



Inter-Parliamentary Union  
For democracy. For everyone.

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# 133<sup>rd</sup> Assembly

## 1. Opening of the Assembly

The 133<sup>rd</sup> Assembly opened in the morning of Sunday, 18 October 2015, at the Centre international de Conférences de Genève (CICG). Mr. S. Chowdhury (Bangladesh), President of the IPU, chaired the proceedings. He was assisted by several Vice-Presidents: Mr. S. Kinga, Speaker of the National Council (Bhutan); Mr. M. Niat Njifenji, President of the Senate (Cameroon), Mr. L. Housakos, Speaker of the Senate (Canada); Ms. D. Pascal Allende, Deputy Speaker, Chamber of Deputies (Chile); Ms. S. Mahajan, Speaker of Lok Sabha (India); Mr. W. Simina, Speaker of the Congress, (Micronesia, Federated States of); Mr. P.H. Katjavivi, Speaker of the National Assembly (Namibia); Mr. M.R. Rabbani, Chairman of the Senate (Pakistan); Ms. V. Matviyenko, Speaker of the Council of the Federation (Russian Federation); and Mr. P. Matibini, Speaker of the National Assembly (Zambia).

In his opening remarks, Mr. S. Chowdhury reflected on the many developments that had occurred since being elected IPU President a year earlier. The previous Assembly had concluded with the Hanoi Declaration, *The SDGs: Turning words into reality*. Its key messages had informed the very successful Fourth World Conference of Speakers of Parliament, held at UN Headquarters in New York in late August/early September, and had been reflected in the outcome of the United Nations Sustainable Development Summit held later in September. Heads of State and Government had explicitly acknowledged the essential role of parliaments in the implementation of the Sustainable Development Goals (SDGs). United Nations Member States had also endorsed a governance goal (Goal 16) which placed peace, justice and strong institutions at the forefront of the new development agenda.

It was now important for the three major international processes concluded in 2015, which fell under the post-2015 development agenda to form a coherent package as the basis for parliamentary work in the coming years. Those processes were the SDGs, disaster risk reduction and climate change. Until now, efforts had centred primarily on advocacy and awareness-raising; the time had now come for resolute action in the implementation of the new commitments. Parliaments needed to make sure they were fit for purpose. The IPU was ready to help define the main components of parliamentary action and provide relevant assistance.

At the current Assembly, Members were called upon to tackle a number of highly topical issues, including the fight against terrorism and violent extremism, privacy in the digital age, the protection of the tangible and intangible cultural heritage of humanity, as well as climate change.

## 2. Participation

Delegations from 134 Member Parliaments took part in the work of the Assembly<sup>1</sup>:

Afghanistan, Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bhutan, Bosnia and Herzegovina, Botswana, Brazil, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Canada, Chad, Chile, China, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guinea, Guinea-Bissau, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liechtenstein, Lithuania, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Palestine, Panama, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Singapore, Slovenia, South Africa, South Sudan, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Timor-Leste, Togo, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, Uruguay, Venezuela, Viet Nam, Zambia and Zimbabwe.

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<sup>1</sup> For the complete list of IPU Members, see page 30

The following Associate Members also took part in the Assembly: the Arab Parliament, the East African Legislative Assembly (EALA), the Inter-Parliamentary Committee of the West African Economic and Monetary Union (WAEMU), the Latin American Parliament (PARLATINO), and the Parliamentary Assembly of the Council of Europe (PACE).

The following two parliaments participated as Observers with a view to future affiliation: Comoros and Vanuatu.

Other Observers comprised representatives of: (i) the United Nations system: the UN Security Council's Counter-Terrorism Committee Executive Directorate (CTED), UN Security Council, Food and Agriculture Organization of the United Nations (FAO), the United Nations Environment Programme (UNEP), the United Nations, Office of the United Nations High Commissioner for Human Rights (OHCHR), the International Labour Organization (ILO), the International Telecommunications Union (ITU), the Office of the United Nations High Commissioner for Refugees (UNHCR), the Partnership for Maternal, Newborn and Child Health (PMNCH), the Joint United Nations Programme on HIV/AIDS (UNAIDS), the United Nations Children's Fund (UNICEF), the United Nations Conference on Trade and Development (UNCTAD), the United Nations Development Programme (UNDP), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Office on Drugs and Crime (UNODC), UN Women, the World Health Organization (WHO); (ii) the International Organization of Supreme Audit Institutions (INTOSAI), the International Organization for Migration (IOM), World Bank, the World Trade Organization (WTO); (iii) the African Union, the League of Arab States; (iv) the African Parliamentary Union (APU), the Arab Inter-Parliamentary Union (AIPU), the Asian Parliamentary Assembly (APA), the Global Organization of Parliamentarians against Corruption (GOPAC), the Inter-Parliamentary Assembly of the Member Nations of the Commonwealth of Independent States (IPA CIS), the Maghreb Consultative Council, Parliamentarians for Nuclear Non-proliferation and Disarmament (PNND), the Parliamentary Assembly of the Black Sea Economic Co-operation (PABSEC), the Parliamentary Assembly of the Mediterranean (PAM), the Parliamentary Assembly of Turkic-speaking countries (TurkPA), the Parliamentary Assembly of the Union of Belarus and Russia, the Parliamentary Union of the Organization of Islamic Cooperation Member States (PUIC), World Scout Parliamentary Union (WSPU); (v) the Global Fund to Fight Aids, Tuberculosis and Malaria; (vi) Liberal International, Socialist International; (vii) the Geneva Centre for the Democratic Control of Armed Forces (DCAF), the International Committee of the Red Cross (ICRC), the International Institute for Democracy and Electoral Assistance (International IDEA), and the International Federation of Red Cross and Red Crescent Societies (IFRC).

Of the 1,399 delegates who attended the Assembly, 647 were members of parliament. Those parliamentarians included 41 Presiding Officers, 50 Deputy Presiding Officers and 210 women (32.5%).

### 3. Choice of an emergency item

On 18 October 2015, the President informed the Assembly that the following five proposals for the inclusion of an emergency item had been proposed:

- *Strengthening the role of parliamentarians in the effective implementation of the principles of international humanitarian law and international conventions on the protection of refugees* proposed by the United Arab Emirates;
- *The role of the Inter-Parliamentary Union in urging countries, regional and international parliamentary organizations and the international community to provide the facilities required for those who have become refugees through war, internal conflict and economic situations* proposed by Sudan;
- *The role of the Inter-Parliamentary Union in countering the terrorism and extremism of Islamic State in Iraq and the Levant (ISIL), Al-Nusra Front (ANF) and other terrorist groups associated with them* proposed by the Syrian Arab Republic;
- *Protecting human rights in the fight against terrorism and violent extremism*, proposed by Mexico;
- *The role of parliaments in taking urgent action to protect the climate*, proposed by New Zealand.

The delegations of the United Arab Emirates and Sudan merged their proposals to:

- *The role of the Inter-Parliamentary Union, parliaments, parliamentarians, and international and regional organizations in providing necessary protection and urgent support to those who have become refugees through war, internal conflict and socio-economic situations, according to the principles of international humanitarian law and international conventions.*

The Assembly held a roll-call vote on the four proposals (see pages 39 to 42). The proposal put forward jointly by the United Arab Emirates and Sudan was adopted and added to the agenda as Item 7.

#### 4. Debates and decisions of the Assembly and its Standing Committees

(a) *General Debate: The imperative for fairer, smarter and more humane migration* (Item 3)

The IPU President introduced the theme of the General Debate, saying that when the theme had been chosen several months previously, the IPU had had no idea that the subject of migration would have been so topical, nor that it would have become a challenge of such proportions. Migration was a very real human tragedy that affected – directly or indirectly – the majority of countries. It was a truly global phenomenon and one of the most debated issues in many parts of the world. As representatives of the people, parliamentarians had a critical role to play: helping to focus on the human face of migration, making sure that migration and asylum policies complied with international human rights principles, keeping constituents informed, questioning the government, leading by example through showcasing what could be done to support persons fleeing violence, and considering migration as an opportunity.

As the world organization of parliaments, the IPU had a responsibility to draw the attention of the global parliamentary community to the issue of migration and to press for prompt and concerted action. Despite the complex nature of migration and various concerns at the national and local levels, it was important for parliamentary debates to focus on facts, solutions, and most importantly, on what parliaments and parliamentarians could do both individually and collectively to address the issue.

*Mr. W. Lacy Swing, Director General, International Organization for Migration (IOM)*, commended the IPU for choosing such a topical and important subject. The world was living in an era of unprecedented human mobility: more than 1 billion people in a world of 7 billion were migrants – 250 million were international migrants and 750 million domestic. There were multiple drivers of large-scale migration, as a result of which the world was experiencing the largest displacement and forced movement of people in recorded history, with 60 million people currently uprooted around the world.

The international community could only respond effectively to such emergencies if it had comprehensive, long-term migration policies. The role of parliaments in achieving that objective was critical. Parliaments held the power to legislate on migration and shape migration policy, including through national action plans and strategies. Such plans could deal with the provision of public housing, access to health care and education, as well as with combating racism and xenophobia. Parliamentarians could also help devise a comprehensive approach to migration policy-making.

Parliamentarians had the power to set the tone of debates and could play a significant role in making the current public discourse on migration more balanced and evidence-based. Growing anti-migrant sentiment, especially in Europe, was unnecessarily endangering the lives of migrants and ignoring the overwhelmingly positive contribution that migrants continued to make. *Ms. K. Kyenge*, a member of the European Parliament, speaking at the opening of the General Debate, embodied the very essence of responsible policies. While serving as the Italian Minister for Integration, she had supported a poster campaign organized by IOM depicting migrant doctors saving the lives of Italians.

Parliamentarians also had the financial power to approve and allocate resources that could affect migration policy and migrants themselves. Migration policy needed to include a number of elements relating to integration, return to migrants' countries of origin and access to public services, all of which required adequate funding. The Director General presented an overview of the actions taken by IOM in support of parliamentary work on migration at the global, regional and national levels. He concluded by emphasizing that migration was not a problem to be solved, but rather a human phenomenon that needed to be managed in a fairer, smarter and more humane manner.

*Mr. G. Ryder, Director-General, International Labour Organization (ILO)*, underscored the moral and humanitarian considerations for tackling migration effectively and fairly. The ILO Constitution spoke to the rights of migrant workers and underscored that "labour was not a commodity". A number of international instruments had been developed over the years to better manage migration. Those included the United Nations Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, as well as the ILO conventions on migrant workers (No. 143), private employment agencies (No. 181) and domestic workers (No. 189), as well as the 2014 Protocol on forced labour, which addressed the scourge of human trafficking.

The 2030 Agenda for Sustainable Development called for migration to be regulated in an “orderly, safe, regular and responsible” manner. To achieve that, countries needed to adopt well-managed migration policies that enabled migrants to fully develop their potential to contribute to human and economic development. Migration was an opportunity, and policymakers needed to recognize that migration yielded significant benefits for host countries and countries of origin, as well as for individuals, families and communities. Destination countries benefited from new skills, a much-needed work force in the context of ageing populations, and contributions to the national economy. Countries of origin benefited from remittances, investments from diaspora networks and the newly-acquired skills and experience of returning migrants. Yet migrants continued to face many challenges, which must be tackled.

It was important to counter stereotypes, prejudice and misinformation with hard economic facts. For example, a recent study presented to the G20 concluded that in most countries, migrants' contributions to national economies outweighed the cost of the social benefits that they received. At the same time, it was important to go beyond simple economic calculations and carefully take into account the humanitarian obligations that all countries faced. The ILO was keen to work closely with the IPU and its Member Parliaments in helping to address those issues.

*Ms. K. Kyenge, Member of the European Parliament and Vice-President of the ACP-EU Joint Parliamentary Assembly*, was invited to share her personal experience and perspectives on migration. Born and raised in the Democratic Republic of the Congo, Ms. Kyenge first came to Italy to study medicine. Since then, she had experienced multiple challenges until she had finally been accepted as a valuable citizen of her country of adoption. She had been at the forefront of efforts to promote mutual awareness, integration and cooperation between Europe and Africa, while also working hard to protect the rights of migrants in Italy.

She said that migration was a global phenomenon that could not be dealt with by States alone. It required joint action, solidarity and a truly global approach. In the past months, the EU had been faced with an unprecedented influx of migrants and refugees. It had adopted the European Agenda for Migration, which provided for concrete and immediate measures to deal with the current crisis, and for the elaboration of medium- and long-term internal and external policies. Much more remained to be done. For example, the EU had yet to develop a common asylum system and to revise the Dublin II Regulation on asylum applications; the European Parliament had been calling for a review of that Regulation for many years.

