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127th Assembly of the Inter-Parliamentary Union

1. Inaugural ceremony

The inaugural ceremony of the 127th Assembly of the Inter-Parliamentary Union¹ took place on 21 October 2012 at the Québec City Convention Centre, with Mr. David Johnston, the Governor General of Canada, in attendance. Mr. Noël Kinsella, Speaker of the Canadian Senate, in his introductory remarks, underscored Canada's long-standing commitment to the IPU. In 2012 Canada was marking the 100th anniversary of its formal affiliation to the Organization and hosting its fourth IPU Assembly. The IPU and the Parliament of Canada shared the goal of promoting the core values of parliamentary diplomacy and democracy. The IPU had established itself as a unique forum for dialogue among legislators from diverse parliaments and geopolitical regions. On behalf of the Speaker of Canada's House of Commons, Ms. Chris Charlton welcomed participants to Québec City, whose exceptional history and multicultural character made it the perfect setting for a parliamentary debate on citizenship, identity and linguistic and cultural diversity in a globalized world. She emphasized the important work that remained to be done on finalizing the Plan of Action for gender-sensitive parliaments, which would help parliamentary institutions reflect on and promote gender equality in their structures, methods and daily work.

The message of the United Nations Secretary-General was delivered by Mr. Peter Launsky-Tieffenthal, UN Under-Secretary-General for Communications and Public Information, and outlined the priorities in the Secretary-General's Five-Year Action Agenda. The United Nations welcomed the strategic partnership being developed with the IPU and encouraged the Organization to make further efforts to prevent conflict, build lasting peace and help countries in transition, as was currently the case in the Maldives and Myanmar. The IPU was acknowledged for highlighting the role of parliaments with regard to the responsibility to protect civilians, an issue of particular importance in view of the situation in Syria and elsewhere. In the words of the UN Secretary-General, "The international community has a moral responsibility, a political duty and a

¹ The resolutions and reports referred to in this document and general information on the Québec City session are available on the IPU website (www.ipu.org).

humanitarian obligation to stop the bloodshed and find peace for the people of Syria".

The President of the IPU, Mr. Abdelwahad Radi, said that much of what would be discussed in Québec City reflected the major preoccupations facing the world today. Referring to the theme of the Special debate, he emphasized the duty of all parliamentarians to uphold cultural, linguistic, ethnic, racial and religious diversity as a global value. That value should apply not only to individual societies but also to the IPU, which could not achieve universality without espousing full participation, integration and inclusiveness. He emphasized the IPU's fundamental principle that IPU Assemblies must provide a space where all Member Parliaments and their delegates, without exception, could meet and engage with one another. "Peace and prosperity will never have a chance if there is no respect for differences in political views or genuine commitment to using dialogue to end disputes. If there is one lesson we can all draw from the Arab Spring, it must be the critical importance of political diversity on the one hand and dialogue to achieve peace and democracy on the other," he added.

The ceremony concluded with a statement by the Governor General of Canada, who echoed the words of the IPU President: "Parliament is the place where democracy is enacted in the hard work of governing and of loyal opposition, and it serves as the ultimate symbol of our values of equality, fairness and justice ... In a sense, this Union can be viewed as the Parliament of parliaments, and your example as a forum for dialogue and cooperation continues to instruct and inspire". Welcoming the delegates from 129 countries, and wishing them all an enlightening and productive gathering, he declared the 127th Assembly officially open.

2. Opening of the Assembly and election of its President

The 127th Assembly opened at the Québec City Convention Centre in the morning of Monday, 22 October, with the election by acclamation of Mr. Donald Oliver, Speaker *pro tempore* of the Canadian Senate and President of the Canadian Inter-Parliamentary Group, as President of the Assembly. The President said that it was a great honour for him to have been elected to preside over the Assembly's work, and that he was looking forward to rich and productive deliberations over the coming week. The theme of the Special debate

in particular, *Citizenship, identity and linguistic and cultural diversity in a globalized world*, was one to which he was deeply attached, having spent a great part of his political career promoting those key values.

3. Participation

Delegations of the following 129 Member Parliaments took part in the work of the Assembly:² Afghanistan, Algeria, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Gabon, Germany, Ghana, Greece, Guinea-Bissau, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kenya, Lao People's Democratic Republic, Latvia, Lesotho, Libya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Mexico, Micronesia (Federated States of), Mongolia, Morocco, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Palestine, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Sao Tome and Principe, Saudi Arabia, Serbia, Seychelles, Singapore, South Africa, South Sudan, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia and Zimbabwe.

The following Associate Members also took part in the Assembly: Parliament of the Economic and Monetary Community of Central Africa (CEMAC), East African Legislative Assembly, Parliament of the Economic Community of West African States, Inter-Parliamentary Committee of the West African Economic and Monetary Union, Latin American Parliament and the Transitional Arab Parliament.

Observers included representatives of: (i) United Nations system: United Nations, International Labour Organization (ILO), United Nations

Educational, Scientific and Cultural Organization (UNESCO), Office of the United Nations High Commissioner for Human Rights (UNHCHR), Office of the United Nations High Commissioner for Refugees (UNHCR), United Nations Children's Fund (UNICEF), World Bank, Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO); (ii) League of Arab States; (iii) African Parliamentary Union (APU), Arab Inter-Parliamentary Union (AIPU), Association of Senates, Shoora and Equivalent Councils in Africa and the Arab World (ASSECAA), Interparliamentary Assembly of Member Nations of the Commonwealth of Independent States (IPA CIS), Interparliamentary Assembly on Orthodoxy (IAO), Inter-Parliamentary Union of the Intergovernmental Authority on Development (IPU-IGAD), Maghreb Consultative Council, Parliamentary Assembly of the Black Sea Economic Cooperation (PABSEC), Organization for Security and Cooperation in Europe Parliamentary Assembly (OSCEPA), Parliamentary Assembly of Turkic-speaking Countries (TURKPA), Parliamentary Assembly of the Union of Belarus and the Russian Federation, Parliamentary Union of the Organization of the Islamic Conference Member States (PUOIC); (iv) Socialist International; and (v) Global Fund to Fight Aids, Tuberculosis and Malaria, Human Rights Watch, International Committee of the Red Cross (ICRC), Partnership for Maternal, Newborn and Child Health (PMNCH), Penal Reform International and World Scout Parliamentary Union (WSPU).

Of the 1,256 participants who attended the Assembly, 624 were members of parliament. The parliamentarians included 42 Speakers, 35 Deputy Speakers and 175 women parliamentarians (28%).

4. Choice of an emergency item

On 22 October, the President informed the Assembly that the following four requests for the inclusion of an emergency item had been received: *The violence perpetrated by armed terrorist groups against Christians and other minorities in Syria and attempts to drive them out of Syria*, proposed by the Syrian Arab Republic; *The international role of parliamentarians in prohibiting the defamation of religions and the desecration of religious symbols and shrines by contributing to the conclusion of an international agreement on the criminalization of such acts and by recognizing respect for religions as a prerequisite for international peace, understanding and cooperation*, proposed by the United Arab Emirates; *The security and humanitarian impacts of the crisis in Syria, including in neighbouring countries*, proposed by the United Kingdom; and

² For the complete list of IPU Members, see page 24.

The institutional and security situation in Mali, proposed by Mali.

Following a roll-call vote (see pages 25 to 28), the item on Mali was adopted and added to the agenda as Item 6.

5. Debates and decisions of the Assembly and of the IPU Committee on United Nations Affairs

- (a) Debate on the emergency item
The institutional and security situation in Mali (Item 6)

The debate on the emergency item was held in the afternoon of Monday, 22 October, with the President of the 127th Assembly, Mr. D. Oliver, in the Chair.

During the debate, the speakers expressed their deep concern over the institutional and security crisis in Mali which, in the view of many, had extended beyond the confines of a regional crisis, being fuelled by trafficking of all sorts across continents, and threatened the stability not only of the Sahel but also of North Africa and beyond. Furthermore, it was exacerbated by extreme poverty and underdevelopment.

The Assembly referred the emergency item to a drafting committee composed of representatives of Belgium, Canada, France, Malaysia, Mali, Pakistan, Saudi Arabia and Uruguay. It appointed Mr. P. Mahoux (Belgium) as its president and Ms. D. Brodie (Malaysia) as its rapporteur. The drafting committee met on 23 October to finalize the draft resolution.

At its last sitting, held on 26 October, the Assembly adopted the resolution unanimously.

- (b) Special debate
Citizenship, identity and linguistic and cultural diversity in a globalized world (Item 3)

The Special debate was conducted over four sittings, which took place on 22, 23 and 25 October and covered various aspects of the theme under consideration. A total of 96 speakers from 89 delegations took part in the debate, which was chaired by the President of the Assembly. At the first sitting, the Foreign Minister of Canada, Mr. J. Baird, delivered a keynote address on the protection of diversity as a global value. The second sitting was introduced by the Speaker of the Parliament of Ghana, Ms. J. Bamford-Addo, and featured a substantive message from the Director-General of UNESCO, Ms. I. Bukova, on the question of respecting diversity while building social cohesion.

The third sitting, on 23 October, was introduced by Mr. T. Henare, Chairman of the Committee on Maori Affairs in the Parliament of New Zealand, who spoke about the question of enhancing political participation by and representation of minorities and indigenous peoples. At the last sitting, on 25 October, the participants explored best practices and innovative ideas for managing citizenship in a globalized and rapidly changing environment. The sitting was introduced by three high-level speakers: Mr. K. Vollebaek, High Commissioner on National Minorities of the Organization for Security and Co-operation in Europe, Grand Chief Edward John, President of the UN Permanent Forum on Indigenous Peoples, and Ms. M. Kumar, Speaker of India's Lok Sabha.

- (c) Report of the IPU Committee on United Nations Affairs (Item 4)

The IPU Committee on United Nations Affairs met from 22 to 25 October. Its discussions were framed by the recently adopted UN General Assembly resolution on interaction between the United Nations, national parliaments and the Inter-Parliamentary Union (A/RES/66/261) and a number of recent UN processes.

The Committee's first sitting took the form of a round-table discussion on multilateralism and the role of parliamentary diplomacy. The event brought together representatives from regional parliamentary bodies involved in various ways in international efforts to promote national reconciliation, peace-building and conflict prevention. It provided a unique opportunity for the participants to share information and experiences, and to identify ways and means of making parliamentary diplomacy more coherent and effective.

To mark United Nations Day (24 October), the Committee's second sitting took the form of a debate on the question *Does the United Nations take democracy seriously enough?* The participants touched on a number of areas in which the United Nations and the IPU were working together, in particular the rule of law, integrity of elections and the promotion of good governance and greater transparency in the work of parliaments.

In another event to mark United Nations Day, the Committee launched a new IPU Handbook for parliamentarians on *Supporting Nuclear Non-Proliferation and Disarmament*. The Handbook, produced in cooperation with Parliamentarians for Nuclear Non-proliferation and Disarmament (PNND) and the World Future Council, was designed to be a practical tool for legislators. It identified good practices and model legislation in

that area, and contained a series of recommendations for parliamentary action aimed at building a nuclear-weapon-free world.

At its third sitting, on 25 October, the Committee took stock of the outcome of the United Nations Conference on Sustainable Development (also known as Rio+20), in a sitting entitled *What prospects for sustainable development?*

The Committee's final sitting examined the progress made and obstacles encountered in the implementation of the United Nations Declaration on the Rights of Indigenous Peoples, five years after its adoption in 2007. The participants noted positive developments, such as the adoption of a national plan of action for implementing the Declaration in the Democratic Republic of the Congo, and the Declaration's incorporation into Bolivian law. Overall, however, they noted the wide gap that existed between the standards and their implementation. Parliamentarians would have an opportunity to make a significant difference in the run-up to the next World Conference on Indigenous Peoples in 2014.

The Advisory Group to the IPU Committee on United Nations Affairs also met during the 127th Assembly, with Mr. M. Traoré (Burkina Faso) in the Chair. As part of its agenda, the Advisory Group discussed the implementation of UN General Assembly Resolution 66/261, in particular from the perspective of the development of a parliamentary component to major UN processes, and the annual Parliamentary Hearing, which was designed to provide parliamentary input to the work of the United Nations. In the context of the current process to reform and strengthen the Committee, the Advisory Group members exchanged views on the revision of the Group's mandate and rules, and on the type of operational activities it would like to conduct in the year ahead.

The full report of the IPU Committee on United Nations Affairs is available on page 44.

- (d) Panel discussion (First Standing Committee subject item at the 128th Assembly:
The responsibility to protect: The role of parliaments in safeguarding citizens' lives)
(Item 4(a))

The panel discussion was held in the afternoon of 23 October with the President of the First Standing Committee, Mr. S.H. Chowdhury (Bangladesh), in the Chair. The co-Rapporteurs, Mr. L. Ramatlakane (South Africa) and Mr. S. Janquin (France), presented their draft reports, which focused on the concept of the responsibility to protect, how it had

been applied, in particular during the recent events in the Middle East and North Africa, and the role that parliaments had to play.

The participants heard introductory presentations by Ms. T. Park, Co-Founder and Executive Director of the Canadian Centre for R2P, and Mr. E. Luck, former Special Adviser to the UN Secretary-General on the Responsibility to Protect.

Delegates from 28 parliaments and one regional parliamentary body took the floor during the ensuing debate. The participants acknowledged that parliaments should be more involved in ensuring application of the responsibility to protect, a concept that was constantly changing. They underscored that prevention was better than cure and that before any intervention the international community should exhaust all avenues for a peaceful settlement of disputes. They stated in no uncertain terms that national sovereignty must be respected and that the responsibility to protect should be invoked only in exceptional circumstances of blatant violations of international and humanitarian law, such as genocide, ethnic cleansing and crimes against humanity. Any military intervention should be expressly authorized by the UN Security Council, be proportionate and have a reasonable chance of success. The participants pointed out that inaction was an option the effects of which should be weighed up against the possible consequences of an intervention, in particular collateral damage, in order for a reasoned decision to be taken.

Turning to the role of parliaments, several delegates provided examples of good practice and offered a number of suggestions on ways and means of enhancing the work of parliaments. Parliaments could set up and monitor early warning systems in order to identify as soon as possible any situation of risk requiring inter-parliamentary mediation. Some delegates appealed for enhanced parliamentary oversight, through which parliaments could hold up government action to scrutiny and to some extent guide such action. The participants requested inter alia that the IPU set up a basic legislative mechanism that would provide parliaments with effective oversight tools. They stressed that resorting to the responsibility to protect not only presupposed prevention and intervention policies but should also expressly provide for a reconstruction phase. Parliaments should be committed to overseeing government action to that end. Furthermore, the participants pointed to the need for parliaments to strengthen good governance, underscoring its crucial importance for peace and security.

(e) Panel discussion (Second Standing Committee subject item at the 128th Assembly):

Fair trade and innovative financing mechanisms for sustainable development (Item 4(b))

The panel discussion took place in the afternoon of 25 October, with Mr. S. Alhuseini (Saudi Arabia), President of the Second Standing Committee, in the Chair. He was replaced for a part of the session by the First Vice-President, Ms. B. Contini (Italy).

The two co-Rapporteurs appointed at the 126th Assembly, Mr. F.-X. de Donnea (Belgium) and Mr. R. Chitotela (Zambia), presented their joint draft report. Their introductory statements were followed by an exchange of views during which a total of 26 delegates took the floor.

The discussion focused on ways of achieving sustainable development objectives through fair international trade and increased reliance on innovative sources of development finance. The report prepared by the co-Rapporteurs offered a broad overall framework for the debate while placing special emphasis on issues such as fair trade practices, the challenge of sustaining adequate levels of development finance at a time of economic and financial crisis, and the need to explore the potential of innovative financing mechanisms (private funds for the health sector, air ticket levy schemes, a tax on foreign exchange transactions and the use of guarantees and insurance).

Delegates made a number of proposals for ways to enrich the content of the draft report. They also expressed the hope that the future draft resolution would address inter alia a number of other questions, including the impact of remittances, the need to avoid overlap between official development assistance and innovative financing mechanisms, and the question of who would be responsible for monitoring financial transaction tax proceeds.

The panel discussion served as a reminder that the overall objective of sustainable development could not be achieved without introducing new financial approaches and correcting the imbalances of conventional trade, which traditionally discriminated against the poorest and the weakest.

(f) Panel discussion (Third Standing Committee subject item at the 128th Assembly):

The use of media, including social media, to enhance citizen engagement and democracy (Item 4(c))

The panel discussion took place in the morning of Monday, 22 October, with Mr. O. Kyei-Mensah-Bonsu (Ghana), President of the Third Standing Committee, in the Chair.

The two co-Rapporteurs appointed at the 126th Assembly, Ms. C. Charlton (Canada) and Ms. M.T. Kubayi (South Africa), presented their draft joint report. They were joined by an expert, Mr. A. Williamson, former Director of the Digital Democracy Programme at the Hansard Society. Following their introductory statements, they invited participants to make contributions with a view to adding new elements to the report and laying the groundwork for the future draft resolution. A total of 36 delegates took the floor.

The discussion focused on the careful balance to be struck between the rights of people to freedom of expression and the need for mechanisms to hold the media and social media participants to account.

In almost all countries, many people took part in the democratic and legislative processes using social media and most parliaments used the Internet or social media to engage citizens in the parliamentary process. Individual parliamentarians were connected to their constituencies by social media. That showed that media, including social media, were effective means of enhancing citizen engagement and democracy.

Social media, nevertheless, had no mechanisms for ensuring that participants, or even the media themselves, were held to account. Parliaments and individual members could not answer all comments or control the media they used. Guidelines were therefore needed to enable all those using social media to ensure transparency and accountability.

Delegates agreed that social media were better than traditional media at attracting younger people and encouraging them to take part in democracy. Social media were by nature more horizontal than hierarchical, and worked on the basis of personal relationships between "friends". That prompted younger people to participate in them without considering the responsibilities they entailed. For social media to function democratically, mechanisms were needed to promote and oversee the accountability of the media and the participants, in order to protect freedom of expression and other fundamental human rights.

Many delegates mentioned the digital divide between men and women, between developed and least or less developed countries, and between urban and rural areas. They suggested that the international community should support those countries in need of assistance to overcome the digital divide. Traditional media also had to

continue to be developed as effective tools for informing citizens and involving them in the democratic process.

The panel discussion provided a good opportunity to share experiences among countries. Some participants raised the issue of media accountability. Several stressed the importance of the media being diverse and independent in order for them to play an objective role in promoting democracy and citizen participation. Funding for the media was equally important, and care should be taken to avoid an overconcentration of the media in a few hands.

The final report and the resolution to be adopted at the 128th Assembly in Quito should reflect those concerns.

6. Closing session of the Assembly

At its last sitting, on Friday 26 October, the Assembly unanimously adopted the resolution on the emergency item entitled *The institutional and security situation in Mali*. The Assembly heard a presentation by the drafting committee on the outcome of the Special debate and unanimously adopted the Québec City Declaration on *Citizenship, identity and linguistic and cultural diversity in a globalized world*. Following a presentation by two representatives of the IPU Gender Partnership Group, Ms. R. Kadaga (Uganda) and Mr. F. Drilon (Philippines), the Assembly also

unanimously adopted the *Plan of Action for Gender-sensitive Parliaments*.

The Assembly took note of the report on the work conducted by the IPU Committee on United Nations Affairs during the Québec Assembly and asked that it be circulated widely among Member Parliaments and at the United Nations. It heard a video message from parliamentarians around the world appealing to parliaments to make use of the new IPU Handbook on nuclear non-proliferation and disarmament with a view to mobilizing fresh parliamentary action in support of a nuclear-weapon-free world.

Mr. F. Bustamante, speaking on behalf of the host Parliament of the 128th IPU Assembly, invited all IPU Member Parliaments to attend the next IPU Assembly in Quito, Ecuador. The representatives of the IPU geopolitical groups took the floor to express their gratitude and appreciation to the Parliament and Government of Canada, the City of Québec and the people of Canada, for the warm hospitality extended to them and the excellent organization of the meetings.

The President of the IPU, Mr. A. Radi, and the President of the 127th IPU Assembly, Mr. D. Oliver, made closing remarks, underscoring the success of the Assembly in terms of the quality of the deliberations, the high level of participation and the importance of the outcome documents that had been adopted. The President of the Assembly then declared the Assembly closed.

191st Session of the Governing Council

1. Membership of the Inter-Parliamentary Union

At its sitting on 22 October, the Governing Council approved a request from the Parliament of Lesotho for its membership to be held by both chambers of parliament.

2. Reports on the activities of IPU Members

The Governing Council took note of the reports submitted by 51 Members and one Associate Member on their participation in the IPU and on follow-up of three resolutions adopted at the 124th Assembly relating to the prevention of electoral violence, election monitoring and transition of power; sustainable development; and funding of political parties and election

campaigns. The Council noted with concern that the number of Members fulfilling their obligation to submit an annual report had fallen compared with previous years.

The Council received a report on activities that had taken place on or around 15 September, the International Day of Democracy. The IPU's chosen theme for 2012 was "Dialogue and inclusiveness: Central to Democracy". Thirty-six parliaments had informed the Secretariat of events they had held to celebrate the Day. The IPU President had issued a statement on the Day at a special session of the World e-Parliament Conference, in which he underlined the importance of ensuring that democracy and its institutions were truly inclusive and able to resolve differences through dialogue.

3. Financial situation of the IPU

The Governing Council was presented with a comprehensive report on the financial situation of the IPU and an updated list of unpaid contributions as at 20 October 2012. On that date, only one Member had significant arrears and was subject to voting sanctions. The total amount of contributions in arrears was substantially reduced compared with previous years.

The Council took note of the Secretary General's projected operating surplus of CHF 170,000 due to deferred expenditure on IPU website development, anticipated cost savings as well as cancelled and deferred staff positions resulting in savings in salaries. The savings would be partially offset by a reduction in staff assessment and an increase in tax payments to the French authorities. The first Assembly, the largest expense of the year to date, had been completed almost exactly within budget.

For the 2012 budget, the Secretary General had set voluntary funding projections at CHF 1.2 million based on realistic expectations of known or obtainable funding rather than on total funding needs. The total amount of voluntary funds received by the end of 2012 was projected to reach CHF 1.9 million. The Governing Council was informed of the potential for increasing the level of voluntary contributions to fund IPU activities in the future.

4. Programme and budget for 2013

The Council received the consolidated budget proposal for 2013. Reporting on behalf of the Executive Committee, the Chairperson of the Sub-Committee on Finance, Mr. K. Örnfjäder (Sweden), stated that the Sub-Committee had guided the work of the Secretariat in the preparation of the budget. It was the first time the governing bodies had been so closely involved throughout the budget process.

The budget was designed to cope with a freeze in assessed contributions at a time of economic hardship for many Members. The budget document followed the same structure as the IPU Strategy for 2012-2017. It was supplemented by a summarized logical framework providing a budget breakdown under each strategic objective and sub-objective.

The budget reflected a reduction in the core expenditure budget for 2013 of CHF 400,000. Activity cost reductions had been made in several

areas and one professional staff position had been frozen. That reduction was partly compensated by a progressive increase in voluntary funding from external donors.

It was proposed to freeze additions to the reserve for major building repairs in 2013 and to transfer up to CHF 100,000 of the projected operational surplus for 2012 to the 2013 budget.

The Governing Council was informed that Japan, the biggest contributor to the IPU budget, had asked the IPU to maintain its cost-cutting and "scrap and build" policy. It had also asked to have its contribution rate, which had been fixed at 11.75 per cent, reviewed. The Council entrusted the Sub-Committee on Finance with considering Japan's requests.

The Governing Council approved the 2013 budget of CHF 13,621,900. The approved budget and scale of contributions for 2013 are presented on pages 48 and 49.

5. Cooperation with the United Nations system

The Governing Council took stock of recent developments in IPU-UN cooperation and was informed of activities carried out in collaboration with or in support of the United Nations (see page 53). It welcomed the new and far-reaching resolution on *Interaction between the United Nations, national parliaments and the Inter-Parliamentary Union* that had been adopted by the General Assembly in May 2012 (see <http://www.ipu.org/Un-e/a-66-261.pdf>).

The Council heard a report from Mr. M. Traoré (Burkina Faso), President of the Advisory Group to the Committee on United Nations Affairs, on a mission by the Advisory Group to Albania and Montenegro. The mission had been conducted as part of the Advisory Group's mandate to take stock of progress in implementing One UN reform (*Delivering as One*) at the country level, aimed at achieving greater coherence of UN operations and enhanced aid effectiveness (<http://www.ipu.org/conf-e/127/unc-3r1.pdf>).

6. Implementation of the IPU Strategy for 2012-2017

The Governing Council endorsed a set of proposals to modify the format of IPU Assemblies, improve the functioning of the Standing Committees and their bureaux and place the Committee on United Nations Affairs on the same footing as the Standing Committees (see page 56).

The Council was informed that the Executive Committee would present more detailed plans at the 128th Assembly so that the governing bodies could take all the necessary decisions for the new system to come into effect in early 2014.

The Council approved a proposal to expand the mandate of the IPU Advisory Group on HIV/AIDS to include maternal, newborn and child health issues and to adopt new rules for the Group (see page 58).

It received an explanatory note outlining the advantages of continued IPU involvement in the Parliamentary Conference on the WTO (see page 60).

7. Recent specialized meetings

The Governing Council took note of the results of the Regional Seminar on *Joining the initiatives and experiences of national parliaments for an effective campaign against child trafficking and labour* (<http://www.ipu.org/splz-e/abuja12.htm>); the Parliamentary Briefing at the United Nations Conference on Sustainable Development (Rio+20) (<http://www.ipu.org/splz-e/rio+20.htm>); the Regional Debate on Gender-Sensitive Parliaments (<http://www.ipu.org/splz-e/chile12.htm>); the Parliamentary Meeting on the occasion of the XIX International AIDS Conference (<http://www.ipu.org/splz-e/aids12.htm>); the World e-Parliament Conference 2012 (<http://www.ipu.org/splz-e/eparl12.htm>); the Parliamentary Meeting on the occasion of the High-level Meeting of the United Nations General Assembly on the Rule of Law (<http://www.ipu.org/splz-e/unbrief12.htm>) and the Seventh Meeting of Women Speakers of

Parliament (<http://www.ipu.org/splz-e/wmnspek12.htm>).

8. Reports of plenary bodies and specialized committees

At its sitting on 24 October, the Governing Council took note of the reports on the activities of the Coordinating Committee of Women Parliamentarians, the Committee on the Human Rights of Parliamentarians, the Committee on Middle East Questions, the Gender Partnership Group, the Advisory Group on HIV/AIDS and the Meeting of Young Parliamentarians (see pages 13 to 15).

9. Future inter-parliamentary meetings

The Governing Council approved the list of future meetings and other activities to be funded by the IPU's regular budget and by external sources.

It formally reiterated that IPU Assemblies could only be held if all IPU Members and Observers were invited and if their representatives were certain to be granted the necessary visas in order to participate (see page 66).

The Council mandated the Secretary General to begin preparatory talks with the Parliaments of Mongolia and Viet Nam, which had expressed an interest in hosting the 130th and 132nd Assemblies respectively. The Council endorsed the recommendation of the Executive Committee to maintain the practice of holding the second Assembly of the year in Geneva.

The Council also approved the list of international organizations and other bodies to be invited to follow the work of the 128th Assembly as Observers (see page 84).

265th Session of the Executive Committee

The Executive Committee held its 265th session in Québec City on 19, 20, 23 and 25 October 2012. The President of the IPU chaired the meetings. The following members took part in the session: Mr. K. Chshmaritian (Armenia), Ms. A. Kaboré Koala (Burkina Faso), Mr. Nhem Thavy (Cambodia), Mr. D. Oliver (Canada), Ms. S. Fernández (Ecuador), replacing Ms. N. Ali Assegaf (Indonesia, President of the Coordinating Committee of Women Parliamentarians), Ms. S. Moulengui-Mouélé (Gabon), Mr. J. Winkler (Germany), Mr. F. Dilon (Philippines), Mr. K. Örnfjäder

(Sweden), Mr. P.-F. Veillon (Switzerland), replaced by Mr. P. Bieri on 25 October, Ms. R. Kadaga (Uganda) and Ms. I. Passada (Uruguay), replaced by Mr. H. Tajam on 23 October. The newly elected member, Mr. D. Vivas (Venezuela), attended the meeting on 25 October. Ms. N. Motsamai (Lesotho) and Mr. F.K. Kundi (Pakistan) were absent. Mr. M.A.M. Al-Ghanim (Kuwait) was no longer an MP and thus did not attend.

The Executive Committee discussed and made recommendations on agenda items that were to be addressed by the Governing Council. Other matters

considered by the Committee are summarized below.

The Committee reviewed developments in the situation of a number of Member and non-Member Parliaments since the Kampala Assembly. It noted that despite the continuing crisis in Syria, the parliament continued to function. It examined the statutory provisions relating to membership, and in particular those pertaining to suspension, based on a paper prepared by the Secretary General (see page 78).

It concluded that the IPU was founded on the basic tenet of dialogue as a means of resolving differences. In order to be effective, it strove to achieve universal membership. That had been most recently reconfirmed in the IPU Strategy for 2012-2017. The Statutes and Rules that guided the Organization did not make any provision for the exclusion of Members. Those relating to suspension of membership had been formulated and applied in a restrictive manner. The arguments put forward on past occasions in favour of a legal rather than a political interpretation of the statutory provisions relating to membership seemed as compelling today as before. The Executive Committee consequently decided not to propose a new provision granting it discretionary powers to suspend or exclude a Member on political grounds.

The Executive Committee heard the report and recommendations of the Sub-Committee on Finance, which had met on 18 October (see below). The Committee designated the Chair of the Sub-Committee to present the draft programme and budget to the Governing Council.

In connection with the implementation of the IPU Strategy for 2012-2017, the Committee examined a number of matters that were subsequently referred to the Governing Council.

It also received briefs on the IPU's programme to build capacity in parliaments and on implementation of recommendations following an external evaluation of technical assistance activities. The Committee welcomed the steps already taken to address many of the recommendations and requested the Secretariat to commission a follow-up evaluation in late 2013. It suggested that the Secretariat convene a meeting of organizations and other entities that provided technical support to parliaments for purposes of ensuring better coordination and division of responsibilities.

The Committee pursued its discussion of the IPU's new communications strategy. It received a report from the external consultants (Young & Rubicam),

which had been mandated to upgrade the IPU's visual identity. It held extensive discussions on the need to modernize the IPU's image and reviewed proposals for a new logo for the Organization.

Following consultations with all the geopolitical groups, the Committee decided that it was necessary to modernize the IPU logo and requested the Secretariat to continue working with the external consultants with a view to finalizing a new version of the logo. It encouraged the Secretariat to try to accomplish that task in close consultation with the members of the Executive Committee before the end of the year.

The Committee approved a Code of Conduct and a Fraud and Corruption Prevention and Control Policy developed by the Secretariat as part of its work to upgrade its management systems and achieve greater efficiency and accountability (see page 67)

The Committee heard a detailed report from the President of the Association of Secretaries General of Parliaments, Mr. M. Bosc.

It also heard a report on staff movements in the Secretariat. It noted the appointment of Mr. M. Bermeo as Head of the New York Office until March 2013. Mr. M. Omar had been seconded from the Egyptian diplomatic service to work on capacity-building and fundraising in the Arab world. Ms. S.H. Jeong had been seconded from the Parliament of the Republic of Korea to work as a researcher in the IPU Resource Centre. The Committee noted with much regret the imminent retirement of Ms. J. Toedtli, Executive Assistant to the Secretary General and Secretary of the Executive Committee and Governing Council.

The Secretary General informed the Committee of the steps he had taken to strengthen the management of the Secretariat prior to his own departure from the Organization. A senior management group had been established and the Heads of the Division for Relations with Member Parliaments and External Affairs and the Division of Support Services had been promoted to the director level. The Director of the Division of Programmes, who was the most senior colleague and who acted as Officer-in-Charge when the Secretary General was on mission, had been appointed Deputy Secretary General.

At its last sitting, the Committee was informed of the six Vice Presidents appointed by the geopolitical groups for a period of one year. It unanimously elected Ms. I. Passada (Uruguay) as Vice-President of the Executive Committee (see page 22).

Sub-Committee on Finance

The Sub-Committee on Finance met on 18 October to prepare and facilitate the Committee's consideration of the financial situation of the IPU, the draft programme and budget for 2013 and the situation of voluntary funding. It noted and commended progress made on bringing the IPU into full compliance with International Public Sector

Accounting Standards (IPSAS) by the end of 2012. The Sub-Committee examined the IPU Code of Conduct and Fraud and Corruption Prevention and Control Policy and recommended them to the Executive Committee. After one year of functioning, it reviewed its working methods and made a provisional plan to meet six times in 2013.

Coordinating Committee of Women Parliamentarians

The Coordinating Committee of Women Parliamentarians met on 21 October 2012 to lay the groundwork for the 18th Meeting of Women Parliamentarians. It discussed women's contribution to the work of the 127th IPU Assembly, including the *Plan of Action on Gender-sensitive Parliaments*, which was adopted at the Assembly. The meeting was presided over by Ms. S. Fernández (Ecuador), First Vice-President of the Committee.

The Committee examined how its members had followed up the recommendations of the 17th Meeting of Women Parliamentarians. Several members reported on measures taken recently in their country following the adoption of the IPU resolution on *Access to health as a basic right: The role of parliaments in addressing key challenges to securing the health of women and children*.

The Committee then looked at its contribution to the 127th Assembly. It examined the draft reports that would be debated by each of the three IPU Standing Committees from a gender perspective.

The Committee discussed the Plan of Action intended to support parliaments in their efforts to become more gender-sensitive institutions. It welcomed the Plan, which it considered to be a useful policy document. Furthermore, the Committee expressed its interest in the Special Gender Partnership Session on Gender-sensitive Parliaments held during the Québec Assembly. It had designated some of its members to lead the break-out groups, which had met on 25 October.

The Committee members exchanged views on ways and means of mainstreaming gender into the IPU. Concerned about the drop in women's participation at the Québec Assembly, it proposed to strengthen the Organization's rules and make sanctions more

severe so as to ensure that all delegations included women. In particular, it suggested that only those delegations that regularly included women should be eligible for elective office in the Organization. It also invited members to reflect on putting in place a mechanism to follow up the situation of parliaments with no women in their delegation, ensure a balanced representation of men and women in the IPU's Standing Committees and appoint more women as rapporteurs. The Committee also invited members to think about ways and means of ensuring that the geopolitical groups distributed posts to be filled within the IPU in an equitable manner between men and women.

Concerning preparations for the 18th Meeting of Women Parliamentarians, the Committee decided that it would examine the subject items to be debated by the First and Second Standing Committees at the 128th Assembly, namely: *Enforcing the responsibility to protect: The role of parliamentarians in safeguarding civilians' lives*; and *Fair trade and innovative financing mechanisms for sustainable development*.

It also decided to devote the dialogue session between men and women parliamentarians to the issue of violence against women.

Following a presentation by a UNICEF representative, the Committee decided to organize a panel discussion at the 128th Assembly dealing with possible action by parliamentarians to promote the rights of disabled children.

Lastly, the Committee was apprised of recent or forthcoming IPU activities in the area of gender equality and the renewed cooperation agreement between the IPU and iKNOW politics, for which the Committee expressed its support.

Subsidiary bodies and Committees of the Governing Council

1. Committee on the Human Rights of Parliamentarians

Titular members Mr. K. Jalali (Islamic Republic of Iran), Mr. U. Nilsson (Sweden) and Mr. K. Tapo (Mali) and substitute member Mr. F.N. Pangilinan (Philippines) participated in the Committee's 139th session, which took place from 20 to 23 October 2012. Substitute members Ms. C. Giaccone (Argentina) and Ms. M. Kiener Nellen (Switzerland) took part in the session in the absence of their titular counterparts.

During the session, the Committee examined the individual situations of 135 current and former parliamentarians in 21 countries. It submitted resolutions concerning 13 countries to the Governing Council for adoption.

2. Committee on Middle East Questions

The Committee met on 21 and 24 October. The meeting was attended by Ms. Z. Benarous (Algeria), Mr. F.-X. de Donnea (Belgium), Ms. M.A. Cristi (Chile), Mr. S. Janquin (France), Mr. T. Wickholm (Norway), Ms. M. Green (Sweden), Mr. A. Ponlaboot (Thailand) and Lord Judd (United Kingdom).

The Committee reviewed the summary report of a dialogue session it had held with Israeli and Palestinian legislators in Geneva in July 2012. The discussions had focused on prospects for advancing the peace process, the status of preparations for elections in Palestine and possible IPU support, the impact of the Arab Spring, reconciliation between Palestinian factions and the potential benefits of inter-parliamentary cooperation on the peace process.

The Committee recognized the value of the Geneva dialogue sessions, which were conducted in a cordial and relaxed atmosphere. It expressed its intention to continue to hold such sessions outside IPU Assemblies. It would endeavour to ensure that the discussions focused more on the future rather than the past and looked at tangible ways of helping to resolve the conflict.

The Committee discussed arrangements for a mission to the region. The members reiterated their conviction that they would not be fulfilling their mandate if they did not talk to all the parties concerned. It was, therefore, crucial that the mission included a visit to Israel and all the

Palestinian territories. The first part of the mission would take place from 16 to 21 November 2012.

The Committee examined a set of draft rules defining its role, composition and functioning, which were subsequently approved by the Governing Council (see page 64).

3. Committee to Promote Respect for International Humanitarian Law

The Committee to Promote Respect for International Humanitarian Law (IHL) met on 25 October 2012. Without a quorum to elect a president, the meeting was chaired provisionally by Ms. U. Karlsson (Sweden). The meeting was attended by representatives of the Office of the United Nations High Commissioner for Refugees (UNHCR). Comments sent by the International Committee of the Red Cross (ICRC) were read out to the Committee.

The Committee began by discussing recent trends in forced displacement. In 2012, there had been an increase in the number of refugees and persons displaced by conflict, natural disasters or other sources of insecurity and risk.

In 2011, UNHCR had organized a meeting of ministers of UN Member States to mark the 50th anniversary of the 1961 Convention on the Reduction of Statelessness and the 60th anniversary of the 1951 Convention relating to the Status of Refugees. In the run-up to the event, UNHCR had encouraged States to commit themselves to amend their national policies and legislation so as to improve the protection of refugees and stateless persons. Parliamentarians would play a leading role at the national level in delivering on those pledges.

The Committee heard a status report on the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention). As at 23 October 2012, 37 of the 53 Member States of the African Union had signed the Convention, 14 had deposited instruments of ratification and a further 10 had committed themselves to ratifying and/or incorporating the Convention into domestic law or State policy. The Kenyan Parliament had been the first national legislature to enact a bill on internal displacement.

The UNHCR representative offered to work with the Committee on updating the UNHCR-IPU handbooks for parliamentarians on statelessness and

refugee protection. The Committee welcomed the UNHCR initiative and expressed its willingness to cooperate with the UN Refugee Agency in the process.

The Committee heard the comments sent by the ICRC's senior delegate in Canada, in which it was recalled that national implementation of all treaties relating to IHL required the active engagement of parliamentarians. One outcome of the ICRC's cooperation with the IPU through the Committee was the 1999 *Handbook for Parliamentarians: Respect for International Humanitarian Law*; another was the 2009 publication on *Missing Persons: A Handbook for Parliamentarians*. The ICRC looked forward to continued cooperation with the Committee to make IHL better known and have it promoted by parliamentarians active in the IPU around the world.

The Committee then discussed ways of enhancing its work and improving its operational methods. It recommended that the following changes to the 2008 arrangements be submitted to the Executive Committee at the 128th IPU Assembly in Quito for its endorsement:

1. Any titular member of the Committee who fails to attend more than two consecutive sessions shall be automatically replaced by the substitute member from the same region;
2. The Committee may hold deliberations and take decisions if a quorum of four titular or substitute members is met;
3. In the absence of the President, the Committee shall elect a provisional chair for its meeting.

4. Gender Partnership Group

The Gender Partnership Group held its 31st session on 20 and 23 October 2012. In attendance were Mr. D. Oliver (Canada), Mr. F. Drilon (Philippines), Ms. R. Kadaga (Uganda) and Ms. I. Passada (Uruguay).

The Group compared the composition of the delegations present at the 127th IPU Assembly with that at previous statutory assemblies. Of a total of 624 parliamentarians present at the Assembly, 175 (28%) were women. That percentage was one of the lowest recorded at any Assembly since 2008, a fact that the Group noted with concern. Accordingly, it decided to step up the measures being taken to ensure that delegations attending IPU Assemblies included more women. It announced its intention to do so through the IPU

gender mainstreaming strategy, which was in the making. The strategy should make it possible to: bring about gender parity in delegations to IPU Assemblies, ensure that the outcomes of IPU meetings benefited both genders equally and strengthen the work of IPU bodies aiming to achieve gender equality.

Of the 129 delegations present at the 127th Assembly, 112 were composed of at least two delegates. Fifteen of them (13%) were composed exclusively of men, namely those representing the parliaments of: Bosnia and Herzegovina, Botswana, Brazil, Guinea-Bissau, Haiti, Hungary, Lesotho, Mali, Micronesia (Federated States of), Mongolia, Netherlands, Saudi Arabia, Singapore, Suriname and the United Kingdom. Two delegations – from Andorra and Malawi – were composed exclusively of women. Brazil, Qatar and Saudi Arabia were subject to sanctions at the Assembly for being represented by same-gender delegations or for not alternating genders, in the case of single-member delegations, at three consecutive Assemblies. The Group decided that the geopolitical groups should bring the matter to the attention of the parliaments concerned. The Secretary General gave assurances that the issue of including women in delegations would be raised with the Speakers of those parliaments.

The Group discussed the proceedings of the Special Gender Partnership Session on gender-sensitive parliaments, held during the 127th Assembly. The Special Session concluded with the adoption of the *Plan of Action for Gender-sensitive Parliaments*, which was adopted in turn by the Assembly. In the Group's opinion it was an important policy document and should become a powerful and useful tool for parliaments. The Group saw it as a ground-breaking initiative that positioned the IPU ahead of many other organizations.

As it did regularly, the Group examined the situation of parliaments with no women members. Most of them were in the Pacific Island States or the Gulf Cooperation Council States. There had been some noteworthy progress, however, in particular in Micronesia, Saudi Arabia and the Solomon Islands. The Group welcomed the steps taken in Micronesia to increase the number of women in parliament and decided to lend its support. It noted press reports that 30 women were about to be appointed to the Shura Council in Saudi Arabia and expressed the hope that the appointments would take place. In the Solomon Islands, where the parliament was previously all-male, a woman had become a member of parliament, having won a by-election on 1 August 2012.

Other meetings

Special Gender Partnership Session on *Gender-sensitive Parliaments*

Three sittings of the Special Session were held from 23 to 26 October 2012. An opening plenary was co-chaired by Ms. R. Kadaga (Uganda) and Mr. F. Drilon (Philippines) and attended by 125 participants, including large numbers of male delegates. At the second sitting, participants focused on different aspects of the draft Plan of Action for Gender-sensitive Parliaments in three break-out groups, chaired respectively by Ms. U. Karlsson (Sweden), Ms. S. Ataullahjan (Canada) and Ms. B. Amongi (Uganda); between 20 and 30 participants took part in each group. The final sitting, again co-chaired by Ms. Kadaga and Mr. Drilon, was attended by 70 delegates. Throughout the Special Session, participants demonstrated their support for the Plan of Action on Gender-sensitive Parliaments, which was endorsed at the final sitting.

At the first sitting, the notion of a gender-sensitive parliament was defined and participants were invited to examine the definition. At the ensuing question-and-answer session, jointly moderated by Ms. J. Pandya, Director of the IPU Division of Communications, and two Speakers of Parliament, Ms. A. Makinda (United Republic of Tanzania), and Mr. P. Burke (Ireland), both Speakers referred to the difficulties members of their parliaments faced in striking a balance between parliamentary work and family life and made suggestions for addressing them. Following a presentation on the IPU report *Gender-Sensitive Parliaments: A global review of good practice*, 42 participants took the floor. With reference to the percentage of women in parliaments, they stressed the importance of affirmative action measures, such as amendments to electoral laws and constitutions and reserved seats for women. Some participants called for constant vigilance in ensuring that women continued to be represented in parliament and that parliaments and political parties did not become complacent.

At the second sitting, the first break-out group considered the question of mainstreaming gender equality throughout parliamentary work. The second group considered the culture and infrastructure required to ensure that parliaments were gender-sensitive, while the third group considered how parliaments could enhance their capacity to address gender issues.

