious ill-treatment while in detention,

Recalling that the Committee's on-site mission to Conakry in January 2000 intensified previous concerns about lack of respect for parliamentary immunity and the prerogatives of the National Assembly in this case, and for the right to peaceful assembly, fair trial and humane treatment in detention,

Bearing in mind that the Republic of Guinea is a party to the International Covenant on Civil and Political Rights, the African Charter on Human and Peoples' Rights, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which guarantee the right to freedom of

* Deceased.

assembly, the right to freedom from arbitrary arrest and detention and from torture and ill-treatment, and the right to fair trial,

Bearing in mind that it has consistently called on the authorities to abide by their obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to investigate the denounced instances of ill-treatment in detention without further delay,

1. *Infers* from the lack of any response from the authorities that no such steps have been taken;
2. *Is therefore led to conclude* that, in omitting to institute investigations into the complaints of the MPs in question, the authorities have failed to respect their right to physical integrity; *recalls* that under the Convention against Torture, victims of ill-treatment at the hands of State authorities have a right to redress and to fair and adequate compensation;
3. *Reaffirms* that, in arresting the MPs concerned without the lifting of their parliamentary immunity and in disregarding a resolution of the National Assembly calling for the suspension of the preventive detention of three of the MPs concerned, the Executive branch has failed to respect the rights and prerogatives of Parliament, its members and thus the rights of the citizens it represents;
4. *Stresses* that respect for the competence and powers of the different State branches is essential to the rule of law;
5. *Notes* that the MPs concerned are at present fully exercising their mandate;
6. *Decides* to close further examination of this case while reserving the right to reopen it in the event of fresh developments.

CASE N° GUI/04 - ALPHA CONDÉ - GUINEA

***Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
at its 169th session (Ouagadougou, 14 September 2001)***

The Council of the Inter-Parliamentary Union,

Referring to the resolution it adopted at its 168th session (April 2001) on the case of Mr. Alpha Condé, a member of the National Assembly of Guinea, and to the related report of the Committee on the Human Rights of Parliamentarians,

Having heard a member of the Guinean delegation to the 106th Conference (September 2001),

Taking account of the information supplied by the sources on 28 April and 19 May 2001,

Considering that Mr. Alpha Condé was pardoned by the President of the Republic on 18 May 2001 and released; *considering also* that, in a letter of 6 June 2001, the President of the National Assembly appealed to the President to grant Mr. Condé an amnesty and thus fully restore his political rights,

Recalling that Mr. Condé was sentenced after a trial which had patently failed to respect the standards of fair trial as defined in national standards and in international treaties ratified by Guinea, and which

involved torture either to extort confessions or to coerce witnesses and co-defendants to testify against Alpha Condé, and that consequently his guilt was in no way proven,

1. *Welcomes* the release of Mr. Alpha Condé and *earnestly hopes* that he will promptly be restored to his full political rights and so be able to resume his seat in the National Assembly;
2. *Once more urges* the authorities to launch investigations without delay into evidence of torture and ill-treatment which surfaced during the trial and to bring to justice, as their duty requires, those responsible for such abhorrent criminal acts proscribed under the Guinean Constitution and the international human rights instruments to which Guinea is a party, in particular the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
3. *Requests* the Secretary General to convey this resolution to the Guinean authorities;
4. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (March 2002), when it hopes to be able to close it in view of the full resumption of Mr. Condé's political activities.

CASE N° HOND/02 - MIGUEL ANGEL PAVÓN SALAZAR - HONDURAS

Resolution adopted without a vote by the Council of the Inter-Parliamentary Union at its 169th session (Ouagadougou, 14 September 2001)

The Council of the Inter-Parliamentary Union,

Referring to the resolution it adopted at its 168th session (April 2001) on the case of Mr. Miguel Angel Pavón Salazar of Honduras and to the related report of the Committee on the Human Rights of Parliamentarians,

Taking account of the information provided by the Office of the National Commissioner for Human Rights dated 12 July 2001,

Recalling the following information on file:

- Mr. Miguel Angel Pavón Salazar was shot dead on 14 January 1988 by a man in civilian clothes; the judicial investigations established a link between his murder and evidence he had given in October 1987 before the Inter-American Court of Human Rights in cases against the Government of Honduras concerning "disappearances";
- Owing to the insistence of the National Congress the investigation, which had come to a virtual standstill, was reopened in July 1996 by the Criminal Investigation Branch (DIC) of the Public Prosecutor's Office; it brought to light new evidence which resulted in the arrest, on 28 April 1998, of one of the presumed culprits, Lieutenant Colonel Mario Asdrubal Quiñones Aguilar, and the issuing of arrest warrants for Sergeant Major Jaime Rosales, who is nevertheless at large; Asdrubal Quiñones was released on bail on 3 May 1998; he disappeared and reportedly died in a road accident caused by Hurricane Mitch in October 1998; on 5 June 2000 the Prosecutor issued an international arrest warrant through Interpol for Jaime Rosales, who reportedly lives in the United States of America, and on 23 August 2000 requested the General Directorate of Population and Migration to provide data on his migration movements,

Considering that, according to the information provided by the National Commissioner for Human Rights, whose Office continues to monitor the proceedings, this request is the most recent step taken in this case; the Office met the Special Human Rights Prosecutor dealing with this case, who undertook to act to speed up the proceedings; however, the interrogation of a witness requested by her on 9 March 2001 had still not been carried out by 6 August 2001,

Considering also that, according to the Office, Mr. Quiñones was officially declared dead on 19 September 2000; the criminal investigation into the circumstances of his death has not, however, made any progress since 3 September 1999,

1. *Thanks* the Office of the National Commissioner for Human Rights for the information provided and for monitoring the proceedings in this case;
2. *Is surprised* that Mr. Quiñones has been officially declared dead although investigations into the circumstances of his disappearance are still under way, and *would appreciate* information on the legal procedures provided for in this respect;
3. *Regrets* that the National Congress has not responded to the communications addressed to it, and *calls upon* it once again to continue monitoring proceedings in this case to ensure that they are finally concluded;
4. *Requests* the Secretary General to bring this resolution to the attention of the National Congress, the Office of the National Commissioner for Human Rights and the Special Human Rights Prosecutor;
5. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (March 2002).