Ms. Kyenge also called for vigilance: certain measures and policies posed significant risks to the very values and principles on which the EU was founded. Any approach to migration needed to be centred on human rights and fundamental freedoms and entail political dialogue and cooperation with countries of origin. That would help support democratization processes and economic development in those countries and counter human trafficking and the smuggling of migrants. It was up to parliaments and parliamentary assemblies to make sure that fundamental democratic principles were observed and that international commitments were met so as to ensure a better future for all citizens.

During the three days of debate, representatives of 95 Member Parliaments, two regional parliamentary organizations and three other Permanent Observers spoke on the theme.

The debate provided them with an opportunity to exchange views on the multi-faceted challenges linked to the increasingly complex global phenomenon of migration. It was noted that mixed migration flows comprised migrant workers, asylum-seekers, individuals who moved for a combination of reasons, as well as those who were known as “survival migrants”.

Members recognized that parliamentarians had a particular responsibility regarding migration. They had to demonstrate political leadership, listen to and voice the concerns of their constituents, raise awareness, oversee government action and support it by adequately resourcing the responsible bodies.

In the morning of 19 October, the Assembly debated the humanitarian dimension of migration.

Ms. C. Beerli, Vice-President of the International Committee of the Red Cross (ICRC), and Mr. V. Türk, Assistant United Nations High Commissioner for Refugees (UNHCR), spoke during the discussions.

Address by, and interactive session with, Dr. M. Chan, Director General  
of the World Health Organization (WHO)

In the afternoon of the same day, Dr. M. Chan addressed the Assembly as a special guest. In her presentation, the Director-General pointed out that parliamentarians were uniquely well-positioned to tackle complex health problems across multiple sectors of government and through multilateral agreements, resolutions and other legislative tools.

She presented a number of challenges to the delegates: do everything to get governments to introduce reforms that moved health systems closer to universal coverage, which was one of the most powerful social equalizers among all policy options. Universal health coverage was not cheap but, with the right policies in place, was affordable. As watchdogs, parliaments should look for ways to reduce waste and inefficiency in the delivery of health services. Sometimes the incentives were wrong: they encouraged overuse of tests, overprescribing and longer-than-needed hospital stays.

Dr. Chan urged parliamentarians to watch the costs of medicines and trade agreements that made it harder for lower-priced generic medicines of good quality to enter the market. When the price of a new drug cost US\$ 1,000 a pill, the manufacturer should be pressed to reveal the actual production costs. Sometimes changing unhealthy human behaviours meant changing the behaviours of powerful economic operators, including multinational corporations. If they promised to stop marketing unhealthy foods and beverages to children, they should be held accountable. As for labels on food, did they help consumers make healthy choices, or did they confuse them? Could the mother of a diabetic child easily determine how many spoonfuls of sugar were contained in a cereal or a snack?

The WHO Director General also urged parliamentarians to encourage their governments to raise taxes on tobacco products. Doing so was unquestionably the most effective demand-reduction strategy set out in the WHO Framework Convention on Tobacco Control. Remarkably, it was also the least used, largely because of interference from the tobacco industry.

Above all, she encouraged members of parliament to fight against tax policies, trade policies, or insurance policies that punished the poor, appealing to them to use their power wisely to support a sustainable future.

Following her presentation, Dr. Chan fielded a number of questions from the floor, notably from the delegations of Cuba, Indonesia, Italy, Lesotho and Mexico. They all commended the good work WHO was doing in many fields, including reproductive health and dealing with the Ebola crisis. They welcomed her call for greater collaboration between WHO and the IPU and her invitation to hold a side event for parliamentarians at the next World Health Assembly in May 2016.

At the end of the debate, the Assembly endorsed the *Declaration on the imperative for fairer, smarter and more humane migration*. It set out priority tasks for parliamentarians with regard to building and implementing a protective legal framework; ensuring fairness, non-discrimination and respect for the human rights of migrants; and working for social cohesion, and peaceful, inclusive societies (see page 32).

(b) Standing Committee on Peace and International Security

(i) *Activities during the 133<sup>rd</sup> Assembly*

The Standing Committee on Peace and International Security held one sitting on 18 October 2015 with its President, Mr. R. Tau (South Africa), in the Chair.

During that sitting, the Committee held an expert hearing on *Terrorism: The need to enhance global cooperation against the threat to democracy and individual rights*, the topic of a resolution that was expected to be adopted by the 134<sup>th</sup> IPU Assembly in Lusaka (Zambia). During the discussion, Committee members learned about current issues relating to counter-terrorism and exchanged views with experts.

The hearing opened with the statements of two experts, Mr. A.S. El Dawla, representing the Counter-Terrorism Committee Executive Directorate (CTED), and Mr. K. Koser, Executive Director of the Global Community Engagement and Resilience Fund (GCERF). They highlighted in their presentations the role that parliaments should play in counter-terrorism efforts, notably through their legislative and oversight functions. They also advocated for greater coordination and cooperation at all levels.



Further to the experts' interventions, a total of 33 speakers, including two observer organizations, took the floor during the discussion. The majority of the interventions referred to actual acts of terrorism, counter-terrorism legislation, the funding of terrorism and the definition of terrorism. Many expressed concern that young people and women were increasingly involved in terrorism and highlighted the need for better prevention.

The Committee report was presented to the Assembly at its last sitting on 21 October by the President of the Standing Committee, Mr. R. Tau (South Africa). The report is available at page 46.

(ii) *Meeting of the Bureau and future work programme*

The Bureau of the Standing Committee met on 18 October 2015. Eight out of 18 members were present.

The President of the Committee began by informing the Bureau members of the discussions held during the Joint Meeting of Chairpersons of the Geopolitical Groups and Presidents of the Standing Committees and its outcomes.

The Bureau established the Committee's work programme for the 134<sup>th</sup> IPU Assembly. It decided that the entire time allocated to the Committee should be devoted to the resolution. That proposal was subsequently approved by the Committee plenary.

The Bureau also discussed its working methods, and the topics to be studied by the Committee. Two members of the Bureau stated that they would like to host additional Bureau meetings, including with the co-Rapporteurs, to discuss at length the resolution and other topics of interest.

(c) Standing Committee on Sustainable Development, Finance and Trade

The Standing Committee held its sitting on 19 October with its Vice-President, Mr. O. Hav (Denmark), in the chair.

The Committee discussed a draft outcome document of the Parliamentary Meeting due to be held in conjunction with the United Nations Climate Change Conference in Paris in December. The Rapporteur, Mr. H. Maurey (France), introduced the draft to the Committee for comments. The feedback provided by the Committee would be incorporated and presented to the Parliamentary Meeting organized by the IPU and the French Parliament on 5 and 6 December in Paris. Fifteen delegations contributed to the debate.

The Committee also heard a presentation on the *2015 Global Climate Legislation Study*, to which the IPU had provided input. In addition, the Committee was made aware of the draft Parliamentary Action Plan on Climate Change, which had been developed at the initiative of the IPU President.

The Committee debated the subject item of its next resolution, *Ensuring lasting protection against destruction and deterioration for the tangible and intangible cultural heritage of humanity*. The theme was introduced by a renowned UNESCO expert and the co-Rapporteur from Belgium. Twenty parliamentarians took part in the debate, highlighting the importance of cultural heritage and underscoring the need to ratify and implement the agreements, conventions and standards that existed in that area. At the end of the debate, the co-Rapporteur reflected on the Committee's deliberations and explained how the debate would feed into the draft resolution.

The Committee also held elections to fill the existing vacancies on its Bureau. Five vacant posts were filled by the African Group, the Asia-Pacific Group and GRULAC respectively. The Committee was informed that one Bureau member from the Arab Group and one from the Twelve Plus Group would no longer be able to participate in the work of the Bureau, and those members were therefore replaced by other parliamentarians from the same countries, who would serve the remainder of the former members' terms. Two vacant posts for the Eurasia Group remained unfilled. In accordance with the decision taken at the Joint Meeting of Chairpersons of the Geopolitical Groups and Presidents of the Standing Committees on 17 October, the Committee President would be elected at the following IPU Assembly in Zambia.

The Committee approved the Bureau's proposal to devote most of its allotted time to discussing the resolution. Time permitting, a panel discussion could also be organized.

The Committee report was presented to the Assembly at its last sitting on 21 October by the President of the Standing Committee, Mr. O. Hav (Denmark). The report is available at page 48.

(d) Standing Committee on Democracy and Human Rights

(i) *Democracy in the digital era and the threat to privacy and individual freedoms* (Item 4)

The Committee held sittings on 18, 19 and 20 October with Ms. A. King (New Zealand) in the chair, replacing its President, Ms. F. Naderi (Afghanistan), who was unable to attend due to political events in her country. At its first sitting, the draft resolution on *Democracy in the digital era and the threat to privacy and individual freedoms* was presented to the Committee by the co-Rapporteurs, Ms. B. Jónsdóttir (Iceland) and Mr. H.J. Jhun (Republic of Korea). In the ensuing debate, 31 speakers took the floor, of whom 35 per cent were women.

The Committee started its deliberations on the text of the draft resolution in the afternoon of 18 October. It had before it 115 amendments submitted by 15 parliaments (Canada, China, Cuba, France, India, Iran (Islamic Republic of), Kenya, Pakistan, Romania, Russian Federation, Switzerland, Thailand, United Arab Emirates, Venezuela and Viet Nam) and three amendments proposed by the Meeting of Women Parliamentarians.

The Committee worked in plenary to review the proposed amendments. The Committee voted to accept or reject the proposals and made some drafting improvements to the text. The inclusive working method produced a revised draft resolution which was adopted unanimously at the final sitting in the morning of 20 October.

(ii) *Future work programme*

The Bureau of the Committee met on 19 October to consider proposals for the future work programme. The Bureau had before it one proposal from the Russian Federation for the subject of the Committee's next resolution that had been submitted before the deadline of 2 October (as stipulated under Rule 18 of the Rules of the Standing Committees). It also had before it eight proposals from other Member Parliaments and bodies of the IPU that had been made after the deadline, namely: Australia, Belgium, Cyprus (two proposals), India, Sweden, Uganda (on behalf of the Meeting of Women Parliaments), and the Committee on the Human Rights of Parliamentarians.

The Chair clarified that under Rule 20.4 of the Rules of the Standing Committees, the Bureau was free to put forward to the Committee any subject that it wished, regardless of whether it had been formally submitted by a Member Parliament or when the proposal was made. It was therefore within the remit of the Bureau to consider all the proposals that it had before it, as well as any other proposals that the Bureau members might make during the Bureau meeting.

The Bureau decided by consensus to forward two proposals to the Committee for the subject of its next resolution, from the Russian Federation and Australia. At its final sitting on 20 October, the Committee heard presentations on the proposals by those two delegations and voted in favour of the Australian proposal by 27 votes to 17. Accordingly, the subject of the next resolution, to be adopted at the 135<sup>th</sup> Assembly in October 2016, would be *The freedom of women to participate in political processes fully, safely and without interference: Building partnerships between men and women to achieve this objective*. The Assembly appointed Ms. L. Markus (Australia) as one of the rapporteurs of the resolution, and entrusted the IPU President with the responsibility of carrying out consultations with the geopolitical groups with a view to identifying the second rapporteur.

The Committee also endorsed the Bureau's recommendation to accept a joint proposal from Mexico and the United Kingdom to hold a debate on *Open Parliaments: Building an association on accountability* at the 134<sup>th</sup> IPU Assembly in Zambia in March 2016, that would not lead to a resolution.

(iii) *Elections to the Bureau*

GRULAC nominated Mr. M. Bouva (Suriname) to complete the mandate of Mr. A. Misiekaba, a Bureau member from the same country. The Eurasia Group nominated Mr. V. Senko (Belarus) to complete the mandate of Ms. A. Naumchik from the same country. Both nominations were approved by the Committee. One vacancy on the Bureau from the Eurasia Group remained unfilled.

(e) Standing Committee on United Nations Affairs

The Standing Committee met on 20 October. Three new members were elected to the Bureau: Mr. I. Dodon (Republic of Moldova), Ms. A. Bimendina (Kazakhstan) and Ms. A. Trettebergstuen (Norway). Mr. A. Avsan (Sweden) was confirmed as President of the Committee.

The first session reviewed the work of the UN Peacebuilding Commission on the occasion of its 10<sup>th</sup> anniversary. Panellists included Dr. O. Jütersonke (Graduate Institute of International and Development Studies), Mr. S. Weber (Director General, Interpeace), Ambassador B. Stevens (Sierra Leone) and Mr. A. Correia, Deputy Speaker of the National People's Assembly of Guinea-Bissau.