The final sitting began with reports from each of the break-out groups. Participants then considered the question of parliamentary reforms required to achieve the goal of gender sensitivity. They were briefed on some of the successful assessments carried out by the parliaments of Chile, Rwanda, Sweden and Uganda. The co-Chairs called on participants to answer five questions on the strengths and weaknesses of their own countries' parliaments with respect to gender sensitivity.

2. Joint IPU-ASGP session on *Parliamentary representation and communication and the role of social media*

The session was co-organized by the IPU and the Association of Secretaries General of Parliaments (ASGP), in partnership with the Library and Research Services for Parliaments Section of the International Federation of Library Associations and Institutions (IFLA) and the Global Centre for ICT in Parliament. It brought together parliamentarians, secretaries general and parliamentary staff.

The use of social media was growing exponentially, and parliaments were under pressure to adopt those means of communication to keep pace with change in society. Members of parliaments and parliament as an institution used social media in different ways and for different purposes. For both, however, social media remained an experimental tool. The session's objective was, therefore, to exchange experiences on the risks and benefits of social media and to promote their more effective use in parliament.

A panel of parliamentarians reflected on the many different ways in which they engaged with citizens via social media. For some, social media were another broadcast channel, allowing them to convey messages to their audience. For others, social media allowed them to keep in touch with a large number of people they were unable to meet with regularly in person; they had adopted a more interactive, conversational style. One parliamentarian explained that he identified issues that were gaining traction online, then used Facebook to convene face-to-face meetings with constituents. Another held a weekly online chat session to exchange views and gather ideas and suggestions for her work in parliament.

The participants agreed that the speed at which information travelled was changing politics. That created difficulties for politicians, for example when

they were expected to react immediately to breaking news, often before their political party had had a chance to adopt a position on the issue.

The participants also agreed that social media offered parliamentarians an opportunity to engage with young people, the population group least likely to vote. That might be a way of bringing young people into the mainstream political process more quickly.

After a practical session in which the participants worked together to find strategic responses to a hypothetical crisis situation, the discussion moved to how parliament as an institution was making use of social media. According to the 2012 *World e-Parliament Report*, about one third of parliaments were already doing so, and another third were planning to.

Parliaments were faced with the inherent challenge of finding their "voice" or "face" on social media, while remaining suitably institutional, non-partisan and engaging. Many were still grappling with the issue. Parliamentary social media sites tended to have relatively few direct followers as a proportion of the total national population, but their reach was in fact much greater than the numbers suggested, as followers could relay parliamentary information to their own networks.

Presentations on innovations in social media in Brazil, Ecuador and the United Kingdom highlighted lessons learned and new initiatives and confirmed the media's vitality in Latin America. One conclusion was that parliaments had to carefully identify the purpose of their communication activities, and then select the most appropriate tools to achieve their goals. That might include social media in some cases, but not necessarily in all.

The session concluded with a presentation of the draft parliamentary social media guidelines being prepared by an expert working group at the IPU's initiative. The guidelines were available for comment by all stakeholders in English, French and Spanish. They were expected to be published by the end of the year and would naturally require regular updating, as social media tools and practice would certainly continue to evolve at a rapid pace.

3. Meeting of young parliamentarians

The meeting of young parliamentarians held on 22 October 2012, with Mr. K. Dijkhoff (Netherlands) in the Chair, was attended by close to 50 parliamentarians. They noted with satisfaction the growing number of participants at such meetings. Attendance had quadrupled since the first

meeting, held at the IPU Assembly in Panama City in 2011.

The mandate of the task force of young parliamentarians established at the 126th Assembly in Kampala was renewed. New members had been added: representatives of Costa Rica, India, Namibia, Netherlands and the United Arab Emirates had been joined by those of Afghanistan, Bahrain, Botswana, Norway, Portugal, Serbia, United Republic of Tanzania, Zambia and Zimbabwe.

The participants examined their working methods and decided that a formal mechanism for young MPs should be established within the IPU. A proposal for its establishment would be made as part of the reform process under way with regard to IPU Assemblies.

The young parliamentarians' principal objectives were reiterated, namely: strengthening youth participation in parliaments in general, and developing a youth programme at the IPU in particular, while reaching out to young people in politics. Moreover, it was decided that issues of interest to young people would be discussed. Those included social media, intergenerational dialogue and young people as drivers of change in all sectors. Participants voiced their support for initiatives outside IPU Assemblies, for example online forums.

The meeting examined the preliminary reports prepared by the co-Rapporteurs of the three IPU Standing Committees. A decision was made to participate in and contribute a youth perspective to the panel discussions organized by those Committees.

Participants were informed of the panel discussion at the 127th IPU Assembly on *Creating opportunities for youth in today's global economy*. Mr. S. Armstrong (Canada) outlined the objectives of the panel discussion and described how it would be conducted. The initiative was welcomed and the participants undertook to attend in large numbers.

4. Panel session on *Creating opportunities for youth in today's global economy*

A panel session on *Creating opportunities for youth in today's global economy*, held on 24 October 2012, was attended by about 100 delegates. It focused on the youth unemployment crisis and strategies to increase access to high-quality education and training and to facilitate the transition from education to work. Presentations were made by: Mr. G. Rosas, Coordinator of the Youth Employment Programme at the International Labour Organization, Ms. I. Støjberg (Denmark),

Ms. E. Abdulla (Maldives) and Mr. N. Stefanović (Serbia). The panel was chaired by Mr. S. Armstrong (Canada).

Panellists noted that the high levels of youth unemployment in many countries had created a sense of disillusionment. As it became harder for young people to find a job, they gave up looking or were trapped in a spiral of temporary employment, needing experience to get a job and unable to gain experience without employment. In turn, limited employment and educational opportunities for young people had an impact on social stability. A significant number of jobs would have to be created to absorb all the young people entering the labour force annually, but that depended on a range of macroeconomic factors and the state of the global economy, and not only a stronger youth skills base. After all, educational achievement was at record levels in many countries. Education systems needed to adjust to the labour market in order to overcome the poor coordination between those systems and employers. However, it was not easy to turn the political priority of addressing youth issues into action.

In the ensuing discussion, some delegates warned of the risk of creating a lost generation worldwide unless action was taken. The many protests and social movements of recent months had been driven in part by the lack of opportunities for youth. It was pointed out that in carrying out political reforms government should not neglect youth issues, in particular youth unemployment. Delegates drew attention to the many young people around the world who were neither studying nor working, which could push them into crime or extremism. Some called for more investment in education, even in times of fiscal austerity. Technical skills, business acumen and access to loans were just some aspects that needed to be tackled if more young people were to become entrepreneurs. Delegates stressed the need to consult young people when addressing youth issues and the crucial importance of youth involvement in the democratic process, *inter alia* through targeted training. Participants called on the international community, and national parliaments in particular, to pay more attention to young people.

5. Panel session on *Building peace after conflict*

A panel session on *Building peace after conflict*, jointly organized by the Canadian Parliament and the IPU and held on 24 October, gave parliamentarians the opportunity to address the considerable work needed to ensure that the

opportunity created by the end of conflict was consolidated into lasting peace. Four panellists made presentations: Ms. F. Mukakalisa, a member of parliament from Rwanda; Ms. J. Cheng-Hopkins, Assistant Secretary-General for Peacebuilding Support at the United Nations; Ms. G. del Castillo, former senior economist in the Office of the UN Secretary-General and author of *Rebuilding War-Torn States* (2008); and Mr. B. Harborne, lead conflict adviser at the World Bank.

The panellists gave comprehensive presentations on the nature and realities of peace-building and the challenges facing the international community and national parliaments. Ms. Mukakalisa detailed the situation in Rwanda since the 1994 genocide, highlighting the considerable progress made towards national reconciliation. Rwandan women had been empowered since 1994, and the country currently had the highest proportion of women elected representatives of any parliament in the world.

Ms. Cheng-Hopkins discussed the danger of post-conflict countries relapsing into conflict. It was thus critical for parliamentarians to focus on and invest in the peace-building phase. Violence disrupted development. Countries emerging from conflict faced a range of challenges, including with respect to civil-military relations and the effective delivery of public services. Peace-building had to be a multifaceted undertaking. Parliamentarians played an important role in ensuring the rule of law, civilian rule and civilian control over the military.

Ms. del Castillo's presentation focused on economic transition. She noted that many post-conflict countries remained dependent on development assistance, which was not sustainable. Countries could not move from the economics of conflict to normal development without going through a period of economic reconstruction. Other key lessons were that aid should support nationally integrated development strategies, and had to move rapidly from humanitarian assistance to reconstruction. Overall, the objective of peace had to prevail at all times.

In the final presentation, Mr. Harborne noted that the number of conflicts involving national armies was falling worldwide, but the nature of violence was changing, with a tendency towards gang-related violence, political violence, cross-border violence and organized crime and trafficking. He emphasized the importance of State-society relations and institutions. There was an overall need to focus on three essential aspects of peacebuilding: citizen security, access to justice and services, and jobs. However, international efforts had often been

too slow, too volatile, too quick to exit, and too compartmentalized.

The participants drew on their national experiences to respond. A number of them emphasized the importance of the political dimension of peace-building, including national reconciliation, dialogue, consensus-building, coalition-building and citizen participation. Dialogue could help to bring about social and economic change and national reconciliation.

Another key set of issues was related to capacity and the need to strengthen national and local institutions. With that in mind, some delegates highlighted the need for international assistance to be provided in the form of direct budget support so that national institutions were strengthened and thus in a position to provide for their own populations. In general, the discussion indicated that it was not enough to think of democracy in general terms. Issues of institution-building, transparency, democratic and accountable governance, and support for civil society also had to be addressed. The question of time frames was also raised, with respect to the need to bridge the gap between the long-term nature of peace-building needs and the short-term political realities that often drove decision-making.

6. Panel session on *Parliamentary immunity: Benefit or burden?*

A panel session on *Parliamentary immunity: Benefit or burden?* was held in the morning of 25 October 2012. It focused on the background to parliamentary immunity, opinions in favour and against, and the issue of compliance. The panellists were: Mr. J. Maingot, parliamentary consultant, Mr. J. Williams, CEO of the Global Organization of Parliamentarians Against Corruption, Mr. J.M. Corzo Román (Colombia) and Mr. K. Tapo (Mali), President of the IPU Committee on the Human Rights of Parliamentarians.

It was recalled that the status of national representative bestowed on parliamentarians a range of protective measures, generally known as "parliamentary immunity", enabling them to do the job for which they were elected. That protection, regardless of its form, was open to different interpretations, rendering it increasingly controversial. Moreover, parliamentarians were sometimes deprived of it altogether.

Two of the panellists said that the concept of "parliamentary immunity" undermined the rule of law, perpetuating a ruling class and encouraging wrongdoing, including corruption. Tantamount to

impunity, owing to the wide-ranging protection that it afforded parliamentarians, parliamentary immunity was indefensible in their opinion and should be opposed. Other panellists pointed out, however, that the executive and judiciary sometimes joined forces against parliament, thus weakening the legislature and preventing it from functioning properly. Legislators were sometimes arrested and detained for speaking out against irregularities that were detrimental to the rule of law. In such cases, parliamentary immunity could prove necessary, helping to strike a balance of power between the authorities, protecting parliamentarians from prosecution and enabling them to exercise their mandates unhindered.

It was stressed that, despite the existence of protective measures, parliamentarians often had their immunity lifted following procedures that contravened relevant norms. Such cases were often submitted to the IPU Committee on the Human Rights of Parliamentarians.

In the ensuing discussions, participants described their national practices with regard to parliamentary protection and made the following recommendations:

Whereas parliamentarians should enjoy immunity to carry out their mandate without fear, immunity should not be taken to mean giving them *carte blanche* and any abuse should lead to sanctions. Parliamentary immunity should be enforced in a comprehensive manner and go hand-in-hand with clearly defined operational norms and safeguards. Procedures for lifting immunity must comply with the relevant rules and be given sufficient time. Both ruling and opposition parties should be included in the committees seized with such requests, the debates should be made public and the parliamentarians in question should have the possibility to defend themselves. Political differences should play no part in the lifting of immunity. Parliaments should adopt codes of conduct where none existed before and disseminate them both inside and outside parliament. In order to boost public confidence in parliamentarians, the latter should do nothing to give the impression of enjoying special privileges. They should declare their assets upon taking up office in order to reduce the risk of abuses of parliamentary immunity.

7. Panel session on *Peak oil: What prospects for energy security?*

The event was held on Friday, 26 October, 2012. Mr. S.E. Alhuseini (Saudi Arabia), President of the

IPU's Second Standing Committee, moderated the discussion and served as one of the panellists. The other panellists were Mr. K. Aleklett, President of the Association for the Study of Peak Oil and Gas (Sweden), and Ms. A. Korin, Co-Director of the Institute for the Analysis of Global Security (IAGS) and Adviser to the United States Energy Security Council.

The world's changing energy situation was forcing the international community to take a hard look at energy management systems, the impacts of energy consumption, access to and the ever-growing demand for resources. As demand for energy increased around the world, policymakers would need to contend with the fact that supplies of non-renewable sources, such as oil, coal and gas, would eventually run out. Uncertainty over energy security and climate change were factors that directly affected public policies on energy, the economy, social issues, the environment and foreign affairs.

The panellists defined peak oil as the maximum rate of the production of oil in any area, recognizing that it was a finite natural resource, and thus subject to

depletion. They stressed that the demand for oil was unlikely to diminish as it was virtually the only energy available for transportation. Unconventional sources of oil were predicted to play a larger global role, including Canadian oil sands, tight oil from North Dakota and heavy oil from Venezuela. As a result, it was expected that oil supply would be able to satisfy oil demand for decades to come. That, however, would require large capital investments in upstream production.

Energy security could be strengthened by increasing the availability of inter-fuel substitutions, such as natural gas, electricity and biofuels as an alternative to petroleum in the transportation sector. Drivers could not rapidly change the fuel economy of their vehicles but with vehicles that enabled fuel competition, they could quickly change what fuel their vehicles used. Bringing oil into competition with other energy commodities in the transportation sector would not only drive down the price of oil but also alter the geopolitical balance of power in favour of net oil importers and countries with resources to become non-petroleum fuel producers.

Media and communications

Despite challenging circumstances, there was relatively positive coverage of the 127th IPU Assembly. Canadian media focused largely on the visa issue and the participation or lack thereof by various delegations. Internationally, the media coverage of the Assembly was much more varied in terms of subject matter. Initial media monitoring over five days revealed more than 360 articles mentioning the IPU Assembly, its participants and issues ranging from the theme of the Québec Assembly, the outcomes of the session of the Committee on the Human Rights of Parliamentarians, Mali, women in politics, nuclear disarmament, as well as national and bilateral meetings. Coverage was spread across all regions of the world in several languages.

During the Assembly, the IPU issued three press releases, held three press conferences and produced two web stories. Forty-two journalists, photographers and cameramen accompanying their national delegations or representing Canadian media attended the Assembly in Québec City. The IPU organized or carried about 30 interviews with broadcasters such as the BBC World Service, Radio France International (RFI), South African Radio and the Canadian Broadcasting Corporation in English, French and Arabic as well as newspapers and agencies, including AFP, ITAR-TASS, Le Soleil, iPolitics and La Presse. Interviews were arranged

with the BBC and RFI among others for the leaders of the Libyan, Kenyan and Tanzanian delegations.

For the second time running, a twitter event was held using #IPU127 and #UIP127 to accommodate English, French and Spanish. The hash tags were displayed at every plenary session with the latest tweets shown on screen in-between interventions. On average outside peak time, the #IPU127 hash tag reached 260,000 unique Twitter users and appeared over 310,000 times on twitter streams over a 10-hour period. During one peak period alone covering 45 minutes, the #IPU127 hash tag reached 23,000 unique Twitter users, and appeared over 57,000 times with close to 50 tweets and retweets. The account @IPUparliament had increased the number of followers by 25 per cent during the Assembly. Other social media tools used included Flickr to share photos of the Assembly - <http://www.flickr.com/photos/ipu2012uip> - with more than 30,000 visits in four days alone.

The IPU-PNND Handbook for Parliamentarians on *Supporting Nuclear Non-Proliferation and Disarmament* was launched at Québec while the Guide on *Raising the Profile of HIV/AIDS in Your Parliament* was distributed to Members. The IPU stand received several hundred orders for its publications.

Other events

1. Workshop on New tools to promote nuclear disarmament

A workshop was held on 24 October on novel tools to promote nuclear disarmament to assist legislators in using the new Handbook, presented the same day, and to familiarize them with innovative online tools that had been developed to help advance nuclear non-proliferation and disarmament.

The workshop, chaired by Mr. A. Ware, PNND Global Coordinator, featured a presentation by Mr. R. van Riet, co-author of the Handbook, on how best to navigate through the wealth of information contained in the Handbook and other tools available in the nuclear disarmament section of www.FuturePolicy.org. In his intervention, Mr. H. Jenkins (Australia) provided an overview of IPU involvement in the area of nuclear non-proliferation and disarmament.

Mr. T. Tóth, Executive Secretary of the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO), introduced a variety of tools available on the CTBTO website, including: the Capacity Development Initiative, a training and educational e-learning platform aimed at familiarizing participants with all aspects of the Treaty and its verification regime; the CTBT Tutorial, which offered modules designed to provide an overview of the elements that were most relevant to the CTBT today; and the CTBT iTunes University, which offered a collection of briefings, lectures and presentations from leading experts.

Mr. M.S. Ashimbayev (Kazakhstan) gave a presentation on nuclear disarmament initiatives taken by Kazakhstan, including the ATOM Project, an international campaign highlighting the catastrophic humanitarian and environmental impact of nuclear weapons testing as compelling evidence for banning such tests and establishing a nuclear-weapon-free world. A powerful video was shown on the legacy of nuclear testing in the Semipalatinsk region in Eastern Kazakhstan, chronicling severe environmental degradation and health effects, including for second- and third-generation inhabitants.

Ms. M. Gómez, a senior PNND official, gave an overview of some of the tools that PNND offered parliamentarians on its multilingual website, including regular electronic updates on relevant activities, reports on initiatives of individual MPs, and samples of cross-party and transnational

parliamentary actions, including in support of current initiatives such as establishing a Middle East Zone Free of Nuclear Weapons (NWFZ) and other weapons of mass destruction.

There were a number of interventions by delegations from the floor on issues such as nuclear energy and proliferation, achieving universality of the Treaty on the Non-Proliferation of Nuclear Weapons and the proposal to create an NWFZ in the Middle East. IPU representative Ms. A. Filip closed the workshop by welcoming the close and fruitful collaboration between the IPU and the CTBTO, PNND and the United Nations on nuclear disarmament issues and reiterated the IPU's continued commitment to this agenda.

2. Informal panel on Parliamentary and political law

The Informal panel on *Parliamentary and political law* was held on 25 October 2012, with Mr. D. Oliver (Canada) as moderator. Participants discussed the role of law in parliamentary life (how the law guided parliament's work) and the influence of the law on the work of parliamentarians.

Ms. J. Skovsby (Denmark) gave a presentation on law and politics in parliamentary committees. Ms. M. Kubayi (South Africa) then addressed issues relating to the legislative process, also with a focus on parliamentary committees. Mr. R. Walsh, former Law Clerk of the Parliament of Canada, spoke of parliamentary privilege and its relationship to law. The fourth presentation was given by Mr. A.B. Johnsson, IPU Secretary General, who focused on the influence of international law on parliamentary work.

In the ensuing discussion, participants raised the following issues: how to ensure fair play in parliamentary procedures; how to bring law and politics closer; and the influence of political parties on parliamentary votes and its implications for free parliamentary mandates.

3. Informal meeting of parliamentary whips

A meeting that brought together whips from several countries took place at the initiative of Mr. J. Fitzgibbon (Australia) on Tuesday, 23 October, 2012. Delegates from the following countries were present: Afghanistan, Australia, Belgium, Canada, New Zealand, South Africa, Tunisia, Uganda and the United Kingdom.

While the definition of a "whip" was usually associated with the Commonwealth and did not exist per se in other countries, it was felt that by broadening the definition, the group would attract a wider audience. Between the Québec Assembly and the one to be held in Quito, the current group would reflect on how to organize themselves in order to exchange knowledge and experience, as well as enhance their professional development.

4. Joint briefing of the IPU and the UN Millennium Campaign

The briefing provided an update on the growing cooperation between the IPU and the UN

Millennium Campaign in their efforts to promote Millennium Development Goals (MDG) policies within parliaments with the deadline of 2015 fast approaching. The IPU and the Millennium Campaign were engaged in a process recently initiated at both the intergovernmental and operational levels aimed at establishing a new development framework that would replace the current MDGs. A number of future initiatives were announced for which the input of parliamentarians was sought. UN Millennium Campaign Director Ms. C. Woods attended the briefing together with the Director of the IPU Division of Programmes and other officials.

Elections and appointments

1. President of the 127th Assembly of the Inter-Parliamentary Union

Mr. D. Oliver, Speaker *pro tempore* of the Senate of Canada, was elected President of the Assembly.

2. Vice-Presidents of the Inter-Parliamentary Union

African Group: Ms. R. Kadaga (Uganda)

Group of Latin America and the Caribbean:
Ms. I. Passada (Uruguay)

Arab Group: To be appointed at a later date

Asia-Pacific Group: Mr. F. Drilon (Philippines)

Twelve Plus Group: Mr. K. Örnfjäder (Sweden)

Eurasia Group: Mr. K. Chshmaritian (Armenia)

3. Vice-President of the Executive Committee

The Executive Committee elected Ms. I. Passada (Uruguay) as Vice-President until October 2013.

4. Executive Committee

The Governing Council elected Mr. D. Vivas (Venezuela) for a four-year term until October 2016 and Mr. K. Chshmaritian (Armenia) until October 2013, when the term of the member of parliament he is replacing will expire.

5. Sub-committee on Finance (Executive Committee)

Ms. I. Passada (Uruguay) and Mr. K. Chshmaritian (Armenia) were appointed.

6. Committee on the Human Rights of Parliamentarians

Mr. B. Mbuku-Laka (Democratic Republic of the Congo) and Ms. I. Støjberg (Denmark) were elected substitute members for a five-year term until October 2017.

7. Committee on Middle East Questions

Mr. T. Henare (New Zealand), Lord Judd (United Kingdom) and Ms. Z. Benarous (Algeria) were elected titular members for a four-year term until October 2016.

Mr. H. Franken (Netherlands) and Mr. D. Papadimoulis (Greece) were elected substitute members for a similar term.

8. Committee to Promote Respect for International Humanitarian Law

Ms. G. Cuevas (Mexico) and Ms. Y. Meftali (Algeria) were elected titular members for a four-year term until October 2016.

Mr. P. Phalusuk (Thailand) was elected substitute member for a four-year term until October 2016.

9. Internal Auditors for the 2013 accounts

The Governing Council appointed Mr. H.R. Mohamed (United Republic of Tanzania) and Mr. D. Pacheco (Portugal) as Internal Auditors for the 2013 accounts.

10. Chairperson of the Consultative Commission (cf. Regulation 11.3 of the Staff Regulations)

The Executive Committee appointed Mr. A. Kohler for a four-year term until October 2016.

Membership of the Inter-Parliamentary Union*

Members (162)

Afghanistan, Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea-Bissau, Haiti, Honduras, 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, Lesotho, Libya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Palau, Palestine, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, South Sudan, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia and Zimbabwe

Associate Members (10)

Andean Parliament, Central American Parliament, East African Legislative Assembly, European Parliament, Inter-Parliamentary Committee of the West African Economic and Monetary Union, Latin American Parliament, Parliament of the Economic Community of West African States, Parliament of the Economic and Monetary Community of Central Africa, Parliamentary Assembly of the Council of Europe and Transitional Arab Parliament

• At the closure of the 127th Assembly

Agenda, Resolutions and other texts of the 127th Assembly of the Inter-Parliamentary Union

1. Election of the President and Vice-Presidents of the 127th Assembly
2. Consideration of requests for the inclusion of an emergency item in the Assembly agenda
3. Special debate on *Citizenship, identity and linguistic and cultural diversity in a globalized world*
4. Panel discussions on the subject items chosen for debate during the 128th Assembly (Quito, 22-27 March 2013)
 - (a) Enforcing the responsibility to protect: The role of parliament in safeguarding civilians' lives (*Standing Committee on Peace and International Security*)
 - (b) Fair trade and innovative financing mechanisms for sustainable development (*Standing Committee on Sustainable Development, Finance and Trade*)
 - (c) The use of media, including social media, to enhance citizen engagement and democracy (*Standing Committee on Democracy and Human Rights*)
5. Outcome of:
 - (a) Special debate on *Citizenship, identity and linguistic and cultural diversity in a globalized world*
 - (b) Special Gender Partnership Session on Gender-sensitive Parliaments
 - (c) IPU Committee on United Nations Affairs
6. The institutional and security situation in Mali

**Results of roll-call vote on the request of the delegation of the Syrian Arab Republic
for the inclusion of an emergency item entitled**

**"THE VIOLENCE PERPETRATED BY ARMED TERRORIST GROUPS AGAINST CHRISTIANS
AND OTHER MINORITIES IN SYRIA AND ATTEMPTS TO DRIVE THEM OUT OF SYRIA"**

R e s u l t s

Affirmative votes..... 236 Total of affirmative and negative votes . 1101
 Negative votes..... 865 Two-thirds majority 734
 Abstentions..... 336

Country	Yes	No	Abst.	Country	Yes	No	Abst.	Country	Yes	No	Abst.
Afghanistan			14	Ghana	7	6		Palestine		11	
Algeria			15	Greece	10	3		Panama		11	
Andorra			10	Guinea-Bissau	<i>Absent</i>			Paraguay		10	
Argentina		16		Haiti	<i>Absent</i>			Peru		10	
Armenia	<i>Absent</i>			Hungary	4	9		Philippines			18
Australia	4	10		Iceland		10		Poland		15	
Austria			12	India	23			Portugal		13	
Azerbaijan		12		Indonesia			22	Qatar		8	
Bahrain		10		Iran (Islamic Republic of)	18			Republic of Korea	<i>Absent</i>		
Bangladesh			20	Iraq	<i>Absent</i>			Romania		14	
Belgium		12		Ireland		11		Russian Federation	20		
Benin		12		Israel	<i>Absent</i>			Rwanda		10	
Bolivia		12		Italy		17		Sao Tome and Principe			10
Bosnia and Herzegovina	<i>Absent</i>			Japan			20	Saudi Arabia		12	
Botswana	11			Jordan		12		Serbia			12
Brazil	9	9		Kazakhstan	7	6		Seychelles	<i>Absent</i>		
Bulgaria	<i>Absent</i>			Kenya		14		Singapore			12
Burkina Faso	5	8		Lao People's Dem. Republic	<i>Absent</i>			South Africa		16	
Burundi	5	5		Latvia		11		South Sudan		10	
Cambodia	2	11		Lesotho		10		Spain		15	
Cameroon	7	6		Libya		11		Sri Lanka	13		
Canada		15		Liechtenstein	<i>Absent</i>			Suriname	5	5	
Cape Verde	<i>Absent</i>			Lithuania		11		Sweden		12	
Chad		13		Luxembourg		10		Switzerland		12	
Chile		13		Malawi		13		Thailand	9		9
China	23			Malaysia			14	Timor-Leste			11
Colombia		14		Maldives		10		Togo	<i>Absent</i>		
Costa Rica	<i>Absent</i>			Mali		12		Trinidad & Tobago		10	
Côte d'Ivoire			13	Mexico	<i>Absent</i>			Tunisia			13
Croatia	<i>Absent</i>			Micronesia (Fed. States of)		10		Turkey		18	
Cuba		13		Mongolia	<i>Absent</i>			Uganda			10
Cyprus	7	3		Morocco		15		Ukraine	<i>Absent</i>		
Czech Republic		13		Mozambique	13			United Arab Emirates		11	
DR of the Congo	3	14		Myanmar	<i>Absent</i>			United Kingdom		18	
Denmark	<i>Absent</i>			Namibia		11		United Republic of Tanzania		15	
Dominican Rep.	<i>Absent</i>			Netherlands		13		Uruguay			11
Ecuador		13		New Zealand		11		Venezuela	13		
Egypt		18		Nicaragua			10	Viet Nam	9		9
El Salvador		12		Niger			13	Yemen	<i>Absent</i>		
Estonia		10		Nigeria		20		Zambia			13
Ethiopia	9	9		Norway		11		Zimbabwe			13
Finland		12		Oman			11				
France		17		Pakistan			21				
Gabon		11									
Germany		19									

N.B. This list does not include delegations present at the session which were not entitled to vote pursuant to the provisions of Article 5.2 of the Statutes.

**Results of roll-call vote on the request of the delegation of the United Arab Emirates
for the inclusion of an emergency item entitled**

**"THE INTERNATIONAL ROLE OF PARLIAMENTARIANS IN PROHIBITING THE DEFAMATION OF RELIGIONS AND
THE DESECRATION OF RELIGIOUS SYMBOLS AND SHRINES BY CONTRIBUTING TO THE CONCLUSION OF AN
INTERNATIONAL AGREEMENT ON THE CRIMINALIZATION OF SUCH ACTS AND BY RECOGNIZING RESPECT FOR
RELIGIONS AS A PREREQUISITE FOR INTERNATIONAL PEACE, UNDERSTANDING AND COOPERATION"**

Results

Affirmative votes 737 Total of affirmative and negative votes .. 1146
Negative votes..... 409 Two-thirds majority 764
Abstentions 291

Country	Yes	No	Abst.	Country	Yes	No	Abst.	Country	Yes	No	Abst.
Afghanistan	14			Ghana	13			Palestine	11		
Algeria	15			Greece	13			Panama	11		
Andorra			10	Guinea-Bissau			<i>Absent</i>	Paraguay	10		
Argentina			16	Haiti			<i>Absent</i>	Peru	10		
Armenia			<i>Absent</i>	Hungary			13	Philippines	18		
Australia	4	10		Iceland		10		Poland			15
Austria			12	India	23			Portugal		13	
Azerbaijan	8	4		Indonesia	22			Qatar	8		
Bahrain	10			Iran (Islamic Republic of)	18			Republic of Korea			<i>Absent</i>
Bangladesh	20			Iraq			<i>Absent</i>	Romania		14	
Belgium		12		Ireland			11	Russian Federation			20
Benin			12	Israel			<i>Absent</i>	Rwanda		10	
Bolivia	12			Italy		17		Sao Tome and Principe	5		5
Bosnia and Herzegovina			<i>Absent</i>	Japan			20	Saudi Arabia	12		
Botswana	5		6	Jordan	12			Serbia	12		
Brazil	18			Kazakhstan	13			Seychelles			<i>Absent</i>
Bulgaria			<i>Absent</i>	Kenya	14			Singapore			12
Burkina Faso	4		9	Lao People's Dem. Republic			<i>Absent</i>	South Africa			16
Burundi	3	7		Latvia	11			South Sudan	3	7	
Cambodia	13			Lesotho		10		Spain		15	
Cameroon	7	6		Libya	11			Sri Lanka	13		
Canada		15		Liechtenstein			<i>Absent</i>	Suriname	10		
Cape Verde			<i>Absent</i>	Lithuania		11		Sweden		12	
Chad		13		Luxembourg		10		Switzerland		12	
Chile	13			Malawi		13		Thailand	18		
China	23			Malaysia	14			Timor-Leste			11
Colombia	14			Maldives	10			Togo			<i>Absent</i>
Costa Rica			<i>Absent</i>	Mali		12		Trinidad & Tobago	10		
Côte d'Ivoire	13			Mexico				Tunisia	13		
Croatia			<i>Absent</i>	Micronesia (Fed. States of)			10	Turkey	4		14
Cuba	13			Mongolia			<i>Absent</i>	Uganda			10
Cyprus	10			Morocco	15			Ukraine			<i>Absent</i>
Czech Republic		13		Mozambique			13	United Arab Emirates	11		
DR of the Congo	10	7		Myanmar			<i>Absent</i>	United Kingdom		18	
Denmark			<i>Absent</i>	Namibia			11	United Republic of Tanzania	10	5	
Dominican Rep.			<i>Absent</i>	Netherlands		13		Uruguay	11		
Ecuador	13			New Zealand		11		Venezuela			13
Egypt	18			Nicaragua	10			Viet Nam	12		6
El Salvador	12			Niger	13			Yemen			<i>Absent</i>
Estonia		10		Nigeria		20		Zambia			13
Ethiopia	9	9		Norway		11		Zimbabwe			13
Finland		12		Oman	11						
France		17		Pakistan	21						
Gabon		11									
Germany		19									

N.B. This list does not include delegations present at the session which were not entitled to vote pursuant to the provisions of Article 5.2 of the Statutes.

**Results of roll-call vote on the request of the delegation of Mali
for the inclusion of an emergency item entitled**

"THE INSTITUTIONAL AND SECURITY SITUATION IN MALI"

Results

Affirmative votes..... 751 Total of affirmative and negative votes .. 1034
 Negative votes..... 283 Two-thirds majority 689
 Abstentions..... 403

Country	Yes	No	Abst.	Country	Yes	No	Abst.	Country	Yes	No	Abst.
Afghanistan			14	Ghana	13			Palestine		11	
Algeria	15			Greece			13	Panama		11	
Andorra			10	Guinea-Bissau			<i>Absent</i>	Paraguay		10	
Argentina			16	Haiti			<i>Absent</i>	Peru			10
Armenia			<i>Absent</i>	Hungary			13	Philippines			18
Australia	14			Iceland	10			Poland		15	
Austria			12	India	23			Portugal	7		6
Azerbaijan			12	Indonesia			22	Qatar		8	
Bahrain		10		Iran (Islamic Republic of)			18	Republic of Korea			<i>Absent</i>
Bangladesh	20			Iraq			<i>Absent</i>	Romania	14		
Belgium	12			Ireland	11			Russian Federation	20		
Benin	12			Israel			<i>Absent</i>	Rwanda	10		
Bolivia		12		Italy	10		7	Sao Tome and Principe			10
Bosnia and Herzegovina			<i>Absent</i>	Japan			20	Saudi Arabia		12	
Botswana	11			Jordan		12		Serbia	12		
Brazil		18		Kazakhstan	13			Seychelles			<i>Absent</i>
Bulgaria			<i>Absent</i>	Kenya			14	Singapore			12
Burkina Faso	13			Lao People's Dem. Republic			<i>Absent</i>	South Africa	16		
Burundi	10			Latvia		11		South Sudan	10		
Cambodia	7	6		Lesotho	10			Spain			15
Cameroon	13			Libya	6		5	Sri Lanka	13		
Canada	15			Liechtenstein			<i>Absent</i>	Suriname	10		
Cape Verde			<i>Absent</i>	Lithuania	11			Sweden	12		
Chad	13			Luxembourg	10			Switzerland	12		
Chile		13		Malawi	13			Thailand	9		9
China	23			Malaysia			14	Timor-Leste	11		
Colombia		14		Maldives	10			Togo			<i>Absent</i>
Costa Rica			<i>Absent</i>	Mali	12			Trinidad & Tobago			10
Côte d'Ivoire	13			Mexico			<i>Absent</i>	Tunisia	6	7	
Croatia			<i>Absent</i>	Micronesia (Fed. States of)	10			Turkey	4		14
Cuba		13		Mongolia			<i>Absent</i>	Uganda	10		
Cyprus			10	Morocco	15			Ukraine			<i>Absent</i>
Czech Republic		13		Mozambique			13	United Arab Emirates		11	
DR of the Congo	17			Myanmar			<i>Absent</i>	United Kingdom		18	
Denmark			<i>Absent</i>	Namibia	11			United Republic of Tanzania	15		
Dominican Rep.			<i>Absent</i>	Netherlands			13	Uruguay			11
Ecuador		13		New Zealand	11			Venezuela			13
Egypt			18	Nicaragua			10	Viet Nam	18		
El Salvador		12		Niger	13			Yemen			<i>Absent</i>
Estonia		10		Nigeria	20			Zambia	13		
Ethiopia	18			Norway	11			Zimbabwe	13		
Finland		12		Oman		11					
France	17			Pakistan			21				
Gabon	11										
Germany	19										

N.B. This list does not include delegations present at the session which were not entitled to vote pursuant to the provisions of Article 5.2 of the Statutes.

**Results of roll-call vote on the request of the delegation of the United Kingdom
for the inclusion of an emergency item entitled**

**"THE SECURITY AND HUMANITARIAN IMPACTS OF THE CRISIS IN SYRIA,
INCLUDING IN NEIGHBOURING COUNTRIES"**

Results

Affirmative votes	636	Total of affirmative and negative votes ..	1140
Negative votes.....	504	Two-thirds majority	760
Abstentions	297		

Country	Yes	No	Abst.	Country	Yes	No	Abst.	Country	Yes	No	Abst.
Afghanistan			14	Ghana	7	6		Palestine		11	
Algeria		15		Greece	10	3		Panama		11	
Andorra	10			Guinea-Bissau	<i>Absent</i>			Paraguay			10
Argentina		16		Haiti	<i>Absent</i>			Peru			10
Armenia	<i>Absent</i>			Hungary	9	4		Philippines	18		
Australia	7	7		Iceland	10			Poland	15		
Austria	12			India	23			Portugal	13		
Azerbaijan	12			Indonesia	15		7	Qatar		8	
Bahrain		10		Iran (Islamic Republic of)		18		Republic of Korea	<i>Absent</i>		
Bangladesh			20	Iraq	<i>Absent</i>			Romania	10		4
Belgium		12		Ireland	11			Russian Federation	4	16	
Benin			12	Israel	<i>Absent</i>			Rwanda	10		
Bolivia		12		Italy	17			Sao Tome and Principe			10
Bosnia and Herzegovina	<i>Absent</i>			Japan	20			Saudi Arabia		12	
Botswana	11			Jordan		12		Serbia	12		
Brazil	18			Kazakhstan			13	Seychelles	<i>Absent</i>		
Bulgaria	<i>Absent</i>			Kenya	10	4		Singapore			12
Burkina Faso	6	7		Lao People's Dem. Republic	<i>Absent</i>			South Africa			16
Burundi	5	5		Latvia	11			South Sudan	10		
Cambodia	7	6		Lesotho		10		Spain	15		
Cameroon	7	6		Libya	4		7	Sri Lanka		13	
Canada		15		Liechtenstein	<i>Absent</i>			Suriname	10		
Cape-Verde	<i>Absent</i>			Lithuania	11			Sweden		12	
Chad		13		Luxembourg		10		Switzerland	12		
Chile	13			Malawi		13		Thailand	9		9
China		23		Malaysia			14	Timor-Leste	11		
Colombia		14		Maldives	10			Togo	<i>Absent</i>		
Costa Rica	<i>Absent</i>			Mali		12		Trinidad & Tobago	10		
Côte d'Ivoire	13			Mexico	<i>Absent</i>			Tunisia		13	
Croatia	<i>Absent</i>			Micronesia (Fed. States of)	10			Turkey	18		
Cuba		13		Mongolia	<i>Absent</i>			Uganda			10
Cyprus	7	3		Morocco	5		10	Ukraine	<i>Absent</i>		
Czech Republic	13			Mozambique	13			United Arab Emirates		11	
DR of the Congo	3	14		Myanmar	<i>Absent</i>			United Kingdom	18		
Denmark	<i>Absent</i>			Namibia		11		United Republic of Tanzania	15		
Dominican Rep.	<i>Absent</i>			Netherlands	13			Uruguay			11
Ecuador		13		New Zealand	11			Venezuela			13
Egypt			18	Nicaragua			10	Viet Nam	9		9
El Salvador		12		Niger		13		Yemen	<i>Absent</i>		
Estonia	10			Nigeria	11	9		Zambia			13
Ethiopia	9	9		Norway	11			Zimbabwe			13
Finland	12			Oman			11				
France		17		Pakistan			21				
Gabon		11									
Germany		19									

N.B. This list does not include delegations present at the session which were not entitled to vote pursuant to the provisions of Article 5.2 of the Statutes.

THE INSTITUTIONAL AND SECURITY SITUATION IN MALI

Resolution adopted unanimously by the 127th IPU Assembly (Québec City, 26 October 2012)

The 127th Assembly of the Inter-Parliamentary Union,

Considering the worsening situation of insecurity in the north of the country following the region's occupation since January 2012 by armed terrorist, fundamentalist and separatist groups with links to drug trafficking rings,

Considering the continuing deterioration of the humanitarian situation resulting therefrom and the numerous human rights violations perpetrated by these groups of terrorists, fundamentalists and separatists, in particular amputations, stoning, murders, rape and other acts of sexual violence as well as theft, pillaging and the destruction of cultural and religious world heritage sites,

Considering the Malian people's attachment to a secular and indivisible Republic of Mali,

Considering that the international community has unanimously condemned the affront to Mali's territorial integrity,

Considering the efforts deployed by the Economic Community of West African States (ECOWAS), the African Union (AU), the European Union (EU) and the United Nations to solve the institutional and security crisis, which is reversing all the development gains made by the Malian people,

Considering:

- (a) the presidential statement on Mali endorsed by the 126th IPU Assembly on 5 April 2012,
- (b) European Parliament resolution 2012/2603(RSP) of 20 April 2012 on the situation in Mali,
- (c) ACP-EU Joint Parliamentary Assembly resolution ACP-EU/101-157/A of 30 May 2012,
- (d) the ECOWAS Parliament resolution of 8 October 2012 on developments in the process of managing the political and security crisis in the Republic of Mali,

Considering the requests made by the transitional authorities to ECOWAS and the international community for assistance to the Malian armed forces with a view to liberating the north of the country, in particular the request made by the acting President of the Republic to the UN Secretary-General for the deployment of an international military force in Mali in accordance with a UN Security Council resolution and by virtue of Chapter VII of the Charter of the United Nations,

Considering similar requests made by ECOWAS and supported by the African Union, the French President and others to the UN Secretary-General,

Considering UN Security Council resolution 2071 (2012) adopted on 15 October 2012 by virtue of Chapter VII of the Charter of the United Nations, with a view to the deployment of an international armed force to restore the territorial integrity of Mali,

Recalling UN Security Council resolutions 1325, 1820, 1888 and 1889 on women, peace and security, in which the Security Council calls for women to be fully involved in all decision-making related to conflict prevention, mediation, peacekeeping and post-conflict peacebuilding,

Considering the commitment made by the EU to dispatch military instructors to reorganize the national armed forces,

Considering the meeting of the Support and Follow-up Group on Mali, held on 19 October 2012 in Bamako,

1. *Reaffirms* its unreserved attachment to the integrity and unity of Mali, the secular nature of the Republic and the country's national sovereignty, which belongs to the Malian people alone;

2. *Condemns* the serious human rights abuses and violations of international humanitarian law committed in the north of the country by armed rebels and groups of terrorists, fundamentalists and separatists, in particular acts of violence against civilians, notably women and children, murders, amputations and stoning, as well as pillaging and the destruction of cultural and religious world heritage sites;
3. *Welcomes* the initiative taken by the acting President of the Republic to seek the support of ECOWAS and the international community in liberating the north of the country;
4. *Congratulates* ECOWAS and the AU on providing support to the Malian people in their fight against terrorism and the groups of rebels and extremists occupying the north of the country;
5. *Welcomes* the commitment made by the EU and the United Nations to help Mali rid itself of the terrorist groups holding sway in the north of the country;
6. *Also welcomes* the commitment and political will clearly expressed by the French President in support of the Malian people's struggle to liberate the north of the country and his endeavours to resolve the unprecedented institutional and security crisis facing the country;
7. *Appeals* to the countries of the subregion to do all they can to maintain calm and security in the Sahel-Saharan belt;
8. *Urges* the transitional authorities in Mali to ensure that women can fully and meaningfully participate in all decision-making processes related to peacebuilding and governance;
9. *Thanks* the countries of the Support and Follow-up Group on Mali for their initiatives to help the Malian armed forces retake the north of the country;
10. *Welcomes* the resolution adopted by the Security Council with a view to sending an international military force to help the national armed forces retake control of the occupied regions in the north of the country;
11. *Urges* the armed forces of Mali to cooperate fully with the international military force to be deployed;
12. *Also urges* the transitional government to do all in its power, in keeping with its road map, to regain control of the north of the country and hold free and fair elections once the crisis has abated;
13. *Expresses* its unreserved support for the strategy presented by the UN Secretary-General with a view to mobilizing all agencies, funds and programmes as well as international financial institutions for the Sahel;
14. *Calls on* the international community to lift sanctions and on technical and financial partners to resume cooperation with Mali following the approval of a road map by the AU on 24 October 2012;
15. *Requests* the relevant international organizations as well as donor countries and agencies, in conjunction with non-governmental organizations operating in the region, to provide emergency food aid, drinking water and shelter for Malian refugees and displaced persons and to facilitate the release of hostages;
16. *Entrusts* the IPU with conveying this resolution to all its Members, Associate Members and Observers and other international organizations.