CASE N° IDS/13 - TENGKU NASHIRUDDIN DAUD - INDONESIA

***Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
at its 169th session (Ouagadougou, 14 September 2001)***

The Council of the Inter-Parliamentary Union,

Referring to the resolution it adopted at its 168th session (April 2001) on the case of Mr. Tengku Nashiruddin Daud, of Indonesia, and to the related report of the Committee on the Human Rights of Parliamentarians,

Taking account of information provided by the parliamentary authorities on 15 June 2001; *also taking account* of information provided by the source on 19 June 2001,

Recalling that Mr. Nashiruddin Daud, a member of Parliament for Aceh and outspoken Vice-Chairman of the Parliamentary Commission of Inquiry into Human Rights Abuses in Aceh, disappeared on 21 January 2000 in Medan on his way back from a mission to Aceh; his body was found two days later, his injuries showing clearly that he had been tortured by his abductors,

Considering that Parliament, in particular its Sub-committee on Juridical and Human Rights Issues and the Committee for Inter-Parliamentary Cooperation, has taken action to monitor the investigation and requested the police to report on progress made,

Considering that the investigation has so far yielded no tangible result: according to information which the police provided to Parliament, three suspects escaped to Aceh and the Medan police requested the

police in Aceh to capture them; a fourth suspect has fled to Penang and cooperation has been established with the Malaysian police to capture him,

Noting that, according to the source, a young man named Abubakar Daud, who worked as a servant at the hostel where Mr. Nashiruddin Daud was staying when he disappeared, went missing shortly after being interrogated by the police as a witness; his current whereabouts are unknown; according to the source, he is thought to have been well informed about what had happened at the hostel at the time of Mr. Nashiruddin Daud's disappearance; *noting* also that the Committee brought this information to the attention of the parliamentary authorities at the session it held in June last,

Considering finally that the source fears that the police may not be conducting the investigation with the requisite diligence and thoroughness, failing in particular to take account of a possible link between Mr. Nashiruddin's activities in the parliamentary commission investigating human rights abuses in Aceh and his murder,

1. *Thanks* the parliamentary authorities for the information provided; *notes with satisfaction* that Parliament is monitoring the investigation;
2. *Is alarmed* at the disappearance of a key witness following police interrogation, and *wishes to ascertain* whether the competent authorities have launched investigations to ascertain his whereabouts, as their duty requires, and with what result;
3. *Is confident* that Parliament has inquired into the disappearance of Mr Abubakar Daud and *would appreciate* information on the result, if any, of such inquiry; *would also appreciate* notification as to whether Parliament has been informed of the testimony given by that key witness;
4. *Considers* that the disappearance after police interrogation of a person who appears to be a key witness adds weight to the fears expressed by the source about the conduct of the police investigation;
5. *Recalls* that it is the duty of every State to dispense justice and thus to identify culprits and bring them to justice without undue delay; *also recalls* that impunity poses a major threat to any democratic system based on respect for human rights as it undermines the confidence of citizens in the State's ability to dispense justice and protect human rights, thus undermining respect for the rule of law itself;
6. *Reaffirms* that Parliament, as a guardian of human rights, has a special duty to ensure that the murder of any of its members does not go unpunished, since such impunity constitutes a threat to all members of parliament and to the entire society they represent;
7. *Requests* the Secretary General to convey this resolution to the parliamentary authorities, inviting them to keep the Committee informed of any developments; *also requests* the Secretary General to convey the resolution to the Minister of Justice, the Attorney General, the Head of Police and the National Human Rights Commission, inviting them to provide their observations;
8. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (March 2002).

**Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
at its 169th session (Ouagadougou, 14 September 2001)**

The Council of the Inter-Parliamentary Union,

Having before it the case of Mr. Jean-Eugène Voninahitsy, a member of the Parliament of Madagascar, which has been the subject of a study and report of the Committee on the Human Rights of Parliamentarians in accordance with the "*Procedure for the examination and treatment, by the Inter-Parliamentary Union, of communications concerning violations of human rights of parliamentarians*",

Taking note of the report of the Committee on the Human Rights of Parliamentarians, which contains a detailed outline of the case,

Further taking account of the detailed information regularly provided by the President of the National Assembly,

Noting that paragraphs 2 and 3 of Article 69 of the Constitution of Madagascar guarantee parliamentary inviolability except in the case of *flagrante delicto*; *considering*, in the light of this provision, the following information on file:

- Upon his return to Madagascar from a parliamentary visit to Ukraine, Mr. Voninahitsy stated at a press conference on 26 October 2000 that the pontoon bridge which the President of Madagascar had claimed to have purchased from the Ukrainian authorities had in fact been donated to the Malagasy population, a statement which was published on 31 October 2000 in the journal «Ny Gazetiko»;
- On 23 December 2000, Mr. Voninahitsy was arrested for insulting the Head of State, spreading false news and defamation on account of that statement, the authorities regarding this as a *flagrante delicto* offence punishable under Article 206 of the Code of Penal Procedure and hence not requiring the lifting of Mr. Voninahitsy's parliamentary immunity; a request for his release on grounds of procedural flaws and misinterpretation of *flagrante delicto* was rejected, as was a request for his release pending trial made by the President of the National Assembly on 23 December 2000;
- On 26 December 2000, Mr. Voninahitsy was moreover charged with issuing nine bad cheques in June, July and August 2000; Mr. Voninahitsy was remanded in custody also in connection with each of these offences, which the authorities also regarded as *flagrante delicto*,
- Referring to French legislation and jurisprudence and stating particularly that "*the flagrante delicto nature of an offence is fixed not when it is committed but at the moment when it is revealed through an apparent sign*", the authorities affirm that "*the flagrante delicto nature and the very existence of the offence in question are revealed by the notice of non-payment due to insufficient funds sent by the bank; ... the proceedings evince no irregularities insofar as the prosecution process, from his summons by the police to his remand to the Public Prosecutor's Office, is unbroken*"; moreover, according to the President of the National Assembly, "*owing to the fact that he has confessed, Deputy Voninahitsy can hardly claim immunity from the proceedings initiated against him for issuing bad cheques*";
- On 27 December 2000, after having rejected the defence of unconstitutionality and irregular procedure pleaded by the lawyers and their request that the trial hearing be adjourned to give them time to study the file, which had been communicated to them only in part and a mere 30 minutes before the hearing, the Correctional Chamber of the Court of First Instance of Antananarivo sentenced Mr. Voninahitsy to 42 months' imprisonment for issuing nine bad cheques and eight months' imprisonment for insulting the Head of State;