The second session focused on the role of the International Court of Justice (ICJ) in the resolution of international disputes. The ICJ was one of six principal organs of the United Nations. Professor M. Kohen (Graduate Institute of International and Development Studies) and Ambassador J. Lindenmann, (Deputy Director, Swiss Federal Department of Foreign Affairs), shared their considerable knowledge of the ICJ and highlighted its strong record over the years.

The Committee Bureau met on 19 October. It decided to hold a hearing at its next session in Lusaka with the announced candidates for the post of UN Secretary-General. The Committee would dedicate one of its sessions to the modalities of reviewing progress on the SDGs and how to integrate that review into the IPU's work.

The Committee looked forward to participating in the annual Parliamentary Hearing at the United Nations in February 2016 in New York.

The Committee report was presented to the Assembly at its last sitting on 21 October by the President of the Standing Committee, Mr. A. Avsan (Sweden). The report is available at page 51.

(f) Debate and adoption of the emergency item

*The role of the Inter-Parliamentary Union, parliaments, parliamentarians, and international and regional organizations in providing necessary protection and urgent support to those who have become refugees through war, internal conflict and socio-economic situations, according to the principles of international humanitarian law and international conventions (Item 7).*

The debate on the emergency item was held in the morning of Monday 19 October, with Mr. M.R. Rabbani (Pakistan) in the chair.

Mr. M. Aldao (Sudan) presented the emergency item as its co-author, underscoring that the refugee crisis needed to be addressed together with its root causes. He added that, as all countries were affected, concerted action was crucial.

Ten speakers took the floor during the debate: Bangladesh, Belgium, Chad, Croatia, Iran (Islamic Republic of), Italy, Jordan, Palestine, Tunisia and Venezuela.

Many participants noted that the subject of the emergency item was an issue of international importance, which affected not only Europe, but many countries in Africa and other parts in the world. Some delegates concurred on the need to address the root causes of the refugee crisis, including poverty, conflict and war.

Several delegates highlighted the need to provide host countries with more resources, as the intake of refugees carried heavy economic costs. One delegate argued that there should be no discrimination against refugees on the basis of their country of origin; he condemned the policies of some EU countries, which he said criminalized certain refugees. Another delegate added that the influx of refugees should not be curtailed by the construction of walls. Instead, international cooperation on counter-terrorism should be enhanced as terrorism caused many persons to flee their country. Another participant advocated for the inclusion of a paragraph in the resolution to address the specific needs of children, women, and young people, who were particularly vulnerable to exploitation and sexual violence.

The debate ended with the second co-author of the emergency item, Ms. A. Al-Qubaisi (United Arab Emirates) underscoring the urgent need to help refugees and put an end to their demise at sea. She concluded by urging all countries to put into practice international laws and conventions in the interest of peace and security.

The Assembly referred the emergency item to a drafting committee made up of representatives of Chad, Croatia, Gabon, Iran (Islamic Republic of), Jordan, Mexico, New Zealand, Russian Federation, Saudi Arabia, Sweden, Sudan, United Arab Emirates, Venezuela and Zambia.

(g) Adoption of the emergency item resolution

On 20 October, the IPU President acknowledged that Ecuador had submitted an emergency item proposal on a similar subject and thanked that delegation for its proposal. The Assembly unanimously adopted the resolution on the emergency item.

Mr. A. El Zabayar Samara (Venezuela), who had participated in the drafting committee, called on the IPU to send a mission to Turkey or Jordan to examine reports of sexual violence against women in refugee camps, as well as reports of trafficking of refugees.

## 5. Concluding sitting

At the last sitting in the afternoon of 21 October, the Assembly had before it the outcome document of the General Debate, as well as the reports of the Standing Committees.

The resolution presented by the Standing Committee on Democracy and Human Rights, on *Democracy in the digital era and the threat to privacy and individual freedoms*, was adopted unanimously. The Assembly also took note of the reports from the other three Standing Committees (see pages 46-52). It endorsed the subject item for the new resolution to be adopted at the 135<sup>th</sup> IPU Assembly in October 2016: *The freedom of women to participate in political processes fully, safely and without interference: Building partnerships between men and women to achieve this objective*.

The IPU President introduced the outcome of the General Debate, the Declaration on *The imperative for fairer, smarter and more humane migration*, which was endorsed unanimously (see page 32). The President underscored the critical importance of migration and called on all parliaments to take urgent action to address the matter responsibly and effectively. The outcome had identified an inventory of good practices and avenues for parliamentary action that could serve people, societies and the international community well. He invited IPU Member Parliaments to report back on their initiatives and action.

Before the end of the Assembly, the following representatives of the geopolitical groups took the floor: Ms. S. Moulengui Mouélé (Gabon) on behalf of the African Group, Ms. A. Al-Qubaisi (United Arab Emirates) on behalf of the Arab Group, Ms. L. Markus (Australia) on behalf of the Asia-Pacific Group, Ms. V. Petrenko (Russian Federation) on behalf of the Eurasia Group, Ms. G. Condori Jahuirra (Peru) on behalf of the Latin America and Caribbean Group, and Mr. P. Mahoux (Belgium) on behalf of the Twelve Plus Group. They expressed their satisfaction with the Assembly, which had culminated in tangible and significant outcomes.

Looking ahead, the IPU President invited the Speaker of the National Assembly of Zambia, Mr. P. Matibini, to deliver remarks in his capacity as host of the forthcoming 134<sup>th</sup> IPU Assembly, which would be taking place in Lusaka from 19 to 23 March 2016. Mr. Matibini spoke of the preparations already under way for the next Assembly with a view to ensuring that the best possible conditions were provided. He invited all IPU Members and partner organizations to attend. A brief video was screened, which showcased the rich cultural and natural heritage that Zambia had to offer.

The IPU President thanked all the participants for their active participation and declared the 133<sup>rd</sup> Assembly closed.

# 197<sup>th</sup> session of the Governing Council

## 1. Membership and Permanent Observers of the IPU

At its sitting on 18 October, the Governing Council approved a request for reaffiliation from the Parliament of Fiji, thus bringing the overall membership of the IPU to 167 national parliaments.

The Council also approved a request for Permanent Observer status from Liberal International (LI) and Parliamentarians for Nuclear Non-proliferation and Disarmament (PNND). At the same time, the Council took note of the fact that one of the Permanent Observers, the Inter-Parliamentary Assembly of the Eurasian Economic Community (EURASEC), had ceased to exist. The Council decided to remove that organization from the list of Permanent Observers (see page 70).

The Council was apprised of the situation of certain parliaments and took note of relevant recommendations adopted by the Executive Committee with regard to each of those parliaments (see section on Executive Committee on page 16).

The Council was informed of a number of proposals made by the Secretariat to engage more actively with the parliaments of small island developing States (SIDS) from the Asia-Pacific and Caribbean regions, considered a marginalized constituency. It took note of the Executive Committee's recommendation that the IPU pursue its efforts to facilitate the affiliation and participation of those parliaments in the IPU in a bid to achieve universal membership.

## **2. 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 17 October 2015. On that date, three Members had significant arrears and were subject to voting sanctions. However, the total amount of contributions in arrears was lower than in previous years.

The Council took note that the income and expenditure of the IPU were close to target for the first half of the year with some overall cost savings anticipated by the end of the year in staff and operating costs.

## **3. Programme and budget for 2016**

The Council received the consolidated budget proposal for 2016.

Reporting on behalf of the Executive Committee, the Chairperson of the Sub-Committee on Finance, Mr. R.M.K. Al-Shariqi (United Arab Emirates), stated that the Sub-Committee had provided guidance and oversight to the Secretariat in the preparation of the budget. He confirmed that the budget provided for a substantial reduction in Members' total assessed contributions of 8.7 per cent as compared to 2014, while maintaining IPU activities thanks to the mobilization of greater voluntary income from external sources.

The Executive Committee welcomed the successful efforts to reduce the financial burden on Members, while recognizing that the IPU could not continue indefinitely to reduce contributions and perform its core functions in an autonomous manner. Mr. R.M.K. Al-Shariqi noted that some flexibility might therefore be required from Members in the future. The Executive Committee shared that view.

The Governing Council approved the 2016 budget of CHF 15,788,300. The approved budget and scale of contributions for 2016 are presented on pages 54 and 55.

## **4. Cooperation with the United Nations system**

The Council reviewed the activities undertaken in cooperation with the United Nations system from 15 March to 15 October 2015. The IPU had worked together with the United Nations towards common objectives in a range of political processes. A number of meetings had been held and publications produced.

Members were briefed on the status of the negotiations for a new cooperation agreement aimed at deepening the strategic relationship between the two organizations. The IPU Secretary General explained that the draft cooperation agreement that Members had reviewed and endorsed at the 132<sup>nd</sup> Assembly in Hanoi was being considered by the United Nations Office of Legal Affairs. Further steps towards a new agreement would be determined based on the response from the United Nations. The Secretary General would report on future developments at the next Council session at the 134<sup>th</sup> Assembly in Lusaka.

It was recalled that, according to UN General Assembly resolution adopted in 2014 on *Interaction between the United Nations, national parliaments and the Inter-Parliamentary Union*, the United Nations Secretary-General would submit a report to track further developments in the relationship between the United Nations and the IPU during the current 70<sup>th</sup> session of the General Assembly. The report would form the basis of a new resolution which UN Member States were likely to consider towards the end of June 2016.

## 5. Implementation of the IPU Strategy for 2012–2017

### Strategic Objective 1: Strengthen democracy through parliaments

The period under review had been characterized by a major focus on developing the IPU's corpus of standards for democratic parliaments, encouraging youth engagement with political and parliamentary life, and the regular provision of support to national parliaments, enabling them to improve their capacity.

Research was well underway on the second Global Parliamentary Report, entitled *Parliament's power to hold government to account: Realities and perspectives on oversight*. A panel discussion at the Fourth World Conference of Speakers of Parliament had provided useful inputs from parliamentarians. Meetings at the 133<sup>rd</sup> IPU Assembly, held in October 2015, provided opportunities for parliamentarians to provide written input, which was complemented by interviews with parliamentarians.

*Guidelines for Parliamentary Research Services*, developed in partnership with the Section on Library and Research Services for Parliaments of the International Federation of Library Associations and Institutions (IFLA), had been launched in August 2015 at the annual IFLA meeting.

The Technical Cooperation Programme continued to support parliamentary developments in almost all regions of the world, with particular emphasis on medium-term projects in countries emerging from conflict and facing security challenges. Adopted by the IPU Governing Council at its 195<sup>th</sup> session, the Common Principles for Support to Parliament were launched at the Hanoi Assembly. The Common Principles were aimed at assisting partners engaged in the front line of parliamentary support and parliaments worldwide to work together with enhanced relevance, sensitivity and effectiveness.

As at 22 October 2015, the Common Principles had received 97 endorsements (77 national parliaments, five parliamentary assemblies and 14 partner organizations). The Common Principles were already being applied in the IPU's own capacity-building work, including in projects to support parliaments in Equatorial Guinea, Myanmar and Palestine.

### Strategic Objective 2 - Advance Gender Equality

2015 was a year of many global milestones. For the United Nations, they included the setting of new development objectives and the Beijing +20 Review, to which the IPU had contributed by taking stock of implementation of the Beijing Platform for Action and setting indicators for Goal 5 on gender equality, in particular through its publication *Women in Parliament: 20 years in review* and the IPU-UN Women *Map on Women in Politics 2015*. For the IPU, milestones included two major events: the 30<sup>th</sup> anniversary of the Meeting of Women Parliamentarians, with the adoption of a call for action *My Power for Women's Power* at the 132<sup>nd</sup> IPU Assembly in Hanoi, and the 10<sup>th</sup> Meeting of Women Speakers of Parliament that brought together 25 women Speakers from 24 countries.

Those four milestones were further reflected in the IPU's activities to support parliaments in the area of gender equality. The Gender Partnership Programme had provided expertise and supported initiatives to increase women's participation in politics and decision-making in Kenya and Turkey. It had also carried out activities to support women's caucuses and build the capacity of women parliamentarians in Mali and Tunisia. In addition, the IPU's gender team was collaborating with several parliaments in efforts to combat gender-based violence, including harmful traditional practices against girls in Bangladesh and Mali.

### Strategic Objective 3: Protect and promote human rights

In the period under review, the Committee on the Human Rights of Parliamentarians followed up on the 39 cases which had been examined at its session held in March-April concerning the situation of 178 parliamentarians in 24 countries. As part of those follow-up efforts, the Committee had sent a trial observer to Niger in April 2015. A confidential country visit had been paid by a Committee delegation in May 2015. Committee delegations had also conducted missions to Malaysia and Mongolia in June-July and September 2015 respectively. A visit to Washington, D.C. had taken place in September 2015 to engage with the Inter-American Commission on Human Rights on cases, which were both before the Committee and the Commission.