SPECIAL DEBATE

CITIZENSHIP, IDENTITY AND LINGUISTIC AND CULTURAL DIVERSITY IN A GLOBALIZED WORLD

QUEBEC CITY DECLARATION

*Adopted by the 127th IPU Assembly
(Québec City, 26 October 2012)*

1. We, members of parliament gathering in Québec City on the occasion of the 127th Assembly of the Inter-Parliamentary Union, firmly uphold cultural, linguistic, ethnic, racial, political and religious diversity as a global value which should be celebrated, respected, encouraged and protected within and among all societies and civilizations.
2. We are convinced that a diversity of ideas, values, beliefs, languages and cultural expressions among peoples and civilizations enriches our outlook and experiences at the national, regional and international levels.
3. We affirm our aspiration to attain harmony and unity in our diversity and the reconciliation of human cultures. We believe that a world where people with their differences co-exist is possible, one where there is awareness of differential solidarity and where a dialogue of civilizations is encouraged. Such a world, which depends on our mutual understanding and acceptance, would be a source of progress for humanity and would lead to the well-being of our global society.
4. All individuals must be allowed the full enjoyment of their equal and inalienable rights recognized in the Universal Declaration of Human Rights and other international human rights and humanitarian law treaties and standards. Limitations or restrictions on any of these rights must be consistent with international law, necessary and proportionate. They should not lead to any discrimination whatsoever based on culture, race, colour, language, ethnicity, religion, sex, sexual orientation or political affiliation.
5. States thus have an obligation to respect, protect, fulfil and promote the interconnected civil, political, economic, social and cultural rights of all individuals. In order to prevent uniformity, each State, together with civil society, must play its role in developing and implementing cultural policies, including by providing the requisite means and creating an enabling environment.
6. We affirm the importance of balancing respect for diversity with social inclusiveness and cohesion as a means of building trust within and among societies and as a sine qua non for progress, prosperity and a high quality of life. Differences of language, culture, ethnicity, religion, belief, race and colour are evident in many societies, with no single experience common to all others. In accordance with international law and standards, each society's efforts to guarantee these rights will reflect its historical, political, economic and social circumstances. The variety of experiences with diversity among societies and civilizations makes it possible to have a constructive exchange of best practices and innovative ideas about the promotion of inclusiveness while respecting diversity.
7. The diversity of our societies and civilizations is a prominent feature of our ever more globalized and interconnected world. People and societies are in closer and more frequent contact because of many forces, such as past and recent migration trends, technological advances in communication and transportation and new and more integrated patterns of regional and global trade. These developments have resulted in greater awareness of different ideas and values, as well as in closer ties between various communities and their countries of origin.
8. In a world of deepening global and regional linkages and interdependence, States, international organizations and civil society are increasingly cooperating to mitigate the consequences of economic distress, natural disasters and conflicts, events which we believe should not serve as pretexts for restricting diversity or violating fundamental human rights.

9. Diversity in a globalized world can facilitate the efforts of States and national parliaments to navigate the complexities of the 21st century by offering opportunities to share different perspectives and ideas on common issues. In so doing, we enhance our knowledge and innovation, develop our shared human capital, promote mutual awareness and understanding of differences and commonalities and enable opportunities for peace and prosperity.
10. We are concerned and deeply regret that alienation, intolerance, distrust, racism, aggressive nationalism, ethnocentrism and xenophobia against groups and individuals belonging to religious, ethnic, cultural, linguistic, racial and other communities, among other disturbing forms of discrimination and prejudice, have persisted.
11. While reaffirming our commitment to the right to freedom of thought, opinion and expression, we strongly and unequivocally condemn all acts which intimidate and incite to extremism, radicalization, hatred, racism, xenophobia and violence. We reiterate that under no circumstances can violent reactions be justified. Exchanges, education and dialogue that promote peaceful and lawful expressions of anger over grievances, that build mutual respect, trust and confidence on the basis of shared responsibility and international law and standards and that contribute to peace and security should be encouraged and sustained.
12. We are alarmed by the deterioration of the economic situation in many parts of the world, which threatens the cohesion of many societies by generating forms of exclusion likely to fuel social tensions and manifestations of xenophobia.
13. We stress that the protection and promotion of the diversity of cultural expressions presuppose the recognition of equal dignity of and respect for all cultures, including the cultures of persons belonging to minorities and indigenous peoples.
14. We affirm that indigenous peoples are full-fledged and equal members of our societies. We are deeply concerned that indigenous peoples, especially indigenous women, are particularly susceptible to political, economic and social marginalization, intolerance and prejudice, which undermine their representation and participation in decisions affecting their well-being, advancement and contributions to society.
15. We also affirm that gender equality and respect for diversity are fundamentally linked and we deplore the fact that women belonging to racial, religious, linguistic, cultural and ethnic minorities are particularly vulnerable to political, economic and social alienation and discrimination. Recalling UN Security Council resolution 1325, the 1995 Beijing Declaration issued by the Fourth World Conference on Women, and the Convention on the Elimination of All Forms of Discrimination against Women we recognize the role that women can play in promoting mutual understanding, tolerance and peaceful relations in diverse societies as equal decision-makers and participants in the political sphere in order to build more stable, inclusive and equitable societies. We emphasize that non-discriminatory and affirmative action measures are needed not only to pave the way to women's full participation but also to empower them in order to achieve such goals.
16. As parliamentarians, we are mindful that representation in and access to institutions of authority and decision-making positions – both in the public and private spheres – and opportunities for effective political, economic and social participation are important elements of inclusion, tolerance, mutual respect and stability in diverse societies. These are enhanced through respect for and fulfilment of international human rights obligations and commitments, inter alia by:
 - holding free and fair elections with universal and equal voting rights for all citizens;
 - upholding the rule of law, respecting the equality of all persons before the law and their entitlement to the equal protection of the law;
 - ensuring freedom of thought, conscience and religion, freedom of expression, including freedom of the media, and freedom of association, which are necessary to promote an active and engaged civil society and a network of global citizens;
 - guaranteeing all persons full respect of their civil, political, economic, social and cultural rights;
 - explicitly prohibiting discrimination of any kind; and
 - providing a legal framework that enshrines and protects these rights and values.

17. Intercultural dialogue, as a process that comprises an open and respectful exchange between individuals and groups with different ethnic, cultural, religious and linguistic backgrounds and heritage, plays an important role in enhancing knowledge and awareness of differences and commonalities among groups, leading to acceptance of diversity as a source of enrichment, tolerance and inclusiveness. In this context, we stress the importance of justice and dialogue in societies emerging from crisis and conflict in order to promote reconciliation and peaceful co-existence with due recognition of national sovereignty.
18. Citizenship affords persons opportunities for participating in political and decision-making processes. It is thus instrumental in protecting vulnerable members of diverse societies. It is also an important tool by which disparate elements in a State can share a civic identity that exists simultaneously with, not at the expense of, other identities. Accordingly, statelessness must be reduced and prevented with the assistance of the international community. In particular, solutions for stateless peoples, including persons of indigenous origin and migrant children, need to be found in accordance with national laws.
19. Interactions with the executive, legislative and judicial branches of government are vital to fostering the inclusion, representation and participation of members of diversity groups. In this context, legislation and policies governing the language(s) of such interactions can contribute to respect for diversity. Accessible and effective development and training in official language(s) will also be beneficial. Moreover, persons belonging to linguistic minorities should not be denied the right to use their own language or to gain access to minority-language education.
20. Non-discriminatory access to quality education and training is necessary to promote knowledge about civic rights and duties and awareness and tolerance of other cultures and civilizations, thereby facilitating political, economic and social participation and inclusiveness of marginalized groups. Youth who might otherwise be susceptible to alienation, radicalization and extremist ideologies benefit particularly from these measures and are more likely to contribute politically, economically and socially to society at large.
21. Natural resources are vital to the prosperity of society. In countries with a diverse population, the development of these resources must take duly into account the diversity of values and beliefs of all societal groups, in particular those of indigenous peoples and local communities, thus recognizing the importance of natural resources and ancestral lands to their identity. Accordingly, natural resource development must be managed responsibly in order to ensure that the traditions and interests of these groups are preserved for future generations.

The role of Parliaments in protecting diversity at the national level

22. We call on our parliaments and their members to use all means available to them to protect and celebrate diversity within and among their societies as a global value. These means include, but are not limited to, effective measures to:
 - (a) adopt and implement international conventions outlining basic human rights, civil, economic and social rights as well as applicable instruments that recognize and promote efforts to maintain cultural differences and provide special rights to ethnic or linguistic minorities, such as promoting their cultures and the use of their languages in education and through the media;
 - (b) enact legislation and adopt political measures designed to strengthen acceptance of diversity among members of different social communities and to nurture understanding, tolerance, mutual respect and friendship among human beings;
 - (c) adopt and implement laws, in particular in the area of civil rights, that provide for and enhance the effective participation of diverse groups in decision-making processes, including in parliament;
 - (d) prevent, combat and eliminate discrimination; repeal any existing discriminatory laws; and enact legislation to counter the dissemination, in the media and via the Internet, of hate messages;
 - (e) heighten public awareness of the role of parliaments in dealing with cultural diversity governance at the national level, notably by celebrating the UN International Day for Diversity (21 May), participating in the UN World Faith Harmony Week (first week of February) or participating in the global campaign "Do one thing for Diversity;"

- (f) promote policies and legislation that favour diversity as a driving force for innovation, prosperity and development at the local and national levels;
 - (g) promote policies and legislation that protect and guarantee respect for the full and equal enjoyment of fundamental human rights and freedoms by all members of society;
 - (h) ensure that the national legal framework provides effective access to legal protection and remedies for individuals experiencing discrimination;
 - (i) ensure access to justice and strengthen the independence and impartiality of the judiciary, which is entrusted with enforcing and ensuring respect for the legal protections related to non-discrimination; and
 - (j) mainstream a gender perspective into all of the above-mentioned measures and, in particular, strengthen the representation of women in parliament.
23. We urge our parliaments to promote the education of children and youth in diversity and plurality in society.
24. We also call on our parliaments to take effective action in the area of intercultural dialogue, namely to:
- (a) establish and support intercultural dialogue and cooperation involving governments, parliaments and parliamentarians, civil society and groups representing society's diversity, to increase awareness of the new challenges, expectations and concerns of a culturally diverse population, notably by organizing annual public hearings to encourage active public participation;
 - (b) adopt and implement national legislation, policies or strategies for intercultural dialogue as part of a framework that integrates different policy fields, namely: education, youth and sports programmes, and media and culture, which inter alia provide the basis for understanding and respecting diversity, facilitate practical experience with intercultural dialogue, connect different value systems and challenge established views; and
 - (c) engage and consult with civil society and groups representing cultural, religious, racial, ethnic and linguistic diversity when developing legislation and policies that are of direct concern to them.

The role of Parliaments in international efforts to protect diversity

25. We emphasize the contribution of parliaments to the peaceful co-existence of ethnic, cultural, racial, linguistic and religious groups, minorities, local communities and indigenous peoples and to international reconciliation.
26. We recall the purposes and principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, the UN Declaration on the Rights of Indigenous Peoples, the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expression, the International Convention on the Elimination of All Forms of Racial Discrimination, and other regional and international instruments that recognize and establish standards for the exercise and enjoyment of human rights and fundamental freedoms in the civil, economic, political, social and cultural spheres.
27. We urge our parliaments to encourage States that have not yet done so to ratify and sign international and regional agreements that aim to combat incitement to acts of violence, discrimination and hatred, and to propose international parliamentary initiatives in cooperation with the United Nations to promote this Declaration.
28. We support the efforts of States, relevant bodies within the UN system, other intergovernmental organizations, parliaments and inter-parliamentary organizations, civil society and the media to develop a culture of peace and promote understanding and tolerance among human beings. We encourage them to pursue such efforts, including by promoting interfaith and intercultural interaction within and among societies inter alia through congresses, conferences, seminars, workshops, research work.

29. We reiterate our commitment to the 2005 UN World Summit Outcome, which acknowledges the importance of respect and understanding of religious and cultural diversity throughout the world. We commend the work of the UN Alliance of Civilizations in improving understanding and cooperative relations among nations and peoples across cultures and religions, and helping to counter the forces that fuel polarization and extremism.
30. We reaffirm our support for the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions, which entered into force on 18 March 2007, and invite national parliaments and parliamentarians to take an active part in the programmes of the United Nations and UNESCO on dialogue among civilizations and cultures and to encourage their governments to contribute to such programmes.
31. We recall the International Year for the Rapprochement of Cultures proclaimed in 2010 by the UN General Assembly and consider it an important vehicle for promoting mutual awareness and understanding and celebrating the diversity of societies and civilizations.
32. We call on international and regional organizations, inter-parliamentary associations, States and national parliaments to develop tools that enable legislation to protect the rights of indigenous peoples and minorities. We commend the joint efforts of the Secretariat of the Permanent Forum on Indigenous Issues, the UN Department of Economic and Social Affairs, the Office of the UN High Commissioner for Human Rights, the UNDP, the International Fund for Agricultural Development (IFAD) and the IPU in developing a Handbook on the implementation of the UN Declaration on the Rights of Indigenous Peoples. We encourage parliaments and States to consult the Handbook for practical ideas and good practices related to improving the situation of indigenous peoples and parliaments throughout the world.
33. We reaffirm the significant role of the IPU in working towards peace and cooperation among peoples, enhancing interaction between societies and peoples and promoting dialogue among different civilizations and cultures.
34. We recall our commitments as affirmed in the following resolutions: *Migration and development*, adopted at the 113th IPU Assembly (Geneva, 2005), *Ensuring respect for and peaceful co-existence between all religious communities and beliefs in a globalized world*, adopted at the 116th IPU Assembly (Nusa Dua, 2007), *Promoting diversity and equal rights for all through universal democratic and electoral standards*, adopted at the 116th IPU Assembly (Nusa Dua, 2007), *Migrant workers, people trafficking, xenophobia and human rights*, adopted at the 118th IPU Assembly (Cape Town, 2008) and the Chiapas Declaration, adopted at the International Parliamentary Conference on *Parliaments, minorities and indigenous peoples: Effective participation in politics* (Chiapas, Mexico, 2010).
35. We call on the IPU to strengthen its relationship with the UN Alliance of Civilizations and strengthen its role in fostering inter-parliamentary exchange of information and experience in respect of the implementation of effective measures concerning the protection of diversity within and across civilizations.
36. We also call on the IPU and the UN Alliance of Civilizations, as well as any other relevant partners, to share information on national approaches, policies and strategies on intercultural dialogue and national legal frameworks upon which intercultural dialogue and cooperation depend.
37. We urge our parliaments and parliamentarians to strengthen parliamentary dialogue among civilizations and cultures, within the framework of the IPU and the various inter-parliamentary assemblies they participate in, and through bilateral initiatives such as the establishment of inter-parliamentary friendship groups.
38. We recommend that the IPU and national parliaments, the United Nations, UNESCO and other relevant organizations, collaborate to implement the provisions of this Declaration.

PLAN OF ACTION FOR GENDER-SENSITIVE PARLIAMENTS

*Adopted by the 127th IPU Assembly
(Québec City, 26 October 2012)*

The 127th IPU Assembly,

Having before it the Plan of Action for Gender-sensitive Parliaments,

Considering that the document was drawn up following an extensive process of consultation with IPU Members,

Mindful that the document resulting from this process proposes concrete solutions to situations common to all countries while offering a wide range of options responding to individual situations – national and regional – and that it represents a common basis for the advancement of gender-sensitive parliaments in all countries,

1. *Decides* to adopt the Plan of Action for Gender-sensitive Parliaments;
2. *Strongly encourages* Members to bring this Plan of Action to the attention of their parliaments and governments, disseminate it as widely as possible and implement it at the national level;
3. *Requests* the IPU Secretary General to ensure that this document is circulated as widely as possible at the international level and to promote its implementation at the national level.

Preamble

Democracy requires constant evaluation and reassessment. In the 20th century, one of the greatest changes to democracy around the world was the inclusion of increasing numbers of women, both as voters and as members of parliament.

In parallel, gender equality and women's empowerment have become an integral part of the international political and development agenda, recognized as being at the heart of progress towards, and achievement of, the Millennium Development Goals (MDGs). Gender equality means that women and men enjoy full and equal rights, responsibilities and opportunities. Gender equality and women's empowerment are human rights, requiring political and legal expression. Countries must promote, respect and protect women's human rights, including gender equality.

Progress towards these goals requires direct action. While specific actions may need to take into account the individual cultural, social and religious context of parliaments around the world, progress essentially requires a widespread change in attitudes and perceptions.

Parliaments are well placed to champion the goal of gender equality. Parliaments aim to reflect society, and so they must reflect the changing dynamics of their electorates.

A gender-sensitive parliament is a parliament that responds to the needs and interests of both men and women in its composition, structures, operations, methods and work. Gender-sensitive parliaments remove the barriers to women's full participation and offer a positive example or model to society at large. They ensure that their operations and resources are used effectively towards promoting gender equality.

A gender-sensitive parliament is one in which there are no barriers – substantive, structural or cultural – to women's full participation and to equality between its men and women members and staff. It is not only a place where women *can* work, but also one where women *want* to work and contribute. A gender-sensitive parliament sets a positive example by promoting gender equality and women's empowerment among society both nationally and internationally.

A gender-sensitive parliament is therefore a modern parliament; one that addresses and reflects the equality demands of a modern society. Ultimately, it is a parliament that is more efficient, effective and legitimate.

Objectives

This Plan of Action is designed to support parliaments in their efforts to become more gender-sensitive. It presents a broad range of strategies in seven action areas that can be implemented by all parliaments, irrespective of the number of women members.

Parliaments are called upon to take ownership of this Plan of Action and to implement any or all of the Plan's strategies at the national level by setting concrete objectives, actions and deadlines suited to their national context. They are also called upon to regularly monitor and evaluate their progress towards the goal of gender sensitivity.

A gender-sensitive parliament responds to the needs and interests of both men and women in its structures, operations, methods and work.

A gender-sensitive parliament is one that:

1. promotes and achieves equality in numbers of women and men across all of its bodies and internal structures.
2. develops a gender equality policy framework suited to its own national parliamentary context.
3. mainstreams gender equality throughout all of its work.
4. fosters an internal culture that respects women's rights, promotes gender equality and responds to the needs and realities of MPs – men and women – to balance work and family responsibilities.
5. acknowledges and builds on the contribution made by its men members who pursue and advocate for gender equality.
6. encourages political parties to take a proactive role in the promotion and achievement of gender equality.
7. equips its parliamentary staff with the capacity and resources to promote gender equality, actively encourages the recruitment and retention of women to senior positions, and ensures that gender equality is mainstreamed throughout the work of the parliamentary administration.

Key action areas of the Plan

Action area 1: Increase the number of women in parliament and achieve equality in participation

Equality of participation can be both a catalyst for implementing gender-sensitive changes and an important outcome of successful gender-sensitive changes.

a. Access to parliament

While the representation of women in parliaments has increased slowly since the mid-twentieth century, it still does not match women's broader representation in society.

Increasing access to parliament through gender-sensitive changes will help increase the number of women parliamentarians, which can in turn prompt the further implementation of the principles of gender sensitivity.

To redress this imbalance, parliaments should implement one or more of the following measures:

- In line with their national context, adopt special measures to ensure that higher numbers of women are selected by parties to run in "winnable" seats, and propose amendments to electoral laws and national constitutions that provide for reserved seats.
- Condemn acts of violence against women candidates and parliamentarians and adopt legal and practical measures to prevent and punish such acts.
- Conduct awareness-raising campaigns on the importance of women's representation in parliament.
- Support mentorship programmes and promote women parliamentarians as role models through parliament's communications tools and in the media.
- Facilitate the sharing of experiences and best practices among parliamentarians through study tours to other parliaments in the region and internationally.

b. *Achieving equality in positions and roles*

While the number of women in parliament is important, it is equally important to have women in positions of parliamentary leadership.

The principles of gender-sensitive parliaments can be advanced if women occupy leadership positions as parliamentarians and as key members of parliamentary staff, as they are then in a position to influence policy directions, change parliamentary procedure and practices, serve as role models to other women and provide a different perspective in debates.

To improve the leadership status of women and achieve greater gender equality in leadership positions, parliaments should implement one or more of the following measures:

- Adopt affirmative action measures and amend the internal rules so as to give preference to women over men for parliamentary positions (including committee chairs and leadership positions in the Bureau or Board) in cases where qualifications are equal or commensurate with their representation in the parliament.
- Rotate positions of parliamentary leadership between men and women over a period of time.
- Introduce dual leadership for parliamentary structures, where possible, through the appointment of a man and a woman.
- Encourage the proportional and equitable distribution of women parliamentarians across all committees, not just those relating to women, children, gender, families, health and education.
- Encourage persons in leadership positions to broaden the criteria used to evaluate the relevance of women's and men's experience before entering politics.

Action area 2: Strengthen gender equality legislation and policy

Parliaments can become more gender-sensitive by implementing legislation and policies that support the principles of gender equality. The introduction of gender equality and gender mainstreaming legislation can be an effective catalyst for social and cultural change in attitudes towards gender equality.

Parliaments can also serve as a model for society by championing gender equality through the implementation of gender-sensitive strategic policies, action plans and operational and supporting policies.

a. *National legislation*

With the goal of promoting change in social and cultural attitudes towards gender equality, parliaments should:

- enact laws that promote and protect gender equality; where gender equality laws were enacted but have become outdated or were enacted more than 10 years ago, parliaments should review such legislation to include gender mainstreaming frameworks and mechanisms for monitoring and enforcing implementation.

With the aim of guaranteeing a legislative mandate for gender mainstreaming, parliaments should:

- consider introducing a law and/or mechanisms that require all government policy and legislation to be reviewed and assessed for their gender impact and compliance with the State's obligations under relevant international conventions, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic and Social Rights.

b. *Parliament's strategic policies and action plans*

In order to serve as leaders and role models for championing gender equality in society, parliaments should:

- Develop a gender equality policy that sets out:
 - the rationale and strategic direction for implementing measures contained in this Plan of Action,

- concrete actions the parliament will take to address gender equality within a specific timeframe, and
 - indicators to measure progress that are monitored regularly through an appropriate parliamentary oversight mechanism.
- Ensure that the parliament’s budget is gender-sensitive and that accountability measures are in place to monitor progress.

c. *Operational and supporting policies of the parliament*

i. Develop media and communications policies

To ensure that the importance of promoting gender equality is well understood and given the utmost visibility, parliament should:

- develop a gender communications strategy that identifies target audiences, key messages, methods and timeframes.
- showcase and publicize their gender equality activities and outcomes in the media, or through the parliament’s own communication channels, including its website.

ii. Develop anti-harassment and anti-discrimination policies

To ensure that all parliamentarians and parliamentary staff work in an environment free from all forms of discrimination and harassment, including sexual harassment, parliament should:

- introduce a code of conduct that requires all parliamentarians to be respectful and courteous and penalizes any language and behaviour that is considered sexist.
- develop and implement anti-discrimination and anti-harassment policies in line with national legislation applicable to all parliamentarians and parliamentary staff including the establishment of an independent body to which complaints can be submitted and addressed.
- ensure that the language used in all official documents, including standing orders, is gender-sensitive (e.g. does not refer to members using the masculine pronoun “he” and uses Chairperson or Chair rather than Chairman).

Action area 3: Mainstream gender equality throughout all parliamentary work

Gender inequality can be tackled effectively only if policies in all areas are designed in such a way as to address the specific concerns, needs and constraints of both women and men while building on their respective capacities and contributions.

The mainstreaming of gender considerations in a parliament’s work is an effective gender-sensitive change as gender mainstreaming is a process that recognizes the economic, social, political and legal differences that exist between women and men.

a. *Committing to gender mainstreaming*

Parliaments should demonstrate their commitment to gender mainstreaming by showcasing and creating opportunities to incorporate a gender dimension in all areas of their work. In this respect, they should:

- foster debates on legislation and budgets, including the implications of such bills and expenditure allocations for women and men, girls and boys (e.g. allocate time or hold a special session to debate the allocations and expenditure for gender equality in the budget).
- develop clear gender-based legislative assessment guidelines or toolkits (e.g. a gender-based checklist for all pieces of legislation, including the budget).
- allocate time in the order of business for special debates on gender equality or gender-specific questioning of ministers, in which both men and women are encouraged to participate.
- ensure that committees investigating gender equality concerns have sufficient time and resources (including staff with gender expertise) to fulfil their mandate, an opportunity to report back to the plenary on their work and recommendations as well as the same powers and responsibilities as any other parliamentary committee (e.g. call for written evidence, hear from witnesses and ministers and report on findings and recommendations).

- ensure that there is a formal mechanism by which the body that is tasked with gender mainstreaming – be it an informal women’s caucus or a dedicated parliamentary committee – can report on its studies and examination of legislation to the key political organs of the parliament. Where reports have not been presented, reasons should be given.

b. *Establishing gender mainstreaming structures and mechanisms*

Gender mainstreaming involves, in part, the following activities: obtaining gender-disaggregated data and qualitative information on the situation of men and women; conducting a gender analysis which highlights the differences between and among women, men, girls and boys in terms of their relative distribution of resources, opportunities, constraints and power in a given context; and instituting gender-sensitive monitoring and evaluation mechanisms, including the establishment of indicators to gauge the extent to which gender equality objectives are met and changes in gender relations are achieved.

Parliaments should adopt one or more of the following mechanisms that are best suited to their own context:

- *A dedicated parliamentary committee on gender equality* entrusted with reviewing government policies, legislation and budgets from a gender perspective, where committee members question a broad range of groups and individuals, including public agencies, academics and private organizations, about their views on the effectiveness of government programmes and activities, and where strong links are forged between the committee and national women’s machineries, civil society organizations (CSOs), research institutes and universities.
- *Mainstreaming gender throughout all parliamentary committees*, so that all committee members – men and women – are mandated to address the gender implications of the policy, legislative and budgetary matters under their consideration as appropriate, supported by parliamentary research staff with gender expertise.
- *A women’s parliamentary caucus* with a special remit for gender equality concerns, composed of women (and men, if desired) working on a commonly agreed agenda. An effective caucus relies on strong links with national women’s machineries, CSOs and research institutes and universities.
- *A Speaker’s reference group* on gender equality composed of men and women parliamentarians from across the political spectrum, which reports to the Speaker directly and sets the parliament’s gender equality direction and agenda;
- *Technical research units* on gender equality or *library/research staff* with gender expertise who have access to up-to-date information, books, computers and online databases and who can assist with gender-based analyses.

Action area 4: Institute or improve gender-sensitive infrastructure and parliamentary culture

Parliaments are like any other workplace, and as such, should serve as a model for society by upholding the principles of gender sensitivity through the provision of family-friendly policies and infrastructure, and the implementation of policies related to the prevention of discrimination and harassment, and policies on the equitable distribution of parliamentary resources and facilities.

a. *Facilitating a work-family balance*

To ensure that workplace policies and infrastructure reflect the contemporary work and family realities facing men and women parliamentarians, and in recognition of the fact that women worldwide continue to spend a disproportionate amount of time on care-giving, parliaments should:

- rearrange their sitting hours (e.g. by establishing compressed sitting weeks, creating schedules that start early, avoiding late voting, and aligning sitting times with the school calendar) so that parliamentarians can return to their electorates and spend more time with their families.
- allocate space in the parliamentary building for a childcare centre and a family room so that parliamentarians can be close to their children during sittings.
- ensure that parliamentarians – both men and women – are entitled to parental leave on the birth of their children.
- consider alternatives where long-term parental leave cannot be implemented, such as accepting parental leave as a legitimate reason for missing a sitting day, in addition to that of "official business".

- give parliamentarians who are still breastfeeding the opportunity to use a proxy vote or vote pairing so that they need not attend the sitting.

b. *Fostering a work culture free of discrimination and harassment*

To ensure a safe, respectful, non-discriminatory and harassment-free workplace, parliaments should:

- conduct a gender-based analysis of parliamentary rituals, dress codes, forms of address and commonly used language, conventions and rules.
- provide gender-awareness training seminars for all members of parliament and ensure that induction for new members is gender-sensitive. This could take the form of mentoring for new women parliamentarians, pairing women with experienced parliamentarians (men or women) or presentations by senior women parliamentarians on strategies to cope in the parliamentary environment.

c. *Providing equitable resources and facilities*

To ensure that the parliamentary precinct facilities are suited to the needs of men and women and that resources are equitably distributed, parliaments should:

- conduct a gender assessment of the facilities provided to all parliamentarians.
- ensure that allowances and parliamentary travel entitlements are provided to parliamentarians equitably and transparently and that parliamentary delegations are gender-balanced, when possible.

Action area 5: Ensure that responsibility for gender equality is shared by all parliamentarians – men and women

The realization of a gender-sensitive parliament, based on the ultimate goal of gender equality in all its structures, methods and work, will not take place without the support and involvement of men parliamentarians. Changing social values and heightening gender awareness among men have resulted in stronger partnerships between men and women on gender equality.

Parliaments should adopt strategies that promote such partnerships, including by:

- promoting the co-sponsorship of gender equality legislation by a man and a woman parliamentarian.
- appointing a man and a woman parliamentarian as co-chairs and/or vice-chairs of a gender equality committee.
- establishing committee inquiries into gender policy issues of interest to men.
- encouraging the inclusion of men in parliamentary events pertaining to the recognition of gender-related issues, such as International Women's Day and the International Day for the Elimination of Violence against Women.
- ensuring gender balance on study tours and in international delegations on gender equality or gender mainstreaming.
- providing gender-sensitive training programmes for men parliamentarians.

Action area 6: Encourage political parties to be champions of gender equality

Political parties are often the dominant form of political organization and the mechanism through which women and men pursue a legislative agenda with respect to the achievement of gender equality.

Parliaments should encourage political parties to adopt the following gender-sensitive measures:

a. *Increase the number of women in their ranks by:*

- Considering special temporary measures to promote the entry and retention of women in parliament.
- Promoting men and women equally to all leadership positions in their executive bodies.
- Endorsing training and mentoring schemes that pair elected parliamentarians with eligible women interested in running for election, including courses on various aspects of election campaigns and training in media relations.
- Establishing support networks for women candidates at elections and for elected women with the goal of improving both recruitment and retention rates.

b. *Institute gender-sensitive meeting arrangements and work practices by:*

- Setting meeting times that do not coincide with other family responsibilities.
- Respecting the expected duration of meetings so that other family commitments can be kept.

c. *Develop gender mainstreaming mechanisms by:*

- Developing an overarching gender equality plan with clear gender mainstreaming strategies and dedicated party committees to oversee, monitor and evaluate their implementation.
- Encouraging political parties to use gender-sensitive language in their documents.

d. *Equitably allocate parliamentary committee positions among men and women by:*

- Encouraging parties to adopt a transparent method of appointing members to committees and to leadership positions on those committees in a way that better matches members' diverse abilities, work experience and preferences regarding committee assignments. Parties could also give preference to women over men in cases where qualifications are equal.

Action area 7: Enhance the gender sensitivity of, and gender equality among, parliamentary staff

Gender-sensitive parliaments are champions of gender equality, not only for their members, but also for the many staff who support them. Parliamentary administrations need to review their workplace culture and infrastructure, and act to ensure that all staff are able to support parliament in achieving its gender equality goals. In this respect, parliaments and their administration should:

- Develop and implement anti-discrimination and anti-harassment policies applicable for all parliamentary staff, including the establishment of an independent body to which complaints can be submitted and addressed.
- Assess the number and seniority of women in the parliamentary administration.
- Establish a committee or entrust an existing one with the task of examining the possible implementation of affirmative action policies that give preference to women over men for parliamentary positions in cases where qualifications are equal and where women are inadequately represented at leadership levels.
- Provide gender awareness training seminars for all parliamentary staff to explain the principles of gender equality and why a gender-sensitive parliament benefits everyone.
- Build the capacity of parliamentary staff to conduct gender-based analyses of legislation, budgets and policies.

Implementation of this Plan of Action

Initiate and implement gender-sensitive reform in parliament

Gender sensitivity is a goal towards which all parliaments must strive. To achieve this goal, parliaments should design a process suited to their national situations that should include the following core elements:

a. *Evaluation*

Parliaments interested in evaluating their level of gender sensitivity should:

- Use the IPU's gender-sensitive self-assessment toolkit. The purpose of the self-assessment is not to rank parliaments but rather to help parliaments identify their strengths and weaknesses against international best practices. The toolkit provides a framework for discussion among members of parliament. The method involves answering questions about the way gender equality is incorporated into the culture and work of the parliament.
- Use their own internal structures to evaluate their level of gender sensitivity, such as an audit, or other business review or committee. In this case, external stakeholders such as civil society groups, national women's machineries and research institutes could be invited to share their opinions on the state of gender sensitivity with the committee, and draw up recommendations for change. The committee

would then present its own conclusions and recommendations to the plenary or parliamentary leadership for discussion and further action.

b. Implementation

Irrespective of the method used, it is vital that parliaments reflect on the importance of gender equality and the way they promote this goal not only to their electorates, but also to their members.

Taking stock is a first step, after which parliaments can draw up and implement a roadmap for reform with concrete objectives, actions and deadlines suited to their national context. For this they will need to secure resources.

c. Monitoring

Parliaments should identify a structure entrusted specifically with monitoring implementation of the Plan of Action for Gender-sensitive Parliaments and efforts to achieve the goal of gender sensitivity.

d. Promotion

Parliaments should give visibility to the reforms undertaken and the results achieved. Parliaments should take action at the international level to promote the principle of gender equality in all international parliamentary institutions and encourage women's equal participation therein.

Political will and commitment are essential to achieve all of this.

The role of the IPU in supporting gender-sensitive parliaments

For the past 30 years, the IPU has demonstrated its commitment to high-quality and action-oriented research on gender and parliament. The IPU is singularly placed to support its Member Parliaments in their efforts to become gender-sensitive, and through this Plan, undertakes to:

a. Take the lead role in promoting gender-sensitive parliaments by:

- Ensuring high-level commitment to the Plan among Members and regular follow-up of the Plan at its Assemblies.
- Giving visibility to the Plan, including through its website, its Gender Partnership Programme and technical assistance activities.
- Supporting all national parliaments in conducting a gender-sensitive self-assessment by 2030.
- Encouraging parliaments to draw up action plans and establish monitoring mechanisms aimed at strengthening the implementation of parliamentary action plans.
- Strengthening cooperation on the promotion of a gender-sensitive parliament with regional partner organizations and relevant international organizations.

b. Build in-house capacity on gender equality and gender mainstreaming by:

- Implementing a gender mainstreaming strategy.
- Ensuring that professional development training for all IPU staff is gender-sensitive.
- Committing to mainstreaming gender equality throughout the Secretariat's work.

c. Place gender equality issues systematically on the agenda of discussions with Member Parliaments, partner organizations and regional parliamentary organizations by:

- Entrusting the Gender Partnership Group with responsibility for regularly monitoring the gender sensitivity of parliaments.
- Ensuring that gender is mainstreamed in all technical assistance activities.
- Promoting its work on gender-sensitive parliaments in all international forums.

ANNEX 1: Basic definitions

Gender*: the social attributes associated with being male and female and the relationships between women, men, girls and boys. These attributes and relationships are socially constructed and are learned through socialization. The concept of gender also includes expectations about the characteristics, aptitudes and likely behaviours of both women and men, and when applied to social analysis, reveals socially constructed roles. Sex and gender do not mean the same thing. While sex refers to biological differences, gender refers to social differences, which can be modified since gender identity, roles and relations are determined by society.

Gender mainstreaming*: the process of assessing and taking into account the implications for women and men of any planned action – including legislation, policies or programmes – at all levels and in all spheres. The concept is understood as strategies that put gender issues at the centre of broad policy and programme decisions, institutional structures and resource allocation. Mainstreaming gender equality into the work of parliament should contribute to effective implementation and oversight of policies that address the needs and interests of both men and women.

Gender-sensitive parliament*: a parliament that responds to the needs and interests of both men and women in its structures, operations, methods and work. Gender-sensitive parliaments remove the barriers to women's full participation and offer a positive example or model to society at large.

Gender-sensitive budgeting*: an approach that aims to mainstream gender in economic policy-making and seeks to transform the entire budgetary process. Gender budgeting refers not only to expenditures earmarked for women, but also to an analysis of the entire budget from a gender perspective, including security, health, education, public works, etc. in order to ensure that the allocations and resulting impacts respond to the needs of both women and men.

Gender-Based Violence**: Acts of physical, mental or social abuse (including sexual violence) that are attempted or threatened, with some type of force (such as violence, threats, coercion, manipulation, deception, cultural expectations, weapons or economic circumstances) and directed against a person because of his or her gender roles and expectations in a society or culture. A person facing gender-based violence has no choice: he/she cannot refuse or pursue other options without serious social, physical, or psychological consequences. Forms include sexual violence, sexual abuse, sexual harassment, sexual exploitation, early marriage or forced marriage, gender discrimination, denial (e.g. of education, food and freedom) and female genital mutilation.

* Definitions are taken from UN/OSAGI, UNDP and UNESCO as quoted in UNDP, *Quick Entry Points to Women's Empowerment and Gender Equality in Democratic Governance Clusters*, New York, 2007 and the IPU, *Equality in Politics: A Survey of Women and Men in Parliaments*, Geneva, 2008.

** The definition is adapted from UN WOMEN, Virtual Knowledge Centre to End Violence against Women and Girls, last accessed on 19.09.2010: <http://www.endvawnow.org/en/articles/347-glossary-of-terms-from-programming-essentials-and-monitoring-and-evaluation-sections.html>.

REPORT OF THE IPU COMMITTEE ON UNITED NATIONS AFFAIRS

*Noted by the 127th IPU Assembly
(Québec City, 26 October 2012)*

The IPU Committee on United Nations Affairs met from 22 to 26 October in Québec City, Canada, during the 127th IPU Assembly. The United Nations General Assembly resolution on interaction between the United Nations, national parliaments and the Inter-Parliamentary Union (resolution A/66/261, adopted by consensus in May 2012) provided the background to the meeting, along with a number of recent UN processes.

The Committee's first sitting took the form of a round-table discussion on *Multilateralism and the role of parliamentary diplomacy*. The round table brought together representatives from regional parliamentary bodies involved in various ways in international efforts to promote national reconciliation, peace-building and conflict prevention. It provided a unique opportunity for the participants to share information and experiences, and to identify the means of making parliamentary diplomacy more coherent and effective.

During the round table, the participants discussed the various aspects of parliamentary diplomacy and its limitations in practice. The limitations include the fact that in many countries foreign policy is traditionally considered to be the prerogative of the executive branch, and parliaments often lack capacity in this domain. It is clear that parliamentary diplomacy will gain ground and recognition only if it brings to the table more innovative thinking or if it complements official diplomatic action. Similarly, parliamentary diplomacy must be made more accountable to citizens and taxpayers, and focus more on results.

The participants found that parliamentary diplomacy is not just about the resolution of disputes but also about conflict prevention. The *soft* diplomacy that parliaments are best equipped to carry out can help build trust between countries, shed light on different cultural perspectives, or simply convey information that is not normally available through official channels. Another advantage of parliamentary diplomacy is that it can help ensure continuity in multilateral relations in the face of frequent changes at the helm of government. A common approach on the ground is election monitoring, in which outside parliamentary observers from other countries can help diffuse tensions.

At the same time, however, several participants found that the current proliferation of parliamentary assemblies or associations is not problem-free, in particular given the growing overlap in terms of catchment areas and political terms of reference, which needs to be addressed. Regional parliamentary bodies, which are rooted in local cultures, are often best placed to address local disputes. The direct relationship between global and regional parliamentary efforts needs to be strengthened. The sitting therefore concluded that further discussion was required, and that the IPU should take the lead by carrying out a study on existing good practices and convening further consultations with the regional parliamentary organizations, the United Nations and other partners.

To mark United Nations Day (24 October), the Committee's second sitting took the form of a debate on the question *Does the United Nations take democracy seriously enough?* The sitting touched on a number of areas in which the UN and the IPU are working together, in particular the rule of law, integrity of elections, and the promotion of good governance and greater transparency in the work of parliaments.

The Committee considered the matter from the perspectives of both the UN inter-governmental process and UN field operations. In terms of the UN political agenda, the concept of democracy lacks a universally agreed definition, and as such it does not figure prominently on the General Assembly agenda. The UN decision-making process continues to be flawed, with the voices of the few often prevailing over those of the many. This is particularly in evidence at the Security Council, where reform of membership and veto rights is as urgently required as ever. When it comes to UN assistance for emerging democracies or fragile States, a fairly uneven picture emerges, ranging from almost unmitigated success in the case of Timor-Leste to disappointment in Haiti.

Admittedly, since the 2000 Millennium Declaration, UN member States have pledged to uphold some of the main principles of democracy, but more needs to be done to articulate those principles and put them into practice. This contrasts, for example, with the UN's strong investment in development following the establishment of the Millennium Development Goals (MDGs). On the other hand, the UN has made great strides forward on democracy-related subjects such as human rights and the empowerment of women, with the establishment respectively of the new Human Rights Council and UN Women.

Another recent development was the adoption of the UN Declaration on the Rule of Law, which enshrines the principles of this key pillar of democracy for the first time. The Declaration also formally acknowledges the role of parliaments and of the IPU in support of the rule of law, thus setting the stage for greater cooperation between the two organizations in this area. In this connection, the participants noted the publication of *The Rule of Law - A Guide for Politicians*.

The discussion on the rule of law was followed by a more expansive debate on the importance of free and fair elections as a necessary, although insufficient, condition of democracy. A report by the International Institute for Democracy and Election Assistance (International IDEA) on electoral violence brought home the point that honest and transparent elections foster greater political accountability, support development and contribute to political stability.

In addition, the Committee heard a presentation by the National Democratic Institute (NDI), the Sunlight Foundation and the Latin American Network for Legislative Transparency on the recently adopted Declaration on Parliamentary Openness. The Declaration is a distillation of the work conducted by parliamentary monitoring organizations on how parliaments ought to become more transparent and accessible to the public as a way of further developing a culture of democracy. As the Declaration affirms, the information that a parliament produces belongs to the citizens that it seeks to represent.

The Committee underscored that democracy remains a work in progress for virtually all States, and that it takes much more than the work of the UN to bring it to fruition. Ultimately, democracy requires a supportive culture that must be constantly nurtured at the national level. Parliamentarians play a pivotal role in this respect, as representatives of citizens and civil society as a whole. Likewise, parliamentarians can do a great deal more to influence the position of governments and give greater prominence to democracy at the UN.

To mark UN Day, the Committee also launched the latest IPU Handbook for parliamentarians on supporting nuclear non-proliferation and disarmament. The Handbook builds on the work conducted in the years following the adoption in 2009 of the landmark IPU resolution entitled *Advancing nuclear non-proliferation and disarmament and securing the entry into force of the Comprehensive Nuclear-Test-Ban Treaty: The role of parliaments*. It identifies good practices and model legislation in this area, offering a series of recommendations for further parliamentary action. The Handbook is the result of cooperation with Parliamentarians for Nuclear Non-Proliferation and Disarmament (PNND) and the World Future Council, and was made possible thanks to a generous contribution from the Swiss Federal Department of Political Affairs.

The Executive Secretary of the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO), the senior adviser to the United Nations High Representative on Disarmament Affairs, the President of the IPU Standing Committee on Peace and International Security and the co-Chair of the PNND Canada Chapter joined the lead authors in presenting the Handbook to the Committee. Several participants, including the Speaker of the parliament of Kazakhstan and prominent legislators from India, New Zealand, Egypt, the Philippines and Costa Rica joined parliamentarians from all regions of the world in calling for determined parliamentary action to make the vision of a nuclear-weapon-free world a palpable reality.

On 25 October, the Committee took stock of the outcome of the United Nations Conference on Sustainable Development (UNCSD, also known as Rio+20), in a sitting entitled What prospects for sustainable development? The Committee underscored that the UNCSD was a disappointment, as it broke no new ground and led to very few new commitments. This was ascribed mostly to a lack of political will and the inability of governments to tackle certain issues effectively. On the other hand, Rio+20 also helped return the whole sustainable development agenda to the top of the international agenda. What counts now is what all stakeholders are willing to do both to implement the Rio outcome and to take it to the next level of commitment.

The Committee agreed that the UNCSD's main achievement was the mandate it gave for the establishment of a new generation of Sustainable Development Goals (SDGs) that will replace the current MDGs in 2015. The SDGs are intended to apply to both developed and developing countries, providing a set of goals that should synthesize the three pillars of sustainability: economic, social and environmental. The Committee deemed it important for the SDGs to have two clear core objectives: eradicating poverty and narrowing inequality. It is also crucial that they be fully owned from the start by all stakeholders, including parliamentarians, civil society and the private sector. Most importantly, the SDGs should come with clear reporting and monitoring mechanisms to assess progress. The main lesson learned from the MDGs is that progress is possible when there is ownership and leadership, and when communities are empowered.