- On 30 January 2001, the Antananarivo Court of Appeal annulled the proceedings at first instance as regards insulting the Head of State, ruling that the defence based on the lack of *flagrante delicto* was founded, and ordered Mr. Voninahitsy's release "if he is not detained on other grounds"; with respect to the offence of issuing bad cheques, the Court upheld the first instance judgment as to guilt but reduced the sentence to six months' imprisonment;
- By Judgment 141 of 21 June 2001, the Penal Chamber of the Supreme Court upheld the sentence handed down on appeal against Mr. Voninahitsy, who had meanwhile served his sentence; his conviction having become definitive, Mr. Voninahitsy was stripped of his parliamentary mandate pursuant to Articles 9 (6) and 25 of Order No. 93007 of 24 March 1993, and on 19 July 2001 the Constitutional High Court took note of the vacancy of his seat and replaced him,

Considering that, on the strength of the above provisions, Mr. Voninahitsy will be unable to stand in the forthcoming elections,

Considering that (a) the essential element and very reason for the introduction into penal law of *flagrante delicto* offences is the short period of time between the commission of an offence and its disclosure, be it a *flagrante delicto* offence as such or an offence deemed to be *flagrante delicto*; (b) the ease with which an offence can be proven has nothing to do with *flagrante delicto*, whose aim is essentially to justify urgency and extended powers of the investigators; (c) according to Article 53 (paragraph 2) of the French Criminal Procedure Code, the model for the Madagascar Criminal Procedure Code, the investigation conducted following the commission of a *flagrante delicto* offence or crime must not last more than eight days,

Considering that under French legislation, to which the authorities have referred as a model for Madagascar, the issuing of bad cheques is no longer a criminal offence following the adoption of Law 91/1382 of 30 December 1991; that the custodial penalty has been replaced by a suspension of banking privileges,

Considering that Mr. Voninahitsy had paid all cheques, for which reason there was no plaintiff or civil party in the proceedings; according to the sources, the court added the bad cheques offence to make him out as a common law prisoner because they feared the reaction of the population that had come in their thousands the day of the trial to demonstrate their dissatisfaction and demand Mr. Voninahitsy's release; moreover, several members of the majority party reportedly issued bad cheques without ever having been prosecuted or, if so, were granted release pending trial,

Noting that the sources fear that the proceedings against Mr. Voninahitsy were launched to prevent him from standing in the elections of the governors, senators and the President of the Republic,

Noting that two proposals in Parliament to amnesty Mr. Voninahitsy have recently failed,

1. *Thanks* the President of the National Assembly for his cooperation, and *commends* him for the measures he took with a view to safeguarding Mr. Voninahitsy's parliamentary privilege;
2. *Is alarmed* that Mr. Voninahitsy was sentenced at final instance for issuing bad cheques, on the basis of *flagrante delicto*, hence without lifting of his parliamentary immunity, and that as a result he has now forfeited his parliamentary mandate;
3. *Fails to understand*, in the light of existing legislation and the very notion of *flagrante delicto*, how the latter could be applied in this case, given that the reportedly bad cheques were issued several months before charges were brought and after Mr. Voninahitsy had paid them; *fails to understand* why the prosecution took no action when, at the time, it had been notified by the Central Bank that there were insufficient funds in the account;

4. *Considers consequently* that Mr. Voninahitsy's arrest and detention for issuing bad cheques, without prior lifting of his parliamentary immunity, contravened Article 69 of the Constitution, which guarantees parliamentary inviolability;
 5. *Cannot share* the view of the authorities that the bank's notice of non-payment due to insufficient funds constitutes in itself proof that the offence was committed; *notes* that the judgments handed down on him provide no evidence to prove that Mr. Voninahitsy acted in bad faith;
 6. *Notes* that Mr. Voninahitsy was first arrested, unlawfully as subsequently established by the Court of Appeal, on a charge of insulting the President and spreading false news; that the charges of issuing bad cheques were brought three days later when there was strong protest at his arrest; *also notes* that the charges of insulting have not been pursued; *considers* that this sequence of events suggests that Mr. Voninahitsy's prosecution was prompted by other than legal motives;
 7. *Affirms* that in making the statement which gave rise to his arrest, Mr. Voninahitsy merely exercised his right to freedom of speech and carried out his parliamentary mandate, comprising as it does criticism and denunciation of possible abuses of the executive branch of the State;
 8. *Expresses concern* that Mr. Voninahitsy's conviction will now prevent him from standing in the forthcoming elections, and therefore *calls upon* the President of the Republic and Parliament to grant him an amnesty in order to remove all obstacles to his candidature for political positions in the future;
 9. *Requests* the Secretary General to convey this resolution to the competent authorities as well as to the sources;
 10. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (March 2002), in the hope that it will be able to close it in view of its satisfactory settlement.
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CASE N° MAL/15 - ANWAR IBRAHIM - MALAYSIA

***Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
at its 169th session (Ouagadougou, 14 September 2001)***

The Council of the Inter-Parliamentary Union,

Referring to the resolution it adopted at its 168th session (April 2001) on the case of Mr. Anwar Ibrahim, a member of the House of Representatives of Malaysia, and to the related report of the Committee on the Human Rights of Parliamentarians,

Recalling the following information on file:

- After his arrest in September 1998, Mr. Anwar Ibrahim was assaulted by the then Inspector General of Police, Rahim Noor. Following the findings of a specially instituted Royal Commission, Rahim Noor was charged with causing grievous bodily harm. He pleaded guilty only after the charge was amended to the lesser offence of "causing hurt". In March 2000, Rahim Noor was found guilty of that charge, fined US\$ 530, sentenced to two months' imprisonment and granted bail pending appeal;