On 22 June 2015, the IPU had co-organized a panel discussion during the session of the UN Human Rights Council to evaluate progress in the involvement of parliaments in the Universal Periodic Review.

In collaboration with OHCHR and the ILO, the IPU finalized the revised version of *Migration, Human Rights and Governance: A Handbook for Parliamentarians*, which was launched on the occasion of the 133<sup>rd</sup> IPU Assembly.

The IPU and UNICEF, at the invitation of the Namibian Parliament, organized the regional seminar for the parliaments of member countries of the Southern African Development Community (SADC), on promoting child nutrition. The event took place in Windhoek on 28 and 29 September 2015.

The IPU Strategy called for the introduction of a rights-based approach to its work so as to enhance the capacity of parliaments to promote and protect human rights. Following recommendations made by consultants, a training session had been held at IPU Headquarters to better sensitize staff members to key human rights principles and promote the value of a rights-based approach in their work. Next steps included internal consultations as a basis for developing a toolkit to help the IPU Secretariat take a more human rights-based approach to its activities and, subsequently, develop a relevant policy for the Organization as a whole.

### **Strategic Objective 5: Build parliamentary support for international development goals Contribution to the post-2015 development agenda**

Over the past six months, the IPU had vigorously promoted awareness among parliaments about UN negotiations on the post-2015 development agenda and the related SDGs. Notable achievements included the adoption of Goal 16 on governance and effective institutions and the inclusion of a clear reference to the role of parliaments in Agenda 2030, the outcome document of the UN Summit held in September 2015. The IPU also contributed to the conceptualization of governance indicators to support the implementation of Goal 16. An awareness-raising seminar on the SDGs had been organized for the parliaments for the East European region in Bucharest in May.

The IPU had also provided important input regarding the role of parliaments to the UN Secretary-General's Global Strategy for Women's, Children's and Adolescents' Health. Cooperation agreements had been concluded with the parliaments of Bangladesh, Lesotho, Rwanda and Uganda to advance the health-related MDGs. As part of its work on HIV/AIDS, the IPU had produced a policy guide with UNAIDS. A new framework of cooperation between the IPU and UNAIDS had been signed during that reporting period.

## **6. Recent specialized meetings**

The Governing Council took note of the results of the IPU Global Conference of Young Parliamentarians in Tokyo ([http://www.ipu.org/cnl-e/197/10\(a\)-r1.pdf](http://www.ipu.org/cnl-e/197/10(a)-r1.pdf)), the Regional Seminar on the Sustainable Development Goals for the Parliaments of Central and Eastern Europe ([http://www.ipu.org/cnl-e/197/10\(b\)-r1.pdf](http://www.ipu.org/cnl-e/197/10(b)-r1.pdf)), the 10<sup>th</sup> Meeting of Women Speakers of Parliament ([http://www.ipu.org/cnl-e/197/10\(c\)-r1.pdf](http://www.ipu.org/cnl-e/197/10(c)-r1.pdf)), the Regional Seminar for Southern African parliaments on promoting child nutrition ([http://www.ipu.org/cnl-e/197/10\(e\)-r1.pdf](http://www.ipu.org/cnl-e/197/10(e)-r1.pdf)), and the 34<sup>th</sup> session of the Steering Committee of the Parliamentary Conference on the WTO ([http://www.ipu.org/cnl-e/197/10\(f\)-r1.pdf](http://www.ipu.org/cnl-e/197/10(f)-r1.pdf)).

The Council also heard a more extensive presentation on the outcome of the Fourth World Conference of Speakers of Parliament ([http://www.ipu.org/cnl-e/197/10\(e\)-r1.pdf](http://www.ipu.org/cnl-e/197/10(e)-r1.pdf)) – an event of special importance organized by the IPU every five years. The 2015 Conference had taken place in New York and had been organized in close cooperation with the United Nations, as part of a series of high-level meetings leading up to the UN Summit on the post-2015 development agenda. The Council took note of the results of the Conference of Speakers of Parliament, notably its Declaration entitled *Placing democracy at the service of peace and sustainable development: Building the world the people want*.

In connection with the Speakers' Conference and the Meeting of Women Speakers held in New York, the Council was informed of a regrettable situation with regard to the issuance of a visa with conditions to one of the Speakers of Parliament, which had prevented her from participating in both events. The Council took note of a Statement that the IPU President had issued in that regard (see page 53).

## **7. Reports of plenary bodies and specialized committees**

At its sitting on 21 October, the Governing Council took note of the reports on the activities of the Meeting of Women Parliamentarians, the Committee on the Human Rights of Parliamentarians, the Committee on Middle East Questions, the Committee to Promote Respect for International Humanitarian Law, the Gender Partnership Group and the Forum of Young Parliamentarians of the IPU.

The Council also approved 19 decisions concerning 71 parliamentarians submitted by the Committee on the Human Rights of Parliamentarians (see pages 75 to 126), noting the reservations of Venezuela and Malaysia concerning the cases in their respective countries, as well as of Cuba concerning the case in Venezuela.

Although the Advisory Group on HIV/AIDS and Maternal, Newborn and Child Health had not met during the 133<sup>rd</sup> Assembly and therefore had no formal report to submit to the Governing Council, it used the occasion to launch a new publication entitled *Fast-tracking HIV treatment: Parliamentary action and policy options*, co-produced with UNAIDS. The Executive Director of UNAIDS, Mr. M. Sidibé, was joined by the IPU Secretary General, Mr. M. Chungong, in presenting the new publication to the Council.

## 8. Future inter-parliamentary meetings

The Governing Council confirmed the decision to hold the 134<sup>th</sup> IPU Assembly in Lusaka (Zambia), from 19 to 23 March 2016 and approved the theme of the General Debate to be held during the Assembly: *Rejuvenating democracy, giving voice to youth*.

The Council was informed of three invitations received by the IPU for hosting of future IPU Assemblies, namely from the Parliaments of Israel, Bangladesh and the Russian Federation. Following an exchange of views, the Executive Committee had authorized the IPU Secretariat to undertake an on-site visit to Dhaka, Bangladesh, to ascertain the availability of facilities and infrastructure for hosting an IPU Assembly in the first half of 2017. Regarding the other two invitations, the Council was informed that discussions would be pursued, bearing in mind the concerns expressed by certain members. The Secretariat would ascertain with the Russian authorities that visa guarantees would be given to allow all invited participants to attend. As for Israel, the Executive Committee had expressed concern over the advisability of holding an Assembly which a substantial number of Members would not attend.

The Council approved the list of future meetings and other activities to be funded by the IPU's regular budget and by external sources (see page 72).

# 272<sup>nd</sup> session of the Executive Committee

## 1. Proceedings and decisions

The Executive Committee held its 272<sup>nd</sup> session in Geneva on 15, 16 and 20 October 2015. The President of the IPU chaired the meetings. The following members took part in the session: Ms. Z. Drif Bitat (Algeria), Mr. R. del Picchia (France), Mr. S. Suzuki (Japan), Ms. N. Motsamai (Lesotho), Ms. M. Mensah-Williams (Namibia) in her capacity as President of the Meeting of Women Parliamentarians, Mr. N. Schrijver (Netherlands) on 15 October, Mr. M.R. Rabbani (Pakistan), Mr. F.M. Drilon (Philippines), Ms. R. Kadaga (Uganda), Mr. R.M.K. Al Shariqi (United Arab Emirates), Mr. R. Liddell-Grainger (United Kingdom) replacing Mr. R. Walter, who was no longer a member of parliament, Ms. I. Passada (Uruguay) and Mr. D. Vivas (Venezuela) on 15 and 16 October. The latter was replaced by Mr. C. Zerpa (Venezuela) on 20 October.

Mr. N. Lammert (Germany) and Mr. V. Senko (Belarus) were absent, the latter having resigned due to other commitments.

At its sitting on 15 October, the Executive Committee examined one request for reaffiliation from the Parliament of Fiji and recommended that the Council approve it.

The Executive Committee examined the situation of certain parliaments and made recommendations to the Governing Council. Regarding Thailand, it took note of the delay in implementing the original roadmap as a result of the rejection of the draft constitution. It also took note of the next roadmap and recommended that the Thai authorities make every effort to reduce its duration so that the IPU would be able to welcome a newly elected parliament in March 2017. It also made recommendations on the parliaments of Burkina Faso, Burundi, Central African Republic, Egypt, Haiti, Libya, Madagascar, Nepal and Yemen.



The Executive Committee recommended that two requests for permanent observer status, from Liberal International (LI) and Parliamentarians for Non-proliferation and Nuclear Disarmament (PNND) be approved. It also recommended that the Inter-Parliamentary Assembly of the Eurasian Economic Community (EURASEC) be struck off the list of permanent observers as it had ceased to exist.

The Secretary General informed the members of recent initiatives he had taken, including visits to the Caribbean and the Pacific, and meetings with Speakers of Parliament from those regions in a bid to reach out to those constituencies. The Secretariat had prepared a note with a number of proposals to encourage the participation and eventual membership of small island developing States (SIDS) in the Organization.

Noting the financial constraints that constituency often faced, particularly in terms of travel costs, the Secretary General thanked the Parliaments of Australia and New Zealand, as well as Trinidad and Tobago for their ongoing support and suggested they continue to play a lead role in mobilizing their smaller neighbours for participation in IPU activities, including regional seminars and other events.

Other proposals included the establishment of a solidarity fund; a cost-sharing arrangement between the IPU and SIDS parliaments; and consultations with regional parliamentary organizations. The Committee was invited to consider to what extent the suspension of Members for non-payment of dues was compatible with the IPU's objective of universal membership. It encouraged the Secretary General to pursue his efforts along the lines of the note in order to facilitate membership for the parliaments concerned.

The Executive Committee heard the reports on the financial situation and the mobilization of voluntary funds. It examined the draft programme and budget for 2016 and heard the recommendations of the Sub-Committee on Finance in that respect. It decided to recommend the adoption of the programme and budget for 2016 as prepared by the Secretariat.

In connection with the implementation of the IPU Strategy for 2012-2017, the Executive Committee examined a number of matters that were subsequently referred to the Governing Council, in particular the need to factor in the recently adopted SDGs in the new IPU Strategy. It was informed that a model resolution on the SDGs had been drafted by the IPU Secretariat and circulated to all Members as a possible first step at the national level. A self-assessment tool could be envisaged to serve as a baseline for ascertaining the capacity of parliaments to help implement the SDGs.

The Executive Committee was informed of staff developments. Ms. M. Duarte Mutzenberg, a Brazilian national, had been appointed to the post of Programme Officer in the Gender Partnership Programme and Mr. J. Lang, a Canadian national, had been appointed as Project Officer for capacity-building in the Programmes Division.

At its sitting on 15 October, the IPU President reported on one untoward incident that had occurred in the context of the Fourth World Conference of Speakers of Parliament, held from 31 August to 2 September at UN Headquarters in New York: the issuance of a restrictive visa to the Speaker of the Council of the Federation of the Russian Parliament, which had prevented her from attending the Conference and the Tenth Meeting of Women Speakers of Parliament. He decided to issue a presidential statement on the matter in the Governing Council.

At the end of its sitting on 16 October, members of the Executive Committee visited the European Organization for Nuclear Research (CERN) at the invitation of its Director-General, Mr. R. Heuer. The members heard a presentation on CERN's activities and on how science could be used to advance peace as well as the role of basic research in informing policy-making, notably on the SDGs. The members subsequently toured a number of project sites on the CERN compound.

The Executive Committee heard an update on the postponed visit to Syria. Given the worsening and fluid security situation on the ground and lack of access to members of the opposition, it decided to recommend that the IPU not send a mission to Syria until an appropriate time could be identified. It also recommended that the IPU remain engaged on the Syrian issue, including through consultations with all parties and with the Syrian Parliament to help it play its role as an IPU Member and the representative of the people.

The Committee was briefed on developments relating to the IPU's efforts to foster inter-Korean dialogue at the parliamentary level. Noting the recent escalation of tensions on the Korean Peninsula, the Executive Committee considered that efforts should be pursued to offer the IPU as a neutral platform for meetings between the parliamentary authorities of the North and South. However, it felt that it was not necessary to establish a dedicated mechanism to deal with the issue.

The Committee was informed of three invitations to host IPU Assemblies in the future, from Israel, Bangladesh and the Russian Federation. It recommended that an on-site mission be sent to Dhaka to ascertain whether the requirements were met with a view to hosting the first Assembly of the year there in 2017 and that consultations be pursued with the other two potential hosts, noting the concerns expressed by certain members. The Executive Committee recommended that the list of future meetings be approved by the governing Council (see page 72).