The overarching challenge of the SDGs will be to build bridges between nature and people at a time when the world population is growing and in a context of limited natural resources. The post-Rio agenda must aim at rethinking growth in terms of human well-being and not just material expansion. The Committee also agreed that a human rights perspective will need to be embedded in future discussions about the post-2015 development framework, including the right to food and new rights such as the right to water, which provide useful entry points for pursuing all three pillars of sustainability in an integrated manner. Upholding the right to food implies a discussion of power relations and the concentration of power in a few hands, as

reflected in the current wave of land grabbing in many countries around the world. Food security will only be ensured if smallholders, especially women, receive more proactive support.

Going forward, parliaments will have a critical role to play in advancing the post-Rio agenda in tandem with the global process led by the UN. They should play an active part in the new UN Consultative Forum, created in Rio as a multi-stakeholder platform. They should also provide input at an early stage for the new General Assembly Open Working Group on sustainable development goals and the Secretary-General's High-Level Panel of Eminent Persons on the Post-2015 Development Agenda. The place to begin is at the national level, where the UN is also conducting consultations that will feed into the global intergovernmental process. A good example has been set by Parliament in the United Kingdom, which is already conducting hearings on the new development framework.

The Committee's last sitting examined the progress made and obstacles encountered in the implementation of the United Nations Declaration on the Rights of Indigenous Peoples, five years after its adoption in 2007. The Declaration sets minimum standards for the survival, well-being and dignity of indigenous peoples. The participants noted positive developments, such as the adoption of a national plan of action in the Democratic Republic of the Congo for implementing the Declaration, and the Declaration's incorporation into Bolivian national law. Overall, however, there remains a wide gap between the standards and their implementation.

The participants enquired about good practices for obtaining the free, prior and informed consent of indigenous peoples to legislative and administrative measures affecting them, a principle that is enshrined in the Declaration. Good practices are in fact rare – many States are struggling to engage effectively with indigenous peoples, if they seek to do so at all. This is clearly an issue for parliaments to take up.

The United Nations will convene the World Conference on Indigenous Peoples in September 2014. The preparatory resolution invites stakeholders, including parliamentarians, to participate in this process. The way in which governments will engage with parliaments, indigenous peoples and others in the preparation of the World Conference remains largely to be determined, but parliaments have an opportunity to engage their governments and hold them to account.

Several people noted the low level of participation at this sitting. They underlined that everybody should be concerned by indigenous rights. Indigenous concerns should be shared more broadly, among parliamentarians and in society in general. In the words of an indigenous parliamentarian from New Zealand, the realization of indigenous peoples' rights is "a journey, for indigenous and non-indigenous, hand in hand".

At the close of its annual meeting, the Committee pledged to redouble its efforts to enhance interaction between the United Nations, parliaments and the IPU. This report will be circulated among IPU Member Parliaments and in the broader UN community, with a view to articulating a robust programme of work for the years ahead.

Reports, Decisions, Resolutions and other texts of the Governing Council and Executive Committee of the Inter-Parliamentary Union

BUDGET OF THE INTER-PARLIAMENTARY UNION FOR 2013

*Approved by the IPU Governing Council at its 191st session
(Québec City, 24 October 2012)*

Approved 2013 operating budget

	2012 Approved Budget	2013 Proposed Budget		
		Regular Budget	Other Sources	All Funds
REVENUES				
Assessed contributions	10,903,900	10,939,900		10,939,900
Working Capital Fund*	409,800	100,000		100,000
Staff assessment	1,107,200	973,000		973,000
Interest	75,000	75,000		75,000
Programme support costs	0	108,500	(108,500)	0
Other revenue	10,000	16,000		16,000
Voluntary contributions	1,184,400		1,518,000	1,518,000
TOTAL REVENUES	13,690,300	12,212,400	1,409,500	13,621,900
EXPENDITURES				
Stronger democracies				
1. Better functioning parliaments	2,054,800	1,581,200	280,000	1,861,200
2. Advance gender equality	1,087,800	785,400	297,100	1,082,500
3. Promote respect for human rights	1,340,400	1,054,300	287,600	1,341,900
Subtotal	4,483,000	3,420,900	864,700	4,285,600
International involvement				
4. Parliamentary dimension of multilaterals	935,800	919,600		919,600
5. International development goals	474,800	38,000	623,300	661,300
6. Peace building	111,200	57,200	30,000	87,200
Subtotal	1,521,800	1,014,800	653,300	1,668,100
Parliamentary Cooperation				
7. Enhanced Member relations	2,909,000	3,265,500		3,265,500
8. IPU visibility	937,700	939,100		939,100
9. Management and governance	907,400	880,500		880,500
Subtotal	4,754,100	5,085,100		5,085,100
Support Services	2,784,900	2,511,600		2,511,600
Other charges	234,300	180,000		180,000
Eliminations	(87,800)		(108,500)	(108,500)
TOTAL EXPENDITURES	13,690,300	12,212,400	1,409,500	13,621,900

* Budget surpluses anticipated to be carried forward into the Working Capital Fund at the year-end have been utilized to balance the income and expenditure budgets.

Approved 2013 capital budget

Item	2012	2013
1. Replacement of computers	36,600	35,000
2. Furniture	15,600	15,000
3. Improved conference facilities	25,600	0
4. Website development	0	320,000
Total capital expenditures	77,800	370,000

APPROVED PROGRAMME AND BUDGET FOR 2013

SCALE OF CONTRIBUTIONS FOR 2013 BASED ON THE UN SCALE OF ASSESSMENT

*Approved by the IPU Governing Council at its 191st session
(Québec City, 24 October 2012)*

Member or Associate Member	UN Scale	Approved Scale (2013)	
		Per cent	CHF
Afghanistan	0.004%	0.110%	12'000
Albania	0.010%	0.120%	13'100
Algeria	0.128%	0.300%	32'700
Andorra	0.007%	0.110%	12'000
Angola	0.010%	0.120%	13'100
Argentina	0.287%	0.510%	55'600
Armenia	0.005%	0.110%	12'000
Australia	1.933%	2.230%	243'100
Austria	0.851%	1.160%	126'500
Azerbaijan	0.015%	0.130%	14'200
Bahrain	0.039%	0.170%	18'500
Bangladesh	0.010%	0.120%	13'100
Belarus	0.042%	0.180%	19'600
Belgium	1.075%	1.390%	151'600
Benin	0.003%	0.110%	12'000
Bolivia	0.007%	0.110%	12'000
Bosnia and Herzegovina	0.014%	0.130%	14'200
Botswana	0.018%	0.140%	15'300
Brazil	1.611%	1.930%	210'400
Bulgaria	0.038%	0.170%	18'500
Burkina Faso	0.003%	0.110%	12'000
Burundi	0.001%	0.100%	10'900
Cambodia	0.003%	0.110%	12'000
Cameroon	0.011%	0.120%	13'100
Canada	3.207%	3.390%	369'600
Cape Verde	0.001%	0.100%	10'900
Chad	0.002%	0.100%	10'900
Chile	0.236%	0.450%	49'100
China	3.189%	3.370%	367'400
Colombia	0.144%	0.330%	36'000
Congo	0.003%	0.110%	12'000
Costa Rica	0.034%	0.160%	17'400
Côte d'Ivoire	0.010%	0.120%	13'100
Croatia	0.097%	0.260%	28'300
Cuba	0.071%	0.220%	24'000
Cyprus	0.046%	0.180%	19'600
Czech Republic	0.349%	0.590%	64'300
Democratic PR of Korea	0.007%	0.110%	12'000
Denmark	0.736%	1.030%	112'300
Djibouti	0.001%	0.100%	10'900
Dominican Republic	0.042%	0.180%	19'600
DR Congo	0.003%	0.110%	12'000
Ecuador	0.040%	0.170%	18'500
Egypt	0.094%	0.260%	28'300
El Salvador	0.019%	0.140%	15'300
Equatorial Guinea	0.008%	0.120%	13'100
Estonia	0.040%	0.170%	18'500

Member or Associate Member	UN Scale	Approved Scale (2013)	
		Per cent	CHF
Ethiopia	0.008%	0.120%	13'100
Finland	0.566%	0.850%	92'700
France	6.123%	5.900%	643'300
Gabon	0.014%	0.130%	14'200
Gambia	0.001%	0.100%	10'900
Georgia	0.006%	0.110%	12'000
Germany	8.018%	7.540%	822'100
Ghana	0.006%	0.110%	12'000
Greece	0.691%	0.990%	107'900
Guatemala	0.028%	0.150%	16'400
Guinea-Bissau	0.001%	0.100%	10'900
Haiti	0.003%	0.110%	12,000
Honduras	0.008%	0.120%	13'100
Hungary	0.291%	0.520%	56'700
Iceland	0.042%	0.180%	19'600
India	0.534%	0.810%	88'300
Indonesia	0.238%	0.450%	49'100
Iran (Islamic Republic of)	0.233%	0.450%	49'100
Iraq	0.020%	0.140%	15'300
Ireland	0.498%	0.770%	84'000
Israel	0.384%	0.630%	68'700
Italy	4.999%	4.940%	538'600
Japan	12.530%	11.750%	1'281'200
Jordan	0.014%	0.130%	14'200
Kazakhstan	0.076%	0.230%	25'100
Kenya	0.012%	0.120%	13'100
Kuwait	0.263%	0.480%	52'300
Kyrgyzstan	0.001%	0.100%	10'900
Lao P D R	0.001%	0.100%	10'900
Latvia	0.038%	0.170%	18'500
Lebanon	0.033%	0.160%	17'400
Lesotho	0.001%	0.100%	10'900
Libya	0.129%	0.310%	33'800
Liechtenstein	0.009%	0.120%	13'100
Lithuania	0.065%	0.210%	22'900
Luxembourg	0.090%	0.250%	27'300
Malawi	0.001%	0.100%	10'900
Malaysia	0.253%	0.470%	51'200
Maldives	0.001%	0.100%	10'900
Mali	0.003%	0.110%	12'000
Malta	0.017%	0.130%	14'200
Mauritania	0.001%	0.100%	10'900
Mauritius	0.011%	0.120%	13'100
Mexico	2.356%	2.620%	285'700
Micronesia (Federated States of)	0.001%	0.100%	10'900
Monaco	0.003%	0.110%	12'000
Mongolia	0.002%	0.100%	10'900
Montenegro	0.004%	0.110%	12'000
Morocco	0.058%	0.200%	21'800
Mozambique	0.003%	0.110%	12'000
Myanmar	0.006%	0.110%	12,000
Namibia	0.008%	0.120%	13'100
Nepal	0.006%	0.110%	12'000
Netherlands	1.855%	2.160%	235'500
New Zealand	0.273%	0.500%	54'500

Member or Associate Member	UN Scale	Approved Scale (2013)	
		Per cent	CHF
Nicaragua	0.003%	0.110%	12'000
Niger	0.002%	0.100%	10'900
Nigeria	0.078%	0.230%	25'100
Norway	0.871%	1.180%	128'700
Oman	0.086%	0.240%	26'200
Pakistan	0.082%	0.240%	26'200
Palau	0.001%	0.100%	10'900
Palestine		0.100%	10'900
Panama	0.022%	0.140%	15'300
Papua New Guinea	0.002%	0.100%	10'900
Paraguay	0.007%	0.110%	12'000
Peru	0.090%	0.250%	27'300
Philippines	0.090%	0.250%	27'300
Poland	0.828%	1.130%	123'200
Portugal	0.511%	0.780%	85'000
Qatar	0.135%	0.310%	33'800
Republic of Korea	2.260%	2.540%	277'000
Republic of Moldova	0.002%	0.100%	10'900
Romania	0.177%	0.370%	40'300
Russian Federation	1.602%	1.920%	209'300
Rwanda	0.001%	0.100%	10'900
Samoa	0.001%	0.100%	10'900
San Marino	0.003%	0.110%	12'000
Sao Tome and Principe	0.001%	0.100%	10'900
Saudi Arabia	0.830%	1.140%	124'300
Senegal	0.006%	0.110%	12'000
Serbia	0.037%	0.170%	18'500
Seychelles	0.002%	0.100%	10'900
Sierra Leone	0.001%	0.100%	10'900
Singapore	0.335%	0.570%	62'200
Slovakia	0.142%	0.320%	34'900
Slovenia	0.103%	0.270%	29'400
South Africa	0.385%	0.630%	68'700
South Sudan		0.100%	10,900
Spain	3.177%	3.360%	366'400
Sri Lanka	0.019%	0.140%	15'300
Sudan	0.010%	0.120%	13'100
Suriname	0.003%	0.110%	12'000
Sweden	1.064%	1.380%	150'500
Switzerland	1.130%	1.450%	158'100
Syrian Arab Republic	0.025%	0.150%	16'400
Tajikistan	0.002%	0.100%	10'900
Thailand	0.209%	0.410%	44'700
The FYR of Macedonia	0.007%	0.110%	12'000
Timor-Leste	0.001%	0.100%	10'900
Togo	0.001%	0.100%	10'900
Trinidad and Tobago	0.044%	0.180%	19'600
Tunisia	0.030%	0.160%	17'400
Turkey	0.617%	0.900%	98'100
Uganda	0.006%	0.110%	12'000
Ukraine	0.087%	0.250%	27'300
United Arab Emirates	0.391%	0.640%	69'800
United Kingdom	6.604%	6.310%	688'000
United Republic of Tanzania	0.008%	0.120%	13'100
Uruguay	0.027%	0.150%	16'400
Venezuela	0.314%	0.550%	60'000

Member or Associate Member	UN Scale	Approved Scale (2013)	
		Per cent	CHF
Viet Nam	0.033%	0.160%	17'400
Yemen	0.010%	0.120%	13'100
Zambia	0.004%	0.110%	12'000
Zimbabwe	0.003%	0.110%	12'000
Andean Parliament		0.010%	1'100
Central American Parliament		0.010%	1'100
East African Legislative Assembly		0.010%	1'100
European Parliament		0.080%	8'700
Latin American Parliament		0.020%	2'200
Parliamentary Assembly of the Council of Europe		0.050%	5'500
Transitional Arab Parliament		0.010%	1'100
WAEMU		0.010%	1'100
CEMAC		0.010%	1,100
ECOWAS		0.010%	1'100
TOTAL		100%	10,939,90

COOPERATION WITH THE UNITED NATIONS SYSTEM

LIST OF ACTIVITIES UNDERTAKEN BY THE IPU BETWEEN MARCH AND OCTOBER 2012

*Noted by the IPU Governing Council at its 191st session
(Québec City, 24 October 2012)*

The United Nations

- A new and far-reaching resolution on *Interaction between the United Nations, national parliaments and the Inter-Parliamentary Union* was adopted by the General Assembly in May 2012 with the sponsorship of 90 States. Negotiations were led by the mission of Morocco in New York. The consultation process included an informal meeting with Member States, which was chaired by the Ambassador of Morocco and the IPU Secretary General. A comprehensive report of the UN Secretary-General describing the variety of forms UN interaction with the IPU takes provided the backdrop to the formal General Assembly debate on the resolution.
- The landmark 20-year anniversary UN Conference on Sustainable Development (UNCSD) was held in Rio de Janeiro in June. IPU Members were invited to participate in the conference as part of their national delegations. The IPU also organized a briefing for parliamentarians on the first day of the Conference to take stock of the negotiated outcome document, which many found disappointing.
- A first-ever Declaration on the rule of law was negotiated during the summer at the United Nations and eventually adopted at a formal high-level meeting of the General Assembly on 24 September in New York. Through the combined efforts of the IPU and a few Member States, an important acknowledgement of the role of parliaments and of the IPU in supporting the rule of law was included in the Declaration. To reflect on the significance of this outcome, a meeting was held two days later with the participation of MPs attending the opening week of the General Assembly. The meeting was held in partnership with the International Development Law Organization and with the sponsorship of the Mission of Italy to the United Nations.
- As the sole parliamentary partner of the ECOSOC Development Cooperation Forum, an IPU delegation of 10 MPs participated in the June DCF symposium in Brisbane, Australia, as well as the main July session of the DCF in New York. The Brisbane meeting in particular focused on the connection between development cooperation and sustainable development and helped provide input into the UNCSD in Rio. The main DCF session concluded with a summary of the President, which also included many of the viewpoints expressed by the parliamentarians participating in the process over the past two years. On the occasion of the DCF session, the IPU also organized a side event highlighting the need for parliaments to be invested with the necessary legal authority to effectively oversee development cooperation.
- The Advisory Group of the IPU Committee on United Nations Affairs conducted a field mission to examine One UN reform and system-wide coherence at the national level. The mission, which took place from 10 to 14 September in Albania and Montenegro, was organized with strong support from the two host Parliaments, as well as from the respective UN country teams. The findings of the mission will be examined by the Committee on United Nations Affairs at its next session (to be held on the occasion of the 127th IPU Assembly in Québec City), with the participation of the Director of the UN Development Operations Coordination Office (UNDOCO).
- The fifth World e-Parliament Conference was held in September in Rome, Italy, in cooperation with the Global Centre for ICT in Parliament and the Italian Chamber of Deputies. The theme of the conference centred on "open parliament", i.e. how technologies can further support transparency and accountability. The joint *Global e-Parliament Report 2012* was also launched at the Conference.
- The IPU President delivered a statement to the XIII UN Conference on Trade and Development held in Doha, Qatar, in June. Other statements were delivered at UN meetings followed by the IPU Office in New York, including a statement on the need to involve parliaments in the preparations for the 2014 World Conference on Indigenous Peoples. As a result, the Resolution establishing the modalities

of the World Conference calls for parliamentarians to participate in a multi-stakeholder UN-sponsored hearing, whose outcome will help inform the outcome document of the conference.

- Preparations for the 2012 Parliamentary Hearing, to be held in early December, got under way in partnership with the new President of the 67th session of the General Assembly, Minister Vuk Jeremic of Serbia. The theme of the hearing will focus on the role of parliaments in conflict prevention, reconciliation and peace-building. The meeting will also discuss how parliaments and the United Nations can support each other, both politically and operationally, to better promote peace around the world.
- The IPU actively promoted the International Day of Democracy, on 15 September, by inviting Member Parliaments to mark the Day through a special activity or political statement. Over 30 parliaments heeded that call with imaginative displays of support.

UNDP

- Following its official release at the Kampala Assembly, the joint IPU-UNDP *Global Parliamentary Report* was promoted in the United States through two additional launch events in Washington and New York. The Washington event was hosted by the National Democratic Institute. Both events attracted an audience of between 60 and 80 democracy practitioners, diplomats and UN officials.
- As part of its work in support of the achievement of the Millennium Development Goals (MDGs), in May the IPU co-sponsored and contributed to an African regional meeting of UNDP Millennium Campaign in Addis Ababa, Ethiopia. The meeting attracted close to 150 parliamentarians and concluded with a Declaration of commitment to further accelerate implementation of the MDGs before they expire in 2015. Similar meetings are being prepared in cooperation with the Millennium Campaign for the Asia-Pacific region in November (Manila) and December (Dhaka). Taken together, the meetings also provide an initial ground-level consultation with parliamentarians on the development framework that will replace the existing MDGs after 2015.
- The IPU continued to work closely with UNDP country offices, providing technical assistance and capacity-building programmes to national parliaments. This was the case, over the past six months, in Bangladesh, the Democratic Republic of the Congo, Guinea-Bissau, Pakistan and Palestine, where there are on-going Memoranda of Understanding for joint implementation of activities. Discussions are under way to partner under new agreements in Afghanistan, Libya, the Maldives, Myanmar and Tunisia. In Myanmar the IPU and UNDP carried out a joint project formulation mission in July 2012.

UN Women

- Ms. Michelle Bachelet, Executive Director of UN Women, accepted the IPU's invitation to join the 7th Meeting of Women Speakers of Parliament (3-4 October, New Delhi), as a keynote speaker. The Meeting this year focused on gender-sensitive parliaments, with a special focus on the role of women Speakers in mentoring young women politicians.
- The IPU and the UN Women Sub-Regional Office for Central and Southeastern Europe signed a Memorandum of Understanding in July 2012, aimed at promoting gender equality in Turkey. As part of the agreement, the IPU and UN Women would work together on implementing the UN joint programme *Fostering an Enabling Environment for Gender Equality in Turkey*, in particular in terms of lending technical support to the Grand National Assembly of Turkey and its Commission on Equal Opportunities.

Office of the UN High Commissioner for Human Rights (OHCHR) and the UN Human Rights Council

- In cooperation with the Office of the President of the UN Human Rights Council, the IPU held a side event on 14 March at the Palais des Nations, which focused on *Parliament's contribution to the Universal Periodic Review*.

- On 21 March 2012, the IPU contributed to a panel discussion on *Sharing of best practices and promoting technical cooperation: Paving the way towards the second cycle of the Universal Periodic Review*, during the 19th Session of the Human Rights Council.
- In cooperation with OHCHR, the IPU is updating the Handbook on Human Rights for parliamentarians. In the same vein, the IPU is finalizing its handbook on migration from a human rights perspective.
- In keeping with past practice, the IPU contributed a report for each country under review by the UN Committee entrusted with monitoring implementation of the Convention for the Elimination of All Forms of Discrimination against Women (CEDAW) when it met in July in New York and in October in Geneva. The IPU was also represented by the Speaker of the Parliament of Uganda at an event to mark the 30th anniversary of the CEDAW Committee.

UNAIDS

- The Parliamentary Meeting at the XIX International AIDS Conference was organized by the IPU in cooperation with UNAIDS. The four-hour meeting, which took place at the US Congress in Washington, D.C., brought together about 60 members of parliament attending the XIX International AIDS Conference. The meeting provided MPs with up-to-date information on issues related to the HIV epidemic. It served as a forum for an exchange of views on major issues, such as the translation of scientific knowledge of HIV treatment and prevention into policy and practice. It also provided an opportunity to discuss the concept of shared responsibility for the AIDS response and the centrality of parliamentary leadership to that response. The IPU guide entitled *Raising the Profile of HIV and AIDS in Your Parliament* was launched at the meeting.

World Trade Organization (WTO)

- The IPU has pursued its active involvement in the Parliamentary Conference on the WTO – a decade-long joint venture with the European Parliament aimed at ensuring effective parliamentary oversight of this uniquely empowered international organization. Two sessions of the Conference Steering Committee took place in Brussels and Geneva, in May and September respectively. The latter was organized in the wings of the WTO Public Forum – a popular annual event where participants from government, parliament, civil society, the business sector, academia and the media jointly reflect on the functioning of the multilateral trading system and analyse the institutional state of the WTO.
- Preparations got under way for the holding of the annual session of the Conference in mid-November, on WTO premises in Geneva. Convinced that parliamentarians can give strong political impetus to the stalled Doha Round of negotiations, the Steering Committee decided that the Conference session in November should be held under the overarching general theme *Back to basics: Connecting politics and trade*.

NEW FORMAT FOR THE IPU ASSEMBLIES, THE FUNCTIONING OF THE STANDING COMMITTEES AND THEIR BUREAUX, AND THE STATUS OF THE IPU COMMITTEE ON UNITED NATIONS AFFAIRS

*Approved by the IPU Governing Council at its 191st session
(Québec City, 24 October 2012)*

Overall programme of work of the Assemblies

1. The IPU is first and foremost a political organization. The Assemblies offer Members an opportunity to network and to debate and express their views on matters relating to the promotion of parliamentary democracy, as well as on major issues of international concern.
2. It is recommended that the three Standing Committees meet on the occasion of both annual IPU Assemblies.¹ In this way, Members will have an opportunity within any given year to address topics of their choice and adopt at least three resolutions on highly relevant political issues.
3. Similarly, it is important that Members have an opportunity to debate the emergency item placed on the agenda of each Assembly before they adopt the draft resolution. It is therefore proposed that each Assembly allocate half a day for a debate on the adopted emergency item.
4. In order for this to happen without increasing the overall costs of the annual IPU Assemblies, it is proposed that both Assemblies of the year take place over four days, as compared to the current format of a five-day first Assembly and a three-day second Assembly in Geneva.
5. Each Assembly would thus have an identical work programme that includes the following elements:
 - General debate and a closing sitting of the Assembly to adopt resolutions;
 - Debate on the emergency item;
 - A full sitting of each of the three Standing Committees followed, where needed, by drafting committees to finalize the resolutions;
 - The sittings of the Governing Council;
 - The Meeting of Women Parliamentarians;
 - A sitting of the IPU Committee on United Nations Affairs;
 - The Executive Committee meetings and brief meetings of other specialized Committees.
6. In this scenario, the number of panel discussions will be limited, due to time constraints, but also to enable the effective participation of all delegations. Side events can still be held, but would in principle be limited to the lunch break and have limited interpretation services.

Composition of delegations

7. The size of delegations would follow the rules currently applied to the first Assembly of the year insofar as the number of members of parliament appointed as delegates to both annual sessions should not exceed eight or ten, including men and women.
8. The composition of these delegations would impact heavily on the quality and outcome of Committee work. It is proposed that Member Parliaments include men and women legislators from select parliamentary committees dealing with the issues under consideration, and who are thus prepared to participate actively and contribute to the debates on the agenda, including from a gender perspective. It is further proposed that Member Parliaments, when announcing the composition of their delegations, also indicate which sessions delegates would attend. With a view to ensuring continuity and greater expertise in the work of the Standing Committees, delegates designated to Standing Committees should attend at least two consecutive Assemblies covering the one-year cycle leading up to the adoption of resolutions.

¹ Due primarily to cost implications there is little support for the option of convening Standing Committees outside the bi-annual Assemblies (which would have allowed the participation of parliamentarians from relevant committees in their own parliaments to take part in the proceedings).

Functioning of the Standing Committees

9. The Standing Committees should be given broader responsibilities. This could include planning and implementing activities in their areas of competence, starting to develop institutional expertise, holding hearings with heads of international organizations and senior UN officials, undertaking field missions, preparing and submitting reports and reporting on good practices and progress in implementing IPU resolutions resulting from their Committee work.

10. In order to be able to carry out a more ambitious programme of work, the Standing Committees would need to receive support by way of both financial and human resources. It is proposed that, within the regular budget, funds be identified to support the work of the Standing Committees. In turn, the IPU Secretariat will need to devote more time and effort to providing the assistance required to sustain such activities.

Role and composition of the Bureaux

11. The Bureaux should play an active role in planning, guiding and directing the work of the Standing Committees. They should be encouraged to adopt a multiyear programme of work and invite the membership to propose items for debate and rapporteurs to help prepare them. The Bureaux should also play an active role in monitoring follow-up to resolutions, including in terms of encouraging the systematic reporting by Members on any action they have taken.

12. Members of the Bureaux should be appointed for a two-year period, renewable once, on the basis of their competences and ability to take part in all meetings. All candidates for Bureaux membership should submit a brief biography, specifying their Committee membership in parliament and familiarity with the issues covered by the Committee. This should be accompanied by a commitment from their parliament that they will be supported in their work and included in future delegations to Assemblies.

13. Both titular and substitute members of the Bureau would be encouraged to attend its meetings. It is proposed that attendance be strictly monitored, that quorums be enforced, and that simple majorities be used for decision-making.

14. Bureau members would also be encouraged to interact with the geopolitical groups, with a view to preparing the groundwork for multiyear programmes of work, identifying the best possible office-holders, and enhancing the contribution by Members to the work of the Standing Committees.

Selection of subject items for debate

15. When considering subject items to be taken up by the Standing Committees, the Bureaux should invite the proponents of the various items to present and make the case for their proposal. When the discussion on proposed subject items is inconclusive, the Bureaux should be able to submit more than one proposal to the full Committee for its decision.

16. Each proposal for a rapporteur should be accompanied by an assurance from the parliament concerned that it will provide the necessary support and assist the rapporteur in his or her tasks. When deciding on subject items, consideration should be given only to those proposals that are accompanied by the name of at least one rapporteur.

Preparing the outcome documents

17. Once the Standing Committees have selected a subject item, Members should be encouraged to provide input and suggestions before a first draft of the report(s) and resolution is formulated by the rapporteurs and circulated to the membership. The second Assembly of the year would allow for hearings and a first exchange of views and proposals on the item under consideration, with resolutions expected to be adopted at the first Assembly of the following year.

18. It is proposed that the Presidents and First Vice-Presidents of the Standing Committees meet and consult on possible guidelines and modalities of work to ensure the resolutions are sharp, focused, and action-oriented. According to the IPU Statutes, the purpose of the exercise is to "bring about action by parliaments and their members."

19. Every effort will be made to have the draft resolutions finalized in the Standing Committees. Only when necessary should they be referred to a drafting committee. The composition of the drafting committees needs to reflect a gender and regional balance and should not exceed 15 members, with a recommended geopolitical distribution of seats similar to that applied by the IPU Executive Committee.

IPU Committee on United Nations Affairs

20. The IPU Committee on United Nations Affairs should be maintained as a plenary body open to all IPU Member Parliaments. Its programme of work should be more focused and regular. The Committee should concentrate more on priorities and planning of activities to avoid duplication with other IPU bodies and to promote more productive relations with the United Nations.

21. The Committee should meet at each IPU Assembly and focus primarily on aspects relating to the planning of cooperation and the elaboration of parliamentary responses to UN processes. It should be placed on a firm and equal footing with the IPU's existing Standing Committees and be invested with a clear set of rules and regulations.

Making better use of ICT

22. Lastly, in order to enhance the overall impact of IPU Assemblies and encourage the engagement of as many parliamentarians as possible, the IPU Secretariat will examine possibilities to better utilize available ICT tools, including Twitter, webcast and online delegates' forums. This would allow participants to contribute to ongoing and emerging debates, and hence enrich the outcome of such debates.

RULES AND PRACTICES OF THE IPU ADVISORY GROUP ON HIV/AIDS AND MATERNAL, NEWBORN AND CHILD HEALTH

*Adopted by the IPU Governing Council at its 191st session
(Québec City, 24 October 2012)*

MANDATE

The IPU Advisory Group on HIV/AIDS and Maternal, Newborn and Child Health (MNCH) provides a global parliamentary focal point for legislative work in the field of HIV/AIDS and maternal, newborn and child health.

More specifically, the Advisory Group offers guidance to IPU Members on the implementation of international HIV/AIDS commitments; helps design information and training material for parliamentarians; conducts field visits to learn lessons from national responses to HIV/AIDS that can be shared with the wider parliamentary community; and expands the scope of the parliamentary response to HIV/AIDS by identifying more effective strategies.

In addition, the Advisory Group is part and parcel of the accountability mechanism for the IPU's implementation of MNCH-related commitments. It monitors progress on the MNCH project in terms of implementing its work programme, approves and reports on the activities carried out under the MNCH project, establishes linkages between the IPU's HIV/AIDS and MNCH portfolios and advises on possible areas for joint work where applicable.

GROUP MEMBERS

The IPU Advisory Group on HIV/AIDS is composed of 12 members of national parliaments, appointed by the IPU President in consultation with current Advisory Group members and IPU Member Parliaments on the basis of attested expertise in the field of HIV/AIDS and maternal and child health. The Advisory Group will endeavour to ensure that its membership is geographically representative and gender balanced.

Advisory Group members shall serve for a single four-year term.

The mandates of members who fail to participate in three consecutive activities of the Advisory Group shall be automatically terminated.

Four international organizations active in the areas of HIV/AIDS and MNCH respectively will join the Advisory Group in a technical advisory capacity. These organizations are UNAIDS, The Global Fund to Fight AIDS, Malaria and Tuberculosis, the World Health Organization and the Partnership for Maternal, Newborn and Child Health (or alternatively UNFPA).

CHAIRPERSON

The Advisory Group shall elect its Chairperson for a period of one year. He/she is eligible for re-election for one further term.

SESSIONS

The Advisory Group shall meet twice a year in regular session. The Advisory Group's sessions are held *in camera*. The Advisory Group shall set the dates for its sessions in the light of proposals made by the Secretary General. One of the sessions shall be held on the occasion of an IPU Assembly. Additional meetings may be held if the Advisory Group so decides.

AGENDA

The provisional agenda of the Advisory Group shall be drawn up by the Secretary General, in consultation with the Advisory Group Chairperson.

DECISIONS

As a general rule, the Advisory Group's decisions shall be taken by consensus. If it fails to reach a consensus, the Advisory Group shall decide by simple majority of the members present. The Chairperson shall have the casting vote.

MISSIONS

The Advisory Group may decide to carry out field visits, principally to examine the role played by a given national parliament in addressing the issues within the Advisory Group's mandate. Such missions are conducted in accordance with the *Concept note on field visits*, hereto attached, adopted by the Advisory Group on 23 March 2007.

ADVISORY GROUP REPORTS

The Advisory Group shall report on its work to the Governing Council, of which it is a subsidiary body.

PARLIAMENTARY DIMENSION OF THE WTO

The Parliamentary Conference on the WTO: A decade-long success story

*Noted by the IPU Governing Council at its 191st session
(Québec City, 24 October 2011)*

The genesis

1. The World Trade Organization started its activities on 1 January 1995 as the successor to the General Agreement on Tariffs and Trade (GATT), dismantled at the end of the Uruguay Round of trade negotiations. From the very beginning, the WTO was conceived as a somewhat atypical international organization: vested with binding rule-making and adjudication powers, it was also equipped with an effective dispute settlement mechanism for the resolution of trade quarrels and the enforcement of agreements.
2. In spite of its name, the WTO is much more than a trade organization. Its rules extend beyond the traditional domain of tariffs and trade in goods; they reach deep into domestic affairs affecting areas as diverse as intellectual property rights, services, banking, telecommunications and government procurement. The WTO has a growing impact on national health, education, employment, food safety, environment, as well as the management of natural resource such as forests, fisheries and water. WTO rulings have direct economic consequences for entire nations, as well as the private sector.
3. During the course of its consolidation and expansion, the WTO has managed to place the multilateral trading system at the heart of global governance but ironically has itself been perceived by large sections of society - especially in developing countries - as a threat to their interests. By the turn of the century, the WTO had become a prime target for anti-globalization movements, with angry protests taking place in different parts of the world. Particularly violent demonstrations took place in Seattle around the third WTO Ministerial Conference in December 1999.
4. It was at that time that parliamentarians started focusing their attention on the WTO. The reason was twofold. On the one hand, that shift was a reflection of the growing concern of members of parliament over the impact of globalization on the lives of their constituents and civil societies. On the other hand, it was the realization that, in an interdependent world, questions of international trade had become so important that they could no longer be left to governments and international bureaucracies alone, and had to be subjected to rigorous democratic oversight.
5. During the course of an ensuing debate about parliaments and the WTO, much of which happened within the IPU but also in parliaments, including the US Congress and the European Parliament, it was pointed out that the WTO was sometimes encroaching on traditional prerogatives of legislators as the primary lawmakers in democratic States. While parliaments were expected to ratify international trade agreements, more often than not they had played insignificant role in defining their scope or content. Once negotiated, trade agreements were brought home to the legislature as an indivisible package deal. While appropriate for determining the levels of border tariffs, this policy-making process was unsuitable to national policy spheres requiring significant parliamentary debate and control.
6. It was also pointed out that WTO rules occasionally promoted international trade by defining the sort of laws that legislators could or could not pass, and by establishing the standards they had to meet. Such rules at times ran counter to the need for parliaments to ensure that government regulations corresponded to national objectives and popular aspirations. Moreover, the tension between WTO rules and national laws could be intensified when governments used WTO's powerful dispute settlement mechanism to challenge each other's national laws.
7. In the face of these realities, the parliamentary community felt that an important global policy-making organization such as the WTO should have an associated parliamentary structure with oversight power. One group, spearheaded by the European Parliament (EP), was calling for an immediate establishment of a "standing body of parliamentarians" that would either be formally linked to the WTO or exist as a separate and independent body with its own Secretariat, budget and other organizational attributes. Another group,

speaking on behalf of a vast majority of IPU members, voiced its concern over the proliferation of regional and global parliamentary organizations that were competing with each other for their membership base, support resources and spheres of competence. The IPU-led group advocated better use of the capacity and expertise of the existing structures for parliamentary cooperation and was convinced that the parliamentary dimension to the work of the WTO could be provided through the IPU, which had its headquarters in the same city as the WTO.

8. As an understanding of the complexity of political and organizational issues relating to the creation of a parliamentary dimension of the WTO was progressing in the course of multiple rounds of IPU-EP consultations, so was the willingness to find a joint and realistic solution. By the end of 2002, the two sides had agreed on a blueprint of what is now known as the Parliamentary Conference on the WTO.

Action time

9. The first full-scale session of the Conference took place in Geneva in February 2003. It was preceded by a series of smaller events, including a parliamentary meeting at the fourth WTO Ministerial Conference in Doha (November 2001) and two sessions of the Post-Doha Steering Committee – an ad hoc advisory structure established by the IPU and EP with a view to laying the foundations of their future joint undertaking.

10. In the years that followed, the list of inter-parliamentary WTO-related activities has never ceased to grow (see *Annex*). In addition to five plenary sessions of the Parliamentary Conference on the WTO that took place in Geneva and Brussels, two special sessions were held in conjunction with WTO Ministerial Conferences, in Cancún and Hong Kong respectively. Parliamentary round tables were also organized on a regular basis within the framework of annual WTO Public Forums – highly popular events where participants from government, parliament, civil society, the business sector, academia and the media jointly reflect on the functioning of the multilateral trading system and analyze the institutional state of the WTO.

11. At present, the Parliamentary Conference on the WTO has firmly established itself as a permanent process with its own governing structures, Rules of Procedure, membership formula and a well-developed system of links with the WTO affirming the role of the Conference as a de facto parliamentary dimension of that intergovernmental organization. Importantly, the Conference brings together legislators who, as members of standing and select committees in their respective parliaments, specialize in international trade and finance. More often than not, these parliamentarians are different from those who usually come to statutory IPU events.

12. The smooth functioning of this process is ensured by the Conference Steering Committee composed of representatives of 22 national parliaments, four international and regional parliamentary organizations and assemblies, as well as the WTO Secretariat. The Committee is co-chaired by IPU and EP representatives (currently Senator Donald H. Oliver of Canada, a member of the IPU Executive Committee, and Dr. Vital Moreira, President of EP's Committee on International Trade). The Conference is financed on a cost-sharing basis by the IPU and EP, which take turns in hosting the sessions of the Steering Committee.

13. It is noteworthy that the Conference membership formula is distinctly different from that of the IPU. While all IPU Member Parliaments are automatically invited to all plenary sessions, so are parliaments of those sovereign States that are members of the WTO but are not affiliated to the IPU. Moreover, governments of WTO members (usually their permanent missions in Geneva) are invited to plenary sessions in an observer capacity, with full speaking rights. The list of observers from among international organizations, established by the Conference Steering Committee, is likewise different from that of the IPU.

14. As defined in its Rules of Procedure, the Parliamentary Conference on the WTO is a forum for the exchange of opinions, information and experience, as well as for the promotion of common parliamentary action in the area of international trade. The Conference oversees and promotes the effectiveness and fairness of WTO activities; promotes the transparency of WTO procedures and improves the dialogue between governments, parliaments and civil society; builds capacity in parliaments in matters of international trade and exerts influence on the direction of discussions within the WTO.

15. One of the strong points of this scheme is its reliance on direct dialogue between parliamentarians and WTO negotiators. Indeed, the WTO Director-General is invited to all plenary sessions of the Conference for a special hearing where he provides detailed answers to written and oral questions from the parliamentary audience – not unlike the hearings with ministers in national parliaments. Likewise, Ambassadors serving as

chairs of the WTO Council, Dispute Settlement Body, Committees and Working Parties take part in round-table discussions, panels and special presentations held during Conference sessions. Such direct interaction enriches the debate and provides parliamentarians with first-hand information about WTO negotiations.

Successes and challenges

16. For hundreds of parliamentarians from all over the world who regularly attend plenary sessions of the Parliamentary Conference on the WTO or take part in the work of the Conference Steering Committee, this activity has long since become a valuable tool for helping them to exercise more effectively their oversight role vis-à-vis the conduct of their respective governments in the multilateral trade negotiations. The IPU has been often praised by its members and non-members alike for the valuable service it provides to parliaments by bringing legislators closer to the WTO and enlightening them on some of the less obvious but politically important aspects of the Doha Round talks. It is not by chance that no fewer than five former members of the Conference Steering Committee were subsequently given ministerial portfolios in their own countries and assumed the responsibility for WTO negotiations from the side of the executive. One current member of the Steering Committee is himself a former minister of trade.

17. Despite the initial scepticism about the usefulness of closer involvement of legislators in the WTO's work displayed at the time by some Ambassadors in Geneva, the advantages of the IPU initiative soon became obvious to everybody and the Conference was viewed exclusively in win-win terms. So much so in fact that, starting from 2011, annual sessions of the Conference take place on the premises of the WTO itself, while meeting facilities are offered to parliamentarians free of charge. The Conference has brought a lot of visibility to the IPU in diplomatic circles in Geneva, among international organizations and the media.

18. The success of mobilizing parliamentary efforts in support of the WTO stood in sharp contrast to the situation with the Doha Round itself. Launched in 2001, the Round was scheduled to conclude by the end of 2004. Continued disagreement over agriculture, non-agricultural market access and other important areas was exacerbated by the rigidity of the consensus rule and the principle of single undertaking (nothing is agreed until everything is agreed). Given the current state of affairs, the negotiations are at a stalemate.

19. The objective of concluding the Doha Round remains, however, a priority that has been recognized as such not just by the WTO but the entire international community, including the United Nations and the G20. For their part, participants in the Parliamentary Conference on the WTO have reiterated on more than one occasion their conviction that a balanced, ambitious, comprehensive and development-oriented outcome of the Round was still possible and that the impasse required a political response.

20. It was with that in mind that the Steering Committee of the Parliamentary Conference on the WTO decided to give the overall title "Back to basics: Connecting politics and trade" to the forthcoming plenary session of the Conference, due to take place in Geneva on 15 and 16 November 2012. The session is seen as opportunity for parliamentarians to use the political means at their disposal to forge a multilateral consensus within the WTO. Certain hopes are also associated with the decision of the WTO to hold a full-scale political (as opposed to technical) Ministerial Conference in Indonesia at the end of 2013. In keeping with tradition, the IPU and EP would be expected to organize a parallel parliamentary session open to all legislators attending the Ministerial Conference.

Conclusion: Why the IPU should continue to care

- The WTO is an international organization unlike most others. Its unique mandate and powers require an effective mechanism of parliamentary oversight of its activities.
- Over the years, the IPU has invested a great deal of time and resources into establishing such a mechanism. Now that these efforts have started to bear fruit, including through improved visibility for the IPU, leaving others to reap the benefits of success would undermine the IPU's standing among international organizations and weaken the capacity of legislators to influence important international negotiations.
- The primary beneficiaries of the Parliamentary Conference on the WTO are members of parliament specializing in international trade and finance. Depriving them of this proven capacity-building tool would run counter to the IPU's efforts to become more relevant in today's world by working more

closely with members of standing and select committees of national parliaments that deal with specific issues requiring international cooperation.

- Reinvigorating multilateralism as embodied by the WTO and saving the Doha Round is an important political goal per se. The need for a parliamentary contribution to this process was recognized as one of the priorities of the IPU Strategy for 2012-2017.