- Mr. Anwar Ibrahim was found guilty on 14 April 1999 of corrupt practices and sentenced to six years' imprisonment. On 29 April 2000, the Court of Appeal upheld the verdict, ruling that there was "*no doubt whatsoever*" that Anwar Ibrahim had abused his official powers by ordering the police in 1997 to intimidate two people into withdrawing sexual allegations against him. Mr. Anwar Ibrahim has now appealed to the last instance, the Federal Court;
- On 8 August 2000, the Kuala Lumpur High Court found Mr. Anwar Ibrahim and his adoptive brother, Mr. Sukma Darmawan, guilty of sodomy and sentenced them to nine and six years' imprisonment, respectively; an appeal is pending,

Recalling that during its session in Havana, the Malaysian delegation submitted comprehensive written comments on the resolution which the Council had adopted in Jakarta (October 2000) on the case of Mr. Anwar Ibrahim; *considering* that in Ouagadougou the Malaysian delegation referred to the Committee a new document consisting of an information paper on the medical facilities and treatment provided for Mr. Anwar Ibrahim, a report from the Director General of Prisons, comments on the application by Anwar Ibrahim for release under Section 43 of the Prison Act for the purpose of going overseas for medical treatment, an information paper on Anwar Ibrahim's dismissal, trial and detention, and additional comments on the Council resolution adopted in Jakarta,

Considering that the Committee has been unable, at such short notice, to study this document thoroughly at its present session and submit its conclusions thereon; *noting* nevertheless the following in relation to its consistent concerns at (a) Anwar Ibrahim's state of health, in particular the Government's refusal to allow him to go abroad for urgent spinal surgery, (b) the statements made by persons questioned or accused in connection with Anwar Ibrahim's case that testimony had been extracted from them under duress, and (c) the instances of harassment of defence lawyers and interference with their duty to defend their clients to the best of their ability; *recalling* in this respect in particular that one of Anwar Ibrahim's defence counsels, Zainur Zakaria, was found guilty of contempt of court and sentenced to three months' imprisonment for having submitted to court an affidavit declaring that the prosecutors in this case had attempted to obtain a false statement against Anwar Ibrahim;

Considering that:

- whereas in the comments submitted in Ouagadougou, the Malaysian delegation argues that, under the Prison Act, Anwar Ibrahim is not eligible to invoke a right to medical treatment abroad, the Malaysian National Human Rights Commission (SUHAKAM) issued a press statement on 31 May 2001 in which it recognised that a patient had a right to his or her informed choice of medical treatment and, observing that there were no prohibitions in law for Anwar Ibrahim to be sent abroad for medical treatment, stated that "*from the medical, legal and human rights perspectives, Anwar Ibrahim should be allowed to exercise his right to choice of medical treatment*"; Anwar Ibrahim, who had undergone medical treatment at Kuala Lumpur Hospital since 25 November 2000, was moved back to prison on 10 May 2001 after he refused to undergo spinal surgery locally;
 - whereas in the comments it submitted in Havana, the Malaysian delegation affirmed that the charge against Mr. Zainur Zakaria for contempt of court had been based on facts and the law in Malaysia, the Federal Court, in its ruling of 27 July 2001 on Mr. Zakaria's appeal, reached a different conclusion, quashed the conviction and set aside the three-month sentence,
1. *Thanks* the authorities for submitting further information and comments, and *requests* the Committee to present its observations thereon at its next session;
 2. *Calls on* the authorities to heed the recommendation of the Malaysian National Human Rights Commission and so allow Anwar Ibrahim to pursue his personal choice of medical treatment abroad;

3. *Calls* in particular on the Malaysian Parliament, as a guardian of human rights, to give full support to the clear recommendations of the National Human Rights Commission;
4. *Considers* that the Federal Court ruling has strong implications for the Anwar Ibrahim case as it lends further credence to the defence argument that the prosecution fabricated evidence against Anwar Ibrahim and, consequently, that his prosecution was politically motivated;
5. *Requests* the Secretary General to convey this resolution to the Malaysian authorities, pressing the plea that Anwar Ibrahim be allowed to be treated by the physician and method of his choice;
6. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to its at its next session (March 2002).

CASE N° MON/01 ZORIG SANJASUUREN - MONGOLIA

***Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
at its 169th session (Ouagadougou, 14 September 2001)***

The Council of the Inter-Parliamentary Union,

Referring to the resolution it adopted at its 168th session (April 2001) on the case of Mr. Zorig Sanjasuuren of Mongolia and to the related report of the Committee on the Human Rights of Parliamentarians,

Recalling that Mr. Zorig Sanjasuuren was brutally murdered in his home on 2 October 1998; the investigations have been unavailing to date and appeared to have come to a standstill despite the existence of an eyewitness and the establishment of special commissions to inquire into this murder; different views were put forward by the source and by the authorities as to the diligence and thoroughness of the investigation,

Recalling that at its last session it considered that an on-site mission would help the Committee to understand the situation better and thus to make progress; it consequently requested the Secretary General to contact the parliamentary authorities with a view to organising a mission as early as possible to gather the fullest possible information from the competent parliamentary, governmental, administrative and judicial authorities, and from Mr. Zorig's associate, lawyers and family,

Considering that, in his letter of 14 June 2001, the Vice-Chairman of the State Great Hural conveyed the agreement of the authorities to such a mission while regretting that the information submitted during the written proceedings had not been deemed sufficient,

Considering that the mission was carried out from 1 to 3 August 2001 and that it was given all the necessary support and assistance to be able fully to carry out its mandate by meeting the competent authorities and other parties concerned,

1. *Thanks* the authorities of Mongolia and in particular the State Great Hural for their cooperation and for the assistance and support extended to the Committee's delegation;
2. *Commends* the delegation for its work and *awaits with interest* the report on the mission and its findings;
3. *Requests* the Committee to continue examining this case and report to it at its next session (March 2002), in the light of the mission report and any subsequent developments.