Eight members having ended their term of office on the Executive Committee, the members decided to defer the appointment of the six Vice-Presidents of the IPU, including the Vice-President of the Executive Committee, to its next session in Lusaka in March 2016.

## 2. Sub-Committee on Finance

The Sub-Committee on Finance met on 14 October 2015 to prepare and facilitate the Committee's consideration of the financial situation of the IPU, the draft programme and budget for 2016 and the status of voluntary funding. The Sub-Committee advised the Executive Committee to recommend the 2016 budget to the Governing Council, having been closely involved in overseeing its preparation throughout the year. Following the end of term of the Chair, Mr. R.M.K. Al-Shariqi (United Arab Emirates), the Sub-Committee elected Mr. R. del Picchia (France) as its interim Chair until its next meeting in March 2016.

# Meeting and Coordinating Committee of Women Parliamentarians

The twenty-second Meeting of Women Parliamentarians took place on 17 and 20 October 2015. It brought together 127 delegates from 75 countries, together with representatives from various international organizations. The President of the Coordinating Committee of Women Parliamentarians, Ms. M. Mensah-Williams (Namibia), chaired the meeting. The IPU President, Mr. S. Chowdhury, delivered the welcome address.

Ms. M. Mensah-Williams summed up the work of the Committee at its 35<sup>th</sup> session, held in Hanoi in March 2015, and at its 36<sup>th</sup> session, held that morning. Participants were also briefed on the recent and forthcoming activities of the IPU on gender issues.

As a contribution to the Assembly, participants considered from a gender perspective the draft resolution on the agenda of the Standing Committee on Democracy and Human Rights, *Democracy in the digital era and the threat to privacy and individual freedoms*. The discussion was held in plenary. The Rapporteur of the Standing Committee, Ms. B. Jónsdóttir (Iceland) opened the discussion.

Ms. M. André (France) was elected Rapporteur by the Coordinating Committee and Ms. B. Amongi (Uganda) was designated to assist her.

Participants highlighted that democracy in the digital era should be synonymous with the Internet empowering women, being safe for women and accessible to women. The discussions resulted in proposed amendments to the draft resolution of the Standing Committee. All the proposed amendments were included in the draft resolution.

## Women and migration

In order to contribute to the General Debate of the 133<sup>rd</sup> Assembly, women parliamentarians discussed from a gender perspective the theme of the Assembly's General Debate, *The imperative for fairer, smarter and more humane migration*. The discussion began with opening remarks by Ms. I. Jahan, a member of the CEDAW Committee, and Mr. L. de Boeck, IOM.

The discussion focused on the factors that led women to migrate, as well as on the challenges and opportunities that migration presented for women. Participants indicated, in particular, that women were forced to migrate because of war, conflict or violence that they had experienced in their countries of origin, or for economic reasons. They stressed the important role played by migrant women in the social and economic development of their countries of origin and destination. While migration offered the prospect of a better future for women migrants and opportunities for their host countries, those women

were nevertheless often subjected to new challenges and ordeals in their host countries. In most cases, they were unaware of their rights, were particularly vulnerable to abuse through informal employment - especially as domestic workers - and did not always have the means to seek the protection of the State. During conflict and as they fled, they also faced other specific threats such as human trafficking, sexual violence and forced or early marriage.

Participants shared experiences and measures taken to protect the human rights of women migrants, asylum-seekers and refugees. They stressed the importance of ratifying international conventions to protect the rights of women and migrants, but above all of ensuring that those conventions were implemented. Several participants encouraged the IPU to continue its work on the subject by looking closely at the real-life experiences of migrant women, asylum-seekers and refugees, and by producing a compendium of good practices on the subject.

The Coordinating Committee introduced proposals for amending the Rules of the Meeting of Women Parliamentarians and its own Rules. Those proposals had emerged from the consultations held by the Committee at its 35<sup>th</sup> session in Hanoi, and at the first sitting of its 36<sup>th</sup> session in Geneva. The suggested changes were to be communicated to all IPU Members. The Meeting would then make a decision on these amendments and submit them for approval to the Governing Council at its 198<sup>th</sup> session in Lusaka.

The participants discussed specific initiatives for action around the campaign *I am an MP; My power for women's power*. Several delegates spoke of activities and measures taken at the national and regional levels to respond in concrete terms to the call for action on gender equality.

### **CEDAW and UN Security Council resolution 1325: Gender equality as a prerequisite of sustainable peace and security**

In 2015 the United Nations commemorates the 15<sup>th</sup> anniversary of United Nations Security Council resolution 1325 on women, peace and security. In a panel discussion, the participants examined the implementation of that resolution, which called for the participation of women in peace processes, their protection from violence and the promotion of gender equality as an integral part of State-building and a means of preventing new conflicts and crises. Mr. E. Ethuro, President of the Senate of Kenya, and Ms. L. Nadaraja, a member of the CEDAW Committee, opened the debate.

The debate focused on the following key priorities: strengthening the representation of women in parliaments, especially in roles relating to peacekeeping and security; strengthening the role of parliaments in the implementation of UN Security Council resolution 1325 at the national level; and allocating sufficient resources to the protection of women and to securing their autonomy in conflict and post-conflict situations, in accordance with the objective of allocating 15 per cent of the funds allotted to peacebuilding to gender equality.

## **Subsidiary bodies of the Governing Council**

### **1. Committee on the Human Rights of Parliamentarians**

Ms. A. Clwyd (United Kingdom), President, Mr. F.K. Chowdhury (Bangladesh), Vice-President, Mr. J.P. Letelier (Chile), Mr. B. Mbuku Laka (Democratic Republic of the Congo) Mr. A.A. Gueye (Senegal) and Mr. A. Alaradi (Bahrain) took part in the Committee's 148<sup>th</sup> session, held from 16 to 20 October 2015. Ms. M. Kiener-Nellen (Switzerland), Mr. B. Fabritius (Germany) and Ms. C. Giaccone (Argentina) were unable to attend.

During the session, the Committee held nine hearings with delegations and complainants to enhance its understanding of the cases before it and convey its concerns. The Committee examined 49 cases concerning the situation of 115 members of parliament in 19 countries. Thirty-six per cent of the cases examined concerned members of parliament from the Americas, with another 27 per cent from Asia, 22 per cent from the Middle East and North Africa, 14 per cent from Africa, and just under 2 per cent from Europe. Twelve per cent of the cases concerned women members of parliament and 70 per cent concerned opposition members. Although freedom of expression was a direct or indirect concern in almost all of these cases, in descending order, arbitrary detention or arrest, lack of fair trial guarantees and murder ranked as the most frequent abuses examined by the Committee at that session.

The Committee submitted 19 decisions concerning 71 parliamentarians to the Governing Council for adoption concerning the following 13 countries: Bangladesh, Cameroon, Colombia, Democratic Republic of the Congo, Eritrea, Iraq, Malaysia, Mongolia, Niger, Palestine/Israel, Russian Federation, Sri Lanka and Venezuela. It also adopted five confidential decisions concerning four countries.

The Committee also examined cases concerning parliamentarians from other countries. It decided that there was no need to submit decisions to the Governing Council at that point, since its existing concerns remained valid for most of them and it required more extensive information to reach a decision in the others.

## **2. Committee on Middle East Questions**

The Committee held two sittings, on 17 and 19 October. Its proceedings were chaired by its President, Lord Judd (United Kingdom). In attendance on both days were Ms. M. Green (Sweden), Vice-President of the Committee, Ms. Z. Benarous (Algeria), Ms. D. Pascal Allende (Chile), Ms. C. Guittet (France), Ms. C. Vienne (Belgium), Mr. M. Tašner Vatovec (Slovenia), Mr. F. Mūri (Switzerland) and Mr. A. Al-Ahmad (Palestine). Mr. G. Farina (Italy), Mr. R. Munawar (Indonesia) and Ms. M. Mensah-Williams (Namibia) were absent.

The IPU Secretary General informed the Committee about developments since its last meeting, including the status of the proposed mission to Syria and the Secretary General's exploratory mission to Jerusalem and Ramallah. The Committee regretted the postponement of the parliamentary mission to Israel and Palestine and agreed that the mission should be conducted in the second half of November, despite the worsened security situation in Jerusalem. It expressed the hope that a balanced representation of the geopolitical groups could be obtained for the planned mission.

The discussions on water, the refugee crisis and terrorism featured presentations from three guest speakers from WaterLex, GCERF and the CTED. The Committee discussed the usefulness of the roundtable approach and reaffirmed that its mandate included the wider Middle East context. It concluded that the new format was very useful and should be carried forward, regardless of Israel's participation. Regarding migration and terrorism, the Committee agreed the subjects should remain on the agenda in the context of inter-parliamentary dialogue. The Committee also agreed that water was a driver of conflict and a concern for all Middle Eastern countries. The Committee thanked Lord Judd for his unique and dynamic presidency and unanimously elected Ms. Pascal Allende (Chile) as its new President.

## **3. Committee to Promote Respect for International Humanitarian Law (IHL)**

The Committee met on 20 October 2015. It elected Mr. S. Owais (Jordan) as its President, The Committee held a lengthy discussion on its mandate, role and work. Members agreed that the Committee needed to be more active and ambitious. They confirmed that the Committee's main objective was to strengthen parliamentary action to ensure respect for IHL and refugee protection.

To meet that objective, the Committee highlighted the importance of raising the awareness of the parliamentary community about IHL and giving visibility to key issues, challenges and solutions. In addition, it should monitor the implementation of IHL and refugee protection conventions and hold governments to account. To do so, the Committee agreed on the need to conduct missions in order to have access to first-hand information and assess situations; hold hearings with delegations; produce reports and develop tools to assist parliaments in taking action; as well as work closely with the International Committee of the Red Cross (ICRC) and UNHCR. The Committee also called for more support for its work, both in terms of funding and capacity.

The Committee identified several activities that it would like to carry out, which included missions to neighbouring countries to Syria, in particular Turkey, to look at the refugee situation or Mexico to address the question of forced disappearances and internally displaced persons. Those initiatives would complement the work the Committee was already carrying out, including the development of handbooks for MPs on IHL and refugee protection.

The Committee decided to amend its Rules to clarify that the quorum required for it to take decisions corresponded to half of its sitting members.

#### 4. Gender Partnership Group

The Gender Partnership Group held its thirty-sixth session on 20 October 2015. The session was attended by Ms. R. Kadaga (Uganda), and Mr. R.M.K. Al-Shariqi (United Arab Emirates).

The Group compared the composition of the delegations present at the 133<sup>rd</sup> IPU Assembly with that of previous statutory meetings. At 20 October, 210 of the 647 delegates (32.5%) at the Assembly were women. That was the highest percentage ever reached at an IPU Assembly. The Group welcomed the development and called on members to pursue efforts to break the glass ceiling.

Of the 133 delegations present, 122 were composed of at least two delegates. Of those, 13 were composed exclusively of men (10.6%). The all-male delegations were from the parliaments of the following countries: Belarus, Bosnia and Herzegovina, Cabo Verde, Ethiopia, Haiti, Mauritius, Micronesia, Mongolia, Netherlands, Qatar, Romania, Singapore and South Sudan. Two delegations – Mauritania and Rwanda – were composed exclusively of women. Four delegations were subject to sanctions at the Assembly for being comprised exclusively of men more than three times in a row: Haiti, Lithuania, Micronesia and Qatar.

The Group continued its review of the Statutes and Rules of the IPU to ensure that they enshrined a harmonized and consistent standard of gender equality. In that respect, it noted differences in the requirements relating to the participation of women in IPU bodies. According to the Rules, 20 per cent of the elected members of the Executive Committee had to be women, whereas at least 30 per cent of the Standing Committee Bureaux members had to be women, while gender parity was the goal of several other bodies. It decided to recommend that the Executive Committee amend its Rules so that the minimum requirement be raised to 30 per cent.

The Group conducted its regular examination of the situation of parliaments with no women members, which currently stood at seven parliamentary chambers: four in Pacific Island States (Micronesia, Palau, Tonga and Vanuatu), two in the Arab world (Qatar and Yemen) and one in Latin America and the Caribbean (Haiti). The Group noted that more support was needed for countries in transition. It also recommended that appointed parliaments which had no women members should be targeted through high-level awareness-raising missions.

#### 5. Forum of Young Parliamentarians of the IPU

The Forum met on Sunday, 18 October 2015. Close to 60 participants attended, of whom 25 per cent were women. The average age of the participants was 38 years. Compared to the Assemblies held in 2014, the age of participants had increased while their numbers had stagnated. The meeting was chaired by Mr. F. Al-Tenaiji (United Arab Emirates), President of the Forum.

The deliberations focused on the Forum's contribution to the work of the 133<sup>rd</sup> Assembly, in particular the General Debate on migration and the resolution prepared by the Standing Committee on Democracy and Human Rights.