Chronological list of activities organized within the framework of the Parliamentary Conference on the WTO since 2002

Date and venue	Activity
15-16 November 2012, Geneva	Annual 2012 session of the Parliamentary Conference on the WTO: Back to basics: Connecting politics and trade
26 September 2012, Geneva	26 th session of the Steering Committee
7-8 May 2012, Brussels	25 th session of the Steering Committee
21 September 2011, Geneva	24 th session of the Steering Committee
20 September 2011, Geneva	Parliamentary Panel within the framework of the WTO Public Forum: Trade in natural resources - curse or blessing? A parliamentary perspective
21-22 March 2011, Geneva	Annual 2011 session of the Parliamentary Conference on the WTO
21 March 2011, Geneva	23 rd session of the Steering Committee
16 September 2010, Geneva	22 nd session of the Steering Committee
16 September 2010, Geneva	Parliamentary Panel within the framework of the WTO Public Forum: Can the existing multilateral trading system cope with the emerging challenges?
24-25 June 2010, Geneva	21 st session of the Steering Committee
1 December 2009, Geneva	Enlarged 20 th session of the Steering Committee
1 October 2009, Geneva	19 th session of the Steering Committee
30 September 2009, Geneva	Parliamentary Panel within the framework of the WTO Public Forum: Can protectionism protect trade? The legislator's perspective.
11-12 September 2008, Geneva	Annual 2008 session of the Parliamentary Conference on the WTO
11 September 2008, Geneva	18 th session of the Steering Committee
3-4 April 2008, Geneva	17 th session of the Steering Committee
4 October 2007, Geneva	Parliamentary Panel within the framework of the WTO Public Forum: Trade and climate change: Is trade killing our planet?
3 October 2007, Geneva	16 th session of the Steering Committee
14-15 June 2007, Geneva	15 th session of the Steering Committee
1-2 December 2006, Geneva	Annual 2006 session of the Parliamentary Conference on the WTO
30 November 2006, Geneva	14 th session of the Steering Committee
14-15 September 2006, Geneva	13 th session of the Steering Committee
22-23 June 2006, Geneva	12 th session of the Steering Committee
12 and 15 December 2005, Hong Kong	Hong Kong session of the Parliamentary Conference on the WTO
15 December 2005, Hong Kong	11 th session of the Steering Committee
22-23 September 2005, Geneva	10 th session of the Steering Committee
22-23 April 2005, Geneva	9 th session of the Steering Committee
22 April 2005, Geneva	Parliamentary Panel within the framework of the WTO Public Symposium: The WTO at 10. The perceived loss of "sovereignty" due to WTO accords: should parliamentarians be concerned?
24-26 November 2004, Brussels	Brussels session of the Parliamentary Conference on the WTO
24 November 2004, Brussels	8 th session of the Steering Committee
6-7 September 2004, Geneva	7 th session of the Steering Committee
25-26 March 2004, Geneva	6 th session of the Steering Committee
12 September 2003, Cancún	5 th session of the Steering Committee

9 and 12 September 2003, Cancún	Cancún session of the Parliamentary Conference on the WTO
17 June 2003, Geneva	Parliamentary Panel within the framework of the WTO Public Symposium: Parliaments and the WTO
17 June 2003, Geneva	4 th session of the Steering Committee
17-18 February 2003, Geneva	Annual 2003 session of the Parliamentary Conference on the WTO
16-17 February 2003, Geneva	3 rd session of the Steering Committee
14-15 October 2002, Geneva	2 nd session of the Steering Committee
28-29 May 2002, Brussels	1 st session of the Steering Committee

RULES OF THE COMMITTEE ON MIDDLE EAST QUESTIONS

*Adopted by the IPU Governing Council at its 191st session
(Québec City, 24 October 2012)*

ROLE OF THE COMMITTEE

RULE 1

1. The Committee shall follow the peace process in the Middle East and facilitate dialogue with members of parliament from all parties involved in the conflict. This shall include parliamentarians from all the political factions represented in the Israeli and Palestinian parliaments, from neighbouring countries and from members of the Quartet.
2. The Committee shall undertake visits to the region, as required, to gain an understanding of the situation on the ground and promote dialogue between the parties concerned.
3. The Committee shall submit a written report on the situation in the Middle East to the Governing Council. It may also express a political position on the situation in the Middle East for endorsement by the Governing Council.

COMPOSITION

RULE 2

1. The Committee shall be composed of seven titular members and seven substitutes, elected by the Governing Council for a term of four years. The members shall be elected on the basis of their interest and expertise in the subject matter and of their availability to attend all sessions.
2. No more than four of the seven titular members shall be of the same sex and as many of the geopolitical groups as possible shall be represented on the Committee.
3. If a member of the Committee dies, resigns or ceases to be a parliamentarian, an election to replace that person shall be held at the next session of the Governing Council. A retiring member shall not be eligible for re-election for two years.
4. If a titular member of the Committee fails to attend more than two consecutive sessions, he or she shall be replaced through an election by the Governing Council.
5. A substitute member may attend Committee sessions together with the titular member. A substitute member shall not be entitled to vote unless he or she is replacing the titular member.

SESSIONS

RULE 3

1. The Committee shall meet in ordinary session at each Assembly of the Inter-Parliamentary Union. The Secretary General shall fix the place and date of its ordinary sessions.
2. It shall convene extraordinary dialogue sessions with members of parliament from countries involved in the conflict if the President of the Committee deems it necessary or if three of its members so request. Such dialogue shall, in principle, take place at IPU Headquarters in Geneva, Switzerland, but can, if Committee members so agree, also take place in the Middle East region. The date of extraordinary sessions shall be fixed by the Committee President in agreement, whenever possible, with the members of the Committee.

PRESIDENCY

RULE 4

1. The President of the Committee shall be elected by the Committee members for a one-year term renewable once.
2. The President shall open, adjourn and close the meetings, direct the work of the Committee, ensure respect for the Rules, call upon members to speak, put matters to the vote, announce the results of the voting and declare sessions closed. The President's decisions on these matters shall be final and shall be accepted without debate.
3. The President may entrust titular or substitute Committee members with preparing reports for submission to the ordinary Committee sessions at the following IPU Assembly.
4. The President may also propose that the Committee hold hearings with experts.

AGENDA

RULE 5

1. The provisional agenda of each session shall be fixed by the Secretary General in agreement with the President. It shall be communicated to the members of the Committee at least one month before the opening of each ordinary session.
2. A member of the Committee may request the inclusion of supplementary items in the agenda.
3. The definitive agenda of each session shall be fixed by the Committee at the opening of each session.

DELIBERATIONS - QUORUM - VOTE

RULE 6

1. The members of the Committee shall deliberate in camera.
2. The Committee may hold valid deliberations and take valid decisions only if four members or substitutes are present.
3. The members of the Committee or their substitutes shall have one vote each.
4. The President shall participate in the voting only if the votes are equally divided.
5. The Committee shall normally vote by show of hands. However, if the President deems it necessary or if one member of the Committee so requests, a secret ballot shall be held.
6. The Committee shall take all its decisions by a majority of the votes cast.

7. In calculating the number of votes cast, only positive and negative votes shall be taken into consideration.
8. In the interval between sessions, the President, acting through the Secretary General, shall, if necessary, consult the Committee by correspondence.
9. For the results of this consultation to constitute a valid decision, the Secretariat must have received replies from at least four members of the Committee within 10 days of the date of despatch of the communication by which they were consulted.

SECRETARIAT

RULE 7

1. The Secretariat of the IPU shall receive or prepare all documents necessary to the deliberations of the Committee and shall distribute them to its members in English and French. It shall ensure the simultaneous interpretation of the debates in these two languages, as well as in Arabic and Spanish.
2. It shall prepare reports of its regular sessions, in consultation with the President, for submission to the Governing Council.

STATEMENT ON THE IPU VISA POLICY

*Adopted by the IPU Governing Council at its 191st session
(Québec City, 24 October 2012)*

The Governing Council, meeting in Québec City for its 191st session,

Recalls that the IPU is the international organization of parliaments of sovereign States; it is based on the fundamental principle of dialogue between the representatives of different political, economic and social systems as a means of solving differences,

Therefore *reaffirms* that IPU Assemblies can only be held if all IPU Members and observers are invited and if their representatives are certain to be granted visas required for participation.

CODE OF CONDUCT FOR IPU PERSONNEL

*Noted by the IPU Governing Council at its 191st session
(Québec City, 24 October 2012)*

Document issued on: September 19, 2012

Approved by: The Secretary General of the Inter-Parliamentary Union (hereinafter referred to as "the IPU"), after consultation with the Staff Association, the Sub-Committee on Finance, and endorsed by the Executive Committee.

Associated Policies and Documents:

- IPU Financial Regulations
- Fraud and Corruption Prevention and Control Policy
- IPU Staff Rules and Regulations
- United Nations Secretary-General's bulletin ST/SGB/2008/5 Prohibition of discrimination, harassment, including sexual harassment, and abuse of authority, Section 1 Definitions

PREAMBLE

The IPU is the world organization of parliaments. It is the pre-eminent forum for global parliamentary dialogue and works for peace and cooperation among nations and the consolidation of democracy.

The present Code of Conduct shall be applicable to all IPU personnel.

For the purposes of this Code, IPU personnel includes IPU staff (Geneva- and New York-based) and related personnel, including, but not limited to, interns, consultants, experts on mission and secondees, working for or on behalf of the IPU.

The aims of the IPU require that all those who work for the Organization observe the highest standards of professional ethics. The present Code of Conduct is intended to provide guidance on how to exercise good judgement in ethical matters.

The IPU expects its personnel to be resolutely attached to the protection of human rights and the promotion of democracy and gender equality, and that it act in accordance with the present Code of Conduct.

Before acting, personnel should ask themselves the following questions:

- Is this action in accordance with the principles guiding the work of the IPU?
- Is this action in compliance with this Code of Conduct and the IPU Staff Rules and Regulations?
- Is this action in compliance with the terms of my employment contract and conditions of service?
- Is this action in compliance with all internal IPU policies, processes, procedures, and guidelines?
- Will this action reflect positively, and in fact not reflect negatively, on me and the IPU?
- Is there an alternative action for which I could answer yes to each of these questions?

When in doubt about an action's conformity with this Code of Conduct or its ethical implications, Personnel shall seek advice from their line manager or the Director of the Division of Support Services before acting.

SECTION 1. SCOPE AND APPLICATION

The present Code of Conduct applies to all personnel at all times during their service with the IPU

The present Code, whether signed or not, shall automatically be part and parcel of all IPU contracts of employment and conditions of service for all personnel.

Violations of this Code are subject to disciplinary measures, as appropriate, in accordance with the IPU Staff Regulations and Rules, and/or the terms of the employment contract and conditions of services. In addition, the IPU reserves the right to recover from personnel all expenses incurred by the IPU as a result of any violation of the present Code.

SECTION 2. IMPLEMENTATION OF THE CODE OF CONDUCT

A - Responsibility of personnel

Personnel are responsible for ensuring that they have read and understood the Code of Conduct for IPU Personnel. Personnel have a duty to report any breach of this Code to the appropriate officer (refer to Contact information). All reports and concerns raised to the management will be properly considered and treated with discretion.

B - Management responsibility

Line managers shall lead by example and are responsible for creating a culture of compliance within their areas of authority. They shall inform the Director of the Division of Support Services of all reports or concerns of breaches of this Code that are brought to their attention or of which they become aware.

They are responsible for ensuring that persons who report reasonably-held suspicions of any wrongdoing, including fraud or corruption, or who cooperate in an investigation, will not be the subject of recriminations or victimization (refer to *Fraud and Corruption Prevention and Control Policy of the IPU*).

Management/personnel relations shall be guided by mutual respect and understanding, for which continuous dialogue is indispensable. Managers shall make themselves available to personnel who wish to raise concerns in confidence and shall deal with such requests with impartiality and discretion.

C - Institutional responsibility

The Secretary General is responsible for putting in place effective mechanisms to ensure that the highest standards of conduct are observed both in the IPU's service to its Member Parliaments and in its internal and external professional relations.

The IPU shall promptly investigate suspected instances of wrongdoing, including allegations of fraud and corruption (refer to *Fraud and Corruption Prevention and Control Policy of the IPU*).

The IPU will take all necessary steps against any form of retaliation experienced by persons reporting possible breaches of this Code.

SECTION 3. RULES OF CONDUCT

All IPU personnel shall undertake to

A - IPU Contractual conditions and national laws

1. Comply with the Staff Regulations, Staff Rules, and all administrative issuances, policies, and procedures, and with the terms of their employment contracts and conditions of service.
2. Comply with the applicable laws of the country in which they are present and the IPU's applicable Headquarters agreements. The privileges and immunities granted to the IPU pursuant to its headquarters agreements are provided for the benefit of the IPU and not for personal gain. Personnel at all levels, including those with diplomatic privileges, are expected to observe all laws and regulations at all times. The Secretary General may waive the immunity of any staff member in any case involving a violation of national laws if such immunity would impede the course of justice or reflect negatively on the IPU.

B – Non-discrimination and respect for persons

3. Respect all persons equally and without any distinction or discrimination based on nationality, race, age, gender, religious beliefs, class, sexual orientation or political opinions; and act at all times in accordance with the guiding principles and the organizational values as defined by the IPU. These are: respect for diversity, cultures, structures and customs, integrity and accountability, as well as mutual understanding and non-discrimination.

4. Refrain from all acts of discrimination or harassment, including sexual or gender harassment, abuse or exploitation, as well as physical or verbal abuse at the workplace. This applies to all people of all ages working or not for the IPU, in particular to children and stigmatized persons, including those living with HIV.
5. Not exchange money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour.
6. Not produce, procure, distribute or use pornographic material in IPU offices or on IPU equipment, including reading/surfing on pornographic websites or message boards or sending pornographic e-mails.
7. Take into account the sensitivities of peoples' customs, habits and religious beliefs and avoid any behaviour that is not appropriate in a particular cultural context.

C - Independence

8. Discharge functions and act with the interests of the IPU in mind.
9. Neither seek nor accept instructions from any government, parliament or any authority other than the Secretary General (or his/her designate) in connection with their official functions. Staff members are considered neutral and independent officials of a global membership organization and are fully and solely accountable to the IPU Secretary General.

D - Integrity

10. Conduct all official duties with integrity, free from any taint of dishonesty or corruption, including not engaging in any act of favouritism, nepotism or bribery. This includes not accepting from any external source (including parliaments, governments, corporations or others) without authorization any honour, award, gift, remuneration, favour or economic benefit which is more than a "token gift". Examples of token gifts include inexpensive pens, desk diaries, trinkets, souvenirs, etc.
11. Not benefit improperly or allow a third party to benefit improperly (whether directly or indirectly) from association with an enterprise that engages in any business or transaction with the IPU (including association with the management or the holding of a financial interest). Any potential conflict of interest with a supplier, service provider or business partner (such as family relations or shareholding) must be disclosed.
12. Not intentionally misrepresent their official functions or title to any entities or persons.
13. Not act in any way likely to bring the IPU into disrepute.

E - Neutrality

14. Not accept or exercise any public appointment, outside employment, or activity that could be regarded as inconsistent with, or reflecting adversely on, their impartiality or independence, or that would result in a conflict of interest without the prior consent of the Secretary General.

F - Protection of information

15. Exercise the utmost discretion with regard to all matters of official business and handle all confidential and sensitive information with the greatest care.
16. Immediately inform the Secretary General in the event that they are called upon by authority of law to give evidence or information known to them by reason of their official position.
17. Comply with the obligations regarding the protection of information and duty of discretion and confidentiality after separation from service with the IPU.

G - IPU property

18. Administer the funds and supplies entrusted to them with the utmost care and be accountable for their use. Personnel are prohibited from stealing, misappropriating, or misusing funds or property of the IPU.
19. Not commit the IPU financially unless officially authorized to do so.
20. Return at the end of their employment or service all property issued to them by the IPU and all "cartes de légitimation" provided through the IPU.

H - Fraud and corruption

21. Act in conformity with the IPU *Fraud and Corruption and Prevention and Control Policy*.
22. Promptly report any reasonable allegations through the appropriate channels if they have knowledge of an occurrence of fraud or corruption, or have serious reason to suspect that a fraudulent or corrupt act has occurred.

SECTION 4. CONTACT INFORMATION

All general enquiries about the Code of Conduct and its interpretation, reports and allegations of breaches of the Code, as well as requests for mediation services on work-related issues should be directed to:

- Your line-manager or
- The Director of Support Services, or
- The Secretary General.

The IPU encourages anyone with concerns that the Code of Conduct has been breached to report them immediately. All reports will be treated with confidentiality and the safety of those reporting will be made a priority.

SECTION 5 GENERAL PROVISIONS

This Code of Conduct may be amended by the Secretary General in a manner consistent with the IPU Staff Rules and Regulations. Any amendment to this Code of Conduct shall be communicated to the Executive Committee and to all personnel.

The Code of Conduct, as published in the present edition shall be effective 1 January 2013. The English and French texts of these Rules are equally authoritative.

Code of Conduct for IPU Personnel 2012

Acknowledgment

I _____, confirm that I have read and understood this Code of Conduct, and agree to abide by its terms, which are part of the conditions of my employment/service with the IPU.

Signature _____

Place _____

Date _____

FRAUD AND CORRUPTION PREVENTION AND CONTROL POLICY

*Noted by the IPU Governing Council at its 191st session
(Québec City, 24 October 2012)*

Document issued on: 19 September 2012

Approved by: The Secretary General of the Inter-Parliamentary Union (hereinafter referred to as "the IPU"), after consultation with the Staff Association, the Sub-Committee on Finance, and endorsed by the Executive Committee.

Associated Policies and Documents:

- IPU Financial Regulations
- Code of Conduct for IPU Personnel
- IPU Staff Rules and Regulations

DEFINITIONS

Fraud: The act of intentionally deceiving someone in order to gain an unfair or illegal advantage (financial, political or other).

Corruption: The act of giving or obtaining an advantage through the abuse of entrusted power by means which are illegitimate, immoral, and/or inconsistent with one's duty or the rights of others.

Fraud and corruption do not necessarily imply immediate financial benefits for the individual(s) involved, but may cause financial or reputational damage to the IPU.

Annex 1 provides a non-exhaustive list of potential fraudulent and corrupt practices.

Annex 2 provides a non-exhaustive list of indicators that may flag potential exposure to fraudulent and corrupt practices.

Annex 3 provides a selection of good management practices that may assist in limiting exposure to fraud and corruption.

These annexes are provided to assist the IPU and its personnel in identifying fraudulent or corrupt practices so that the necessary preventive or corrective steps can be taken.

Personnel: For the purposes of the present Policy, "IPU personnel" includes IPU staff members (Geneva- and New York-based) and interns, international and local consultants as well as experts on mission, secondees and external collaborators.

PREAMBLE

The IPU is committed to high ethical standards, transparency and accountability to all internal and external stakeholders, including its Member Parliaments, personnel, beneficiaries, donors and cooperating partners. The IPU has a zero tolerance policy for fraud and corruption practices.

The IPU, in accordance with best practice risk management, acknowledges that strong internal prevention mechanisms and controls at all managerial levels and locations in the Organization are the best means to prevent fraud and corruption.

The IPU is committed to preventing and dealing promptly and appropriately with fraud and corruption committed by its personnel.

The IPU recognizes that fraud and corruption prevention and control are not separate functions and need to be incorporated into all aspects of the IPU's operations. Accordingly, the IPU will ensure that there are elements of fraud and corruption prevention and control in administrative, risk management and other systems.

This Fraud and Corruption Prevention and Control Policy (hereinafter referred to as "the Policy") outlines the IPU's approach to the prevention and control of fraud and corruption, including the investigation procedures to be followed if there are reasonable suspicions of fraud and/or corruption. If fraud or corruption is proven, appropriate disciplinary action will be taken.

All IPU personnel and Member Parliaments shall be made aware of the present Policy.

SECTION 1. SCOPE

1. The present Policy applies to any fraudulent or corrupt practices involving IPU personnel. All IPU personnel shall acknowledge having received, read and understood the present Policy, together with the Code of Conduct for IPU Personnel, and undertake to abide by its terms.

SECTION 2. ROLES AND RESPONSIBILITIES IN FRAUD AND CORRUPTION PREVENTION AND CONTROL

2. The following stakeholders shall be responsible for implementing both internal and external prevention mechanisms and controls to identify, assess, reduce and prevent fraudulent and corrupt practices in accordance with this Policy.

SECTION 2.1 INTERNAL CONTROL

A - The Secretary General

3. The Secretary General shall be responsible for the overall implementation of and compliance with this Policy.

B - Personnel

4. All IPU personnel shall be responsible for complying with good management practices, understanding the exposure to fraud and corruption in their area, and detecting and reporting any suspicions of fraudulent and corrupt practices through the appropriate channels as set out in Section 3 of this policy and Section 4 of the Code of Conduct for IPU Personnel.
5. Personnel who fail to report any knowledge of fraudulent and corrupt practices may be held accountable for directly or indirectly tolerating or condoning improper action, which may result in the imposition of disciplinary measures in accordance with Staff Regulation 10.2 and Article 101.3 of the IPU Staff Rules.

C - Directors and Managers

6. All directors and managers shall be responsible for preventing and detecting fraud and corruption and shall, therefore, ensure that there are processes in place within their area of control to:
 - Identify and assess potential risks of fraud and corruption;
 - Reduce and prevent the risk of fraud and corruption; and
 - Promote awareness among IPU personnel of the importance of complying with the Code of Conduct for IPU Personnel and this Policy.
7. Managers who knowingly fail to take appropriate action or who directly or indirectly tolerate or condone improper action may themselves be held accountable, which may result in the imposition of disciplinary measures in accordance with Staff Regulation 10.2 and Article 101.3 of the IPU's Staff Rules.
8. The Director of Support Services shall ensure that the present Policy is disseminated among IPU personnel.

D - Director of Support Services

9. The Director of Support Services shall ensure that fraud and corruption prevention and control mechanisms are incorporated into key human resources activities, including:
 - Recruitment and selection processes for staff members;
 - Induction programmes for new staff members; and
 - Development and training programmes for staff members.

10. The Director of Support Services shall also be responsible for providing advice and assistance to the Secretary General to ensure that allegations of fraud and/or corruption are fully investigated and sanctions are duly applied where necessary. The Director of Support Services shall ensure that such investigation procedures and disciplinary actions are conducted in accordance with due process.
11. In addition, the Director of Support Services shall be responsible for assisting the Secretary General with the improvement of internal controls and fraud and corruption prevention measures, as well as for providing advice and expertise to the Secretary General on the appropriate measures to be taken in order to prevent and control fraud and corruption. (See [Annex 3](#) for a selection of good management practices.)

E - Internal Auditors

12. The Internal Auditors shall be notified of and shall be given access to review any material cases of fraud or corruption and recommend improvements to the internal control system.

SECTION 2.2 EXTERNAL CONTROL

A - External Auditors

13. With a view to preventing and controlling fraud and corruption, the IPU shall call upon the External Auditors to assess the risk of fraud and/or corruption to strengthen the present Policy. Pursuant to Rule 13 of the IPU's Financial Regulations, the External Auditors provide external oversight of the IPU. While the External Auditors are not responsible for detecting fraud, should any case of fraud be detected in the course of their audit work, they shall report it to the Secretary General.

SECTION 3. INVESTIGATION PROCEDURE

A - Reporting of Fraudulent or Corrupt Practices

14. In accordance with the Code of Conduct for IPU Personnel, personnel who have knowledge of an occurrence of fraud or corruption, or who have good reason to suspect that a fraudulent or corrupt act has occurred, have a duty to promptly report any reasonable suspicions through the following channels.
15. **All reports and allegations of breaches of the present Policy or of the Code of Conduct should be made to:**
 - The individual's direct line-manager; or
 - The Director of Support Services; or
 - The Secretary General.
16. Any person who reports reasonably-held suspicions of fraud or corruption, or who cooperates in such investigations shall not be subject to recriminations or victimization, as set forth in both the Code of Conduct for IPU Personnel and the IPU Staff Rules and Regulations.
17. Victimization or any attempts to deter anyone from reporting suspicions of fraud or corruption or from witnessing such acts in an investigation constitute a serious breach of the Code of Conduct for IPU Personnel, and may result in the imposition of disciplinary measures in accordance with Staff Regulation 10.2 and Article 101.3 of the IPU Staff Rules.
18. Proven abuse of the process by making knowingly false, vexatious or malicious allegations shall be regarded as a serious breach of the Code of Conduct for IPU Personnel, and may also result in the imposition of disciplinary measures in accordance with Staff Regulation 10.2 and Article 101.3 of the IPU's Staff Rules.

B - Investigation

19. The Secretary General shall designate a suitable person to promptly investigate suspected instances of fraud and corruption. Any investigation conducted under the present Policy shall be done in an impartial, fair and thorough manner.

20. The handling of any allegations of fraud or corruption, including investigations and any eventual disciplinary measures shall be done in accordance with the IPU's disciplinary procedures as set out in its Code of Conduct for IPU Personnel, its Staff Regulations and Rules and the present Policy.

C - Disciplinary Measures

21. Where there is proof of fraud or corruption, appropriate disciplinary action shall be taken against the IPU staff member(s) in question, in accordance with Staff Regulations 9 and 10 and Article 101.3 (a) of the Staff Rules. In cases involving external collaborators, experts, consultants and interns, their contracts shall be used as a basis for the termination of their services.

D - Privileges and Immunities

22. In accordance with the terms of the IPU's Headquarters Agreements, the Secretary General may waive the immunity of the staff member(s) in question in any case where such immunity would impede the course of justice or reflect negatively on the IPU; immunity may be waived without prejudice to the IPU's interests.

E - Confidentiality of Information and Protection of Identity

23. Staff members, consultants, experts, external collaborators, interns, contractors, suppliers, cooperating parties and any third parties who have entered into a contractual agreement with the IPU and have reported suspicions of fraud or corruption shall not discuss the matter with anyone other than the person to whom the report is made or as otherwise directed.
24. The IPU shall take all appropriate measures to ensure that the information reported is disclosed only to the persons handling the investigation and remains strictly confidential.
25. The IPU shall keep secret the identity of the person(s) reporting in good faith any suspicion of fraud and corruption and shall protect them from any form of reprisal. In cases of reasonable fear of adverse reaction from the person whom they reasonably suspect of having committed a fraudulent act or from a superior, the report may be submitted anonymously. In cases where the person reporting the incident is required to provide evidence, his/her identity shall be kept secret except as required by any legal proceedings.

F - Security of Data

26. To ensure that all documentation relating to an alleged act of fraud or corruption is available for review in its original form, the IPU shall take immediate action to prevent the theft, alteration or destruction of such documentation. Such actions may include, but are not necessarily limited to:
- Removing the documentation, computers, hard drives and any electronic data storage media from their current location and securing them in another location;
 - Limiting access to the location where the documentation, computers, hard drives and any electronic data storage media are currently kept;
 - Preventing the individual suspected of committing the fraudulent or corrupt act from having access to the documentation, computers, hard drives and any electronic data storage media pending the investigation; and
 - Seeking urgent advice from a suitably qualified internal or external expert regarding the handling of electronic documentation or media.

G - Recovery Measures

27. The IPU shall seek to recover any losses resulting from fraudulent or corrupt activity using all the means at its disposal, including legal action.

SECTION 4. MONITORING

A - Monitoring and Evaluation

28. Following any proven incident of fraud or corruption, the Secretary General, with the assistance of the Director of Support Services, shall conduct a review of relevant policies, procedures and internal

controls in the area where the fraud or corruption occurred to assess whether they need to be revised and what, if any, corrective measures need to be taken.

SECTION 5. DEALING WITH THE EXTERNAL ENVIRONMENT

A - Coordination with External Parties

29. The IPU shall share with relevant external parties best practices on fraud and corruption prevention and control and information where necessary to address specific situations.

B - Communications and Media Strategy

30. No statements or comments on fraud or corruption cases or allegations may be made in public or to the media except by the IPU's authorized representative specifically appointed by the Secretary General.

SECTION 6. GENERAL PROVISIONS

This Policy may be amended by the Secretary General in a manner consistent with the IPU Financial Regulations. Any amendment to this Policy shall be communicated to the Executive Committee and to all personnel.

The Policy, as published in the present edition shall be effective 1 October 2012. The English and French texts of these Rules are equally authoritative.

IPU Fraud and Corruption Prevention and Control Policy 2012

Acknowledgment

I _____, confirm that I have read and understood this Policy, and agree to abide by its terms, which are part of the conditions of my employment/service with the IPU.

Signature _____

Place _____

Date _____

ANNEX 1

EXAMPLES OF POTENTIAL FRAUDULENT OR CORRUPT PRACTICES

This list is not exhaustive and not all instances will, upon investigation, be proven to be fraud or corruption, but it may indicate an area where improved work practices are necessary:

- theft of supplies and equipment
- improper use of an IPU credit card
- improper use of the IPU's official seal
- use of monies identified for specific programme activities for unrelated programmes
- an excessive claim for expenses or allowances
- payment of salary or wages to a fictitious employee
- false work attendance record or timesheet
- not recording leave taken or false classification of leave
- acceptance of offers, receiving or offering kickbacks or bribes for preferential treatment
- payment for work not performed
- making or using forged credentials and endorsements

- altering amounts and details on documents
- collusive bidding
- overcharging
- writing off recoverable assets or debts
- unauthorized transactions
- selling information
- altering donations, stocks and assets records
- unrecorded transactions
- transactions (expenditure/receipts/deposits) recorded for incorrect sums
- cash stolen or borrowed without authorization
- supplies or equipment stolen or borrowed without authorization
- manipulation of the procurement process, including undisclosed conflict of interest
- unauthorized transactions with related parties
- not recording donations wholly or partially
- damaging or destroying documentation
- not disclosing all documentation
- misusing copies of records and receipts
- false invoicing, including using imaging and desktop publishing technology to produce false original invoices charging incorrect accounts in order to misappropriate funds
- over claiming expenses
- running a private business with official assets
- false compensation and insurance claims
- inappropriate or unapproved use of computer-generated signatures
- downloading confidential information and forwarding this to an unauthorized party
- presentation of false documentation or statements about personal past experience, education or certificates/diplomas
- inappropriate use of assets for personal purposes
- use of information for personal gain or advantage
- false declaration and failure to reimburse the organization

ANNEX 2

INDICATORS THAT MAY FLAG POTENTIAL EXPOSURE TO FRAUDULENT AND CORRUPT PRACTICES

This list is not exhaustive and not all indicators will, upon investigation, be proven to be fraud or corruption, but it may indicate an area where improved work practices are necessary:

- missing expenditure vouchers and unavailable official records
- atmosphere of crisis and pressure
- deteriorating financial results
- excessive variations in budgets or contracts
- refusal to produce files, minutes or other records
- transferring amounts between accounts frequently
- related party transactions
- borrowing from fellow employees
- covering up inefficiencies
- lack of supervision
- excessive staff turnover
- figures, trends or results that do not meet expectations
- bank reconciliations that are not maintained or that cannot be balanced
- excessive movement of cash funds
- employees with unauthorized outside business interests or other jobs

- employees experiencing financial hardship
- heavy gambling habits
- conflicts of interest
- employees in finance or financial roles who rarely take leave or are reluctant to delegate responsibilities when on leave or away from the office
- supplier's regular presence in office premises
- cash payments or claims not supported by original receipts/invoices or certified copies

ANNEX 3

SELECTION OF GOOD MANAGEMENT PRACTICES THAT MAY ASSIST IN LIMITING FRAUD AND CORRUPTION EXPOSURE

- all income is promptly entered in the accounting records with the immediate endorsement of all receipt of funds
- controls operate which ensure that errors and irregularities become apparent during the processing of accounting information
- a strong internal audit presence
- management encourages and recognizes sound working practices
- all assets are properly recorded and provision is made for known or expected losses
- accounting instructions and financial regulations are available to all staff and are kept up to date;
- effective segregation of duties exists, particularly in financial, accounting and cash/securities handling areas
- close relatives do not work together or under the authority of one another, particularly in financial, accounting and cash/securities handling areas;
- creation of a climate that promotes ethical behaviour
- act immediately on Internal/External Auditor's report to rectify control weaknesses
- review, where possible, the financial risks of employees
- do not accept any signed documentation containing a correction that obliterates the original entry (e. g. do not accept expenditure forms that contain white-out)
- all amendments to official documentation should be initialled
- set standards of conduct for suppliers and contractors
- maintain effective security of physical assets, accountable documents (such as cheque books, order books), information, and payment and purchasing systems
- review large and unusual payments
- undertake test checks and institute confirmation procedures
- maintain good physical security of all premises
- conduct regular staff appraisals
- review work practices open to collusion or manipulation
- develop and routinely review and retest data processing controls
- regularly review accounting and administrative controls
- ensure that staff take regular leave
- ensure that all expenditure is authorized
- issue accounts payable promptly and follow up any non-payments
- ensure that staff are fully aware of their rights and obligations in all matters connected with fraud
- thoroughly check HR references, past experience of selected applicants and certificates/diplomas
- update and maintain a well-organized filing system, including of contracts
- implement a sound procurement policy requiring more than one quote
- ensure that all consumables, including petrol, are properly recorded
- promote declaration of conflict of interest

ANALYSIS OF STATUTORY PROVISIONS RELATING TO IPU MEMBERSHIP

*Noted by the IPU Governing Council at its 191st session
(Québec City, 24 October 2012)*

Statutory provisions

1. The Statutory provisions relating to membership are simple and straightforward.
 - Article 3.1 stipulates that "*every Parliament constituted in conformity with the laws of a sovereign State whose population it represents and on whose territory it functions may request affiliation to the Inter-Parliamentary Union.*" Article 4.1 clarifies that the Governing Council takes a decision on admitting a parliament as a Member after hearing the opinion of the Executive Committee.
 - Article 4.2 states that "*when a Member of the Union has ceased to function*" the Executive Committee shall forward an opinion to the Governing Council which decides on suspension of affiliation. Article 5.3 adds that a parliament can be liable to suspension if it is in arrears in the payment of three years of its contributions to the IPU.
2. These provisions touch upon the very identity and nature of the IPU; who can belong to the organization and who cannot. It is therefore only natural that they have been discussed on numerous occasions by the IPU's governing bodies throughout the organization's history.

Admission of new Members

3. Some of the discussions have centred on what is meant by a parliament. While elections constitute a fundamental element of democracy, the IPU has resisted introducing a formal requirement that parliaments must be elected to qualify for membership in the organization. This is therefore not part of the membership criteria.
4. Similarly, the IPU has not wanted to express an opinion as to the effectiveness (or value) of the parliamentary institution that is seeking membership. The Executive Committee has repeatedly found that any attempt at evaluating the parliament is inherently subjective. It has avoided making any assumptions about the legitimacy of the institution.
5. In the late 1950s and early 60s, the IPU debated the admission of new Members from divided States (e.g. on the Korean peninsula). The discussions were heated and often divisive. As a result, the Executive Committee set up a working party to look at the manner of interpreting Article 3 of the Statutes. The Committee put forward a set of principles that should be adhered to as far as possible with regard to the admission of new Members. In 1962, the Governing Council endorsed the principles that read as follows:
 - It is essential that criteria of a juridical and not of a political nature should guide the IPU in the consideration of requests for affiliation;
 - In conformity with IPU's traditions, the policy followed in this respect should be inspired by a spirit of universality and by a desire to ensure, without any discrimination, the largest possible participation of representatives from the different political and social systems, among which cooperation is indispensable if peace in the world is to be maintained; and
 - As an independent political organization, the IPU should not, when considering the question of new Members, be guided by rules borrowed from other organizations, for only if it discharges its responsibilities in this respect can it maintain its position in international affairs.
6. Thus, for example, the IPU has not expressed an opinion on the representative nature of the parliament. The Executive Committee has not taken into account the percentage of eligible citizens that have taken part in the election of a parliament. Nor has it examined the extent to which parliament represents all sectors of society or, indeed, if more than one political party is present in parliament.

7. The governing bodies have however added some formal criteria on what is meant by a parliament. They have clarified that membership requires the parliament in question "to be endowed according to domestic law with legislative powers and oversight of the Executive." While not included in the Statutes, the Governing Council endorsed this interpretation of Article 3 in 1993.

8. Every parliament is dissolved at one point or another and elections are held for a new parliament. In those circumstances the question of continued membership does not arise. It is taken for granted that the new parliament meets the criteria for membership.

9. In some unique circumstances this may give rise to discussion. At the time of the dissolution of countries in the 1990s (former Czechoslovakia, Soviet Union and Yugoslavia) the IPU maintained the membership of the new parliaments of the successor countries. The decisions were taken after the Executive Committee had satisfied itself that the parliaments in question met the criteria for membership contained in the IPU Statutes and according to the interpretation of Article 3.

Suspension of Members

10. The question of loss of membership therefore only arises in cases involving the unconstitutional dissolution of parliament. In other words, when parliament is dissolved pending regular elections and those elections are subsequently held, the question of loss of membership in the IPU does not arise. However, when a coup d'état or similar event has taken place, which interrupts the constitutional order, the IPU governing bodies have almost always decided to suspend membership in the organization.

11. When discussing these matters on past occasions, Members of the Executive Committee have consistently held that the IPU must never condone a coup d'état. If the Head of State, the military or any other actor has taken power and dismissed the parliament, that institution loses its membership in the IPU by virtue of having "*ceased to function, as such*".

12. There have been exceptions. Most recently, the IPU did not suspend the membership of the parliaments of Egypt, Libya and Tunisia. Arguing that the unconstitutional dissolution of parliament in these three countries was part of democratization processes, the governing bodies decided to maintain their membership and to extend support to the transitional structures. This course of action has, however, been exceptional and is not covered by any statutory provisions.

13. A not entirely dissimilar situation arose in the 1990s, when several countries replaced their parliaments with national congresses, which developed new constitutions and institutions of the State. Also at that time, the IPU decided to maintain the membership although, strictly speaking, there was no parliament that could make use of it. For that reason, the governing bodies also decided that there could be no "participation in IPU activities" by that Member. A similar course of action was taken when the Parliament of Thailand was replaced by an entirely appointed body following a military coup d'état.

Exclusion of Members

14. At its last session, the Executive Committee had a brief initial exchange of views on whether the Parliament of Syria should be suspended or excluded from the organization. The argument was put forward that the parliament was not legitimate; that it did not represent all citizens since it had only been elected by one quarter of eligible citizens and only served to defend the interests of the current government.

15. It is not the first time such a proposal is being put forward. In 1982, the Syrian delegation to the IPU proposed that an item be added to the Governing Council's agenda to discuss the annexation by Israel of the Golan Heights. The text suggested that the Knesset should be excluded from the IPU.

16. When debating this proposal, the Executive Committee made a number of points. They noted that the IPU strived for universality in its membership and contained no provision for exclusion of Members. Article 1.2 of the Statutes held that the IPU shall foster contacts, coordination and the exchange of experience among Parliaments and parliamentarians of all countries (emphasis added).

17. The view was also put forward that it was not right to punish a parliament for the action taken by its government. To do so would run counter to the principle of separation of powers, which was defended by the IPU. The IPU President at the time stated that any discussion on the exclusion of a Member would sound the death-knell of the organization.

18. At the end of their deliberations, the Executive Committee decided unanimously that "*any proposal aiming at the exclusion of a Member (..) for reasons other than those laid down in Article 4, paragraph 2, of the Statutes, or aiming at any restriction of the rights of a Member (..) was to be considered as irreceivable.*"

Conclusion

19. The IPU is founded on the basic tenet of dialogue as a means of solving differences. In order to be effective, it strives to achieve universal membership. This was most recently reconfirmed in the IPU Strategy for 2012–2017.

20. The Statutes and Rules guide the organization. They do not contain any article that provides for the exclusion of Members. Those relating to suspension of membership are formulated, and have been applied, in a restrictive manner.

21. The arguments put forward on past occasions in favour of a juridical as opposed to political interpretation of the Statutory provisions relating to membership seem as persuasive today as they were then. The Executive Committee may therefore wish to refrain from putting forward a new provision that would grant it discretionary powers to suspend membership or exclude a Member on political grounds.