MYANMAR

CASE N° MYN/01 - OHN KYAING	CASE N° MYN/110 - TIN MIN HTUT
CASE N° MYN/04 - KHIN MAUNG SWE	CASE N° MYN/113 - AYE THAN
CASE N° MYN/09 - SEIN HLA OO	CASE N° MYN/114 - OHN NAING ¹
CASE N° MYN/36 - MYINT NAING ¹	CASE N° MYN/115 - THEIN ZAN
CASE N° MYN/60 - ZAW MYINT MAUNG	CASE N° MYN/116 - NYUNT HLAING
CASE N° MYN/64 - DAVID HLA MYINT ¹	CASE N° MYN/118 - THAN NYEIN ¹
CASE N° MYN/68 - AUNG KHIN SINT	CASE N° MYN/119 - MAY WIN MYINT
CASE N° MYN/71 - KYI MYINT	CASE N° MYN/120 - SAN SAN ¹
CASE N° MYN/84 - SOE THEIN ¹	CASE N° MYN/122 - MIN SOE LIN
CASE N° MYN/85 - KHUN MYINT HTUN	CASE N° MYN/123 - KHIN HTWE MYINT ¹
CASE N° MYN/86 - AYE SAN ¹	CASE N° MYN/124 - OHN MAUNG
CASE N° MYN/87 - DO HTAUNG	CASE N° MYN/133 - YAW HSI ¹
CASE N° MYN/88 - CHIT HTWE ¹	CASE N° MYN/134 - MIN KYI LWIN
CASE N° MYN/89 - MYO NYUNT	CASE N° MYN/135 - NAING HTUN THEIN
CASE N° MYN/100 - HLA MYINT ¹	CASE N° MYN/136 - SAW MRA AUNG ¹
CASE N° MYN/101 - SAW OO REH	CASE N° MYN/137 - KHIN MAUNG KYI ¹
CASE N° MYN/102 - HLA MIN	CASE N° MYN/138 - TOE PO
CASE N° MYN/104 - KYAW KHIN	CASE N° MYN/139 - SOE MYINT
CASE N° MYN/105 - KYIN THEIN	CASE N° MYN/140 - KHIN HTAY KYWE ¹
CASE N° MYN/108 - MIN SWE	CASE N° MYN/141 - MAY HNIN KYI ¹
CASE N° MYN/109 - THAN AUNG ¹	CASE N° MYN/142 - SAN SAN WIN ¹

Parliamentarians reportedly released after serving their sentences:

CASE N° MYN/10 - WIN HLAING	CASE N° MYN/111 - SAW LWIN
CASE N° MYN/13 - NAING NAING ²	CASE N° MYN/112 - HLA WIN
CASE N° MYN/26 - HLA TUN	CASE N° MYN/117 - KYAW MYING
CASE N° MYN/28 - TIN AUNG AUNG	CASE N° MYN/121 - TIN OO
CASE N° MYN/41 - ZAW MYINT	CASE N° MYN/125 - MAHN KYAW NI
CASE N° MYN/42 - MYA WIN	CASE N° MYN/126 - TUN WIN
CASE N° MYN/73 - FAZAL AHMED	CASE N° MYN/127 - BO HTWAY
CASE N° MYN/103 - TIN AUNG	CASE N° MYN/128 - THA AUNG
CASE N° MYN/106 - KYAW TIN	CASE N° MYN/130 - TIN WIN
CASE N° MYN/107 - SAN MYINT	

Parliamentarians deceased:

CASE N° MYN/53 - U HLA THAN	CASE N° MYN/72 - SAW WIN
CASE N° MYN/55 - TIN MAUNG WIN	CASE N° MYN/83 - KYAW MIN
CASE N° MYN/66 - WIN KO	CASE N° MYN/131 - HLA KHIN
CASE N° MYN/67 - HLA PE	CASE N° MYN/132 - AUNG MIN

¹ These persons are not included in the list of imprisoned MPs which was made available to the IPU on 11 September 2001 by the "Members of Parliament Union MPU - Burma".

² According to "MPU - Burma", Mr. Naing Naing has been imprisoned again.

***Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
at its 169th session (Ouagadougou, 14 September 2001)***

The Council of the Inter-Parliamentary Union,

Referring to the resolution it adopted at its 168th session (April 2001) on the case of the above-mentioned members-elect of the *Pyithu Hluttaw* (People's Assembly) of the Union of Myanmar, and to the related report of the Committee on the Human Rights of Parliamentarians,

Recalling that the Parliament elected on 27 May 1990 has to date been prevented from convening, the military regime instead setting up a National Convention, which lacks any legitimacy, to draft a new Constitution; the National League for Democracy (NLD), which won 392 of the 485 seats, has been systematically impeded in its functioning and the MPs-elect eliminated from the political process, including by arresting and detaining them and sentencing them under laws infringing basic international human rights standards,

Recalling also that the NLD, together with other parties, set up the Committee Representing the People's Parliament (CRPP) in an effort to implement the election results; that the Committee has not, however, been recognised by the military regime,

Noting that talks are under way between the military regime and Daw Aung San Suu Kyi, the NLD leader, and that since then 11 MPs have reportedly been released from prison and 35 from "guesthouses"; however, according to the sources, there is no guarantee that those released will not be re-arrested at any time,

Noting that, for want of official data and reliable first-hand information, figures on the exact number of MPs detained or imprisoned vary,

Recalls in this regard that on 23 March 2001 the Deputy Permanent Representative of Myanmar to the United Nations Office at Geneva undertook to provide information on the current situation of each of the MPs-elect,

1. *Regrets* that no official information on the current situation of the MPs-elect has been forthcoming, which makes it extremely difficult to assess their situation;
2. *Notes* that encouraging signs of a political thaw in Myanmar have been reported since the beginning of this year and that MPs-elect are said to have been released, and *wishes to receive* official confirmation of this;
3. *Reiterates its firm belief* that restoration of the rule of law requires the immediate and unconditional release of all the detained MPs-elect, the removal of the ban on political activities and the establishment of institutions representative of the people's will;
4. *Again calls upon* all members of the Inter-Parliamentary Union to take whatever measures they deem appropriate to press for the respect of democratic principles in Myanmar and to show their solidarity with their elected colleagues from the *Pyithu Hluttaw*, in particular by supporting the "*Committee Representing the People's Parliament*" and by making appropriate Myanmar-related policy recommendations to their governments, such as discouraging trade with or tourism to Myanmar; *invites once again* member Parliaments to inform it of any steps they may take to that end;
5. *Remains convinced* that an on-site mission would enable the Committee to make progress, particularly in the light of the ongoing dialogue between the regime and the NLD, and *expresses*

once again the hope that the authorities will favourably consider its request to conduct such a mission;