On migration, participants underscored the specific needs of young migrants and the duty of States to address the root causes of youth migration. Young people were leaving their countries of origin because of war, conflict, persecution, violence and insecurity. They were also migrating because they lacked access to education, employment, healthcare and welfare. Young women migrants were at risk of trafficking, violence, rape, forced marriage, exploitation and abuse. Young migrants were generally at risk of being stereotyped and falling victim to xenophobia and exploitation.

Mr. V. Gapsys (Lithuania) had submitted written inputs from a youth perspective on behalf of the Forum to the co-Rapporteurs of the Standing Committee on Democracy and Human Rights on its resolution.

The young MPs prepared their input to the work of the 134<sup>th</sup> IPU Assembly and welcomed the proposed theme of the General Debate, *Rejuvenating democracy, giving voice to youth*. Youth overview reports would be submitted in the form of written contributions. Mr. R. Igbokwe (Nigeria), assisted by Ms. L. Cameron (United Kingdom), would prepare a report on *Terrorism: The need to enhance global cooperation against the threat to democracy and individual rights*, taken up by the Standing Committee on Peace and International Security). Ms. T. Alriyati (Jordan), assisted by Mr. K. Kiyingi Bbosa (Uganda), would prepare a report on *Ensuring lasting protection against destruction and deterioration for the tangible and intangible cultural heritage of humanity*, addressed by the Standing Committee on Sustainable Development, Finance and Trade.

While reviewing youth-related activities carried out since March 2015, the participants emphasized the need to pursue events that brought together young MPs while opening up their attendance to global and regional youth associations and networks. The members of the Forum were invited by Mr. G. Monde (Zambia) to take part in the 2016 IPU Global Conference of Young Parliamentarians in Lusaka, in March 2016.

The young MPs also discussed counter-terrorism in a question-and-answer session with the representative of the CTED. They emphasized the need to place human rights, cultural dialogue and the respect of freedoms at the centre of counter-terrorism efforts.

The Board of the Forum held an *in camera* meeting, during which it discussed a work plan for 2016-2018 to further expand the IPU's action to boost youth participation in parliament and empower young MPs. It decided that one of its members would systematically propose to sit on the drafting committee for the emergency item.

The current President of the Forum, Mr. F. Al-Tenajji (United Arab Emirates), had not been re-elected to parliament in October 2015. Ms. M. Lugarič (Croatia), a member of the Board, would not run in the parliamentary elections taking place in her country in November 2015. Both outgoing members, who had played a pioneering role in instituting and running the Forum of Young Parliamentarians, were warmly thanked by their fellow young MPs.

## Other events

### 1. Joint Meeting of Chairpersons of the Geopolitical Groups and Presidents of the Standing Committees

The Joint Meeting was held on 17 October, in advance of the start of the 133<sup>rd</sup> IPU Assembly. The Meeting was chaired by the IPU President and brought together all Chairpersons of the six geopolitical groups, as well as representatives of the four IPU Standing Committees.

The Chairpersons examined the situation of the Standing Committees and the functioning of the Committee Bureaux, and discussed the report and recommendations prepared by the Secretariat on the subject. They underscored the fact that greater efforts needed to be deployed to ensure that candidatures were based on merit, willingness and availability to contribute to the work of the IPU, and that support was extended by the respective parliaments. The geopolitical groups would also seek to better engage and involve new Member Parliaments of the IPU, as well as the parliaments of smaller countries or of countries that did not hold other offices in the IPU.

The Chairpersons agreed that, in light of the IPU reform of 2013, the Rules of the Standing Committees needed to be strictly observed. That included the provision (Rule 9.1) that in order to ensure as far as possible a fair distribution of posts among IPU Members, representatives of a Member should not simultaneously hold more than one post as President or Vice-President of a Standing Committee or hold a post in the same body for more than four consecutive years. The Chairperson of GRULAC shared the practice of his Group, where no Member could hold more than three positions, and where office-holders who did not attend their respective meetings could not immediately seek new positions. It was decided that nine Bureau members who had been absent for two or more consecutive sessions of their Bureau without a valid reason would lose their seat, and that elections would be held to fill those new vacancies at the next Assembly in March 2016.

The Chairpersons examined the situation of the presidencies of the Standing Committees, and decided that elections for the posts of Presidents of the first three Standing Committees (Peace and Security; Sustainable Development, Finance and Trade, and Democracy and Human Rights) and all four posts of Committee Vice-Presidents would be held on the occasion of the 134<sup>th</sup> IPU Assembly in Lusaka (March 2016). The IPU President was invited to facilitate the consultations among the geopolitical groups on both the distribution of these posts, as well as on the duration of the new Presidents' term of office. It was agreed that in seeking new Presidents of the IPU Standing Committees, criteria of attested experience, a commitment to the issues falling within the purview of the respective Committee, and a willingness to devote time and energy to the exercise of their IPU function must be considered. A working knowledge of one of the official languages of the IPU and a certain prominence at the national and international levels would also be important assets.

Moreover, the Joint Meeting examined a discussion paper on the role and responsibility of the geopolitical groups. A number of questions were raised concerning the structures and working methods of the geopolitical groups. Those included the advantage of (semi-)permanent secretariats to ensure continuity and coherence in the work of the Groups, possible modalities to improve communication and coordination within and among Groups during and beyond IPU Assemblies. Also discussed were ways to ensure a better and more effective nomination process for IPU office-holders, including by requiring written assurances from parliaments to provide adequate support to MPs applying for IPU positions.

It was agreed that the Chairpersons of the Geopolitical Groups would hold discussions within their respective Groups on those issues and report back at the next Joint Meeting. On the basis of the feedback received from the Groups, the IPU Secretariat would be requested to prepare a note on the main findings, recommendations and good practices. Participants underscored the importance of such Joint Meetings, and requested that they be institutionalized as regular sessions on the occasion of each IPU Assembly.

## **2. Panel discussion on *Parliamentary action in meeting international commitments to counter terrorism***

The panel discussion was moderated by the IPU Secretary General. It featured six high-level panellists: Mr. Y. Fedotov, Executive Director of the UN Office on Drugs and Crime (UNODC), Mr. J.-P. Laborde, Executive Director of the CTED, Mr. K. Koser, Executive Director of GCERF, Mr. M.R. Rabbani, Chairman of the Senate of Pakistan, Ms. G. Tjoues, Vice-President of the Senate of Cameroon and Ms. C. Guittet, MP (France).

Terrorism had become a global phenomenon and its prevention was high on the IPU agenda. Through the legislative process, urgent questions related to foreign terrorist fighters and illicit financing of terrorism could be addressed. The delicate balance between individual freedoms and national security had to be struck through sharing good practices. The point was made that there was no one-size-fits-all solution for all countries, but parliaments had a crucial role to play in adapting international resolutions to the specific context of each State and addressing the root causes of terrorism.

The panel discussion was the first ever international platform for fostering parliamentary action to counter terrorism. It was attended by over 200 parliamentarians from all over the world, who agreed on the importance of further collaboration under the auspices of the IPU, in order to turn words into action.

## **3. Launch of the revised Handbook for Parliamentarians on *Migration, human rights and governance***

On Monday 19 October, at the end of the morning sitting of the Assembly, a ceremony was held to launch the Handbook for Parliamentarians No. 24, *Migration, human rights and governance*. Introductory comments from the IPU President were followed by remarks from representatives of the partner organizations that co-published the Handbook, namely the ILO and OHCHR. Mr. P. Taran, President of Global Migration Policy Associates, delivered a comprehensive address on the contents of the Handbook and its usefulness to parliamentarians.

The participants emphasized the critical role of parliamentarians in the governance of migration and the utility of the handbook in serving both as an informational tool and as a practical guide for MPs to take action to ensure a human rights-based approach to migration.

## **4. Launch of the joint IPU-UNAIDS publication on *Fast-tracking HIV treatment: Parliamentary action and policy options***

Launching the publication of HIV/AIDS treatment, the Executive Director of UNAIDS, Mr. M. Sidibé, and the IPU Secretary General, Mr. M. Chungong, described parliamentarians as having a pivotal role in broadening access to HIV treatment and ending the AIDS epidemic by 2030. They noted that expanding treatment involved respecting, protecting and promoting the rights of people most affected by HIV to ensure that everyone in need could access life-saving medicines.

The IPU-UNAIDS publication was a resource to assist members of parliament in promoting greater access to HIV treatment. It was both a call for parliamentary action and leadership, as well as a reference tool for parliamentarians and their staff that provided practical information and guidance on how to make treatment a reality for people living with HIV/AIDS.

## 5. Parity debate on *Parliamentary oversight and political will*

The Meeting of Women Parliamentarians held a first ever parity debate on promoting the equal representation and participation of men and women in discussions, and inviting them to incorporate the gender dimension into their analysis. The debate focused on the political will required to ensure accountability on the part of governments, thus forming part of the preparatory work on the second edition of the IPU-UNDP Global Parliamentary Report, entitled *Parliament's power to hold government to account: Realities and perspectives on oversight*. The debate began with statements from Mr. P. Mahoux (Belgium), Mr. P. Katjavivi, President of the National Assembly (Namibia), Mr. J.P. Letelier (Chile), Ms. F. Koofi (Afghanistan) and Ms. P. Cayetano (Philippines). Ms. M. Lugarić (Croatia) moderated the discussion.

It was noted that in many countries it was easier to oversee government action from the opposition benches, and when there was a solid democratic culture, a clear separation of powers between the different branches of government, and a distinct set of oversight procedures. While the authority of political parties could be essential for effective oversight, it could also inhibit its exercise independently of the party line. A pluralist media also contributed to the political will to exercise parliamentary oversight. As for the role of the public, social media had made it possible for elected representatives to understand the concerns of their electorate.

Participants also pointed out that gender equality in overseeing government action derived from equal representation in parliament and in committees. Too many subjects were still outside the reach of women parliamentarians, even when they were strong in numbers. As a result, they were often confined to social matters. The vote on the budget was essential for overseeing government policy and ensuring gender equality. Lastly, although it was a matter for all parliamentarians, the political will to exercise oversight in that area depended both on the personal interest of those concerned and on the gender sensitivity both of parliaments as institutions and of political parties.

## 6. Open Session of the Committee to Promote Respect for International Humanitarian Law

The Open Session focused on the humanitarian dimension of forced migration. The panellists included Ms. T. Alriyati, (Jordan), Father Mussie Zerai, Chairman of Hadeshia Agency Cooperation for Development, Mr. J. Riera, Senior Adviser, UNHCR and Mr. J. Bingham, Coordinator, Civil Society activities of the Global Forum on Migration and Development. The debate was moderated by Mr. P. Taran, Global Migration Policy Associates.

The Committee agreed that migration and refugee movements had been a feature of the human condition for millennia and would remain so in the future. The past months had witnessed unprecedented movements of both refugees and migrants to Western Europe. Wars, conflict and persecution had forced more people to flee their homes and seek refuge and safety elsewhere than at any other time since the Second World War.

Since early 2011, the main reason for the acceleration in migration had been the war in Syria: it was now the world's single largest driver of displacement, which had also been caused in the past five years by at least 15 conflicts that had either begun or been reignited.

The Open Session focused primarily on the humanitarian dimension of current forced migration flows. How should States respond to large flows of asylum-seekers? What should be done to reduce risks faced by asylum-seekers? Was the "offshore processing" of claims a solution? What were the long-term solutions for the resettlement or return of refugees?

Participants underscored the importance of supporting and protecting migrants and refugees, while recalling the need to support local host populations. They stressed the need for more shared responsibility, especially by European countries, for refugee populations in and en route to Europe. Refugees were not a burden; they were a responsibility.

Four main priorities were highlighted: the need to uphold values and existing laws; pay attention to and deploy efforts to address the root causes of forced migration; recognize the extent of the current humanitarian crisis and build cooperation, based on shared responsibilities; and identify legal avenues to protect and respect peoples' right to mobility.



## **7. Side event on the theme *Monitor, review and act: Parliamentary leadership in implementing the Global Strategy for Women's, Children's and Adolescents' Health***

Close to 80 members of parliament and senior officials from WHO and the Partnership for Maternal, Newborn and Child Health (PMNCH) gathered for a side event on 20 October to discuss how parliamentarians could accelerate action to save the lives and improve the health of women, children and adolescents.

The event was opened by the IPU Secretary General, who stressed the critical role that parliaments played in improving the health of their citizens. He stated that the IPU was committed to the new Global Strategy through support for parliaments to play a strong role in accountability for national commitments.

Dr. F. Bustreo, Assistant Director-General for Family, Women's and Children's Health, WHO, stated that WHO would continue to work hand in hand with the IPU to support parliaments in translating the Global Strategy into laws, policies, and budget allocations to health.