Future meetings and other activities

*Approved by the IPU Governing Council at its 191st session
(Québec City, 24 October 2012)*

Parliamentary workshop on <i>Strengthening the role of parliamentarians in the implementation of Universal Periodic Review recommendations</i>	GENEVA 12-13 November 2012
Annual 2012 session of the Parliamentary Conference on the WTO	GENEVA 15-16 November 2012
Parliamentary Workshop on birth registration in Latin America and the Caribbean	ASUNCIÓN (Paraguay) 21-23 November 2012
Regional Parliamentary Workshop on political representation and constituency work	PORT-OF-SPAIN (Trinidad and Tobago) 26-27 November 2012
Regional seminar for East and Southern African Parliaments on violence against women	DAR ES SALAAM (United Republic of Tanzania) 5-7 December 2012
Annual Parliamentary Hearing at the United Nations	NEW YORK 6-7 December 2012
140 th session of the Committee on the Human Rights of Parliamentarians	GENEVA January 2013
Parliamentary meeting on the occasion of the 56 th session of the Commission on the Status of Women	NEW YORK March 2013
128 th IPU Assembly and related meetings	QUITO (Ecuador) 22-27 March 2013
Regional Seminar for the Latin American region on legislation for gender equality	BUENOS AIRES (Argentina) March 2013
28 th session of the Steering Committee of the Parliamentary Conference on the WTO	BRUSSELS May 2013
Seminar on Gender-sensitive Parliaments	LIBREVILLE (Gabon) May 2013
Regional seminar on child rights	Venue to be determined May/June 2013
Information seminar on the structure and functioning of the Inter-Parliamentary Union for English-speaking participants	GENEVA May/June 2013
Regional Seminar on Violence against Women	Venue to be determined June/July 2013
8 th Meeting of Women Speakers of Parliament	Venue and date to be determined
29 th session of the Steering Committee of the Parliamentary Conference on the WTO	GENEVA September 2013

129 th IPU Assembly and related meetings	GENEVA 14-16 October 2013
Information Seminar on CEDAW and its optional protocol	GENEVA October 2013
Annual Parliamentary Hearing at the United Nations	NEW YORK November/December 2013
Bali session of the Parliamentary Conference on the WTO, held in connection with the 9 th WTO Ministerial Conference	BALI (Indonesia) December 2013

AGENDA OF THE 128th ASSEMBLY

(Quito, Ecuador, 22-27 March 2013)

***Approved by the 127th IPU Assembly
(Québec City, 26 October 2012)***

1. Election of the President and Vice-Presidents of the 128th Assembly
2. Consideration of requests for the inclusion of an emergency item in the Assembly agenda
3. General debate on the overall theme of *From unrelenting growth to purposeful development "Buen Vivir": New approaches, new solutions*
4. Enforcing the responsibility to protect: The role of parliament in safeguarding civilians' lives
(*Standing Committee on Peace and International Security*)
5. Fair trade and innovative financing mechanisms for sustainable development
(*Standing Committee on Sustainable Development, Finance and Trade*)
6. The use of media, including social media, to enhance citizen engagement and democracy
(*Standing Committee on Democracy and Human Rights*)
7. Approval of the subject items for the 130th Assembly and appointment of the Rapporteurs

LIST OF INTERNATIONAL ORGANIZATIONS AND OTHER BODIES INVITED TO FOLLOW THE WORK OF THE 128th ASSEMBLY AS OBSERVERS

*Approved by the IPU Governing Council at its 191st session
(Québec City, 24 October 2012)*

United Nations
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)
Organisation for the Prohibition of Chemical Weapons (OPCW)
Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO)
World Trade Organization (WTO)

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

ACP-EU Joint Parliamentary Assembly
African Parliamentary Union (APU)
AMANI Forum - The Great Lakes Parliamentary Forum on Peace
Amazonian Parliament
Arab Inter-Parliamentary Union
ASEAN Inter-Parliamentary Assembly (AIPA)
Asian Parliamentary Assembly (APA)
Assemblée parlementaire de la Francophonie
Association of European Parliamentarians with Africa (AWEPA)
Association of Senates, Shooras and Equivalent Councils in Africa and the Arab World (ASSECAA)
Baltic Assembly
Commonwealth Parliamentary Association (CPA)
Indigenous Parliament of the Americas
Inter-Parliamentary Assembly of the Eurasian Economic Community (EURASEC)
Inter-Parliamentary Assembly of Member Nations of the Commonwealth of Independent States (IPA CIS)
Interparliamentary Assembly on Orthodoxy (IAO)
Inter-Parliamentary Council against Antisemitism
Inter-Parliamentary Union of the Member States of the Intergovernmental Authority on Development (IPU-IGAD)
Maghreb Consultative Council
Nordic Council
Pan-African Parliament (PAP)
Parliamentary Assembly of the Black Sea Economic Co-operation (PABSEC)
Parliamentary Assembly of the Community of Portuguese-speaking Countries (AP-CPLP)
Parliamentary Assembly of the Mediterranean (PAM)
Parliamentary Assembly of the Organization of the Collective Security Treaty (OCST)
Parliamentary Assembly of the Organisation for Security and Co-operation in Europe (OSCE)
Parliamentary Assembly of Turkic-speaking Countries (TURKPA)

Parliamentary Assembly of the Union of Belarus and Russia
Parliamentary Association for Euro-Arab Co-operation (PAEAC)
Parliamentary Confederation of the Americas (COPA)
Parliamentary Union of the Organization of the Islamic Conference Member States (PUIC)
Southern African Development Community (SADC) Parliamentary Forum

Centrist Democrat International (CDI)
International Socialist

Amnesty International
Geneva Centre for the Democratic Control of Armed Forces (DCAF)
Human Rights Watch
International Committee of the Red Cross (ICRC)
International Institute for Democracy and Electoral Assistance (International IDEA)
International Federation of Red Cross and Red Crescent Societies (IFRC)
Partnership for maternal, newborn, and child health (PMNCH)
Penal Reform International
The Global Fund to Fight Aids, Tuberculosis and Malaria
World Federation of United Nations Associations (WFUNA)
World Scout Parliamentary Union (WSPU)

Resolutions Concerning the Human Rights of Parliamentarians

CASE No. CHD/01 - NGARLEJI YORONGAR - CHAD

Resolution adopted unanimously by the IPU Governing Council at its 191st session (Québec City, 24 October 2012)

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of Mr. Ngarleji Yorongar, a member of the National Assembly of Chad, which has been examined by the Committee on the Human Rights of Parliamentarians since its 121st session (April 2008), pursuant to its Procedure for the treatment by the Inter-Parliamentary Union of communications concerning violations of the human rights of members of parliament,

Referring to the information provided by the Speaker of the National Assembly during a hearing with the Committee at its 137th session (March-April 2012), and to the communication of 9 October 2012 from the Minister of Justice forwarded by the Speaker of the National Assembly,

Recalling the following elements on file:

- Mr. Yorongar and Mr. Lol Mahamat Choua, both members of parliament and leaders of opposition political parties, as well as a former member of parliament, Mr. Ibni Oumar Mahamat Saleh, were abducted during an attack on the capital city of Chad by rebels between 28 January and 8 February 2008;
- The national Commission of Inquiry established by the authorities to investigate these events established in its report, published in early September 2008, that Mr. Yorongar “was arrested at his home on Sunday, 3 February 2008, at about 5.45 p.m. by eight to 10 elements of the defence and security forces carrying weapons some of which were reminiscent of those of the presidential guard, led by a tall (1m 80) robust man travelling in a khaki Toyota pick-up, new and with no number plate” and that “the Chadian Army was responsible [...] for using disproportionate and indiscriminate force [...] in breach of international humanitarian law, at non-military sites and among civilian populations”;
- The Commission concluded that “abductions and arrests, together with acts of intimidation against opposition politicians, had occurred after the rebel withdrawal from N’Djamena; [which] clearly involves the responsibility of the defence and security forces”, and specified in its final report that, insofar as “from 3 February 2008 onwards, public security was mainly provided by elements of the presidential guard, it can also be inferred that the Chadian State was responsible”;
- The Commission recommended that the Government “pursue the police and judicial investigations with a view to determining the place of detention and the re-appearance of Mr. Yorongar in Cameroon [...], that it compensate the victims or their families in an equitable and not merely symbolic manner [...]” and that it set up a specialized committee entrusted with following up the effective implementation of its recommendations;
- A committee entrusted with “following up the report of the Commission of Inquiry into the events that occurred in Chad from 28 January to 8 February 2008 and their consequences” was established in late September 2008 to implement the recommendations of the Commission of Inquiry; in January 2011, the Chadian authorities associated two international experts, from the European Union and the Organisation internationale de la Francophonie, in the work of the follow-up committee, which, until then, had been composed exclusively of the different competent ministers; the committee was to deliver its report in June 2011;

- The conclusions of the Commission of Inquiry were laid before the Prosecutor General, who opened cases; owing to the 12-month deadline for the preliminary enquiry, the first trials were to start in 2010; to date, however, none of the judicial proceedings relating to the hundreds of cases of enforced disappearance that occurred during the attacks of February 2008, in particular that of Mr. Yorongar, has resulted in an indictment;
- On 7 May 2011, an assassination attempt was made on Mr. Yorongar during a meeting called to support his party's candidates for the partial parliamentary elections in Kelo, south of N'Djamena,

Considering the following: the ill-treatment inflicted on Mr. Yorongar during his arrest in February 2008 has reportedly affected his health, which has deteriorated since that time; Mr. Yorongar apparently does not have sufficient financial means to cover the medical treatment he requires; given his medical and financial situation, Mr. Yorongar is finding it difficult fully to discharge his parliamentary duties; he alleges that the National Assembly and the State of Chad owe him various amounts of money, repayment of which would enable him to meet his medical expenses; *noting* that Mr. Yorongar claims that he has so far been unable to obtain all the amounts or clarification on this point from the National Assembly, even though he has provided the Assembly with proof of his claims on several occasions,

Taking into account that, during his hearing with the Committee at its 137th session (March-April 2012), the Speaker of the National Assembly said that the Assembly, for its part, had settled all of Mr. Yorongar's financial claims and that he intended to meet with Mr. Yorongar shortly to clarify the situation with him, and that, on 18 October 2012, the National Assembly said that it planned to send Mr. Yorongar an official letter in order to arrange a meeting and enable Mr. Yorongar to produce the evidence of his claims, thereby allowing the National Assembly to help him obtain satisfaction,

Also taking into account the following: in his communication of 9 October 2012, the Minister of Justice stated that the Government had established a judicial "pool" to shed light on all the crimes and offences committed during the events under consideration; the "pool" had received over 1,500 cases, which it was examining and which included that of Mr. Yorongar; Mr. Yorongar has been heard in this context; only about 30 women rape victims have received humanitarian compensation from the Government to date, pending the judicial conclusions concerning the perpetrators; it would therefore be premature to come to a conclusion as to accountability at this point; over four years after the events, only the complexity of the investigation, resulting from the context in which the offences were committed, can explain the slow pace at which the thousands of cases are being examined; Chad remains firmly committed to allowing the justice system to investigate in total transparency and independence and to make available to it all the means it requires to establish the truth on the crimes and offences committed during the events of 2008,

1. *Thanks* the Speaker of the National Assembly and the Minister of Justice for the information provided;
2. *Notes with renewed concern* that, even though four years have elapsed, no progress seems to have been made towards identifying the perpetrators of the crimes committed against Mr. Yorongar or towards the start of judicial proceedings against them, despite the avenues of investigation indicated in the report of the Commission of Inquiry, in particular with regard to the implication of loyalist security forces in the commission of crimes and hence the responsibility of the Chadian State in this respect;
3. *Urges*, therefore, the competent authorities to do all in their power to ensure that the investigations are pursued and have tangible results, particularly in the case of Mr. Yorongar; *sincerely hopes* to continue receiving regular information on the conduct and outcome of those investigations and *wishes* to receive a copy of the latest report of the follow-up committee;
4. *Requests* the competent authorities to take all necessary action to honour Mr. Yorongar's financial claims, particularly since these are legally justified; *hopes* that the planned meeting between the Speaker of the National Assembly and Mr. Yorongar will take place as soon as possible, and *wishes* to be apprised of the outcome;

5. *Requests* the Secretary General to convey the present resolution to the Speaker of the National Assembly, the Minister of Justice and the sources, and to the regional and international organizations and national parliaments involved in following up the recommendations of the Commission of Inquiry into the events of February 2008;
 6. *Requests* the Committee to continue examining this case and to report back to it in due course.
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CASE No. CHD/05 - GALI NGOTHE GATTA - CHAD

***Resolution adopted unanimously by the IPU Governing Council at its 191st session
(Québec City, 24 October 2012)***

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of Mr. Gali Ngothé Gatta, a member of the National Assembly of Chad, which has been examined by the Committee on the Human Rights of Parliamentarians, pursuant to its Procedure for the treatment by the Inter-Parliamentary Union of communications concerning violations of the human rights of members of parliament,

Considering the information provided by the Speaker of the National Assembly during his hearing with the Committee at its 137th session (March-April 2012), the communication dated 9 October 2012 from the Minister of Justice, forwarded by the Speaker of the National Assembly, the report of the parliamentary fact-finding mission dispatched by the National Assembly in March 2012 to examine Mr. Gali Ngothé Gatta's situation, and the judicial decisions in the case,

Recalling the following information on file:

- Mr. Gali Ngothé Gatta, an opposition member for Lake Iro constituency, was arrested on 4 March 2012; he was tried and convicted by the Court of First Instance in Sahr on 7 March under the flagrante delicto procedure; the Court found him not guilty of complicity in killing protected animals but sentenced him to one year in prison and payment of a fine for bribery and ordered that his vehicle be impounded; four other people were convicted on the same charges, including an environmental agent found guilty of bribery;
- A parliamentary fact-finding mission was set up and commissioned by the Speaker of the National Assembly to clarify the circumstances of and reasons for Mr. Gali Ngothé Gatta's arrest and conviction, and to verify his conditions of detention; the mission concluded in its report of March 2012 that "the forces of law and order and the administration's agents did not act in accordance with the law and procedure", that "the procedure applied to arrest and convict the parliamentarian and the poachers was not lawful", and that Mr. Gali Ngothé Gatta's conditions of detention were bad; after having filed an appeal, Mr. Gali Ngothé Gatta was transferred to Mundu prison, where he benefitted from better conditions of detention;
- In its decision of 24 April 2012, the Mundu Court of Appeal annulled the proceedings at first instance on the grounds that they had been marred by grave flaws of procedure and ordered that Mr. Gali Ngothé Gatta and the other defendants be released and that the objects impounded be returned; the procedural flaws were as follows:
 - (i) The absence of an offence, as warthogs are not a protected species in Chad at present, given that there is no decree for the application of Law No. 14 listing protected species or any other legal text protecting warthogs and prohibiting their hunting; the Court considered that a "non-promulgated law cannot be legally applied", that a legal vacuum therefore existed in this respect and that, as a result, "there are no legal grounds for prosecution in this case";
 - (ii) The absence of a flagrante delicto situation and the violation of Mr. Gali Ngothé Gatta's parliamentary immunity; the Court considered, in the light of its examination of the documents in the file and the arguments put forward in court, that the immediacy that is characteristic of flagrante delicto charges did not exist in respect of the accusation of alleged bribery, and that Mr. Gali Ngothé Gatta's parliamentary immunity had therefore been violated;

- (iii) The flagrant violation of the right of defence; the Court considered that the right of defence is sacred, that Mr. Gali Ngothé Gatta had not been informed that he had three days to prepare his defence, that his lawyers' request for a 24-hour deferral to allow them to organize his defence was categorically refused, and that the Code of Penal Procedure had been clearly violated in this respect;
- (iv) Numerous procedural flaws, in particular in respect of the status of the prosecuting agent, the composition of the Court of First Instance and the administration and burden of proof; the Court ruled that the grounds for nullity were well-founded and concluded that "even the most basic rules of procedure were ignored by the first judges" and that the proceedings should therefore "be simply and purely annulled without examining the merits of the case",

Considering that the Supreme Court confirmed the Court of Appeal's ruling, that Mr. Gali Ngothé Gatta has been released and cleared of all charges, and that he is once again able to discharge his parliamentary mandate,

1. *Thanks* the Speaker of the National Assembly and the Minister of Justice for the information provided and their cooperation;
2. *Is pleased to note* that the Supreme Court closed the proceedings against Mr. Gali Ngothé Gatta when it confirmed the ruling of the Court of Appeal, putting an end to the grave procedural flaws committed by the Court of First Instance, including the violation of parliamentary immunity and the rights of defence;
3. *Deeply appreciates* the measures taken by the National Assembly to ensure respect for parliamentary immunity and fair-trial guarantees in a case relating to one of its members, in particular the establishment of a bipartisan parliamentary fact-finding mission and the steps taken to improve Mr. Gali Ngothé Gatta's conditions of detention; *thanks* the National Assembly;
4. *Welcomes* the fact that the case has been resolved; *decides*, therefore, to close the case and *requests* the Secretary General to convey this resolution to the Speaker of the National Assembly, the relevant judicial authorities, the Minister of Justice and the sources.

CASE No. DRC/32 - PIERRE JACQUES CHALUPA - DEMOCRATIC REPUBLIC OF THE CONGO

Resolution adopted by consensus by the IPU Governing Council at its 191st session (Québec City, 24 October 2012) *

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of Mr. Pierre Jacques Chalupa, a former member of the National Assembly of the Democratic Republic of the Congo (DRC) arrested in February 2012 and sentenced to four years in prison, which has been examined by the Committee on the Human Rights of Parliamentarians, pursuant to its Procedure for the treatment by the Inter-Parliamentary Union of communications concerning violations of the human rights of members of parliament,

Referring to the information provided by the Speaker of the National Assembly in his letter of 16 October 2012 and by the National Assembly delegation heard by the Committee at the session it held during the 127th IPU Assembly (Québec City, October 2012), and to the information provided by the sources,

Considering that, the Committee on the Human Rights of Parliamentarians having declared itself competent to examine the case even though Mr. Chalupa was no longer a member of parliament at the time of his arrest, in keeping with its usual practice, it considered itself competent to deal with arbitrary measures allegedly taken against a member of parliament for the entire legal duration of his term of office in cases where his mandate was arbitrarily interrupted,

* The delegation of the Democratic Republic of the Congo expressed its reservation regarding the resolution.

Recalling that, following his election in the 2006 legislative elections, Mr. Chalupa's parliamentary mandate and those of 17 others were invalidated by the Supreme Court in 2007, that the Governing Council was seized of the case and noted the arbitrary invalidation of the election results, that it firmly recalled in its resolutions that the arbitrary invalidation of election results violates not only the right of the persons concerned to exercise the parliamentary mandate entrusted to them by the people, but also the right of their electors to be represented by persons of their choice, and that it considered that the compensation offered to the parliamentarians could not change this fact,

Considering the following elements on file:

- Mr. Chalupa, aged 64, was arrested on 2 February and detained at the Kinshasa penitentiary rehabilitation centre; he was charged with using forged documents; he is accused of using a false attestation of nationality issued in 2001 by an official to obtain a Congolese passport and voter's card before he had obtained Congolese nationality; the official accused of having produced the false documents and of issuing them to Mr. Chalupa was prosecuted together with him but, unlike Mr. Chalupa, has apparently never been remanded in custody;
- The trial at first instance took place during three hearings held on 23 July and 2 and 6 August 2012; on 6 October 2012, Mr. Chalupa was sentenced to four years in prison while the charge of forgery against the official was dropped on the grounds that the statute of limitations had expired; Mr. Chalupa has been living in the DRC for many years, working as an economic agent; he is married to a Congolese national; Mr. Chalupa's candidature for the 2006 and 2011 parliamentary elections was validated by the Electoral Commission, as it met the conditions set forth in Article 102 of the Constitution, including those related to Congolese nationality; he was issued a biometric diplomatic passport by the competent Congolese authorities following his election to the National Assembly; the constitution of the political party founded and headed by Mr. Chalupa in 2011 was also validated by the Minister of the Interior, following the usual verifications;

Considering the additional information provided by the Congolese delegation:

- The public prosecutor's office reportedly opened an investigation on its own initiative, as it had discovered that Mr. Chalupa did not have a presidential order granting nationality; Mr. Chalupa had apparently provided differing data to the Congolese administration over the years (1996 to 2011) concerning both his place of birth (Bujumbura in Burundi, Kaludu and Uvira in the DRC - both are near Burundi) and the complete identity of his parents, neither of whom had Congolese nationality; the office had apparently noticed these discrepancies and made verifications, and this had resulted in the legal proceedings;
- Naturalization is not automatic in the DRC, but must be requested from the administration no matter what the circumstances; thus, even though Mr. Chalupa seems to meet all the conditions for the granting of Congolese nationality, since he has been a resident of the country for many years and is married to a Congolese citizen, he cannot be granted naturalization automatically but must request it from the administration and wait for a reply;
- Mr. Chalupa says that he has an attestation that he requested naturalization, namely a receipt for his application, but no proof that he holds Congolese nationality, which, under the law on nationality, is only granted by presidential order; Mr. Chalupa had apparently not yet received a reply to his application and therefore did not yet have the presidential order or, consequently, Congolese nationality; he apparently received an attestation of nationality in 2001 without having received a prior presidential order, a public official having issued a false attestation in violation of the law on nationality; all the other official documents (voter card, passport, etc.) were subsequently issued on the basis of the false attestation of nationality,

Considering also that several questions of fact and law relating to the ongoing proceedings require clarification, notably:

- With regard to the existence of an arrest warrant at the time of Mr. Chalupa's arrest, the circumstances of the arrest and the identity of the security forces who carried out the arrest, the

facts have yet to be established; according to the sources, Mr. Chalupa was arrested in the absence of an arrest warrant by Republican Guard troops after going to a bogus appointment arranged over the telephone by someone he did not know; the authorities, for their part, have informed the Committee that they have no information on these points, given the confidential nature of the pre-trial investigation;

- With regard to the launch of proceedings, the exact circumstances leading to the verification of Mr. Chalupa's administrative file with the various administrations and prompting the public prosecutor's office to initiate proceedings on its own initiative have not been clearly established either, as they are reportedly also covered by the confidential nature of the pre-trial investigation;
- With regard to whether or not Mr. Chalupa holds Congolese nationality, the place of Mr. Chalupa's birth has been the subject of conflicting information on the part of the sources and the authorities (DRC and Burundi) and requires clarification; the same holds true for the dates on which Mr. Chalupa filed his application(s) for Congolese nationality (1996, according to the sources; not until 2006 and 2011, according to the authorities);
- With regard to Mr. Chalupa's continued detention, the sources affirm that none of the decisions handed down rejecting the applications for pre-trial release, including by the Supreme Court, specify the facts and elements of proof on which the decisions are based and which would justify Mr. Chalupa's continued detention; the reasons why the Supreme Court exceeded the legal deadline of 48 hours and handed down its decision a few months later have not been established either;
- With regard to the allegations that Mr. Chalupa's arrest and the judicial proceedings against him were prompted by political interference, no credible explanation has been provided of why the proceedings were only launched at this point in time and why the forgery was not discovered earlier, during the many prior verifications conducted by the Congolese administration when Mr. Chalupa undertook administrative representations to obtain nationality, travel abroad, get married, conduct his economic activities, found and register his political party, register as a candidate and be elected as a member of parliament in 2006 and run for election in 2011, or in the course of the electoral dispute that led to his disqualification in 2007; given that the forgery in question was issued by a public official, that the administration never responded to Mr. Chalupa's repeated applications for nationality and never questioned his nationality in the past, Mr. Chalupa's responsibility is not clearly established, contrary to that of the Congolese administration,

Recalling the reports published by the United Nations Joint Human Rights Office and by the Office of the High Commissioner for Human Rights, according to which the pre- and post-election period was marked by numerous human rights violations, in particular the arrest of many civilians, "the majority of whom were held in detention illegally and/or arbitrarily, mainly for actually or supposedly belonging to an opposition party or for being from the province of Mr. Etienne Tshisekedi, an election candidate, or from one of the provinces in which he had considerable support"; *also considering* that, in the parliamentary elections of November 2011, the party headed by Mr. Chalupa was part of the political opposition and Mr. Chalupa was one of the members of the opposition who expressed reservations about the electoral process and contested the election results,

Taking note that, in the DRC, the procedure for granting and withdrawing nationality is discretionary, with decision-making authority on such matters being conferred in law and in practice on the Minister of Justice and the Council of Ministers headed by the Head of State, and that there is practically no remedy before the courts,

Recalling the following: the right to nationality is set out in many international instruments, notably Article 24(3) of the International Covenant on Civil and Political Rights and Article 5(d)(iii) of the International Convention on the Elimination of All Forms of Racial Discrimination, which the DRC has also ratified; Human Rights Council resolution 20/5 of 16 July 2012, on human rights and arbitrary deprivation of nationality, calls on "States to observe minimum procedural standards in order to ensure that decisions concerning the acquisition, deprivation or change of nationality do not contain any element of arbitrariness",

"[r]eaffirms that the right to a nationality of every human person is a fundamental human right" and "[r]eiterates that arbitrary deprivation of nationality, especially on discriminatory grounds such as political or other opinion (...) is a violation of human rights and fundamental freedoms",

Considering that Mr. Agboyibo, former Prime Minister of Togo, was mandated to travel to Kinshasa from 25 July to 2 August 2012 in order to verify Mr. Chalupa's conditions of detention, meet with all the parties to clarify the above-mentioned points, consult the file on the case and observe any hearings, that the parliamentary authorities welcomed the mission and facilitated its smooth conduct, that Mr. Agboyibo's mission report was forwarded to the authorities and to the sources on 13 September 2012, and that their observations have been taken into consideration,

Noting the following: because they were postponed at the last minute, Mr. Agboyibo was unable to observe the hearings or to have access to the case file; thanks to the Speaker of the National Assembly, Mr. Agboyibo was able to visit Mr. Chalupa in detention, discuss his case with him and ascertain that he had proper conditions of detention; following the mission, and as indicated in the mission report, Mr. Agboyibo concluded that "the charges against Mr. Chalupa of falsifying documents and of using falsified documents were not grounded in reliable evidence and that his arrest and detention were politically motivated. The involvement of the Republican Guard in his arrest and the circumstances surrounding that involvement have never been explained and appear to add to the case's political dimensions",

Referring to the information provided by the sources, according to which the ruling of 6 October convicting Mr. Chalupa was handed down after the legal deadline, was not notified to either Mr. Chalupa or his lawyer until now, and was based on no reliable evidence, the official accused of having issued the forged document having testified under oath at a public hearing that the document he issued were not fake and that he was authorized to issue them in the exercise of his duties,

Taking note that, at the hearing with the Committee, the Speaker of the National Assembly and the delegation of the DRC stated that the National Assembly, upholding the principle of the separation of powers, could not take a stand on court decisions and was not authorized to comment on them, to obtain a copy thereof or to transmit a copy to the Committee,

1. *Thanks* the Speaker of the National Assembly and the members of the delegation for their cooperation and the information provided;
2. *Deplores* the fact that Mr. Chalupa was not notified of the decision to convict handed down on 6 October 2012; *sincerely hopes* that Mr. Chalupa will be provided with a copy the ruling against him as soon as possible;
3. *Recalls* that the publication of judicial decisions is a fundamental principle of the international fair-trial standards which the DRC has undertaken to uphold (Article 14[1] of the International Covenant on Civil and Political Rights) and that appeal proceedings cannot be considered fair unless the person convicted at first instance has been fully informed of the reasons and evidence on which the conviction is based;
4. *Wishes* to understand the court's reasoning in law and the evidence invoked in support of its decision, in particular the evidence of forgery in the present circumstances, given that: (i) the statute of limitations had expired and the presumed perpetrator of the forgery is no longer being prosecuted; (ii) the latter apparently testified under oath that the document in question was not a forgery and that he was authorized to issue it; (iii) Mr. Chalupa was charged with using a forgery, which requires that the existence of the forgery be proven; (iv) Mr. Chalupa's lawyer has stated that none of the evidence in the file establishes that the attestation of nationality issued to Mr. Chalupa was a forgery, even less that Mr. Chalupa knew that the document issued by the Congolese administration was a forgery;
5. *Still fails to understand* why the proceedings initiated against Mr. Chalupa cast doubt on his Congolese nationality, which had never previously been contested, even though Mr. Chalupa took many steps contingent on the verification of his nationality, in particular standing twice for

election to parliament; *shares the Committee's concerns* that Mr. Chalupa continues to be remanded in custody on the charge of using a forgery, even though there are other possibilities, in particular in view of Mr. Chalupa's age, the nature of the charge, and the well-known fact that the prison in Kinshasa is overcrowded; *recalls* in this respect the well-established principle according to which suspects must be released pending their trial and remanded in custody as a measure of last resort, used only when the State can prove that there are pertinent and sufficient grounds for detention; *strongly hopes* that the judicial authorities will once again consider Mr. Chalupa's provisional release in the context of the appeal proceedings, and that those proceedings will be conducted in exemplary fashion, in strict compliance with fair-trial guarantees and in accordance with the DRC's international human rights obligations;

6. *Requests* the Secretary General to convey this resolution to the Speaker of the National Assembly, the Minister of Justice, the Prosecutor General and the sources;
7. *Requests* the Committee to continue examining this case and to report back to it in due course.

DEMOCRATIC REPUBLIC OF THE CONGO

CASE No. DRC/49 - ALBERT BIALUFU NGANDU
CASE No. DRC/50 - ANDRE NDALA NGANDU
CASE No. DRC/51 - JUSTIN KILUBA LONGO
CASE No. DRC/52 - SHADRACK MULUNDA NUMBI KABANGE
CASE No. DRC/53 - HÉRITIER KATANDULA KAWINISHA
CASE No. DRC/54 - MUAMUS MWAMBA MUSHIKONKE
CASE No. DRC/55 - JEAN OSCAR KIZIAMINA KIBILA
CASE No. DRC/56 - BONNY-Serge WELO OMANYUNDU
CASE No. DRC/57 - JEAN MAKAMBO SIMOL'IMASA
CASE No. DRC/58 - ALEXIS LUWUNDJI OKITASUMBO
CASE No. DRC/59 - CHARLES MBUTA MUNTU LWANGA
CASE No. DRC/60 - ALBERT IFEFO BOMBI
CASE No. DRC/61 - JACQUES DOME MOLOLIA
CASE No. DRC/62 - RENE BOFAYA BOTAKA
CASE No. DRC/63 - JEAN de DIEU MOLEKA LIAMBI
CASE No. DRC/64 - EDOUARD KIAKU MBUTA KIVUILA
CASE No. DRC/65 - ODETTE MWAMBA BANZA (Ms.)
CASE No. DRC/66 - GEORGES KOMBO NTONGA BOOKE
CASE No. DRC/67 - MABUYA RAMAZANI MASUDI KILELE
CASE No. DRC/68 - CELESTIN BOLILI MOLA
CASE No. DRC/69 - JEROME KAMATE
CASE No. DRC/70 - COLETTE TSHOMBA (Ms.)
CASE No. DRC/73 - BOBO BARAMOTO MACULO
CASE No. DRC/74 - ANZULUNI BEMBE ISILONYONYI
CASE No. DRC/75 - ISIDORE KABWE MWEHU LONGO
CASE No. DRC/76 - MICHEL KABEYA BIAYE
CASE No. DRC/77 - JEAN JACQUES MUTUALE
CASE No. DRC/78 - EMMANUEL NGOY MULUNDA
CASE No. DRC/79 - ELIANE KABARE NSIMIRE (Ms.)

***Resolution adopted by consensus by the IPU Governing Council at its 191st session
(Québec City, 24 October 2012) ****

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of 29 former members of the National Assembly of the Democratic Republic of the Congo (DRC) disqualified by the Supreme Court decisions of 25 April 2012, which has been examined by the Committee on the Human Rights of Parliamentarians, pursuant to its Procedure for the treatment by the Inter-Parliamentary Union of communications concerning violations of the human rights of members of parliament,

* The delegation of the Democratic Republic of the Congo expressed its reservation regarding the resolution.

Referring to the information provided by the Speaker of the National Assembly in his letter of 16 October 2012 and by the National Assembly delegation heard by the Committee during the 127th IPU Assembly (Québec City, October 2012), and to the large volume of documents and information transmitted by the sources,

Considering the following information on file:

- After the legislative elections of 28 November 2011, the National Independent Election Commission (CENI) published the provisional lists of elected candidates in early February 2012; the political parties and the unelected candidates subsequently filed numerous applications contesting the results before the Supreme Court, sitting provisionally as the Constitutional Court, which has jurisdiction over electoral disputes; on 25 April 2012, the Supreme Court handed down its decisions on the applications, invalidating the elections of 32 members of parliament; of those 32 members, 30 contested the Court's decisions, filing applications for rectification of clerical errors, the only remedy under the Constitution and Congolese legislation in electoral disputes; 29 of the 30 brought their cases before the Committee on the Human Rights of Parliamentarians, claiming that the decisions were arbitrary for the following main reasons:
 - (i) The failure (adequately) to reason the decisions;
 - (ii) Violations of the rights of defence, to the point that, in some cases, members whose elections had not been contested and who had not taken part in the proceedings were disqualified;
 - (iii) Failure (adequately) to investigate the cases;
 - (iv) In particular, procedural flaws in the recounts conducted by the Supreme Court judges *in camera*, without informing the parties involved or drawing up a report on the recounts, with the result, according to the sources, that the Court proclaimed arbitrary results and violated the rights of defence;
 - (e) Failure to comply with the rules of evidence;
 - (f) Violations of Article 75 of the electoral law;
- The sources also allege that the National Assembly plenary vote of 4 May 2012 disqualifying the members concerned, in application of the Supreme Court decisions, and validating the replacement members the Court had proclaimed to be elected, even though applications contesting the decisions were pending before the Court, was flawed and rushed;
- The Supreme Court held public hearings from 17 to 19 August 2012 on the applications for rectification of clerical errors introduced by 30 of the 32 disqualified parliamentarians; it handed down its decisions from 31 August to 6 September 2012, turning down all the applications by the disqualified parliamentarians;
- The decisions were notified for the most part only one month after being read out by the Court and without being reasoned; of the 27 decisions forwarded to the Committee by the sources, only eight are reasoned;
- The Speaker of the National Assembly, in a letter dated 16 October 2012, indicated that the Supreme Court had explained why the applications had been turned down on a case-by-case basis: they were either inadmissible because they had been introduced by candidates rather than parties, or they were unsubstantiated because the parties had provided no evidence of the alleged clerical errors, or the applications had raised questions relating to the merits rather than the rectification of clerical errors,

Considering the following: Mr. Agboyibo, former Prime Minister of Togo, was asked by the Committee to visit Kinshasa from 25 July to 2 August 2012 to observe the public hearings initially scheduled for 27 to 29 July 2012; the parliamentary authorities agreed to that mission and facilitated its smooth conduct; Mr. Agboyibo's mission report was forwarded to the authorities and the sources on 13 September 2012; Mr. Agboyibo stressed in his conclusions that he had been unable to observe the

hearings because they had been postponed at the last minute to 17 to 19 August; Mr. Agboyibo nevertheless met with all the parties and authorities concerned to discuss the case of the disqualified parliamentarians; Mr. Agboyibo concluded in his mission report that "the arbitrary treatment complained of by the 22 invalidated deputies in connection with the Supreme Court's judgments of 25 April 2012 was real",

Also considering that, given that all internal remedies had been exhausted and that the invalidation decisions remained arbitrary in nature, the group of disqualified parliamentarians turned as a last resort to the Head of State in September 2012, asking for compensation for the disqualified members; in the specific case of Mr. Kiluba Longo (DRC/51), who was a senator before his election to the National Assembly, steps were taken to allow him to reclaim his Senate seat, to no avail,

Recalling the following: after the first presidential and legislative elections in the DRC, in 2006, the Supreme Court also invalidated the elections of parliamentarians while proclaiming the final outcome of the legislative elections; the disqualified members of parliament brought the case before the Committee, claiming that the Court's decisions were arbitrary (Group of 18 [G18] case, DRC/30-45 Tshibundi et al.); in view of the numerous criticisms directed at the Court for the way in which it had ruled on the electoral disputes, the National Assembly established a special committee tasked with examining the follow-up to be given to Supreme Court decisions on cases involving the election of national members of parliament; that committee uncovered numerous procedural flaws in the Court's proceedings and the National Assembly consequently adopted, on 17 July 2007, a resolution denouncing the Court's decisions as "marred by serious irregularities and abuse of rights"; the National Assembly played a key role, pledging to reform the judicial system and take the necessary measures to ensure that such cases did not recur and to find means of repairing the injustice suffered by the parliamentarians concerned,

Taking into account the following: in his letter of 16 October 2012, the Speaker of the National Assembly stated that "at this point, and in view of the principle of separation of powers and of the binding and enforceable nature of Constitutional Court decisions, as set out in Articles 151 and 168 of the Constitution of the DRC respectively, the National Assembly has no choice but to take note of the decisions handed down by the higher court on the applications for rectification of clerical errors. There is no call for it to comment on the decisions handed down (...);" the Congolese delegation heard by the Committee during the 127th IPU Assembly (Québec City, October 2012), stated that, in 2007, the National Assembly had ignored the constitutional principle of the separation of powers and criticized the Supreme Court's decisions, but that in 2012 it had decided by a vote in plenary strictly to respect the separation of powers and not to take a stand on the matter; as a result, there is currently no National Assembly resolution similar to that adopted in 2007 and providing a legal basis on which to compensate the disqualified parliamentarians,

Noting the Supreme Court's acknowledged lack of independence, mentioned over the years in numerous reports, including United Nations and European Union reports on the justice system in the DRC, and specifically underscored with regard to electoral disputes in the final report of the 2011 European Union Election Observer Mission (EU EOM) in the light of the Court's dual role as sole judge of electoral disputes and the institution confirming the results of the ballot,

Considering that, in its resolution of 13 June 2012 on the follow-up to elections in the DRC, the European Parliament considered that "independent judicial [...] systems are essential in shaping and regulating the democratic process, with a view to reinforcing the rule of law, building democratic institutions, including a functioning parliament based on political pluralism (...)" and emphasized "the importance of setting up a Constitutional Court that will ensure more transparency in the electoral process, especially as regards the settlement of electoral disputes",

Recalling the following: the procedure applying to electoral disputes was modified in 2011 by new Articles 73 to 76 of the electoral law; the previous oral and transparent adversarial system was replaced by a written, non-transparent accusatory system, in which a judge examines the case *ex officio* and collects all the information needed to resolve the dispute, the aim being to reduce the length of the proceedings; in the electoral dispute arising from the 2011 elections, it was up to the judge to examine the case and decide on the integrity of the election results by conducting all the investigations needed to collect all the elements required to substantiate his decision (Art. 74quater of the electoral law); the final report of the 2011 EU EOM recalled that, in a country like the DRC, where some political players did not have confidence in the independence of the judicial branch and had already criticized its lack of transparency, the new procedure

came in for criticism; moreover, the final report concluded that, in the 2012 dispute over the results of the presidential election (the EU EOM did not observe the dispute in the legislative elections), the Supreme Court did not follow the new procedure, having failed to conduct all the investigations needed to verify the integrity and lawfulness of the provisional results,

Recalling that the DRC is party to the International Covenant on Civil and Political rights, Articles 25 and 26 of which establish the right to vote and to be elected at elections guaranteeing the free expression of the will of the electors, and the right to equality before the law,

1. *Is deeply concerned to observe* that the Supreme Court decisions of 25 April 2012 invalidating the elections of 32 parliamentarians are marred by serious procedural flaws and violations of the rights of defence, that the applications for rectification of clerical errors introduced by 30 of the disqualified parliamentarians did not allow the cases to be re-examined on the merits, and that there is therefore in practice no remedy in Congolese law with respect to Supreme Court decisions on electoral disputes, which is tantamount to a denial of justice;
2. *Firmly recalls* that the arbitrary invalidation of election results, by distorting the results of the ballot, violates not only the right of the parties concerned to discharge the parliamentary mandate conferred on them by the people, but also the right of electors to choose their representatives; *deeply regrets* that, in spite of the resolutions adopted by the Governing Council in the case of the 18 parliamentarians whose elections were invalidated by the Supreme Court in 2007 in similar circumstances, such a situation could recur;
3. *Urges* the competent authorities to take all the necessary measures to remedy the situation, which, following on the arbitrary invalidation of the election of opposition parliamentarians in 2007, has again arbitrarily disqualified not only opposition parliamentarians but also many members of the presidential majority, several of whom have expressed views that are not in line with those of the President of the DRC; *emphasizes* that this situation is extremely detrimental to democracy, the rule of law and respect for human rights;
4. *Invites* the authorities to call on experts in electoral dispute procedure, so as to take the opportunity provided by the ongoing reform of the electoral law to guarantee transparency and equity in the proceedings, to establish two levels of courts or a genuine avenue of appeal in the event of serious flaws, and to set out the rules for the administration of proof in electoral disputes;
5. *Is deeply troubled* by the fact that, six years after the adoption of the 2006 Constitution, which provides for the elimination of the Supreme Court, whose lack of independence has long been publicly denounced, the Supreme Court continues “provisionally” to discharge, on the basis of Article 223 of the Constitution, the tasks of the three new independent high courts intended to replace it, one of which is the Constitutional Court, which has jurisdiction over electoral disputes; *wishes to know* why the law on the organization and functioning of the Constitutional Court adopted by the two houses of parliament and sent to the President of the DRC twice for promulgation has still not been promulgated or published in the official journal, and *wishes in particular* to be informed of the date on which the new court is effectively to be established;
6. *Requests* the Secretary General to convey this resolution to the Speaker of the National Assembly and to all the competent authorities, including the Head of State;
7. *Requests* the Committee to continue examining this case and to report back to it in due course.

CASE No. DRC/71 - EUGENE DIOMI NDONGALA - DEMOCRATIC REPUBLIC OF THE CONGO

***Resolution adopted by consensus by the IPU Governing Council at its 191st session
(Québec City, 24 October 2012) ****

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of Mr. Eugène Diomi Ndongala, a member of the National Assembly of the Democratic Republic of the Congo (DRC), which has been examined by the Committee on the Human Rights of Parliamentarians following the Procedure for the treatment by the Inter-Parliamentary Union of communications concerning violations of the human rights of members of parliament,

Referring to the information provided by the Speaker of the National Assembly in his letter of 16 October 2012, by the National Assembly delegation heard by the Committee during the 127th IPU Assembly (Québec City, October 2012), and by the sources,

Considering the following elements on file:

- According to the sources, Mr. Diomi Ndongala, an opposition member of parliament, was "taken away" by national police officers acting on the orders of Colonel Kanyama on 27 June 2012, the day on which he was to attend a signing ceremony for the charter of a new opposition party platform;
- According to the sources, the day before Mr. Diomi Ndongala's disappearance, on 26 June 2012, police officers searched and occupied his party headquarters, without a search warrant, until the Prosecutor General arrived on the scene the following morning to hold a press conference relating to Mr. Diomi Ndongala's indictment on charges of rape committed in flagrante delicto at his party headquarters the day before; the police occupied the party headquarters for several weeks, until the intervention of the military prosecutor at the end of June 2012 following a complaint filed by the party for the illegal occupation of its premises and the obstruction of its political activities by the police;
- Mr. Diomi Ndongala was "missing" for almost four months, during which time his family and acquaintances, having no news of him, on several occasions expressed fear for his life and physical health, alleging that he was being held in illegal incommunicado detention by the Congolese intelligence services;
- Mr. Diomi Ndongala "reappeared" on 11 October 2012 and publicly confirmed that he had been abducted and held by the intelligence services, which interrogated him about the opposition's military plans for taking power, never about charges of rape; he appeared greatly weakened and in need of urgent medical care;
- According the authorities, Mr. Diomi Ndongala has been under investigation by the Public Prosecutor's Office for "rape of minors" since 26 June 2012; the national police came to arrest him at his office in flagrante delicto but Mr. Diomi Ndongala was not present at the scene, having fled, according to the authorities, to avoid arrest; on 19 July 2012, the Prosecutor General asked the National Assembly to lift his parliamentary immunity; under the Penal Code, Mr. Diomi Ndongala is liable to a sentence of seven to 20 years in prison;
- In a letter he addressed on 16 October 2012 to the Speaker of the National Assembly, Mr. Diomi Ndongala provided his version of the events and affirmed that the accusations of rape were baseless; he referred to the reports on the court hearings of two of his staff arrested as accomplices to rape on 26 June because they were present at the party's headquarters during the police operation, and indicated that the prosecution's case against him was apparently based on those reports; Mr. Diomi Ndongala stated that the hearing of the staff members in question was conducted in French, a language in which they are not fluent, that they were not allowed the assistance of a lawyer and that they were still being held; Mr. Diomi Ndongala considers that the confessions contained in the reports on the hearings were extorted by the

* The delegation of the Democratic Republic of the Congo expressed its reservation regarding the resolution.

judicial authorities; he also referred to the flagrant contradictions and incoherencies contained in the Prosecutor General's indictment of 19 July 2012; according to Mr. Diomi Ndongala's lawyer, the provisions of the Code of Penal Procedure on the preliminary investigation of rape charges were not respected, and he informed the Speaker of the National Assembly accordingly on 2 July 2012; lastly, according to other sources, the victims of the alleged rapes were paid a large sum of money, the person who filed the complaint, supposedly their father, apparently has no ties of kinship with them, the girls' age is open to question, and the conditions in which the evidence was collected during the police's unlawful search of the party headquarters left much to be desired;

- In the above-mentioned letter, Mr. Diomi Ndongala stated that his parliamentary immunity was violated because the arrest warrant was made out in his name and the proceedings against him widely publicized before the prosecutor had made any request to have his immunity lifted;
- In his letter of 16 October 2012, the Speaker of the National Assembly indicated that, since Mr. Diomi Ndongala's family had "announced his return to his home to the press" on 11 October 2012, the procedure for lifting his parliamentary immunity would be pursued; on 17 October 2012, the National Assembly convened in plenary to consider the request to lift Mr. Diomi Ndongala's immunity and apparently gave him 24 hours in which to present his case; according to the sources, he was not officially notified by the National Assembly of this and was in any case unable to appear in the Assembly because of his health, which required further emergency treatment; the Speaker of the National Assembly had been informed of this in the letter of 16 October 2012 enclosing a medical certificate;
- The delegation heard by the Committee during the 127th IPU Assembly (Québec City, October 2012), after having stated that Mr. Diomi Ndongala was currently hospitalized and would be heard later, when his health permitted, declared that Mr. Diomi Ndongala had refused to appear in plenary, had not informed the National Assembly of his health concerns, had refused to see the National Assembly doctor before being hospitalized and, consequently, had forfeited the opportunity to present his defence in public before the National Assembly and the media; the Speaker of the National Assembly has nevertheless decided to establish a "special" parliamentary committee that would hear and rule on the case *in camera* before submitting a recommendation on the lifting of parliamentary immunity for a vote in plenary;
- According to the sources, Mr. Diomi Ndongala received emergency hospital treatment when he reappeared, but was then able to continue his treatment at home; he was re-admitted to hospital early on 19 October 2012 and required emergency surgery, according to the doctors; however, according to the sources, the Minister of Health and the National Intelligence Agency contacted the hospital director general and staff to prevent the operation, which the medical staff nevertheless finally agreed to perform in mid-afternoon in the light of Mr. Diomi Ndongala's critical condition; since that incident, the threats and acts of intimidation to which Mr. Diomi Ndongala's family and close acquaintances had been subjected since July were intensified, and fear has been expressed for his life and for their security;
- According to the authorities, Mr. Diomi Ndongala had attended no National Assembly sessions since his election or taken part in parliament's work, because he contested the validity of the presidential and legislative elections of November 2011 and the resulting institutions, as did the Congolese opposition leader, Mr. Etienne Tshisekedi, of the Union pour la Démocratie et le Progrès Social (Union for Democracy and Social Progress, UDPS), whom Mr. Diomi Ndongala considers to be the legitimate president, not Mr. Kabila,

Considering the following: Mr. Agboyibo, former Prime Minister of Togo, was asked by the Committee to visit Kinshasa from 25 July to 2 August 2012 in order inter alia to obtain additional information from the authorities and the sources on Mr. Diomi Ndongala's situation (he was still missing at the time); the parliamentary authorities agreed to that mission and facilitated its smooth conduct; Mr. Agboyibo's mission report was forwarded to the authorities and the sources on 13 September 2012; Mr. Agboyibo stressed in his conclusions that additional clarifications were required in the case, that he had expressed concern at the grave allegations transmitted by the sources and the total absence of news of Mr. Diomi Ndongala since his

disappearance, and that he failed to understand why no inquiry had been opened by the authorities into the fact that Mr. Diomi Ndongala had been missing since the end of June 2012,

Noting that the Congolese delegation heard by the Committee during the 127th IPU Assembly (Québec City, October 2012) appreciated the fact that Mr. Agboyibo had underscored that the case required clarification, but regretted that he had not met with the alleged rape victims and their family to hear their side of the story,

Considering that there continue to be many incoherencies in the case, given the fundamentally contradictory versions of events provided by the authorities and the sources,

1. *Notes with deep concern* the serious allegations that Mr. Diomi Ndongala, an opposition member of the National Assembly, was arbitrarily arrested and held incommunicado by the intelligence services for almost four months; *is puzzled* that fundamental discrepancies persist in the versions of the events provided by the authorities and the sources and that no steps were taken by the authorities to inquire into Mr. Diomi Ndongala's disappearance, to establish whether he was alive and in good health, or to ascertain his whereabouts and the circumstances of and reasons for his disappearance, despite the complaints filed in court by the family;
2. *Stresses* that, while it is fully aware of the undeniable gravity of the charges of rape against Mr. Diomi Ndongala, it remains deeply concerned in this case about respect for the international fair-trial standards to which the DRC has adhered and which apply during the examination and investigation, including in cases of rape, given that fundamental contradictions persist on:
 - (i) The alleged flagrante delicto nature of the rape, given that Mr. Diomi Ndongala was not present on the scene of the alleged rape during the police operation and that these are the only legal grounds on which a member of parliament can be arrested without first requesting the National Assembly to lift his parliamentary immunity;
 - (ii) The integrity of the alleged facts and the appropriateness of the charge of rape, given the many contradictions reported as to the exact place, time and circumstances of the alleged crime, the proof establishing that it had even occurred, the exact age of the presumed victims (who may not be minors), and the sums received by the presumed victims from Mr. Diomi Ndongala or another person;
 - (iii) Effective respect for the rights of defence, Mr. Diomi Ndongala having never been heard by the judicial authorities and having learned of the charges against him in the press;
3. *Fails to understand* why the authorities were so eager to lift Mr. Diomi Ndongala's immunity, given the many incoherencies in the case and the serious procedural flaws raised, and *trusts* that an independent inquiry will be conducted as soon as possible into Mr. Diomi Ndongala's disappearance so as to establish the facts and accountability transparently and fairly, enabling the Prosecutor General and the National Assembly to have all the information they need to assess, at this stage, how to follow up the judicial proceedings and the request to lift Mr. Diomi Ndongala's parliamentary immunity;
4. *Sincerely hopes* that the special parliamentary committee set up to review the matter of Mr. Diomi Ndongala's parliamentary immunity will be made up of equitable numbers of representatives of the majority and the opposition and will enable Mr. Diomi Ndongala, or his lawyer, to present his defence in public, if he so wishes and when his health allows, in order to ensure a maximum of transparency in the case and full respect for the rights of the defence;
5. *Also expresses concern* at the surveillance, threats and acts of intimidation to which Mr. Diomi Ndongala's family and close acquaintances have been subjected since July 2012; *takes note* that, according to the sources, the situation has worsened considerably since Mr. Diomi Ndongala's reappearance; *is deeply disturbed* that the authorities apparently tried to prevent Mr. Diomi Ndongala from receiving emergency surgery on 19 October 2012, and *requests* them

- to provide, as a matter of urgency, their observations on the matter and to indicate the measures taken to ensure the safety of Mr. Diomi Ndongala and his family;
6. *Requests* the Secretary General to convey this resolution to the Speaker of the National Assembly, the Minister of Justice, the Prosecutor General and the sources;
 7. *Requests* the Committee to continue examining this case and to report back to it in due course.
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CASE No. CO/154 - JAVIER ENRIQUE CÁCERES LEAL - COLOMBIA

Resolution adopted unanimously by the IPU Governing Council at its 191st session (Québec City, 24 October 2012)

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of Mr. Javier Cáceres Leal, a member of the National Congress of Colombia until April 2012, which has been examined by the Committee on the Human Rights of Parliamentarians, pursuant to its Procedure for the treatment by the Inter-Parliamentary Union of communications concerning violations of the human rights of members of parliament,

Considering the following information on file: on 1 November 2007, the Supreme Court launched a preliminary criminal investigation against Mr. Cáceres on charges of aggravated criminal conspiracy for the purpose of organizing, promoting, arming or financing illegal armed groups (punishable under Article 340 of Law 599 of 2000), on 2 July 2008; Mr. Cáceres made a spontaneous statement to the Supreme Court; on 14 September 2010 - despite legal provisions stipulating, according to the source, that the preliminary investigation cannot exceed six months - an official investigation was opened and Mr. Cáceres was arrested that same day in a very public manner on the premises of the National Congress; the source points out that there has been no answer to Mr. Cáceres's repeated requests since 2006 to make a spontaneous statement in response to accusations by demobilized members of paramilitary groups circulated in the media; on 22 September 2010, the Supreme Court officially considered Mr. Cáceres a suspect and ordered that he be remanded in custody; the investigation was completed on 25 February 2011; on 27 April 2011, the Supreme Court decided that there was merit in bringing the case to trial and officially indicted Mr. Cáceres on the aforesaid charge; on 12 April 2012, the Supreme Court found Mr. Cáceres guilty and sentenced him to nine years in prison, which he is serving, and a fine of 6 billion Colombian pesos; the Supreme Court based its conclusions primarily on statements from demobilized members of paramilitary groups, including former leaders Mr. Salvatore Mancuso, Mr. Iván Roberto Duque, alias "Ernesto Báez", and Mr. Uber Bánquez, alias "Juancho Dique"; the source affirms that these statements are contradictory and unreliable and that the proceedings against Mr. Cáceres disregarded several procedural guarantees,

Considering that, as a result of his conviction, Mr. Cáceres is no longer a member of parliament,

Considering the following: the reports of the Committee's on-site missions to Colombia in 2009 and 2010 refer extensively to concerns about respect for fair-trial guarantees in criminal proceedings against current and former members of Congress, who are investigated and judged in a single instance by the Supreme Court, and about how the investigation and proceedings are handled in practice; with regard to the testimony of demobilized paramilitaries, the 2010 mission concluded, "such testimonies, however useful they may be, must be treated with great caution. The credibility of those persons, who have committed atrocious abuses, cannot be taken for granted. What seems clear is that the demobilized paramilitaries have their own interest in acting in a certain manner in order to be granted the lenient sentences provided for in the Justice and Peace Act. This necessarily implies that many feel it better to speak than remain silent, even when they know little or nothing of information that might serve the cause of justice",

Considering that Mr. Cáceres brought his case before the Inter-American Commission on Human Rights on 30 June 2012,

Considering finally that several attempts have been made to introduce legislation to ensure that Colombian parliamentarians enjoy, like other Colombian citizens, the right to a fair trial, including the possibility of appeal, and that the most recent attempt was part of a larger series of judicial reform measures adopted by the Colombian Congress on 20 June 2012 but subsequently revoked after the President of the Republic objected to it,

1. *Considers* that the case of Mr. Cáceres reinforces its longstanding concerns about the lack of respect for due process in criminal proceedings against members of the National Congress of Colombia, in particular their rights to be tried by an impartial court and to have an opportunity to appeal the verdict, and about the credibility of testimony by demobilized paramilitaries, who stand to gain from incriminating others, and how such testimony is obtained and used; *recommends*, therefore, that the legal incentives to testify be revised;
2. *Sincerely hopes* that the Inter-American Commission on Human Rights will soon be able to examine the petition submitted by Mr. Cáceres, convinced as it is that this will be crucial to providing redress in his case; *requests* the Committee Vice-President and the Secretary General to seek information on this from the Inter-American Commission on Human Rights;
3. *Affirms* that the fair-trial concerns that have arisen in this case and that are inherent in the current procedure applicable to members of Congress in Colombia in criminal cases have ramifications that go far beyond Mr. Cáceres and can only be fully addressed through new legislation;
4. *Regrets*, therefore, that the latest attempt to introduce new legislation failed at the last minute; *reaffirms* its view that appropriate legal protection must be provided to members of Congress so that they can fulfil their mandates effectively and without fear of reprisals; therefore *calls on* the competent authorities to do everything possible to renew consultations with a view to helping ensure that the procedure applicable to members of Congress is finally overhauled so as to ensure its full compatibility with fundamental fair-trial standards, including the right to appeal and non-discrimination towards members of Congress; *affirms* the continued readiness of the IPU to assist in this regard;
5. *Requests* the Secretary General to convey this resolution to the competent Colombian authorities and the source;
6. *Requests* the Committee to continue examining this case and to report back to it in due course.