6. *Requests the Secretary General to bring this resolution to the attention of the authorities of Myanmar and the sources;*
 7. *Requests the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (March 2002).*
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CASE N° PAK/08 - ASIF ALI ZARDARI - PAKISTAN

Resolution adopted without a vote by the Council of the Inter-Parliamentary Union at its 169th session (Ouagadougou, 14 September 2001)

The Council of the Inter-Parliamentary Union,

Referring to the resolution it adopted at its 168th session (April 2001) on the case of Senator Asif Ali Zardari of Pakistan and to the related report of the Committee on the Human Rights of Parliamentarians,

Taking account of a letter from the Permanent Representative of Pakistan to the United Nations Office in Geneva, dated 1 May 2001, and his recent meeting with the Secretary General, together with the information supplied by one of Mr. Zardari's lawyers on 29 August 2001,

Recalling that Mr. Zardari has been in prison since his arrest on 4 November 1996,

*Considering that, according to his lawyers, Mr. Zardari is currently subjected to six different criminal proceedings, all of which are reportedly at a standstill, and to seven proceedings under the National Accountability (former *Ehtesab*) Ordinance (NABO), only two of which are said to be advancing,*

Recalling that Mr. Zardari was acquitted in the KESC Kickback on 24 March 2000; on 6 April 2001 the Supreme Court ruled bias against the trial judge in the one and only case in which Mr. Zardari has so far been convicted (SGS case) and ordered a retrial; recalling that, according to his lawyers, Mr. Zardari has already served the five-year prison sentence handed down on him in this case, in view of the period spent in pre-trial detention and his entitlements to remission under Pakistan Prison Rules,

Recalling that, with respect to the NABO cases, the authorities stated that Mr. Zardari had "indulged in gross acts of corruption and corrupt practices and acts of abuse of authority",

Considering also that, according to his lawyers, Mr. Zardari was granted bail on medical grounds in all proceedings except the "narcotics case" despite his present entitlement to statutory bail, and the Polo Ground case, in which the judge is not empowered to grant bail,

Considering that the Permanent Representative of Pakistan stated, in his communication of 1 May 2001, that Mr. Zardari had not been granted bail on medical grounds by the Court "as he is not suffering from any life-threatening ailment...";

Noting that according to the source, contrary to Supreme Court orders, Mr. Zardari was moved to the Pakistan Institute of Medical Sciences in Islamabad, which allegedly lacks the requisite medical facilities for his treatment, and two of his cases were transferred to Fort Attock, an Army campus located over 500 miles from Karachi, necessitating an arduous journey that is said to be highly detrimental to Mr. Zardari's health,

Noting that the Permanent Representative of Pakistan stated in the said communication that Mr. Zardari "was transferred to Fort Attock in connection with his trial by the Accountability Court under the considered advice of the doctor attending Mr. Zardari, who certified that he was fit to travel to Islamabad. Mr. Zardari is in good health and was produced in Court on the advice of the medical doctor, fully taking into account his health. Additionally, a qualified physician has always accompanied him in an ambulance",

Recalling that Mr. Zardari's lawyers reportedly continue to be subjected to harassment, with army raids on Mr. Naek's office in April 2001 having led to strong condemnations from the Pakistan Bar Council and the Sindh Bar Council,

Recalling finally that a judicial inquiry tribunal set up by the Government concluded in August 1999 that the severe injuries Mr. Zardari sustained on 19 May 1999 while in the illegal custody of the Central Investigative Agency (CIA) Civil-Lines for interrogation were not self-inflicted; instead of Mr. Zardari's torturers being brought to justice, he himself was accused of attempted suicide; *considering* that the authorities have provided no information or observation in this respect,

1. *Thanks* the Permanent Representative of Pakistan to the United Nations Office for his cooperation;
2. *Reiterates* its concern at the serious allegations in this case, such as the lack of action by the authorities to bring the perpetrators of Mr. Zardari's ill-treatment to justice, the length of the proceedings under way against him and the harassment of his lawyers; *notes* that the authorities have not provided any information or observation in this respect;
3. *Notes* that the source and the authorities have divergent views on a wide range of other questions, such as the medical treatment which Mr. Zardari requires, the possibility of release on bail and the legal validity of the transfer of two of his cases to Fort Attock;
4. *Strongly believes* that a direct exchange of views between the authorities and the Committee would facilitate progress in this case, and *requests* the Secretary General to invite the Pakistani authorities to send a representative to the Committee's next session (January 2002) in order to convey their views, including on those points on which an official reply has not been forthcoming;
5. *Requests* the Committee to continue examining this case and report to it at its next session (March 2002), in the light of such information as the said exchange may produce.

CASE N° MOL/01 - ILIE ILASCU - REPUBLIC OF MOLDOVA

Resolution adopted without a vote by the Council of the Inter-Parliamentary Union at its 169th session (Ouagadougou, 14 September 2001)

The Council of the Inter-Parliamentary Union,

Referring to the resolution it adopted at its 168th session (April 2001) on the case of Mr. Ilie Ilascu, a member of the Parliament of the Republic of Moldova at the time of the submission of the complaint, and to the related report of the Committee on the Human Rights of Parliamentarians,

Recalling that Mr. Ilie Ilascu and five others were arrested in 1992 in Tiraspol, the capital of the self-proclaimed "Moldovan Republic of Transdniestria", which under international law is part of the Republic of Moldova; during a trial in which fundamental rules of due process were violated, Mr. Ilascu was found guilty of murder and terrorist activities and sentenced to death; while in prison he was subjected to physical and mental

ill-treatment, including mock executions, and held under harsh conditions that have seriously affected his health; on 3 February 1994, the Supreme Court of the Republic of Moldova, whose jurisdiction includes Transdniestria, considered an appeal against the sentencing of Mr. Ilie Ilascu and his co-defendants and decided to quash the sentence and order the release of Mr. Ilascu and the others; however, since Transdniestria is under the *de facto* control of the secessionist authorities, that judgment was not executed; Mr. Ilascu has meanwhile taken his case to the European Court of Human Rights,