Mr. A. de Francisco, Deputy Executive Director, PMNCH, spoke of the critical role of parliamentary action and accountability for the health of women, children and adolescents. Ms. R. Kadaga, Speaker of the Ugandan Parliament, explained how Uganda had taken numerous steps, including increasing the budget line for women's and children's health to recruit over 1,000 additional health workers, open a new maternity hospital, and remove taxes on contraceptives.

Ms. U. Karlsson, (Sweden), described the supportive maternity protection policies that had facilitated her role as a working parent. Mr. V. Suárez Díaz, (Dominican Republic), reported on the work done within the Advisory Group, in collaboration with WHO and other partners, focusing especially on accountability and the impact of legislation on health. Mr. F. Hoohlo, Vice-President of the Senate of Lesotho, provided the audience with a brief summary of the Memorandum of Understanding signed by the Parliament of Lesotho and the IPU, and reaffirmed the strong commitment of the Parliament to implementing the Global Strategy.

Ms. M. Temmerman, Director of the Department of Reproductive Health and Research at WHO, who had moderated the discussion, ensured that the event was interactive, open and participatory.

## **8. 2015 Future Policy Awards Ceremony**

For the third year in a row, the IPU teamed up with the United Nations and the World Future Council to designate the winners of the annual Future Policy Award. While the 2013 Award had celebrated best policies in the area of disarmament and the 2014 Award had been dedicated to best policies for ending violence against women and girls, the 2015 Award focused on the world's best laws and policies to secure children's rights.

The Awards ceremony took place in the evening of 20 October, as part of the formal programme of the 133<sup>rd</sup> IPU Assembly. The ceremony was attended by parliamentarians and other delegates, representatives of the diplomatic community in Geneva, NGOs, academia and press. It was co-hosted by the President of the IPU, Mr. S. Chowdhury; the Director of the UNICEF Office in Geneva, Ms. M. Viviani; and the Director of the World Future Council, Ms. A. Wandel. The ceremony highlighted visionary new approaches and achievements in policy-making and implementation. Awards were conferred on: Zanzibar's (Tanzania) 2011 Children's Act (Gold Award); Maryland's (USA) 2011 Environmental Literacy Standards (Silver Award) and Finland's 1998 Basic Education Act (Silver Award). Sweden's 1979 Children and Parent Code to prohibit all corporal punishment and other humiliating treatment of children, and Argentina's 2008 Supreme Court's pioneering judgement on environmental rights, received Honourable Mentions.

The Future Policy Award was particularly timely in the context of IPU's ongoing efforts to protect and promote children's rights. The model legislation and best policies recognized by the Award would be disseminated among the broader parliamentary community, with a view to encouraging positive developments in other countries.

## **9. Panel discussion jointly organized by the IPU and the ASGP on *Powerful parliaments: Building capacity for effective parliamentary oversight***

The panel discussion, jointly organized by the IPU and the Association of Secretaries General of Parliaments (ASGP), was held on Wednesday 21 October. It was moderated by Mr. G.J. Hamilton (Secretary General of the Senate, Netherlands). The panellists were Mr. D. Pkosing Losiaku (MP, Kenya), Mr. A. Pocij (Senator, Poland) and Mr. C. Robert (Clerk of the Senate, Canada). About 20 delegations contributed comments from the floor.

The session focused on the institutional capacity of parliament to oversee government and offered a complement to the parity debate on political will for oversight that had taken place on 20 October. Both exchanges would contribute to the preparation of the second Global Parliamentary Report on *Parliament's power to hold government to account: Realities and perspectives on oversight*.

When considering the priority given to oversight, it was essential to remember that parliaments were unique, as were democracies. Parliamentary oversight provided an essential check-and-balance system on the executive. In any system, the effectiveness of parliamentary oversight depended largely on the ability and capacity of parliamentarians themselves to exercise it.

Oversight was always exercised on behalf of the electorate. The oversight mandate should be enhanced by the clear separation of power between the executive and parliament, which reported to the people. Because of that separation of powers, party allegiance could not compromise parliamentary oversight. Parliament ultimately approved ministerial appointments in some countries and had the judicial authority to sanction any minister who refused to submit to parliamentary scrutiny.

Access to information and the live broadcasting of parliamentary procedures, as well as public exposure of negative results of public accounts, were all identified as effective means of exercising oversight of government action.

## **10. Prize-giving ceremony for essay competition on peace**

A presentation was made by an IPU representative at the International School of Geneva on 25 September to Year Six pupils studying a unit of inquiry on *Peace and Conflict*. That was part of the Organization's outreach to young people and the local community, including schools and other academic institutes in Geneva. The presentation gave rise to an essay competition on *What peace means to me* as part of the classes' language unit. A prize-giving ceremony was held at the reception hosted by the Swiss authorities on Monday 19 October. The three top essayists were received by the IPU Secretary General, who handed out certificates of recognition and prizes to the pupils. The first-prize winner, a 10-year old girl from the Philippines, read out her essay to the gathering of parliamentarians.

## **11. Information session on the IPU**

At the request of several IPU Member Parliaments, the IPU Secretariat convened an information session for delegates on the work and activities of the IPU. That was the first session of its kind held during an IPU Assembly. The session was held in the morning of 19 October in English and French, and was well-attended by MPs, parliamentary staff and representatives of partner organizations.

IPU senior staff made a series of presentations on the IPU's strategic plan and priorities, the structure of IPU Assemblies, the functioning of the main IPU bodies, IPU funding and human resources, efforts to enhance the visibility of the Organization, the parliamentary dimension of international cooperation, the IPU's work to promote democracy and to protect and promote human rights.

Participants engaged actively in the question-and-answer sessions which followed the presentations. They recommended that such information sessions be organized at future Assemblies, if possible with interpretation into Spanish and Arabic. They underscored that the presentations covered a lot of ground within a limited period of time, and that in future, it might be useful to plan for subsequent information sessions that would focus on specific areas of work.

## Elections and appointments

### 1. Executive Committee

The Governing Council elected the following eight new members of the Executive Committee:

- Ms. C. Cerqueira (Angola)
- Mr. A. Lins (Brazil)
- Mr. K. Jalali (Iran, Islamic Republic of)
- Mr. E. Ethuro (Kenya)
- Ms. G. Eldegard (Norway)
- Mr. K. Kosachev (Russian Federation)
- Mr. Tran Van Hang (Viet Nam)

to serve a four-year term ending in October 2019; and

- Mr. I. Liddell-Grainger (United Kingdom).

to complete the term of Mr. R. Walter, who was no longer an MP, until October 2017.

### 2. Sub-Committee on Finance

The Sub-Committee elected Mr. R. del Picchia (France) as its interim Chair for a term ending in March 2016. Given that the Eurasia Group had only one representative on the Executive Committee, the new member from that Group, Mr. K. Kosachev (Russian Federation), had also become an *ex officio* member of the Sub-Committee on Finance for a term ending in October 2019. The remaining vacancies on the Sub-Committee would be filled by the Executive Committee at the time of its next session, to be held in Lusaka in March 2016.

### 3. Committee on the Human Rights of Parliamentarians

The Governing Council elected Ms. F. Koofi (Afghanistan) as a Committee member for a term ending in October 2020.

### 4. Committee on Middle East Questions

The Governing Council elected Ms. C. Vienne (Belgium), who was a substitute member, as a titular member for a term ending in March 2018. It also elected Mr. N. Shai (Israel) and Ms. N. Motsamai (Lesotho) as titular members and Mr. R. Nordqvist (Denmark) as a substitute member for a four-year term ending in October 2019. During the session, the Committee elected Ms. D. Pascal Allende (Chile) as its new President.

### 5. Committee to Promote Respect for International Humanitarian Law

The Governing Council elected Ms. M. Green (Sweden) and Mr. P. Mahoux (Belgium) for a four-year term ending in October 2019. The Committee elected Mr. S. Owais (Jordan) as its President.

### 6. Group of Facilitators for Cyprus

The Governing Council elected Mr. P. Van Den Driessche (Belgium) as a Facilitator.

### 7. Rapporteurs to the 135<sup>th</sup> Assembly

The Standing Committee on Democracy and Human Rights appointed Ms. L. Markus (Australia) as one of the co-Rapporteurs of the resolution entitled *The freedom of women to participate in political processes fully, safely and without interference: Building partnerships between men and women to achieve this objective*. In conformity with Rule 13.4 of the Rules of the Standing Committees, the President of the IPU was entrusted with carrying out consultations with the geopolitical groups with a view to identifying the second co-Rapporteur at the earliest possible opportunity.

## 8. Bureaux of the Standing Committees

### Standing Committee on Sustainable Development, Finance and Trade

Following elections that took place in the Standing Committee on Sustainable Development, Finance and Trade, the current composition of its Bureau is as follows:

		<i>Expiry of term**</i>
<b>President</b>	<i>Vacancy</i>	
<b>Vice-President</b>	· Mr. O. Hav (Denmark)	March 2018
<i>African Group</i>	· Ms. C. Cerqueira (Angola)	March 2018
	· Mr. A. Cissé (Mali)	March 2018
	· Mr. F. Musendu Flungu (Democratic Republic of the Congo) *	October 2019
<i>Arab Group</i>	· Mr. K. Abdullah Abul (Kuwait) *	March 2018
	· Mr. Y. Jaber (Lebanon)	March 2018
	· Ms. Z. Ely Salem (Mauritania)	March 2018
<i>Asia-Pacific Group</i>	· Ms. N. Marino (Australia)	March 2018
	· Ms. S. Tioulong (Cambodia)	October 2018
	· Mr. N. Singh (India) *	October 2019
<i>Eurasia Group</i>	· Mr. S. Gavrilov (Russian Federation)	March 2018
	<i>Vacancy</i>	
	<i>Vacancy</i>	
<i>Group of Latin America and the Caribbean</i>	· Ms. C. Prado (Panama) *	October 2019
	· Mr. J.R. León Rivera (Peru) *	October 2019
	· Mr. L.A. Heber (Uruguay) *	October 2019
<i>Twelve Plus Group</i>	<i>Current Vice-President</i>	
	· Ms. S. de Bethune (Belgium)	October 2018
	· Ms. J. Mijatovic (Serbia) *	March 2018

\* *Newly elected members of the Bureaux*

\*\* *In accordance with the Rules of the Standing Committees, Members of the Bureau are elected for a term of two years and may be re-elected for a further period of two years. The date featuring in the column "Expiry of term" corresponds to the maximum possible duration of the mandate.*

### Standing Committee on Democracy and Human Rights

Mr. M. Bouva (Suriname) was elected to complete the mandate of Mr. A. Misiekaba from the same country. Likewise, Mr. V. Senko (Belarus) was elected to complete the mandate of Ms. A. Naumchik from the same country.

### Standing Committee on United Nations Affairs

The Committee elected Mr. A. Avsan (Sweden) as its President for a term ending in March 2019, when his mandate as member of the Committee Bureau would expire. The Committee also elected three new members of the Bureau: Mr. I. Dodon (Republic of Moldova) and Ms. A. Bimendina (Kazakhstan), representing the Eurasia Group, and Ms. A. Trettergstuen (Norway), representing the Twelve Plus Group. They were elected for a two-year term, renewable once.

## 9. Internal Auditors for the 2016 accounts

The Governing Council appointed the following two Internal Auditors for the Organization's 2016 accounts:

- Mr. A. Gryffroy (Belgium)
- Ms. S. Moulengui Mouélé (Gabon)

## Media and communications

IPU Communications issued six press releases on or relating to the 133<sup>rd</sup> Assembly. Two IPU press briefings were also carried out for journalists accredited to the United Nations, while two national delegations held press conferences at the CICG. More than 100 journalists from around the world and Geneva covered the Assembly.

Initial media monitoring on the Assembly from limited open-source content on websites showed that more than 2,300 online articles and blogs mentioning IPU and the Assembly were posted over the Assembly period with 1,945 of them on websites, Facebook and blogs that had more than 2.3 billion unique visitors. The articles covered the various themes of the Assembly, as well as bilateral meetings between delegations.

Media interviews were carried out by parliamentarians, the IPU President, Secretary General and IPU Director of Communications with broadcasters and agencies such as the BBC, TASS, Reuters, AFP and Voice of America, as well as Swiss media.

News edits of video footage of the first and final day of the Assembly were distributed by Eurovision to European national broadcasters. Footage was picked up by broadcasters, including Euronews. Video footage was also provided for a documentary on the resolution on democracy in the digital age and one of its rapporteurs, Ms. B. Jónsdóttir. Edited footage was also sent to the broadcaster Telesud for its *Entretien du jour* (Interview of the day) programme.