CASE No. BAH/03 - MATAR EBRAHIM MATAR) BAHRAIN
CASE No. BAH/04 - JAWAD FAIRUZ GHULOOM)

Resolution adopted by consensus by the IPU Governing Council at its 191st session
(Québec City, 24 October 2012) *

The Governing Council of the Inter-Parliamentary Union,

Having before it the cases of Mr. Matar Ebrahim Matar and Mr. Jawad Fairuz Ghuloom, members of the Council of Representatives of Bahrain, which have been examined by the Committee on the Human Rights of Parliamentarians, pursuant to its Procedure for the treatment by the Inter-Parliamentary Union of communications concerning violations of the human rights of members of parliament,

* The delegation of Bahrain expressed its reservation regarding the resolution.

Taking into account the letters from the Speaker of the Council of Representatives dated 17 October and 3 April 2012, 26 June and 18 and 30 May 2011; *also taking into account* the information that the sources have regularly provided,

Considering that Mr. Matar and Mr. Ghuloom, both belonging to the Al-Wefaq party, were elected in 2010 and supported the call for political and social reform in Bahrain, and that they, along with the other 16 Al-Wefaq parliamentarians, tendered their resignations on 27 February 2011 in protest at the government's crackdown on demonstrations, which started on 14 February 2011, but that those resignations only became effective when the Council of Representatives accepted them on 29 March 2011,

Also considering the following: both individuals were allegedly arbitrarily arrested on 2 May 2011 by security forces and taken to different detention centres, where they were ill-treated and not allowed access to family and legal counsel; their families reportedly only found out what had happened to them when trial proceedings were suddenly started against them on 12 June 2011 before a special military court, the Court of National Action; at the hearing, the accused were informed that they were charged under Article 168/1 7801 of the Penal Code and Article 201/3090130 A/2 of Decree 18 relating to the participation and organization of meetings, assemblies and protests, as modified by Law 32 of 2006; both former members of parliament denied the charges; they were released on 7 August 2011 but the charges remained pending against them,

Further considering that the Independent Commission of Inquiry appointed by the King of Bahrain to investigate alleged human rights abuses during the protests in the country officially presented its report on 23 November 2011 and concluded the following:

- "The text and application of Articles 165, 168, 169, 179 and 180 of the Bahrain Penal Code raises questions about their conformity with international human rights law and the Constitution of Bahrain"; "the Government of Bahrain used these articles to punish those in the opposition and to deter political opposition";
- "In a substantial number of the arrests carried out by law enforcement agencies warrants were not presented to arrested individuals and arrested individuals were not informed of the reasons for their arrest";
- "In many cases, government security forces resorted to the use of unnecessary and excessive force, and in a manner that sought to terrorize individuals"; "many detainees were subjected to torture and other forms of physical and psychological abuse while in custody, which indicated patterns of behaviour by certain government agencies and that the extent of this physical and psychological mistreatment is evidence of a deliberate practice"; "the techniques used to mistreat detainees fall within the meaning of torture as defined in the United Nations Convention against Torture, to which Bahrain is a State Party"; "the lack of accountability of officials within the security system in Bahrain has led to a culture of impunity, whereby security officials have little reason to avoid mistreating prisoners or to take action to prevent mistreatment by other officials",

Considering that, in this respect, the Commission recommended the following:

- "All persons charged with offences involving political expression, not consisting of advocacy of violence, should have their convictions reviewed and sentences commuted or, as the case may be, outstanding charges against them dropped";
- "The allegations of torture and similar treatment should be investigated by an independent and impartial body, to be established in accordance with the Istanbul Principles regarding the effective investigation and documentation of torture and other cruel, inhuman or degrading treatment or punishment; the investigation of these alleged violations should lead to the prosecution of the implicated individuals, at all levels of responsibility, with a view to ensuring that punishment is consistent with the gravity of the offence and that the onus of proving that treatment complies with the prohibition of torture and other ill-treatment should fall on the State",

Considering that, in his letter of 25 March 2012, the Speaker of the Council of Representatives stated that legislative steps had been taken to require the Prosecutor General to take action on complaints of torture and other forms of ill-treatment,

Also considering that, on 20 February 2012, Mr. Matar was acquitted and two charges against Mr. Ghuloom were dropped while a third, in connection with his alleged participation in an unauthorized gathering, was heard by the Court on 4 July 2012, which deferred the hearing to 3 September 2012 pending a decision on his complaint of ill-treatment, which is still being examined by the prosecution,

Considering also the following: according to the Speaker of the Council of Representatives, several proposals to revise existing laws have been approved with a view to bringing them in line with relevant international human rights standards, including enactment of Law No. 51 of 2012 amending Articles 168 and 169 of the Penal Code and adding Article 69 bis to the Code; according to the Speaker, the enactment of Laws Nos. 52, 49 and 50 of 2012, and the adoption of Royal Decree No. 130 of 2011, were intended to ensure effective punishment in the event of torture and to provide victims and witnesses with protection against threats and reprisals and with compensation,

Further considering the following: the members of the Bahraini delegation told the Committee during the 126th IPU Assembly (Kampala, March-April 2012) that the Inspector General of the Ministry of the Interior had been made fully independent, that interrogations by law enforcement officers were now filmed, that all persons responsible for human rights violations would be prosecuted, regardless of their rank, that a human rights committee had been set up in both chambers of parliament and that an independent national commission would follow up implementation of the recommendations of the Independent Commission of Inquiry; in response to these statements, one of the sources stated that the legislative proposals do not cover Articles 165, 179 and 189 of the Penal Code, which are related to freedom of expression and freedom of assembly, and that, moreover, the main issue is not the law itself, but the absence of fair-trial guarantees, as indicated by the Independent Commission of Inquiry in section 1722 of its report; the source also stated that no action has been taken by the Prosecutor General and that nobody has been charged with ill-treatment; the source affirms that the new Inspector General is in fact the same person and that there are no guarantees that he will be independent of the Ministry of the Interior; it points out that many complaints have been made against security forces but that no serious measures have been taken to satisfy the victims or deter violators; it affirms that the newly assigned ombudsman is a former prosecutor who was involved in many human rights violations documented in the Human Rights Watch reports entitled *Torture Redux: the Revival of Physical Coercion during Interrogation in Bahrain* and *No Justice in Bahrain*,

1. *Thanks* the Speaker of the Council of Representatives for his constant cooperation;
2. *Is concerned*, in the light of the Independent Commission of Inquiry's conclusion that the Bahraini Penal Code was used to stifle political opposition, at the charge pending against Mr. Ghuloom; *wishes* to ascertain the precise facts underpinning the charge and to be kept informed of the proceedings;
3. *Is also concerned* that, almost one and a half years after Mr. Matar and Mr. Ghuloom were allegedly ill-treated, the authorities have yet to hold those responsible to account; *fears* that this situation lends weight to the affirmation by the source that fully effective and independent institutions to address complaints of torture and ill-treatment are not yet in place; *calls on* the authorities, in line with their stated commitment to promote respect for human rights, to do everything possible to ensure swift and effective redress for both persons concerned; *wishes* to be kept informed in this regard;
4. *Requests* the Secretary General to convey this resolution to the parliamentary authorities and to the source;
5. *Requests* the Committee to continue examining this case and to report back to it in due course.

CASE No. CMBD/01 - SAM RAINSY - CAMBODIA

Resolution adopted by consensus by the IPU Governing Council at its 191st session (Québec City, 24 October 2012) *

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Sam Rainsy, leader of the opposition and a member of parliament at the time of the submission of the communication, and to the resolution it adopted at its 190th session (April 2012),

Taking into account the communication from the Chairman of the First Commission of the National Assembly dated 9 October 2012,

Recalling the following information on file:

- Having had his parliamentary immunity lifted in a closed session by a show of hands and without being afforded the opportunity to defend himself, Mr. Sam Rainsy was prosecuted and, in judgments handed down in January and September 2010, sentenced to 12 years in prison and a heavy fine for: (a) having pulled out border post #185 marking the Cambodian/Vietnamese border in a village in Svay Rieng province and inciting racial hatred; and (b) divulging false information by having published a map reportedly showing a false border with Viet Nam; on 20 September 2011, the Appeal Court reduced the prison sentence for the second charge from ten to seven years;
- The verdict whereby Mr. Sam Rainsy was found guilty of destroying public property was upheld in March 2011 by the Supreme Court, and the National Assembly stripped Mr. Sam Rainsy of his parliamentary mandate on 15 March 2011 by virtue of Article 34 of the Law on the Election of Members of the National Assembly, which stipulates that members convicted at final instance of a crime and sentenced to imprisonment forfeit their membership in the National Assembly,

Recalling that no one disputes the fact that the border between Viet Nam and Cambodia is currently being demarcated, that border post #185 was a temporary wooden post and that the Government recognized that it was not a legal border marker, as confirmed by the Prime Minister himself in his response to a question from Sam Rainsy Party (SRP) parliamentarians on this matter, stating inter alia that "because the joint technical group from the two countries has not planted border post #185 yet, the border demarcation work, which is the work of the joint technical group after the planting of that post, has not started either"; *recalling* further that there is at present no map recognized by Viet Nam and Cambodia as being official and binding,

Recalling that, according to the members of the Cambodian delegation heard during the 126th IPU Assembly (Kampala, March-April 2012), Mr. Sam Rainsy should have raised his concerns regarding the border between Viet Nam and Cambodia in the National Assembly; *recalling* in this regard that, when opposition parliamentarians asked for a public parliamentary debate on the issue, the Government reportedly refused to take part, arguing that it had already provided all necessary explanations in the past,

Considering that, in his report of 16 July 2012 to the United Nations Human Rights Council (A/HRC/21/63), the Special Rapporteur on the human rights situation in Cambodia stated that "respect for freedom of expression, opinion and assembly remains a principal concern in Cambodia (...) It appears that many Cambodians exercise self-censorship in what they say and write, provoked by a fear of arrest and detention. This holds particularly true in respect of people wishing to express views critical of those in power (...)", and that "a political solution should be found to enable [Mr. Sam Rainsy], as the leader of the opposition, to play a full role in Cambodian politics. The Special Rapporteur believes that a concerted effort by the ruling and opposition parties towards reconciliation is in the interests of strong and deeper democratization of Cambodia"; *recalling* that, in his previous report of August 2011 (A/HRC/18/46), the

* The delegation of Cambodia expressed its reservation regarding the resolution.

Special Rapporteur expressed concern at the use of the judiciary for political ends and had the following to say regarding the Sam Rainsy case in particular: "The allegation made by the Government was that Mr. Sam Rainsy had manipulated a map to show that Viet Nam had encroached on the territory of Cambodia. In any properly functioning democracy, such political matters should be debated in the parliament and become a matter of public debate rather than the subject of a criminal case before courts. Scrutinizing the activities of the Government and requiring the Government to respond to any criticisms of its policy decisions is one of the basic functions of the leaders of opposition parties and they should not be subjected to criminal proceedings for discharging their responsibilities in a peaceful manner"; *recalling* that the Special Rapporteur recommends inter alia that "Parliament should safeguard the right to freedom of expression of its own members and protect their parliamentary immunity",

1. *Thanks* the Chairman of the First Commission of the National Assembly for his communication;
2. *Considers*, however, that it provides no new information to dispel its long-standing concerns that Mr. Sam Rainsy's removal of temporary border markers was a political gesture and that, consequently, the courts should never have been seized of the matter in the first place;
3. *Regrets*, therefore, that, with national parliamentary elections drawing near, it is still not possible for Mr. Sam Rainsy to return to Cambodia to make, as the country's principal opposition leader, a meaningful contribution to free and fair elections in 2013;
4. *Fully endorses* the Special Rapporteur's call on the ruling and opposition parties to work together with a view to resolving the situation so that Mr. Sam Rainsy can soon resume his place as a member of the National Assembly and stand as a candidate in the upcoming elections; *wishes to ascertain* what steps are being taken by either side for this purpose;
5. *Requests* the Secretary General to inform the competent authorities and the sources of this resolution;
6. *Requests* the Committee to continue examining this case and to report back to it in due course.

CASE No. CMBD/47 - MU SOCHUA - CAMBODIA

Resolution adopted unanimously by the IPU Governing Council at its 191st session (Québec City, 24 October 2012)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Ms. Mu Sochua, an opposition member of the National Assembly of Cambodia, and to the resolution it adopted at its 190th session (April 2012),

Recalling the following information on file:

- Ms. Mu Sochua's public announcement that she would file a defamation lawsuit against Prime Minister Hun Sen for a speech he made in April 2009 referring to her in a derogatory and insulting manner prompted the latter to file a lawsuit against her, citing as evidence inter alia her complaint to the IPU; while her lawsuit was quickly dismissed, the Prime Minister's lawsuit proceeded once her parliamentary immunity had been lifted by the National Assembly in a closed session, without hearing her arguments and voting by show of hands; in June 2010, the Supreme Court upheld the verdict of the Phnom Penh Municipal Court, which had found her guilty and ordered her to pay a heavy fine; as Ms. Mu Sochua refused to pay the fine, it was deducted from her salary as a member of parliament, although in such cases the law provides for the serving of a prison term;
- The fine had been paid off in full by November 2010, but Ms. Mu Sochua's parliamentary immunity had not been restored; under Article 535 of the Penal Code, members of parliament have to wait one year before submitting an application for rehabilitation to the Appeal Court; should no application be submitted, their immunity is restored automatically after five years; the leader of the Cambodian delegation to the 124th IPU Assembly (Panama, April 2011) stated that rehabilitation was governed by the Penal Code, including for members of parliament, and that during the period in

question Ms. Mu Sochua must commit no further crimes if she wished to be rehabilitated; according to the source, the Appeal Court is not obliged to render a decision before the expiry of the five-year term, whereupon rehabilitation is automatic; Ms. Mu Sochua had to be rehabilitated if she wished to stand in the 2013 parliamentary elections,

Considering that, on an application from Ms. Mu Sochua, the Appeal Court rehabilitated her on 3 August 2012 and that her parliamentary immunity was restored on 27 September 2012 following a vote by the National Assembly's Permanent Committee,

Considering that, in his report of 16 July 2012 to the United Nations Human Rights Council (A/HRC/21/63), the Special Rapporteur on the human rights situation in Cambodia stated that "respect for freedom of expression, opinion and assembly remains a principal concern in Cambodia. The Special Rapporteur has already emphasized in his previous reports his concerns in relation to the impermissible restrictions of freedom of expression caused by, among other things, prosecutions (or threats of prosecution) under the Criminal Code for, in particular, offences related to incitement and defamation. These restrictions on people exercising their right to freedom of expression has, in the view of the Special Rapporteur, resulted in a chilling effect on freedom of expression in Cambodia. It appears that many Cambodians exercise self-censorship in what they say and write, provoked by a fear of arrest and detention. This holds particularly true in respect of people wishing to express views critical of those in power (...)",

Recalling also that United Nations human rights bodies and mechanisms have expressed concern about the independence of the judiciary in Cambodia and that the United Nations Special Rapporteur on the situation of human rights in Cambodia, in his report to the United Nations Human Rights Council of 16 September 2010 (A/HRC/15/46), expressed concern about the narrowing of the political space for the opposition and recommended that defamation and disinformation be decriminalized altogether; in his report of August 2011 (A/HRC/18/46), the Special Rapporteur reiterated his concerns regarding respect for freedom of expression in Cambodia and, with regard to parliament in particular, recommended that the National Assembly should review the new Penal Code with a view to ensuring its compliance with the permissible limitation on freedom of expression under international human rights law, and should safeguard the right to freedom of expression of its own members and protect their parliamentary immunity,

1. *Is pleased* that Ms. Mu Sochua's parliamentary immunity was finally restored;
2. *Remains concerned*, however, at the application of the provisions of the Penal Code regarding restoration of parliamentary immunity, which has resulted in an additional punishment for Ms. Mu Sochua; *considers* that such application of the Penal Code denied Ms. Mu Sochua the protection that parliamentary immunity would afford against the instigation of criminal proceedings that had no basis in law;
3. *Calls on* the National Assembly once again to review the legislation regarding the restoration and lifting of parliamentary immunity, so as to ensure that such immunity becomes an effective tool for protecting members of parliament against proceedings that may be unfounded and politically motivated; *suggests* that the IPU, as part of its ongoing programme of assistance to the National Assembly, explore with the parliamentary authorities the possibility of sharing its expertise on that subject;
4. *Decides* nevertheless to close the case, given that Ms. Mu Sochua is once again able fully to exercise and enjoy her parliamentary privileges and that there appears to be no obstacle to her standing as a candidate in the 2013 parliamentary elections; *reaffirms*, however, in closing the case, the grave concerns it has consistently expressed at the defamation proceedings brought against her by the Prime Minister, which it continues to regard as an instance of exploiting the judiciary for political ends; *expresses the earnest hope* that the National Assembly will give serious consideration to and follow up on the recommendations made by the United Nations Special Rapporteur regarding defamation, in particular those relating to parliament itself;
5. *Requests* the Secretary General to convey this resolution to the parliamentary authorities and the source.

CASE No. IQ/59 - MOHAMMED AL-DAINY - IRAQ

***Resolution adopted by consensus by the IPU Governing Council at its 191st session
(Québec City, 24 October 2012)****

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Mohammed Al-Dainy, a member of the Council of Representatives of Iraq at the time of the submission of the communication, and to the resolution it adopted at its 190th session (April 2012),

Taking into account the information provided by the Speaker of the Council of Representatives in a letter dated 22 July 2012,

Recalling the following:

- Mr. Al-Dainy, a member of the Council of Representatives of Iraq for the legislative period 2006-2010, is known to have investigated conditions of detention in Iraq and the existence of secret detention facilities; on 25 February 2009, parliament lifted his immunity on account of an accusation that he had masterminded the 12 April 2007 suicide bombing of parliament; Mr. Al-Dainy fled abroad for fear of his life;
- Ten members of Mr. Al-Dainy's family and nine members of his staff (mainly escorts) were arrested at various times in February 2009, and detailed information has been provided by the source about the circumstances of their arrest without warrants, their ill-treatment and the ransacking of their homes; when some of them were released later in 2009 and 2010, ample evidence came to light that they had been tortured in secret detention centres to implicate Mr. Al-Dainy in the commission of crimes, in particular: (a) the bombing of the Council of Representatives in April 2007; (b) the launch of mortar shells into the Green Zone during the visit of the Iranian President in 2008, and the murder of one of the inhabitants of the neighbourhood from which the shells were launched; (c) the killing of 155 people from Al-Tahweela village who were allegedly buried alive; and (d) the murder of Captain Ismail Haqi Al-Shamary;
- On 24 January 2010, Mr. Al-Dainy was sentenced to death in absentia; the verdict runs to a little more than one page (French translation), contains two paragraphs dealing with the suicide bombing of parliament and one on the shelling of the Green Zone, six lines on the storing of weapons and the founding of a terrorist organization linked to the Ba'ath party, and, to prove that Mr. Al-Dainy committed these crimes, relies heavily on the testimony of three members of his security staff (Mr. Riadh Ibrahim, Mr. Alaa Kherallah, Mr. Haydar Abdallah) and a secret informant; it does not refer to any of the other accusations;
- In December 2010, the Court of Cassation quashed the judgment handed down regarding two of Mr. Al-Dainy's escorts who had testified against him;
- On 24 July 2011, the Speaker of the Council of Representatives set up an ad hoc committee of inquiry of five parliamentarians to examine Mr. Al-Dainy's case; following in-depth inquiries, the committee concluded on 15 March 2012 that: (a) the lifting of Mr. Al-Dainy's parliamentary immunity had violated the applicable rules, as it had been decided in the absence of a quorum and was therefore unlawful; (b) as regards the allegation that Mr. Al-Dainy had killed more than 100 villagers in Al-Tahweela village, the on-site investigation revealed that no crime had taken place; (c) Mr. Al-Dainy was in Amman at the time of the firing of mortar shells into the Green Zone during the visit to Baghdad of the Iranian President, a fact borne out by stamps in his passport; (d) as to the allegation concerning Captain Haqi Al-Shamary's murder, the committee found that the Captain was still alive; the committee issued its final report, recommending inter alia: (1) that the case of Mr. Al-Dainy be promptly reviewed in the interests of truth and justice,

* The delegation of Iraq expressed its reservation regarding the resolution.

and (2) that the perpetrators of the acts of torture committed against Mr. Al-Dainy's family members and escorts during their detention in Al-Sharaf prison be held accountable,

Taking into account that the Speaker of the Council of Representatives submitted the final report of the ad hoc parliamentary committee on Mr. Al-Dainy's case to the High Judicial Council on 17 July 2012 and requested it to take all necessary measures in view of the committee's findings and recommendations,

Recalling that the Joint study on global practices in relation to secret detention centres in the context of countering terrorism of the Special Rapporteur on the promotion and protection of human rights while countering terrorism, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Working Group on Arbitrary Detention, and the Working Group on Arbitrary or Involuntary Disappearances (A/HRC/13/42), presented to the United Nations Human Rights Council at its thirteenth session, includes a section on secret detention centres in Iraq and explicitly mentions the group of people arrested in connection with the accusations against Mr. Al-Dainy and held in secret detention in the Green Zone run by the Baghdad Brigade, describes the torture inflicted on them and states that they were forced to sign and fingerprint pre-prepared confessions,

Considering that, on 8 October 2011, following investigations into secret detention centres conducted by its human rights committee, the Council of Representatives adopted a resolution recognizing that Al-Sharaf prison in the Green Zone is a secret prison where serious violations of human rights have been committed, including acts of torture inflicted on detainees to extort coerced confessions, in violation of Article 19 of the Iraqi Constitution,

Bearing in mind also that Iraq is a party to the International Covenant on Civil and Political Rights, which it ratified in 1971 and which guarantees the right to life and security, prohibits torture, arbitrary arrest and detention and stipulates fair-trial guarantees; *noting* in this respect the concerns which the United Nations Special Rapporteur on the independence of judges and lawyers has voiced on many occasions regarding the observance of those rights in Iraq,

1. *Thanks* the Speaker for his communication and continued cooperation;
2. *Fully concurs* with the final findings of the parliamentary committee of inquiry, as they underscore its own conclusions that the charges laid against Mr. Al-Dainy were false, that persons were tortured to obtain testimony against him, and that the trial proceedings are therefore a travesty of justice;
3. *Reaffirms* that it is in the interests of justice and a matter of urgency to invalidate the entire proceedings against Mr. Al-Dainy and to quash the iniquitous verdict against him;
4. *Appreciates* the fact, therefore, that the Speaker of the Council of Representatives has conveyed the committee of inquiry's report to the High Judicial Council for action; *trusts* that the Council will give full and urgent consideration to the committee of inquiry's conclusions;
5. *Welcomes* the fact that, in the exercise of its oversight function, the Council of Representatives, through its human rights committee, has publicly denounced the existence of Al-Sharaf prison and its routine use of torture; *trusts* that the Council will follow its public stance to its logical conclusion and demand that the prison be closed; *wishes* to know what, if any, steps are being taken to this end;
6. *Requests* the Secretary General to convey this resolution to the parliamentary authorities and to the other competent authorities, including the High Judicial Council and the Prime Minister of Iraq;
7. *Requests* the Committee to continue examining this case and to report back to it in due course.

CASE No. MAL/I5 - ANWAR IBRAHIM - MALAYSIA

***Resolution adopted by consensus by the IPU Governing Council at its 191st session
(Québec City, 24 October 2012) ****

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Dato Seri Anwar Ibrahim, an incumbent member of the Parliament of Malaysia, and to the resolution it adopted at its 190th session (April 2012),

Recalling that Mr. Ibrahim was being prosecuted, for the second time, on a charge of sodomy under Section 377B of the Malaysian Penal Code and that the proceedings again raised serious questions regarding the fairness of the trial,

Referring also to the first trial observer report submitted by Mr. Mark Trowell QC in August 2010 (CL/187/12(b)-R.2), to his second report, submitted in March 2011, and to the comments provided thereon by the Malaysian delegation to the 124th IPU Assembly (CL/188/13(b)-R.3); *recalling* that Mr. Trowell responded to the comments of the Malaysian delegation in another report and has since provided the Committee with reports on the proceedings in this case, which he observed in June, August and September 2011 and January 2012,

Recalling the following: in his verdict of 9 January 2012 acquitting Mr. Ibrahim, the judge concluded that, after going through the evidence, the court could not be absolutely certain that the DNA samples had not been compromised and that it was therefore not safe to rely on them as evidence; this left the court with nothing but the alleged victim's uncorroborated testimony and, as this was a sexual crime, it was reluctant to convict on that basis alone; the Attorney General has lodged an appeal in the belief that there was sufficient evidence for a conviction,

Considering that the case is at management stage and that the source expects the proceedings on the merits to start in early 2013,

Considering the following: Mr. Ibrahim and four others were charged on 22 May 2012 with inciting riots and disobeying a Magistrate's order during the rally organized by the Coalition for Clean and Fair Elections in Kuala Lumpur on 28 April 2012; all five are charged with offences under Sections 3, 4(2)(c) and 4(3) of the Peaceful Assembly Act, 2012 (Akta 736), which must be read together with Sections 90(2) and 98 of the Criminal Procedure Code and with Article 10 of the Federal Constitution; they are also charged with offences under Sections 34, 109 and 188 of the Penal Code, which must be read together with Sections 90(2) and 98 of the Criminal Procedure Code and with Article 10 of the Federal Constitution; Mr. Ibrahim's defence team, which considers the charges to be frivolous and baseless, has submitted its arguments to have the charges set aside; the source points out that Mr. Ibrahim is challenging the Peaceful Assembly Act, which is a new law;

Considering that, according to the Malaysian delegation to the 127th IPU Assembly (Québec City, October 2012), Mr. Ibrahim is accused of defying a ban against assembling at Dataran Merdeka (Merdeka Square) in Kuala Lumpur and of inciting demonstrators to breach a police barricade, all of which was recorded on video, and that the matter is now before the courts,

Considering that the Speaker of the House of Representatives stated in his letter of 13 July 2012 that his office had forwarded the Committee's request for information regarding the charges to the Attorney General's Office,

1. *Thanks* the Malaysian delegation for the information provided;
2. *Is nevertheless concerned* about the latest charges against Mr. Ibrahim, which it cannot dissociate from the concerns it has repeatedly expressed regarding the handling of criminal proceedings against him over the years; *eagerly looks forward*, therefore, to receiving further details on the facts underpinning these charges, including if possible a copy of the video;

* The delegation of Malaysia expressed its reservation regarding the resolution.

3. *Recalls* in this regard its particular and recent concerns about the second sodomy proceedings to which Mr. Ibrahim was subjected, in particular regarding their timing, the implication of members of the prosecution team who were involved in the first sodomy trial, the meeting between the alleged victim and then Deputy Prime Minister Najib Razak, the liaison between the alleged victim and a member of the prosecution team and the refusal of the trial judge to admit defence petitions for the disclosure of vital prosecution evidence;
4. *Believes*, therefore, that it is essential to monitor the appeal proceedings closely and *requests* the Committee to pay particularly close attention to observance of respect for procedure and the rights of the defence, including by exploring the possibility of sending a trial observer;
5. *Requests* the Secretary General to convey this resolution to the parliamentary authorities, to Mr. Ibrahim and to his defence team;
6. *Requests* the Committee to continue examining this case and to report back to it in due course.

MALDIVES

CASE No. MLD/16 - MARIYA DIDI

CASE No. MLD/28 - AHMED EASA

CASE No. MLD/29 - EVA ABDULLA

CASE No. MLD/30 - MOOSA MANIK

CASE No. MLD/31 - IBRAHIM RASHEED

CASE No. MLD/32 - MOHAMED SHIFAZ

CASE No. MLD/33 - IMTHIYAZ FAHMY

CASE No. MLD/34 - MOHAMED GASAM

CASE No. MLD/35 - AHMED RASHEED

CASE No. MLD/36 - MOHAMED RASHEED

CASE No. MLD/37 - ALI RIZA

CASE No. MLD/38 - HAMID ABDUL GHAFUOR

CASE No. MLD/39 - ILYAS LABEEB

CASE No. MLD/40 - RUGIYYA MOHAMED

CASE No. MLD/41 - MOHAMED THORIQ

CASE No. MLD/42 - MOHAMED ASLAM

CASE No. MLD/43 - MOHAMMED RASHEED

CASE No. MLD/44 - ALI WAHEED

CASE No. MLD/45 - AHMED SAMEER

***Resolution adopted unanimously by the IPU Governing Council at its 191st session
(Québec City, 24 October 2012)***

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of the above-mentioned parliamentarians, all members of the People's Majlis of the Maldives, which has been examined by the Committee on the Human Rights of Parliamentarians, pursuant to its Procedure for the treatment by the Inter-Parliamentary Union of communications concerning violations of the human rights of members of parliament,

Taking into account the information presented by the Minister of Gender, Family and Human Rights and her Deputy on the occasion of hearings with the Committee on 23 July and 21 October 2012 respectively; *considering* the information which the IPU special envoy, Mr. Martin Chungong, Director of the IPU Division of Programmes, received during his mission to the Maldives (15 February to 1 March 2012), when he met with the President of the Maldives, the Ministers of Home Affairs and Defence, the Speaker of the People's Majlis, the Chair of the parliamentary Privileges Committee, the Electoral Commission, the Police Integrity Commission and the parliamentarians concerned; *considering also* the letter from the Speaker of the People's Majlis dated 10 September 2012; *considering finally* the information regularly provided in this case by the source, a group of members of the People's Majlis belonging to the Maldivian Democratic Party (MDP),

Considering that the case has to be seen in the context of the transfer of power on 7 February 2012, when Vice-President Mohammed Waheed assumed the office of president following the disputed resignation of President Mohamed Nasheed,

Considering that, immediately after the transfer of power, on 8 February 2012, MDP supporters took to the streets in protest and were met with excessive use of force by the police, including against members of parliament,

Considering the following: the Police Integrity Commission concluded, in its report of 2 October 2012, that "during the protest dispersal and in arresting protestors, a number of individual members of the police had acted in contravention of legal provisions, brutally assaulting protestors and subjecting them to abuse including indecent language"; with regard to individual members of parliament, it concluded inter alia that the police had brutally assaulted Mr. Moosa Manik, heard evidence regarding the alleged ill-treatment of Ms. Mariya Didi, Mr. Imthiyaz Fahmy, Mr. Mohamed Gasam and Mr. Ibrahim Rasheed, and decided to investigate these cases separately and take the requisite legal action; the Chairperson of the Police Integrity Commission resigned, in the belief that the report's conclusions did not go far enough, as she explained in her dissenting statement, in establishing the ill-treatment to which protestors were subjected and holding to account senior police officers and that it had erroneously suggested that the police had lawfully dispersed the protests; the ad hoc Independent Commission of National Inquiry, set up to examine the circumstances surrounding the transfer of power on 7 February 2012, adopted its report on 30 August 2012 and observed that "it was remarkable for the Commission to learn, in the course of its inquiry, that self-evident use of force and out of control behavior by the police has not, to this date, appeared to have been addressed by the responsible authorities or relevant institutions. In the absence of the effective and timely functioning of these bodies, the human rights and fundamental freedoms specified in the Constitution remain theoretical"; the Commission of National Inquiry concluded, "with respect to the administration of justice, in particular concerning allegations of police brutality and acts of intimidation, [that] there is an urgent need for investigations to proceed and to be brought to public knowledge with perpetrators held to account",

Considering the following: since February 2012, MDP supporters, including members of parliament, have continued their protests and, according to the source, have repeatedly been subjected to brief arbitrary arrest and ill-treatment, such as on 30 July 2012, when Mr. Mohamed Gasam, Mr. Ahmed Easa and Mr. Ibrahim Rasheed were beaten and arrested by the police without reason in the course of peaceful demonstrations calling for democratic elections; the source affirms that the three were specifically targeted by the police, acting on the orders of the Commissioner of Police, Mr. Abdulla Riyaz, who had given a statement to the press earlier that week saying that MDP parliamentarians would not be afforded any of the protection or privileges ascribed to their office and that he would not be bound by the Majlis' Standing Orders, which stipulate that the Speaker must be informed when members are arrested,

Considering that the authorities have repeatedly stated since 8 February 2012 that any police officers found to have acted unlawfully would be properly sanctioned, that, according to the Deputy Minister of Gender, Family and Human Rights, the results of the investigation into the ill-treatment of Mr. Manik and Ms. Didi are in the hands of the Prosecutor General, and that investigations into other incidents involving Ms. Eva Abdulla, Mr. Mohamed Shifaz, Mr. Ahmed Rasheed, Mr. Mohamed Rasheed, Mr. Ahmed Easa, Mr. Imthiyaz Fahmy, Mr. Ibrahim Rasheed, Mr. Mohamed Gasam and Mr. Mohamed Thoriq are ongoing,

Considering the following: according to the Minister of Gender, Family and Human Rights, the MDP decided - under its Direct Action banner - to step up its use and calls for the use of violence to achieve its aims; she pointed out that, since 7 July 2012, the Housing Minister, the Auditor General, the Minister of Islamic Affairs, the Assistant Commissioner of Police and some 30 police officers - one of whom was allegedly stabbed to death by an MDP supporter - had been attacked; the Minister stated that she had received threats on 11 July 2012, that the following day her car was torched, that her home and private car had been vandalized in the past and that she had received death threats on other occasions,

Considering that, as at 22 October 2012, at least eight MDP members of parliament (out of 29) face criminal action, which the source believes is politically motivated so as to ensure that they are convicted and therefore cannot, under the Constitution of the Maldives, take part in the next elections, and that, according to the information provided by the Deputy Minister of Gender, Family and Human Rights, proceedings in these cases are at the following stages:

- The cases against Mr. Mohamed Rasheed (charged with terrorism), Mr. Ali Waheed (charged with obstructing police duties and incitement to violence) and Mr. Ibrahim Rasheed (charged with assault, obstructing police duties and incitement to violence) are pending in court;
- The cases against Mr. Ilyas Labeeb (charged with obstructing police duties), Mr. Imthiyaz Fahmy (charged with obstructing police duties by breaching a barricade), Mr. Mohamed Shifaz (charged with producing pornographic cards) and Mr. Moosa Manik (charged with disrespecting the judiciary) are with the Prosecutor General;
- The case of Mr. Hamid Abdul Ghafoor (charged with obstructing police duties by refusing to give urine samples for drug testing) was referred back to the police by the Prosecutor General for further investigation,

Considering also that the source claims that Mr. Ahmed Sameer is also allegedly under police investigation for making a public comment in the media about a Supreme Court case relating to a government corruption scandal and that the investigation infringes Mr. Sameer's right to freedom of expression, all the more so as he sits on the parliamentary oversight committee for independent institutions, which would make it entirely natural for him to comment on an important corruption case,

Considering that the source affirms that the Speaker has taken no meaningful action to protect members of parliament or to enquire into their welfare; *recalling* that, with regard to the arrests that took place in February, the Speaker of the People's Majlis immediately referred the matter to the Privileges Committee, as provided for in the Standing Orders, that the Privileges Committee was due to examine the matter at a session on 14 February 2012 but that a disruption caused by members of the opposition who rejected the way the Committee had handled Mr. Rasheed's case prevented it from doing so; *also considering* that, according to the latest information from the source, the Privileges Committee has been ineffective in examining any of the many complaints, including one regarding the overall lack of security and safety of MDP parliamentarians, of which it has been seized since February 2012 by the opposition and has only recently been able, with only members belonging to the MDP in attendance, to suggest that certain cases of ill-treatment of members of parliament be forwarded to the Prosecutor General; *further considering* that a protection and privileges bill for members of parliament is pending before the People's Majlis, and that the IPU, as part of its assistance to the parliament, will lend its expertise to the drafting process,

Considering finally the following: Mr. Afrasheem Ali, a member of the People's Majlis representing the Progressive Party of the Maldives, which is part of the government coalition, was stabbed to death on 2 October 2012; according to the Deputy Minister, the government is investigating the case and has made a number of arrests, with the Commissioner of Police stating that he is confident that the case will be solved; the source underlines that the MDP has strongly condemned the murder but at the same time is disturbed about the manner in which the police are conducting their investigation and fears that MDP supporters may be unfairly accused of the crime,

Bearing in mind that the Republic of Maldives is a party to the International Covenant on Civil and Political Rights, and is thus bound to respect freedom of expression and assembly and the right to liberty and security,

1. *Thanks* the Minister of Gender, Family and Human Rights, her Deputy and the Speaker of the People's Majlis for their extensive information and cooperation;
2. *Is deeply concerned* at the ongoing climate of violence and confrontation in the Maldives, which can only undermine attempts to bring about a lasting resolution of the political crisis in the country; *is shocked* at the death of Mr. Afrasheem Ali and *trusts* that the police authorities will do everything possible to establish the identity of the culprits with diligence and objectively; *is deeply concerned* that, despite the critical observations and conclusions of the Police Integrity Commission, including its former Chairperson, and of the Commission of Inquiry, none of the police officers responsible for the ill-treatment to which members of parliament were subjected on 8 February 2012 have thus far been held to account; *calls on* the authorities to do everything possible to expedite their efforts in this regard;

3. *Is likewise concerned* that the latest reports of renewed arbitrary arrests, ill-treatment and harassment by law enforcement officers of MDP members of parliament has also yet to lead to the punishment of those responsible; *trusts* that the authorities will soon be able to produce tangible results in this regard, in line with their stated commitment;
4. *Notes with concern* that a fair number of MDP members of parliament face legal action in connection with their participation in demonstrations or the exercise of freedom of expression; *wishes to ascertain* more precisely the factual basis for the accusations and to receive, where they exist, a copy of the charges; *wishes* to receive official confirmation that no investigation is ongoing with respect to Mr. Sameer;
5. *Considers* that an on-site mission would be timely and enable it to gather first-hand information in this complex and serious case with a view to enhancing its understanding of the prospects for resolving the concerns which have arisen and of the current political situation in the Maldives; *is pleased*, therefore, that the Deputy Minister for Gender, Family and Human Rights welcomes a mission for this purpose, which would meet with the parliamentary, executive and judicial authorities and the parliamentarians concerned;
6. *Requests* that, given the special responsibility of the People's Majlis to help ensure that all its members can fulfil their mandate without hindrance, the mission also support current IPU efforts to help the People's Majlis make progress towards the adoption and implementation of a privileges bill effectively ensuring that members of parliament enjoy the protection they need to carry out their work;
7. *Requests* the Secretary General to arrange for the mission to take place as early as possible and to pursue his contacts with the parliamentary and executive authorities for this purpose; *requests* him also to convey a copy of this resolution to the source;
8. *Requests* the Committee to continue examining this case and to report back to it in due course.