Recalling further that Mr. Ilascu, a member of the Parliament of Moldova from 1994 to 2000, was granted Romanian citizenship on 4 October 2000 and, on 26 November 2000, was elected a member of the Romanian Senate; owing to his unlawful imprisonment, Mr. Ilascu has been unable to exercise his parliamentary mandate throughout this period,

Recalling that, at its 168th session, it approved a mission to gather information on this case and make progress towards a satisfactory settlement,

Considering that in their communications of 9 and 17 May respectively, the Presidents of the Romanian and Moldovan Inter-Parliamentary Groups reported Mr. Ilascu's release on 5 May 2001, before any mission could be carried out; he has since then taken up his duties as a member of the Senate of Romania,

1. *Expresses satisfaction* at the release of Mr. Ilie Ilascu and *is pleased* that he has now taken up his parliamentary mandate; *considers* that a mission is no longer necessary; and *decides* to discontinue examining this case;
2. *Reaffirms nevertheless its conviction* that Mr. Ilascu's trial violated fundamental rules of due process and that his treatment in prison amounted to cruel and inhuman punishment.

CASE N° SRI/12 - JAYALATH JAYAWARDENA - SRI LANKA

Resolution adopted without a vote by the Council of the Inter-Parliamentary Union at its 169th session (Ouagadougou, 14 September 2001)

The Council of the Inter-Parliamentary Union,

Referring to the resolution it adopted at its 168th session (April 2001) on the case of Dr. Jayalath Jayawardena, a Member of Parliament of Sri Lanka, and to the related report of the Committee on the Human Rights of Parliamentarians,

Having heard in two separate meetings members of the Sri Lankan delegation to the 106th Conference belonging to the opposition and to the government party, respectively,

Taking account of the information provided by Dr. Jayawardena on 5 September 2001,

Recalling that, in early 1997, two separate charges of criminal misappropriation were brought against Dr. Jayawardena under the Public Property Act alleging that he had drawn a salary from the State without performing his work; in August 2000 he was acquitted in the first case and, in March 2001, the judge granted withdrawal of the charges in the second case,

Recalling the fear of the source that the charges were fabricated and brought against Dr. Jayawardena solely on account of his political stance and activities as a medical doctor in favour of Tamil refugees; *recalling* in this connection the following:

- The Red Cross driver who took Dr. Jayawardena in May/June 1998 to the Wannu District was arrested and detained for seven months without charge; he testified that he had been threatened with assault and torture in order to make him say that Dr. Jayawardena had held meetings with LTTE members; in the fundamental human rights case brought before it, the Supreme Court granted the statement by the driver and awarded him compensation;
- In January and April 2000 and again in February 2001, the Head of State publicly accused him of having contacts with the LTTE without, however, in any way substantiating such accusations; Dr. Jayawardena affirms that, as a result, he has received death threats,

Considering that in June, July and August 2001, State-owned print and electronic media again accused Dr. Jayawardena of prohibited links with the LTTE and in one instance even labelled him an LTTE spy, referring in support of their claim to a private United States website "Global-Spy Magazine - 2001 edition" in which his name is mentioned; the private website branded Dr. Jayawardena as an "LTTE spy" reportedly because of his participation in the "*International Conference on Tamil Nationhood and search for peace in Sri Lanka*", held in May 1999 at Carleton University in Ottawa, Canada; Dr. Jayawardena's public denials of any links with the LTTE were reportedly either totally ignored or published out of context; as a result Dr. Jayawardena and his family are reportedly receiving an increasing number of death threats and fear for their lives; *noting* in this respect that, according to Dr. Jayawardena, he was followed on 18 July 2001 by an unidentified gunman close to his constituency office; he lodged a complaint, and reportedly no action has so far been taken; on 31 August a live hand grenade was found at a junction leading to the crossroads close to his home,

Considering that Dr. Jayawardena requested additional security and that this request was reiterated by the Speaker on 21 June and 18 July 2001 and directly addressed to the President of the Republic, since such requests require her approval; *noting* that Dr. Jayawardena has so far not been afforded any additional security,

Recalling that, in October 2000, a Deputy Minister and MP belonging to the ruling party, Mr. Felix Perera, reportedly made a death threat against Dr. Jayawardena during a public meeting in the latter's constituency, and that Dr. Jayawardena filed a complaint; the Attorney General directed the police to institute proceedings; on 21 June 2001, he ordered the police to refrain from filing charges in view of matters raised by Mr. Perera's legal counsel which required re-examination of the issue,

Considering that whereas in the hearing held in Ouagadougou, the opposition members of the Sri Lankan delegation stressed that Dr. Jayawardena was being unfairly treated and that the Government should bring charges if he had committed unlawful acts rather than accuse him in the media; the Deputy Speaker and the MPs of the ruling party pointed out that the media enjoyed freedom of speech and that anyone could make accusations; moreover, the press had also put out reports that MPs belonging to the ruling party had gone to restricted areas; on the issue of protection, they stressed that additional security had been granted by the Ministry of Defence taking account of the real risks incurred by the MP,

1. *Thanks* the Sri Lankan delegation for the information and observations provided; *regrets*, however, the absence of any reply from the Sri Lankan authorities to the letters which the Secretary General addressed to them, particularly in the face of such serious concerns as threats to a person's life and security;
2. *Expresses deep concern* at the continuing publication, in State-owned media, of unsubstantiated accusations against Dr. Jayawardena which, given the political situation in the country, can but single him out as a possible target and so put his life at risk;
3. *Considers* that these continuing unfounded accusations made in the press instead of in court, where Dr. Jayawardena could clear himself, lend credence to the allegation of political persecution of Dr. Jayawardena;

4. *Recalls* that Sri Lanka, as a party to the International Covenant on Civil and Political Rights, which guarantees the right to security (Article 9) and protects the honour and reputation of persons against unlawful attacks (Article 17), has a duty to ensure respect for them and take appropriate measures to implement them;
5. *Urges* therefore the authorities to comply with their duty under these provisions and to take the necessary measures to protect Dr. Jayawardena's life and security, as requested by the Speaker of Parliament, and to ensure respect for his right to honour and reputation;
6. *Urges* the authorities also to investigate without delay, as their duty requires, the complaints made by Dr. Jayawardena concerning the threats to his life;
7. *Affirms* that Parliament has a special interest in ensuring that attacks on MPs that may amount to violation of their human rights cease and that those responsible for such attacks are called to account, since in the last analysis such behaviour puts all MPs at risk and, with them, the institution of parliament as such;
8. *Notes* that the Attorney General deemed it necessary to re-examine his order to institute proceedings against Mr. Felix Perera, and *wishes* to be kept informed of the final decision he takes on this matter; *affirms* that death threats issued by an MP of the ruling party against another MP are a matter of serious concern and certainly warrant investigation;
9. *Requests* the Secretary General to convey this resolution to the Head of State, the Speaker of Parliament, the Attorney General and the Minister of Defence, and to the competent United Nations human rights bodies and Dr. Jayawardena;
10. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (March 2002).

TURKEY

CASE N° TK/39 - LEYLA ZANA
 CASE N° TK/40 - SEDAT YURTDAS
 CASE N° TK/41 - HATIP DICLE
 CASE N° TK/42 - ZÜBEYİR AYDAR
 CASE N° TK/43 - MAHMUT ALINAK
 CASE N° TK/44 - AHMET TÜRK
 CASE N° TK/48 - SIRRI SAKIK
 CASE N° TK/51 - ORHAN DOGAN

CASE N° TK/52 - SELIM SADAK
 CASE N° TK/53 - NIZAMETTİN TOĞUÇ
 CASE N° TK/55 - MEHMET SİNÇAR
 CASE N° TK/57 - MAHMUT KILINÇ
 CASE N° TK/58 - NAİF GÜNES
 CASE N° TK/59 - ALI YIGIT
 CASE N° TK/62 - REMZİ KARTAL

***Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
 at its 169th session (Ouagadougou, 14 September 2001)***

The Council of the Inter-Parliamentary Union,

Referring to the resolution it adopted at its 168th session (April 2001) on the case of the above-mentioned parliamentarians, former members of the Turkish Grand National Assembly (TGNA), and to the related report of the Committee on the Human Rights of Parliamentarians,

Taking account of the observations provided by a member of the Turkish delegation to the 106th Conference at the hearing held on the occasion,

Recalling that the MPs concerned were all members of the Democracy Party (DEP) which the Constitutional Court dissolved in June 1994; Ms. Zana, Mr. Dicle, Mr. Dogan and Mr. Sadak are at present serving the 15-year prison sentence handed down on them in December 1994 for membership of an armed organisation; Mr. Yurtdas, Mr. Alinak, Mr. Sakik and Mr. Türk were found guilty of separatist propaganda and sentenced to a fine and 14 months' imprisonment, which they served; as a result of that judgment, Mr. Alinak and Mr. Yurtdas are barred from exercising their profession as lawyers; Mr. Toguç, Mr. Kiliñ, Mr. Günes, Mr. Yigit and Mr. Kartal, who fled abroad following the dissolution of the DEP, were subsequently also accused of separatism and would be arrested and prosecuted if they returned to Turkey,

Recalling its decision to postpone further examination of this case pending the ruling of the European Court of Human Rights on the application of Ms. Zana, Mr. Dicle, Mr. Sadak and Mr. Dogan,

Considering that on 21 June 2001 the Court handed down its judgment and concluded that the right of the former MPs concerned to a fair trial, guaranteed under Article 6 of the European Convention on Human Rights, had been violated both because they were not judged by an independent and impartial tribunal, owing to the presence of a military judge in the State Security Court which tried them, but also because they were not given the right to defend themselves and thus the right to clear themselves of the charges laid against them; *noting* in this respect that the Court went beyond its usual jurisprudence, whereby it considers that it is not necessary to examine a possible violation of the right to defence when it concludes that a case was not heard by an independent and impartial tribunal, as the lack of such a tribunal constitutes in itself a violation of the right to fair trial, and considered it also necessary, "*given the specific circumstances in this case, to pursue its examination of the complaints arising from the lack of equity in the trial regardless of the question of the status of State Security Courts. For only in this way will it be able to deal with the substance of the main claim of the complainants that the charge laid against them (membership of an armed band) could not have been deemed to have been established if they had enjoyed a fair trial ...*"; noting that the Court, in accordance with its rules, granted Ms. Zana, Mr. Dicle, Mr. Dogan and Mr. Sadak equitable satisfaction in the form of financial compensation,

Considering that, according to the Turkish delegate whom the Committee heard, Turkey will abide by the ruling and pay compensation; *considering also* that, with regard to the possible release of the MPs concerned, he undertook to relay favourably to the Turkish Parliament the Committee's wish that they be released,

1. *Thanks* the Turkish delegate for the observations he provided;
2. *Considers* that the conclusions reached by the European Court of Human Rights warrant the immediate release of Ms. Zana, Mr. Dogan, Mr. Sadak and Mr. Dicle, who have already spent seven years in prison;
3. *Consequently urges* the authorities to release them immediately and *calls on* the Turkish Parliament to do everything in its power to that end;
4. *Further calls on* the authorities to consider granting an amnesty to the other former MPs concerned so as to permit Mr. Alinak and Mr. Yurtdas to exercise their profession as lawyers and Mr. Toguç, Mr. Kiliñ, Mr. Günes, Mr. Yigit and Mr. Kartal to return to Turkey without fear of arrest and prosecution;
5. *Requests* the Secretary General to convey this resolution to the parliamentary authorities and to the Council of Ministers of the Council of Europe, which is responsible for implementing the rulings of the European Court of Human Rights;

6. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (March 2002), in the light of what it earnestly hopes will be positive developments.
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