CASE No. PAK/22 - SYED HAMID SAEED KAZMI - PAKISTAN

Resolution adopted unanimously by the IPU Governing Council at its 191st session (Québec City, 24 October 2012)

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of Mr. Syed Hamid Saeed Kazmi, a member of the National Assembly of Pakistan and of the Pakistan People's Party (PPP) and a former Minister for Religious Affairs, which has been examined by the Committee on the Human Rights of Parliamentarians, pursuant to its Procedure for the treatment by the Inter-Parliamentary Union of communications concerning violations of the human rights of members of parliament,

Taking into account the information provided by the member of the delegation of Pakistan who appeared before the Committee on the Human Rights of Parliamentarians during the 127th IPU Assembly (Québec City, October 2012), and the information transmitted by the source,

Considering the following:

- Mr. Kazmi was detained from March 2011 until 27 August 2012 at Adiyala Central Prison in Islamabad on allegations of financial corruption committed during the 2010 Hajj pilgrimage;
- Mr. Kazmi was finally granted bail on 27 August 2012 when a trial court judge was given temporary charge of the case;
- The source alleges that, despite the extensive investigations conducted by the Federal Investigation Agency since Mr. Kazmi's arrest, no evidence has been found to incriminate him;
- Mr. Kazmi was seriously injured during an assassination attempt in 2009 following his efforts, as

Minister for Religious Affairs, to weaken the influence of "militant groups in the Muslim community"; the member of the Pakistani delegation stated that it was a miracle that Mr. Kazmi survived the attack; the source alleges that a concerted campaign was launched against Mr. Kazmi in 2010 and that he was arrested on the orders of the Supreme Court of Pakistan on the sole basis of unsubstantiated media reports relating to the Hajj pilgrimage corruption scandal; the source considers that the allegations brought against Mr. Kazmi are politically motivated;

- According to the source, Mr. Kazmi has expressed constant concern since his release about the fairness of the proceedings before the Supreme Court,

Taking into account that the member of the delegation of Pakistan confirmed that the National Assembly was fully informed of Mr. Kazmi's situation, that the Speaker had taken all appropriate action to allow him to continue attending parliament while in pre-trial detention, and that the case was in the hands of the Supreme Court, whose exclusive authority the National Assembly was bound to respect by virtue of the principle of separation of powers,

1. *Thanks* the member of the delegation of Pakistan for the information provided;
2. *Is pleased* that the Speaker of the National Assembly took steps to allow Mr. Kazmi to exercise his parliamentary mandate while he was in prison;
3. *Notes* the allegations about lack of due process and the absence of any evidence in the proceedings against Mr. Kazmi; *wishes* to receive further information on this point from the competent authorities and the source;
4. *Trusts* that the Supreme Court will examine this case, in which the investigation was initiated one and a half years ago, at its earliest convenience; reaffirms that a swift examination is particularly important in cases relating to members of parliament, for whom a prolonged state of uncertainty inevitably serves to impair the ability freely to exercise their parliamentary mandate;
5. *Is deeply concerned* that Mr. Kazmi was the subject of an attempt on his life three years ago for which it would seem no one has yet been held to account; *wishes* to obtain official information on the steps taken to identify and apprehend the culprits;
6. *Requests* the Secretary General to forward this resolution to the parliamentary authorities and to the source;
7. *Requests* the Committee to continue examining this case and to report back to it in due course.

CASE No. PAK/23 - RIAZ FATYANA - PAKISTAN

Resolution adopted unanimously by the IPU Governing Council at its 191st session (Québec City, 24 October 2012)

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of Mr. Riaz Fatyana, a member of the National Assembly of Pakistan affiliated with the Pakistan Muslim League Q and a substitute member of the IPU Standing Committee on Democracy and Human Rights, which has been examined by the Committee on the Human Rights of Parliamentarians, pursuant to its Procedure for the treatment by the Inter-Parliamentary Union of communications concerning violations of the human rights of members of parliament,

Taking into account the information provided by a member of the delegation of Pakistan who appeared before the Committee on the Human Rights of Parliamentarians during the 127th IPU Assembly (Québec, October, 2012), and of the information transmitted by the sources,

Considering that Mr. Fatyana has been a vocal critic of Pakistan's police system, repeatedly denouncing police heavy-handedness and brutality during parliamentary debates, and that he has been outspoken on other violations of human rights such as missing persons, targeted and extrajudicial killings, abuse of authority and acts of torture carried out by law enforcement agencies,

Considering the following information provided by the sources:

- On 19 June 2012, Mr. Fatyana's residence was attacked by a group of activists from the ruling political party in Punjab province, the Pakistan Muslim League-N (PML-N);
- The police, when they arrived at the scene, allegedly allowed the attackers free access to his house and arbitrarily arrested and kept Mr. Fatyana in detention until 21 June 2012; 13 of Mr. Fatyana's employees were arrested at the same time and have reportedly been charged with killing one of the attackers, an allegation which the sources claim is false;
- During Mr. Fatyana's detention, the police brought charges against him for being involved in the attack against his own residence, including through arson (FIR No. 205/12); the sources allege that these charges were fabricated and are not supported by any evidence; after a long investigation the case against Mr. Fatyana was dismissed; however, the 13 employees arrested with Mr. Fatyana are still being held in Toba Tek Singh district of Punjab province;
- The police refused to register Mr. Fatyana's complaint about the attack for three days, but eventually did so on 22 June 2012, following the intervention of the Provincial Police Office (FIR No. 206/12); to date, however, no serious investigation has been undertaken by the police, and none of the attackers has been arrested; it appears that the report of the Commissioner and the District Coordinator Officer on the incident exposed a personal vendetta of the local police against Mr. Fatyana and confirmed the names of the accused; however, instead of arresting these suspects, the police arrested a member of Mr. Fatyana's personal staff;
- Mr. Fatyana was threatened by the police both during and after his detention, and has been forced to flee with his whole family; he was told by police officials during his detention that he should not run in the forthcoming National Assembly elections, otherwise he and his family would face reprisals;
- The sources believe that Mr. Fatyana has been framed by the Punjab police, at the instigation of PML-N leaders in Punjab and of Mr. Chourdry Asad ur Rehman Ramdey, his long-standing main political opponent in the constituency, in order to sideline him in the run-up to the general elections in March 2013; the sources indicated that the local police, the lower ranks of the judiciary and the local administration of Punjab are completely controlled by these officials,

Taking into account that the member of the delegation of Pakistan confirmed that the National Assembly was fully informed of the situation and that the Speaker had strongly condemned the attack against Mr. Fatyana,

1. *Thanks* the member of the delegation of Pakistan for the information provided;
2. *Is deeply concerned* at the attack on Mr. Fatyana's residence; *is dismayed* that it allegedly occurred with the complicity of the police and that, rather than being treated as the victim, Mr. Fatyana was first considered a suspect; *considers* that the allegations cast serious doubts on respect for the rule of law in Punjab province;
3. *Appreciates* the fact that the Speaker of the National Assembly has publicly denounced the attack; *trusts* that the National Assembly is closely monitoring the case with a view to ensuring that justice is fully served;
4. *Is deeply concerned* that the perpetrators of the attack reportedly continue to enjoy *de facto* impunity; *urges* the competent authorities to take the necessary steps forthwith to hold them to account and to ensure that an independent investigation is carried out into the local police operations in this case; *wishes* to be kept informed of the steps taken in this regard;
5. *Is alarmed* that Mr. Fatyana and his family have received serious threats, forcing them to flee; *calls on* the competent authorities to do everything possible, as is their duty, to investigate these threats and provide Mr. Fatyana and his family with effective protection so that they can return home and Mr. Fatyana can exercise his mandate without hindrance and, should this be his wish, participate in the 2013 general elections; *wishes to ascertain* what steps the authorities are taking for this purpose;

6. *Requests the Secretary General to convey this resolution to the Speaker of the National Assembly, other competent authorities at both federal and provincial level in Punjab, and the sources;*
 7. *Requests the Committee to continue examining this case and to report back to it in due course.*
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CASE No. PAL/02 - MARWAN BARGHOUTI - PALESTINE/ISRAEL

***Resolution adopted unanimously by the IPU Governing Council at its 191st session
(Québec City, 24 October 2012)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Marwan Barghouti, an incumbent member of the Palestinian Legislative Council, and to the resolution it adopted at its 190th session (April 2012),

Also referring to Mr. Simon Foreman's expert report on Mr. Barghouti's trial (CL/177/11(a)-R.2) and to the study published in September 2006 by B'Tselem (the Israeli Information Center for Human Rights in the Occupied Territories), entitled *Barred from Contact: Violation of the Right to Visit Palestinians Held in Israeli Prisons*,

Recalling the following: Mr. Barghouti was arrested on 15 April 2002 in Ramallah by the Israeli Defence Forces and transferred to a detention centre in Israel; on 20 May 2004, Tel Aviv District Court convicted him on one count of murder relating to attacks that killed five Israelis, on one count of attempted murder relating to a planned car bomb attack and on one count of membership in a terrorist organization, and sentenced him to five life sentences and two 20-year prison terms; Mr. Barghouti did not lodge an appeal because he does not recognize Israeli jurisdiction; in his comprehensive report on Mr. Barghouti's trial, Mr. Foreman stated that "the numerous breaches of international law make it impossible to conclude that Mr. Barghouti was given a fair trial"; those breaches include the use of torture,

Recalling that, in its concluding observations on the third periodic report of Israel under the International Covenant on Civil and Political Rights,¹ the Human Rights Committee recommended that Israel incorporate the crime of torture into its legislation, that it ensure that all alleged cases of torture and cruel, inhuman or degrading treatment by law enforcement officials be thoroughly and promptly investigated by an independent authority, that those found guilty be punished with sentences commensurate with the gravity of the offence and that compensation be provided to the victims or their families, and that all persons under Israel's jurisdiction and effective control be afforded full enjoyment of the rights enshrined in the Covenant,

Recalling that, under the terms of the Israel/Hamas-brokered prisoner exchange, Israel released 477 Palestinian prisoners on 18 October 2011 and another 550 Palestinian prisoners during December 2011, and that those released included prisoners convicted of plotting suicide bombings inside buses and restaurants, such as Ms. Ahlam Tamimi, who had been sentenced to 16 life sentences, but not Mr. Barghouti; *recalling also* that several members of the Knesset have in the past called for Mr. Barghouti's release, including Mr. Amir Peretz in March 2008 and later Mr. Gideon Ezra, member of Kadima, and that, following Mr. Barghouti's election in August 2009 to Fatah's Central Committee, the then Israeli Minister for Minority Affairs, Mr. Avishai Braverman, expressed support for his release,

Recalling that, after calling on Palestinians on 26 March 2012 to put an immediate stop to negotiations with Israel, Mr. Barghouti was placed in solitary confinement for three weeks,

¹ CCPR/C/ISR/CO/3.

1. *Deeply deplores* the fact that Mr. Barghouti has spent over 10 years in detention as a result of a trial which, in the light of the compelling legal arguments put forward in Mr. Foreman's report (on which the Israeli authorities have never provided their observations), did not meet the fair-trial standards which Israel, as a party to the International Covenant on Civil and Political Rights, is bound to respect, and therefore did not establish Mr. Barghouti's guilt;
2. *Reiterates*, therefore, its call for his immediate release;
3. *Remains eager* to receive official information regarding the conditions under which Mr. Barghouti is held, in particular as regards his family visiting rights and access to medical care;
4. *Considers* that the many national and international reports denouncing the conditions of detention of Palestinian prisoners in Israeli jails should be of concern to the Knesset; *reaffirms* that the Knesset is not only fully entitled to but should exercise its oversight function in respect of the Israeli prison service with regard not only to Israeli but also to Palestinian prisoners and so ensure that all persons under Israel's jurisdiction and effective control are afforded full enjoyment of the rights enshrined in the International Covenant on Civil and Political Rights;
5. *Reiterates* its long-standing wish to be granted permission to visit Mr. Barghouti;
6. *Requests* the Secretary General to forward this resolution to the Speaker of the Knesset and to the competent governmental and administrative authorities, and to seek from them the requested information;
7. *Requests* the Committee to continue examining this case and to report back to it in due course.

CASE No. PAL/05 - AHMAD SA'ADAT - PALESTINE / ISRAEL

***Resolution adopted unanimously by the IPU Governing Council at its 191st session
(Québec City, 24 October 2012)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Ahmad Sa'adat, elected in January 2006 to the Palestinian Legislative Council, and to the resolution it adopted at its 190th session (April 2012),

Referring also to the study produced by the Israeli non-governmental organization Yesh Din (Volunteers for Human Rights) on the implementation of due process rights in Israeli military courts in the West Bank, entitled *Backyard Proceedings*, which reveals the absence of due process rights in those courts, and to the study published in September 2006 by B'Tselem (the Israeli Information Center for Human Rights in the Occupied Territories), entitled *Barred from Contact: Violation of the Right to Visit Palestinians Held in Israeli Prisons*,

Recalling the following:

- On 14 March 2006, Mr. Sa'adat, whom the Israeli authorities had accused of involvement in the October 2001 murder of Mr. R. Zeevi, the Israeli Minister of Tourism, was abducted by the Israeli Defence Forces from Jericho Jail and transferred to Hadarim Prison in Israel together with four other prisoners suspected of involvement in the murder; the Israeli authorities concluded one month later that Mr. Sa'adat had not been involved in the killing but charged the other four suspects; 19 other charges were subsequently brought against Mr. Sa'adat, all arising from his leadership of the Popular Front for the Liberation of Palestine (PFLP), which Israel considers a terrorist organization, and none of which allege direct involvement in crimes of violence; on 25 December 2008, Mr. Sa'adat was sentenced to 30 years in prison;

- Mr. Sa'adat suffers from cervical neck pain, high blood pressure and asthma and has reportedly not been examined by a physician and is not receiving the medical treatment he needs; when he was first detained, the Israeli authorities refused to let his wife visit him; for the first seven months, Mr. Sa'adat received no family visits; his children, who have Palestinian identity cards, have not been allowed to visit their father since his arrest, for reasons unknown; in March and June 2009, Mr. Sa'adat was placed in solitary confinement, prompting him to go on a nine-day hunger strike in June 2009;
- On 21 October 2010, Mr. Sa'adat's isolation order, due to expire on 21 April 2011, was confirmed a fourth time for a further six months; it was apparently again extended in October 2011, bringing Mr. Sa'adat's time in isolation to three years,

Recalling that international human rights bodies, particularly the United Nations Committee against Torture and the United Nations Human Rights Committee, have on several occasions concluded that prolonged periods of isolation are an act of cruel, inhuman and degrading treatment or punishment,

Considering the following: Mr. Sa'adat's isolation ended in May 2012 as part of the agreement ending the April-May 2012 hunger strike by some 2,000 Palestinian detainees in Israel; it appears that Mr. Sa'adat was transferred in September 2012 from Shata Prison to Hadarim Prison, where he was placed in "collective isolation" in retaliation for his comments rejecting as illegitimate the "occupation courts" and calling for "occupation officials" to be put on trial for their crimes against the Palestinian people; "collective isolation" in Hadarim Prison concerns a small group of prisoners held together but separate from the larger Palestinian prisoner population; one of the sources affirmed in September 2012 that, while Mr. Sa'adat's wife and oldest son have been able to visit him, his other three children continue to be denied permits,

Recalling that, in its concluding observations on Israel's third periodic report under the International Covenant on Civil and Political Rights,² the United Nations Human Rights Committee recommended that all persons under Israel's jurisdiction and effective control be afforded full enjoyment of the rights enshrined in the Covenant,

1. *Welcomes* the fact that Mr. Sa'adat's isolation has finally been ended;
2. *Deplores*, however, that three of his children are still unable to visit him; *calls on* the Israeli authorities to do everything possible to allow them to visit their father; *wishes* to have official information in this regard and, more generally, on Mr. Sa'adat's current conditions of detention;
3. *Reaffirms* its long-standing position that Mr. Sa'adat's abduction and transfer to Israel were related not to the murder charge but rather to his political activities as PFLP General Secretary, and that the proceedings against him were therefore politically motivated; *reiterates*, therefore, its call for his immediate release;
4. *Requests* the Secretary General to forward this resolution to the Speaker of the Knesset and to the competent Israeli governmental and administrative authorities, and to seek from them the information requested;
5. *Requests* the Committee to continue examining this case and to report back to it in due course.

² CCPR/C/ISR/CO/3.

PALESTINE / ISRAEL

CASE No. PAL/16 - OMAR MATAR (aka OMAR ABDEL RAZEQ)

CASE No. PAL/17 - NAYEF AL-ROJOUN

CASE No. PAL/24 - ABDULJABER AL-FUQAHA

CASE No. PAL/28 - MUHAMMAD ABU-TEIR

CASE No. PAL/29 - AHMAD 'ATTOUN

CASE No. PAL/30 - MUHAMMAD TOTAH

CASE No. PAL/38 - SAMEER SAFEH AL-KADI

CASE No. PAL/55 - MOHAMMED AL-NATSEH

CASE No. PAL/56 - AHMED AL-HAJ ALI

CASE No. PAL/57 - HASAN YOUSEF

CASE No. PAL/60 - AHMAD MUBARAK

***Resolution adopted unanimously by the IPU Governing Council at its 191st session
(Québec City, 24 October 2012)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the cases of the above-mentioned parliamentarians, all of whom were elected to the Palestinian Legislative Council in January 2006, and to the resolution it adopted at its 190th session (April 2012),

Recalling the following: the parliamentarians concerned were elected to the Palestinian Legislative Council on the Electoral Platform for Change and Reform and were arrested following the kidnapping of an Israeli soldier on 25 June 2006; they were prosecuted and found guilty of membership of a terrorist organization (Hamas), of holding a seat in parliament on behalf of that organization, of providing services to it by sitting on parliamentary committees, and of supporting an illegal organization; they were sentenced to prison terms of up to 40 months,

Considering that, while most of the parliamentarians concerned were released after serving their sentences, many were subsequently rearrested, sometimes several times, and placed in administrative detention, that, in April 2012, when it last considered the case, 23 of them were reportedly held in administrative detention, and that they now number five, namely Mr. Omar Matar, Mr. Nayef Al-Rojoub, Mr. Abduljaber Al-Fuqahaa, Mr. Mohammed Al-Natseh and Mr. Ahmed Al-Haj Ali,

Recalling the following information provided regarding administrative detention:

- According to the Israeli authorities, Hamas members of the Palestinian Legislative Council have had to be held in administrative detention in recent years because "they have frequently abused their positions and immunities as parliamentarians to promote and facilitate the terrorist activities of Hamas, including through the collection of funds in support of Hamas' military operations, and the recruitment of human and other resources in order to improve Hamas' organizational strength";
- The Israeli Supreme Court has ruled that, in order to apply the exceptional measure of administrative detention, which is usually ordered for six months but can in principle be prolonged indefinitely, there must be current and reliable information that a person poses a specific and concrete threat, and that all alternative criminal procedures must have been exhausted before recourse is had to administrative detention; there are two avenues of judicial review, namely the independent and impartial military courts, which have the authority to assess the material relevant to the detainee in question in order to determine whether the decision to detain him/her was reasonable given his/her general rights to a fair trial and freedom of movement, and military prosecution, which implements a "cautious and level-headed" policy in the use of administrative detention, an approach that has resulted in fewer administrative detention orders;
- In his letter of 4 January 2012, the Speaker of the Knesset stresses that those detained have the right to appeal their detentions or other aspects of their handling before a second instance of

appeal within the military court and to petition Israel's Supreme Court; the Speaker stresses that "every issuance of an Administrative Detention Order is regularly given serious consideration by both the prosecution and the Court";

- Human rights organizations in and outside Israel have stressed that administrative detention is usually motivated by a "security threat", but that the scope and nature of the threat are not specified and the evidence is not disclosed; although administrative detainees are entitled to appeal, this right is ineffective as the detainees and their lawyers do not have access to the information on which the orders are based and are therefore unable to present a meaningful defence,

Recalling its long-standing misgivings about the ability of those held in administrative detention to benefit from due process, despite the rules pertaining thereto, Supreme Court case-law and any safeguards they contain to prevent the abusive use of administrative detention, and its conviction that, in the absence of any convincing reasons presented by the Israeli authorities to the contrary, it should be possible to resort to normal criminal procedure, as on past occasions,

Considering the following: a hunger strike started by individual Palestinian prisoners at the beginning of 2012 was joined, as of 17 April 2012, by over 2,000 Palestinian prisoners in Israeli detention; the hunger strike came to an end on 14 May 2012, with the Israeli authorities reportedly agreeing to put an end to the isolation of 19 prisoners and the prohibition of family visits from Gaza; according to numerous press reports, the Israeli authorities also agreed to renew administrative detention orders only if warranted by important new information; this has not, however, been officially and publicly confirmed by the Israeli authorities,

Recalling the following information on file: on 28 May 2006, the then Israeli Minister of the Interior revoked the Jerusalem residence permits of Mr. Abu-Teir, Mr. Totah and Mr. Attoun, arguing that they had shown disloyalty to Israel by holding seats in the Palestinian Legislative Council; the order was not implemented owing to their arrest on 26 June 2006; after their release in May/June 2010, they were immediately notified that they had to leave East Jerusalem; Mr. Abu-Teir was ordered to leave by 19 June 2010 and, refusing to do so, was arrested on 30 June 2010 and later deported to the West Bank; the other two parliamentarians were ordered to leave by 3 July 2010 and, likewise refusing to comply with the order, took refuge in the International Committee of the Red Cross (ICRC) building in Jerusalem, from which they were removed by the Israeli authorities on 26 September 2011 and 23 January 2012 respectively; it appears that Mr. Totah has been in detention awaiting trial since then; in response to a petition against the revocation of the residence permits and the deportation orders to the Supreme Court, on 23 October 2011 the Court asked the Government to respond within 30 days to the claim that the Minister of the Interior did not have legal authority to revoke a residence permit,

Considering that one of the sources reported that the Salfit offices of Mr. Matar and Mr. Abduljawad were raided on 27 June 2012 at 1:30 a.m. and that two computers and financial and other documents pertaining to the Palestinian Legislative Council's work in Salfit were allegedly confiscated; *considering also* that the source affirms that the house of Mr. Azzedine Fattash, the office director, was raided by a group of 30 to 40 soldiers at the same time, and that Mr. Fattash's personal computers were also confiscated,

Considering the following: one of the sources reported that Mr. Hasan Yousef had been transferred to Moskobiyyeh interrogation centre on 10 July 2012; on 12 July 2012, Mr. Yousef's interrogation was extended by a court for 12 days; it now appears that he is awaiting trial; however, there is no information on file regarding the specific accusations against him; in mid-2012, one of the sources reported that Mr. Ahmad Mubarak had been detained on 15 July 2012 for interrogation; there is no information on file on whether or not he remains in detention or if any charges have been brought against him,

Bearing in mind, lastly, that, in its concluding observations on the third periodic report of Israel under the International Covenant on Civil and Political Rights,³ the United Nations Human Rights Committee

³ CCPR/C/ISR/CO/3.

recommended inter alia that all persons under Israel's jurisdiction and effective control be afforded full enjoyment of the rights enshrined in the Covenant,

1. Welcomes the release from administrative detention in recent months of 18 members of the Palestinian Legislative Council, including the Speaker, Mr. Dweik, in July 2012;
2. Trusts that, as a result of what appears to be a change in practice if not policy, the Israeli authorities will also release forthwith the five parliamentarians who remain in administrative detention or, should there be criminal involvement, will prosecute them in full accordance with normal criminal procedure; wishes to be kept informed of any developments in this regard;
3. Wishes to obtain official information regarding Mr. Yousef's reported trial, in particular details of the accusations or charges against him; also wishes to ascertain the status of Mr. Mubarak and whether he remains in detention, and if so, on what grounds;
4. Expresses deep concern at the alleged raids on the Salfit offices of Mr. Matar and Mr. Abduljawad and the house of the office director and at the alleged confiscation of computers and documents reportedly pertaining to the Palestinian Legislative Council's work; wishes to receive the official view on the raids and, should the raids indeed have taken place, to know the legal and factual grounds for them;
5. Reiterates its concerns about the decision to revoke the residence permits of three members of the Palestinian Legislative Council and how it was implemented; recalls that, in keeping with Article 45 of the Hague Convention (IV) of October 1907, which is considered to enshrine rules of customary international law, the inhabitants of occupied territory, such as East Jerusalem, may not be compelled to swear allegiance to the occupying power; regrets that it has yet to receive a copy of the response that the Israeli Government was due to submit to the Supreme Court by 23 November 2011 on the matter of the revocation of the residence permits; reiterates its wish to receive this document and to know if the Court has indeed ruled on the matter, and if so, with what outcome; wishes also to know the grounds on which Mr. Totah is reportedly in detention and awaiting trial;
6. Requests the Secretary General to convey this resolution to the Israeli authorities and the sources, inviting them to provide the requested information;
7. Requests the Committee to continue examining this case and to report back to it in due course.

CASE No. PHI/02 - SATURNINO OCAMPO) PHILIPPINES
CASE No. PHI/04 - TEODORO CASIÑO)
CASE No. PHI/05 - LIZA MAZA)
CASE No. PHI/06 - RAFAEL MARIANO)

***Resolution adopted unanimously by the IPU Governing Council at its 191st session
(Québec City, 24 October 2012)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the cases of Mr. Saturnino Ocampo, Mr. Teodoro Casiño, Ms. Liza Maza and Mr. Rafael Mariano (the so-called Batasan Four), incumbent members of the House of Representatives of the Philippines at the time the communication was submitted, and to the resolution it adopted at its 190th session (April 2012),

Taking into account the information provided by a member of the House of Representatives, Mr. Neri Colmenares, on 21 October 2012 and the letter from the Executive Director of the Inter-Parliamentary Relations and Special Affairs Bureau of the House of Representatives, dated 4 October 2012,

Recalling that the persons concerned were, along with others, prosecuted on a charge of rebellion that was dismissed in June 2007 by the Supreme Court of the Philippines as unfounded and

politically motivated, and that soon after the case was dismissed, new charges were laid against them and have been pending ever since, as follows:

- Multiple murder charges were brought against the Batasan Four in 2007; one of these charges (of murder with kidnapping) was dismissed on account of inadmissible evidence (extrajudicially obtained confessions); the prosecutor proceeded with the other charges although they are based on the same inadmissible evidence; a challenge brought by the Batasan Four on the grounds of grave abuse of discretion has been pending before the Supreme Court since March 2009;
- A new charge of murder was brought against Mr. Ocampo in 2007, and his petition to have the case dismissed for lack of evidence remains pending before the Supreme Court (Leyte murder case);
- A charge of obstructing justice was brought against Mr. Casiño in May 2007 on the grounds that he had prevented an arrest; Mr. Casiño affirms that he prevented plainclothes armed police from arresting someone without an arrest warrant; the case is still awaiting resolution by the prosecutor;
- A multiple murder charge, concerning cases already dealt with in the context of the rebellion case, was brought against Mr. Ocampo in March 2008; the proceedings have been suspended pending the decision of the Supreme Court in the Leyte murder case;
- A charge of abduction (following a petition for a writ of amparo) filed against Mr. Ocampo in March 2008 before the Regional Trial Court of Basey, Western Samar, is pending; according to the source, the charge is factually and legally baseless; the trial was scheduled to start with the initial presentation of petitioner's evidence on 23 June 2011; the petitioner and his lawyer did not appear, however, and the court therefore ordered that the case be archived; the petitioner appeared on 24 June 2011, with his lawyer; upon a motion by the petitioner's lawyer, the court granted them time to file a formal motion for reconsideration of the order archiving the case; the respondent was given time to file comments on the petitioner's motion for reconsideration; the court set the next hearing for 16 September 2011, should it be necessary to proceed with the case; the presentation of a second witness for the petitioner was supposed to take place on 24 February 2012,

Recalling that the Secretary of Justice of the Philippines, in her earlier letters, has consistently affirmed that, under the administration of President Benigno S. Aquino, due process will be respected and all actions and decisions will be based on the rule of law, and that the Speaker of the House of Representatives, in his letter of 8 August 2011, likewise affirmed that the rule of law and due process would prevail in the resolution of the cases of the Batasan Four,

Considering that, according to the information provided by Mr. Colmenares, the charge of obstructing justice against Mr. Casiño was dismissed on 13 March 2012 and the Secretary of Justice has informed Mr. Colmenares that her department is considering withdrawing any opposition to the petitions brought by the Batasan Four before the Supreme Court,

1. *Thanks* Mr. Colmenares and the Executive Director of the Inter-Parliamentary Relations and Special Affairs Bureau for their information and cooperation;
2. *Is pleased* that the authorities have finally taken a decision in the case concerning Mr. Casiño and that the Secretary of Justice has expressed her willingness to help expedite proceedings in the pending murder cases; *sincerely hopes* that, as a result of her stated intention to withdraw all Justice Department opposition in these cases, the Supreme Court will soon be able to close them; *wishes* to be kept informed in this regard;
3. *Trusts* that the only remaining case, concerning the petition for a writ of amparo against Mr. Ocampo, which has been pending for four and a half years, will also soon be wound up; *wishes to kept informed* in this regard and to know if a time-table has been established to this effect;

4. *Requests the Secretary General to forward this resolution to the parliamentary authorities, to the Secretary of Justice and to the National Human Rights Commission;*
 5. *Requests the Committee to continue examining this case and to report back to it in due course.*
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CASE No. TH/183 - JATUPORN PROMPAN - THAILAND

***Resolution adopted unanimously by the IPU Governing Council at its 191st session
(Québec City, 24 October 2012)***

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of Mr. Prompan Prompan, a former member of the House of Representatives of Thailand, which has been examined by the Committee on the Human Rights of Parliamentarians, pursuant to its Procedure for the treatment by the Inter-Parliamentary Union of communications concerning violations of the human rights of members of parliament,

Considering the following information provided by the source:

- Mr. Jatuporn Prompan, a leader of the so-called United Front for Democracy against Dictatorship (UDD) and at the time a member of the House of Representatives, played a prominent role in the "Red Shirt" demonstrations that took place in central Bangkok between 12 March and 19 May 2010; in the weeks following the demonstrations, Mr. Prompan and his fellow UDD leaders were officially charged with participating in an illegal gathering that contravened the state of emergency declared by the government; later, Mr. Prompan was among the leaders indicted on terrorism charges relating to arson attacks on several buildings that took place on 19 May 2010, after the UDD leaders had been taken into police custody; unlike the other UDD leaders, Mr. Prompan's status as a member of parliament resulted in his quick release on bail;
- On 10 April 2011, Mr. Prompan took the stage during the commemoration organized at the Democracy Monument in Bangkok to mark the first anniversary of the government crackdown on the Red Shirt demonstrations; in his speech, he criticized the then government and the Royal Thai Army for using the pretext of "protecting the monarchy" to criminalize the Red Shirt movement and kill its members the year before; Mr. Prompan also criticized the Constitutional Court for sparing the Democrat Party from dissolution, making reference to leaked video recordings that showed some of the justices colluding with party officials; following this, representatives of the Royal Thai Army filed a complaint alleging that Mr. Prompan had committed lese-majesty in his speech; although a year-long investigation subsequently found the charges to be baseless, the Department of Special Investigations asked the Criminal Court to revoke his bail, which it did on 12 May 2011; Mr. Prompan was subsequently held in Bangkok Remand Prison until 2 August 2011;
- A week after the revocation of his bail, Mr. Prompan's name was included on the party list submitted by Pheu Thai for the legislative elections to be held on 3 July 2011; the Election Commission endorsed the list after verifying that the candidates met the required legal conditions; in advance of the elections, Mr. Prompan's lawyers repeatedly filed motions requesting that the Criminal Court grant bail or temporary release to allow him to vote; the requests were denied and Mr. Prompan was thereby prevented from exercising his right to vote; according to the source, his failure to cast a vote was immediately seized upon by the opposition as evidence that he was not qualified to sit in parliament; at first, the Election Commission certified the election results, allowing Mr. Prompan to be sworn in as a member of the new House of Representatives, which first met on the day of his release; in late November 2011, however, the Electoral Commission ruled by a 4-1 vote that Mr. Prompan should be disqualified as a member of parliament, asking the Speaker of the House of Representatives to refer the case to the Constitutional Court for a final ruling;

- On 18 May 2012, the Constitutional Court ruled that Mr. Prompan's detention on election day, and consequent failure to vote in the election, disqualified him from serving as a member of parliament; it reasoned that Mr. Prompan was prohibited from voting under Article 100(3) of the 2007 Constitution, which specifies that "being detained by a warrant of the Court or by a lawful order" on election day is one of the prohibitions leading to disenfranchisement, and that this in turn meant that he had automatically lost his membership in his political party under the 2007 Organic Act on Political Parties; the loss of party membership was subsequently the basis (under Articles 101(3) and 106(4) of the Constitution) on which he was disqualified from sitting in the House of Representatives,

Considering that the source affirms that the criminal charges pending against Mr. Prompan in connection with his involvement in the 2010 Red Shirt rallies are wholly inappropriate, that the specific charge of participation in an illegal gathering stemmed from the previous government's unlawful use of emergency powers, and that the terrorism charges on which Mr. Prompan and other fellow Red Shirt leaders were indicted in August 2010 are politically motivated, but that, according to the source, while the Red Shirts were accused by the government of committing various acts of violence, there exists no evidence that their leaders played a role in planning the attacks, or even knew about them; *considering also* that the next hearing in the case is scheduled for 29 November 2012,

Considering further that Mr. Prompan was sentenced on 10 July and 27 September 2012 respectively in two criminal cases to two six-month prison sentences (with a two-year suspension) and fines of 50,000 baht on charges of defaming then Prime Minister Abhisit Vejjajiva, but that an appeal is pending in both cases; *bearing in mind* that the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression reiterated in his report (A/HRC/17/27 of 16 May 2011) the call for all States to decriminalize defamation,

Bearing in mind that Thailand is a party to the International Covenant on Civil and Political Rights (ICCPR) and therefore obliged to protect the rights enshrined therein,

1. *Is deeply concerned* that Mr. Prompan was disqualified on grounds that appear directly to contravene Thailand's international human rights obligations;
2. *Considers* that, although the Thai Constitution specifically provides for the disenfranchisement of persons "detained by a lawful order" on election day, preventing those accused of a crime from exercising the right to vote is at odds with the provisions of the ICCPR, Article 25 of which guarantees the right to "take part in the conduct of public affairs" and "to vote and to be elected at genuine periodic elections" without "unreasonable restrictions";
3. *Considers* in this regard that denying an incumbent member of parliament temporary release from prison to exercise the right to vote is an "unreasonable restriction", particularly in the light of the ICCPR provisions guaranteeing persons accused of a crime the right to be presumed innocent (Article 14) and "separate treatment appropriate to their status as unconvicted persons" (Article 10(2)(a)); *points out* that Mr. Prompan's disqualification also appears to run counter to the spirit of Article 102(4) of the Thai Constitution, which stipulates that only those convicted, not those accused, of a crime lose their right to stand for election once a candidacy has been submitted;
4. *Is likewise concerned* that Mr. Prompan's political party membership was terminated at a time when it had not been established that he had committed any wrongdoing and on account of a speech he had made that appeared to fall clearly within the exercise of his right to freedom of expression, as borne out by the subsequent dismissal of the charge; *is also concerned* that the courts can rule on the question of party membership when this is first and foremost a private matter between Mr. Prompan and his party and there was no dispute between them on the question;
5. *Sincerely hopes* that, in the light of the above, the competent Thai authorities will do everything possible to reconsider Mr. Prompan's disqualification and ensure that all current legal provisions

are in line with the relevant international human rights standards; *wishes to ascertain* the official views on this point;

6. *Is concerned* about the alleged legal basis for and facts adduced to substantiate the charges pending against Mr. Prompan and the possibility that the court may order his return to preventive detention; *wishes to receive* a copy of the charge sheet and to be informed of the outcome of the next hearing; *considers* that, in the light of the concerns in the case, it would be useful to explore the possibility of sending a trial observer to the proceedings, and *requests* the Secretary General to look into the matter;
7. *Is also concerned* that Mr. Prompan was prosecuted, sentenced and convicted on charges of defamation; *concur*s in this regard with the recommendation made by the United Nations Special Rapporteur that defamation should not be considered an offence under criminal law; *wishes to ascertain*, therefore, whether the Thai authorities are contemplating reviewing the existing legislation with this in mind; *wishes to receive* a copy of the first-instance rulings and to be kept informed of the appeal proceedings;
8. *Requests* the Secretary General to convey this resolution to the competent authorities and to the source;
9. *Requests* the Committee to continue examining this case and to report back to it in due course.

TURKEY

CASE No. TK/41 - HATIP DICLE

CASE No. TK/67 - MUSTAFA BALBAY

CASE No. TK/68 - MEHMET HABERAL

CASE No. TK/69 - GÜLSER YILDIRIM (Ms.)

CASE No. TK/70 - SELMA IRMAK (Ms.)

CASE No. TK/71 - FAYSAL SARIYILDIZ

CASE No. TK/72 - IBRAHIM AYHAN

CASE No. TK/73 - KEMAL AKTAS

CASE No. TK/74 - ENGIN ALAN

***Resolution adopted unanimously by the IPU Governing Council at its 191st session
(Québec City, 24 October 2012)***

The Governing Council of the Inter-Parliamentary Union,

Having before it the cases of the above-mentioned parliamentarians of Turkey, elected in the June 2011 parliamentary elections, which has been examined by the Committee on the Human Rights of Parliamentarians, pursuant to its Procedure for the treatment by the Inter-Parliamentary Union of communications concerning violations of the human rights of members of parliament,

Taking into account the information provided by the Turkish delegation, led by the President of the Turkish IPU Group, to the 127th IPU Assembly (Québec City, October 2012) on the occasion of a hearing with the Committee and the latest communications from the President of the Turkish IPU Group; *also taking into account* the information provided by the sources in these cases,

Recalling that Mr. Balbay and Mr. Haberal were elected on the list of the Republican People's Party, Mr. Alan on the list of the National Action Party and the six others as members of the pro-Kurdish Peace and Democracy Party, that the persons in question were all certified by the Supreme Election Board (YSK) while in detention as eligible candidates for the legislative elections, and that, once elected, their petitions for release to enable them to take up their parliamentary duties were rejected by the competent courts,

Considering the following information on file on their individual situations:

- **Regarding Mr. Balbay:**

Mr. Balbay was reportedly arrested at the beginning of 2009 and is being prosecuted on charges of being a member of an organization, Ergenekon, conspiring to destabilize and overthrow the ruling

Justice and Development Party. The source affirms that he was the Ankara correspondent for *Cumhuriyet*, a long-running daily in Turkey, that he was a well-known critic of the government, and that he had been briefly detained in July 2008. Although he stopped working at the newspaper, the source affirms that he continued to criticize the government and was again arrested in 2009 on the grounds that the police had recovered previously deleted data in the computer seized during his first arrest. According to the source, the information obtained is nothing more than journalistic notes, which Mr. Balbay had already published in his books.

- **Regarding Mr. Haberal:**

Mr. Haberal was reportedly arrested around the same time as Mr. Balbay and faces the same charges. According to the source, Mr. Haberal is a physician and is well-known for his social work. It affirms that the prosecutor accuses him of using his meetings to discuss plans to overthrow the government. According to the source, these meetings were no more than brain-storming exercises attended by politicians, including two MPs from the governing party, and civil servants.

- **Regarding Mr. Alan:**

Mr. Alan was prosecuted as part of the "Sledgehammer case", which is the name of an alleged Turkish [secularist military coup](#) plan reportedly dating back to 2003. A judgement was handed down in this case on 21 September 2012. Mr. Alan was convicted and sentenced to a prison term of 18 years.

- **Regarding Ms. Yildirim, Mr. Ayhan, Mr. Aktas, Ms. Irmak and Mr. Sariyildiz:**

The five independent parliamentarians are all being prosecuted for crimes against the constitutional order, in particular membership of the Kurdish Communities Union (KCK), said to be the urban wing of the Kurdistan Workers Party (PKK). They were reportedly arrested between December 2009 and April 2010, with the exception of Mr. Ayhan, who was arrested in October 2010.

- **Regarding Mr. Dicle:**

- Mr. Dicle has been in detention since December 2009 in relation to the KCK case.
- He was convicted and sentenced in 2009 at first instance to a prison sentence of one year and eight months, pursuant to Article 7/2 of the Anti-Terror Law, in connection with a statement he made to the ANKA news agency in October 2007 with respect to the unilateral ceasefire declared by the PKK in 2006 and to the subsequent reportedly intensified attacks by the army. Mr. Dicle reportedly stated, "... this ceasefire has become invalid. The PKK will use its legitimate right of defence unless the army stops the operations."
- The Supreme Court of Appeals upheld the judgement on 22 March 2011. After registering the criminal record, the ruling was submitted to the YSK on 9 June 2011. The President of the Turkish IPU Group affirms that, at that point, under the Electoral Law, the YSK was no longer in a position to make any changes to the final list of candidates for the elections, which explains why it was possible for Mr. Dicle to stand for election but his election subsequently invalidated.
- Mr. Dicle, whose seat has been attributed to a member of the ruling party, has submitted a petition to the European Court of Human Rights alleging that his rights under the European Convention on Human Rights have been violated,

Recalling that, with respect to all nine cases, the source has raised serious questions about the length of the proceedings, which appear not to be advancing and in which many of the accused have not yet been able to present their defence, and affirms that no concrete facts have been presented to justify the detention decisions,

Also recalling that the source affirms that some of the evidence against the accused has been fabricated by the investigators, that most of the detentions are based on unsigned anonymous letters and that the computers of the accused have been tampered with; *further recalling* that the source also affirms that all the persons who stand accused in these cases are known to be in opposition to the present government, that the

government fully controls the Supreme Board for Judges and Prosecutors in charge of the judicial system, and that there is direct political interference in the cases,

Considering the following: according to the President of the Turkish IPU Group, the Ergenekon and Sledgehammer cases have to be seen against the background of repeated interference, including coups d'état, by the military in national politics in the recent history of Turkey; the parliamentarians concerned were/are accused as part of extremely complex criminal cases concerning multiple suspects; the parliamentary human rights committee has visited the parliamentarians in detention, concluded that their conditions were appropriate, and adopted a report to this effect which can be made available; the Turkish parliament recently amended the criminal code of procedure with a view to expediting legal proceedings and facilitating the release of those standing accused in cases such as the ones at hand; however, the courts have refused to grant the parliamentarians provisional release on the grounds that the crimes of which they are accused are very serious and their release may jeopardize the collection of evidence,

Bearing in mind that Turkey is party to the European Convention on Human Rights and the International Covenant on Civil and Political Rights, and is therefore bound to respect the right to freedom of expression, the right to liberty and the right to participate in political life,

1. *Thanks* the President of the Turkish IPU Group for her extensive cooperation;
2. *Appreciates* the fact that the Turkish parliament has taken an active interest in these cases and adopted legislation affording its members in preventive detention the opportunity to benefit from provisional release, thus enabling them to exercise the mandate entrusted to them by their constituents; *is concerned*, therefore, that the courts have not released the parliamentarians in question, all the more so as their detention is allegedly the result of unfounded legal proceedings and as some of them have already been deprived of their liberty for three years; *trusts* that a close analysis of the new legislation, of which the Turkish delegation has undertaken to provide a copy, will shed further light in this regard; *would also appreciate* receiving a copy of the relevant court decisions in this respect and of the ruling handed down on Mr. Alan;
3. *Considers* that, in the light of the complexity and seriousness of the cases at hand, an on-site mission would be timely and enable it to obtain first-hand information and thus acquire a better understanding of the precise charges, the facts adduced to substantiate them, the state of the investigations and proceedings and the prospects for the members in preventive detention to participate fully in the work of parliament; *considers* that this mission would also enhance its comprehension of the facts and legal grounds underpinning Mr. Dicle's latest conviction, in particular in the light of earlier concerns it expressed in a case in which he and three others, Ms. Zana, Mr. Sadak and Mr. Dogan, were convicted on a similar charge and sentenced, after two mistrials, to a harsh prison term;
4. *Is pleased*, therefore, that the President of the Turkish IPU Group concurs that an on-site mission, which would meet with the parliamentary, executive and judicial authorities and the parliamentarians concerned, could be conducive to promoting such understanding, including with regard to the context in which the different criminal proceedings in these cases have to be seen;
5. *Requests* the Secretary General to arrange for the mission to take place as early as possible and to pursue his exchanges with the parliamentary authorities for this purpose; *requests* him also to convey a copy of this resolution to the sources;
6. *Requests* the Committee to continue examining these cases and to report back to it in due course.