A live Twitter feed using the #IPU133 was displayed in the plenary. Social media monitoring showed there were 4,500 posts using #IPU133 by more than 1,600 users. Those tweets reached nearly 14 million accounts and left 65.3 million impressions, a significant increase from the Twitter statistics during the Hanoi Assembly. The geographic spread of tweets was extensive, with only parts of Africa and Central Asia not engaged.

IPU was mentioned on Twitter through its handle @IPUparliament in 2,200 tweets, reaching more than 10.1 million accounts, with the potential of reaching 38.4 million more accounts. The Twitter activity around the 133<sup>rd</sup> Assembly led to about 100 new followers to the @IPUparliament account during the week.

The #youngMPs twitter handle also did extremely well, cementing the social media presence of that community of politicians. There were more than 4,500 posts by 1,616 users, reaching 13.8 million accounts and leaving 65.4 million impressions.

Flickr was again widely used to distribute photos of the Assembly to media and the participants.

During the Assembly, three new publications were launched – A Handbook for Parliamentarians on *Migration, human rights and governance*; *Fast-tracking HIV treatment: Parliamentary action and policy options*; and the brochure on the *Future Policy Award 2015*. Other publications were presented for the first time on the publications stand, including *National aid policies: Key pillars of mutual accountability* and *Guidelines for parliamentary research services*.

IPU Communications held a briefing for Members on progress made on enhancing IPU's visibility and what role they could play in building greater awareness of the Organization and its work.

## Membership of the Inter-Parliamentary Union<sup>1</sup>

### Members (167)

Afghanistan, Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Canada, 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, El Salvador, Equatorial Guinea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, 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, Madagascar, 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, Somalia, 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, Tonga, 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, Arab Parliament, Central American Parliament (PARLACEN), East African Legislative Assembly (EALA), European Parliament, Inter-Parliamentary Committee of the West African Economic and Monetary Union (WAEMU), Latin American Parliament (PARLATINO), Parliament of the Economic Community of West African States (ECOWAS), Parliament of the Central African Economic and Monetary Community (CEMAC) and Parliamentary Assembly of the Council of Europe (PACE)

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<sup>1</sup> At the closure of the 133<sup>rd</sup> Assembly

## Agenda, resolutions and other texts of the 133<sup>rd</sup> Assembly

1. Election of the President and Vice-Presidents of the 133<sup>rd</sup> Assembly
2. Consideration of requests for the inclusion of an emergency item in the Assembly agenda
3. General Debate on *The moral and economic imperative for fairer, smarter and more humane migration*
4. Democracy in the digital era and the threat to privacy and individual freedoms  
(*Standing Committee on Democracy and Human Rights*)
5. Reports of the Standing Committees on Peace and International Security; Sustainable Development, Finance and Trade; and United Nations Affairs
6. Approval of the subject item for the Standing Committee on Democracy and Human Rights at the 135<sup>th</sup> IPU Assembly and appointment of the Rapporteurs
7. The role of the Inter-Parliamentary Union, parliaments, parliamentarians, and international and regional organizations in providing necessary protection and urgent support to those who have become refugees through war, internal conflict and social circumstances, according to the principles of international humanitarian law and international conventions.

## Declaration from the General Debate on *The imperative for fairer, smarter and more humane migration*

*Endorsed by the 133<sup>rd</sup> IPU Assembly  
(Geneva, 21 October 2015)*

We, parliamentarians from over 135 countries gathered in Geneva at the 133<sup>rd</sup> IPU Assembly, debated *The imperative for fairer, smarter and more humane migration*.

International migration in today's world presents multi-faceted challenges and opportunities. It has become an increasingly complex global phenomenon, which involves mixed migration flows comprising migrant workers, asylum-seekers and individuals who move for a combination of reasons, as well as those who are known as "survival migrants".

The root causes of forced migration are often foreseeable. These include armed conflict, violent extremism, extreme poverty, food insecurity, climate change, forced enrolment in State and non-State armies and militias, harmful traditional practices and gender-based violence. These complex and sometimes novel challenges result in additional risks, especially human trafficking and migrant smuggling, with more and more people found in distress at sea and in deserts. Girls are subjected to particular risks, such as torture, sexual slavery, forced labour and other forms of abuse, both in transit and in destination countries.

This situation calls for action. This action must be guided by the principle that migrants are not numbers, but human beings. As rights-bearers, they are to be treated with dignity and with respect for their human rights, regardless of their motive for leaving their homes or their status as regular or irregular migrants.

We recall that the 2030 Agenda for Sustainable Development urges us to ensure that migration is regulated in an "orderly, safe, regular and responsible" manner. For this purpose, governments must adopt well-managed migration policies that enable migrants to fully develop their potential to contribute to human and economic development.

Migration is an opportunity. We recognize that migration yields significant benefits for host countries and countries of origin, as well as for individuals, families and communities. Destination countries benefit from the diversity that migrants bring: new skills, a much-needed workforce, new contributions to their economies and the opportunity to counter the economic challenges posed by ageing populations. But host societies also face challenges in ensuring fair working conditions for all, as well as social cohesion through appropriate schemes of integration. As far as countries of origin are concerned, they benefit from remittances, investments from diaspora networks and from the newly-acquired skills and experiences of returning migrants, but they also have to cope with the challenges of "brain drain" and separated families, which may result in children being left without proper care.

Migration should be safe. Persons fleeing persecution require special legal protection as refugees. In a context of mixed migration, it is important to ensure that asylum-seekers have an opportunity to lodge their claims and be duly heard. The return of persons whose asylum claims have been rejected after a full and fair hearing, and of irregular migrants, must be conducted in a safe and humane manner, with due respect for the principles of *non-refoulement* and prohibition of torture and cruel, inhuman or degrading treatment or punishment, while also upholding the best interests of the child and the right to respect for private and family life.

Similarly, migrant women and children require particular attention and protection from abuse, exploitation and violence. Migrants working in the informal sector require particular social and legal protection, given their vulnerability to exploitation and abuse in such situations.

Migration must be constructive. The social integration of migrants and refugees is best ensured when host countries provide children and young adults with unhindered access to education, and ensure access to employment, health and social services to all, while authorizing family reunification is made possible. Mutual respect for cultural differences is a shared responsibility of host societies and migrants,



on the understanding that everyone is bound to respect the laws of the land and is entitled to enjoy his or her human rights. We must recognize the contribution of migrants to our societies, and must enact specific legislation to prohibit discrimination and combat xenophobia.

Migration is a reality. An understanding of the push and pull factors of migration calls for expanding safe and regular channels of migration. In addition, the current situation in the Mediterranean and in other parts of the world and the prevalence of migrant smuggling and human trafficking, as well as xenophobia, call for urgent, coordinated and robust action to save lives, show solidarity and mitigate the effects of sudden and large migration flows.

We parliamentarians have a particular responsibility in this area. We must demonstrate political leadership, listen to and voice the concerns of our constituents, raise awareness, oversee government action and support it, inter alia, by adequately resourcing the responsible bodies. We must also promote the common interest and respect for human dignity and rights above all considerations. This will require redoubling efforts and commitments, and working together across regions, countries, political parties and communities to ensure fair and concerted responses to this global phenomenon.

As parliamentarians, we commit to working towards fairer, smarter and more humane migration, including through the following action:

***Building and implementing a protective legal framework***

- è Ratify, and ensure the implementation of, conventions protecting the rights of migrants and refugees. These include:
  - The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,
  - The Convention relating to the Status of Refugees (1951) and its Protocol (1967),
  - The United Nations Convention against Transnational Organized Crime, and its Protocols on trafficking in persons and the smuggling of migrants,
  - The Convention on the Elimination of All Forms of Discrimination against Women,
  - The International Convention for the Protection of All Persons from Enforced Disappearance,
  - The Migration for Employment Convention, 1949 (ILO Convention No. 97),
  - The Migrant Workers (Supplementary Provisions) Convention, 1975 (ILO Convention No. 143),
  - The Private Employment Agencies Convention, 1997 (ILO Convention No. 181),
  - The Domestic Workers Convention, 2011 (ILO Convention No.189),
  - as well as other relevant regional and international instruments;
- è Encourage legal responses, whether globally or nationally, to address gaps and grey areas in the legal protection of migrants and refugees. These can include, inter alia, the law of the sea on the responsibility for searching and rescuing persons found in distress at sea, and the laws on responsibility for persons fleeing environmental disasters;
- è Oversee the implementation of laws and policies and their impact on migrants, asylum-seekers and refugees from a human-rights perspective, with a particular focus on refugee protection, gender equality and the rights of the child;

***Ensure fairness, non-discrimination and respect for the human rights of migrants***

- è Revise existing legislation so as to remove any obstacles to access to basic services such as education, health care and social benefits for all migrants, asylum-seekers and refugees, regardless of their status;
- è Promote and monitor coordination among States in the areas of migration and asylum through bilateral, regional and international procedures, including through consultation mechanisms on responsibility-sharing in hosting refugees, ensuring that migration agreements comply with human rights and international labour standards, and the prosecution of human traffickers;
- è Design and implement effective regulation of recruitment, particularly of low-skilled migrant workers, and promote fair recruitment practices;

- è Promote safe, regular channels for migration, including legal entry and residence schemes for study, work, humanitarian and family reunification purposes in a fair and responsible manner that does not discriminate against unskilled or low-skilled migrants, women and young men, and that aims to benefit all concerned, i.e. migrants themselves, the host country's population and the economy of both the country of origin and the country of destination;
- è Ensure the right to decent work for all, and in particular that non-discriminatory labour standards and the rights enshrined in fundamental ILO Conventions, as well as effective labour inspections, apply to sectors of the economy employing mainly migrant workers, and in particular migrant women, such as domestic work and caring services;
- è Protect all migrant workers from discrimination and abuse, such as sexual and other forms of gender-based violence and forced organ-harvesting;
- è Revise legislation so as to ensure access to justice for any person on our territory, regardless of nationality and migration status;
- è Seek alternatives to the administrative detention of undocumented migrants, and especially of unaccompanied or separated children or entire families, and refrain from criminalizing irregular migration;

***Work for social cohesion, and peaceful and inclusive societies***

- è Lead by example, by speaking out against xenophobia and racism, recognizing the contribution of migrants to society and refraining from referring to migrants in an irregular situation as “illegal” or “clandestine”; challenge and combat stereotypes relating to migrants, in particular migrant young men;
- è Build empirically-based knowledge and foster balanced public debate on the causes, challenges and benefits of migration, so as to inform national policies; promote the inclusion of migrant perspectives in political and public fora, including the participation of migrants, civil society groups and social partners in parliamentary discussions, inter alia in public and committee hearings;
- è Take the lead in communicating rationally and factually on migration, while bearing in mind the human dimension of the issue;
- è Promote anti-discrimination legislation, including the prohibition of discrimination on the basis of nationality and migration status, as well as criminal legislation against hate speech in line with the UN-led Rabat Plan of Action on the prohibition of advocacy of national, racial and religious hatred that constitutes incitement to discrimination, hostility or violence, aiming to strike a proper balance between freedom of expression and the vital need to protect individuals and communities from discrimination and violence, as enshrined in international law;
- è Support and enhance the contributions of the diaspora, inter alia by facilitating their remittances and investments and by ensuring their participation in national decision-making;
- è Promote implementation of the 2030 Agenda for Sustainable Development and the existing migration-specific goals (target 8.8 on the protection of the rights of migrant workers, in particular women and those in vulnerable situations, and target 10.7 on planned and well-managed migration policies), and the systematic disaggregation of data by migration status.

## Democracy in the digital era and the threat to privacy and individual freedoms

*Resolution adopted unanimously by the 133<sup>rd</sup> IPU Assembly  
(Geneva, 21 October 2015)*

The 133<sup>rd</sup> Assembly of the Inter-Parliamentary Union,

*Recalling* the guiding principles of the Charter of the United Nations,

*Also recalling* the human rights and fundamental freedoms enshrined in the Universal Declaration of Human Rights and relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

*Further recalling* the resolution *The role of parliaments in striking a balance between national security, human security and individual freedoms, and in averting the threat to democracy* adopted by the 118<sup>th</sup> IPU Assembly (Cape Town, April 2008),

*Noting* United Nations General Assembly Resolution 69/166 *The right to privacy in the digital age* of 18 December 2014,

*Also noting* the report of the United Nations High Commissioner for Human Rights on the right to privacy in the digital age,

*Recalling* the United Nations Guiding Principles on Business and Human Rights, and *bearing in mind* that civil society and business entities can play an important role in either enhancing or diminishing the enjoyment of human rights, including the right to privacy and freedom of expression in the digital era,

*Considering* that fundamental rights also apply in cyberspace,

*Acknowledging* the interdependence between democracy and the right to privacy, freedom of expression and information and an open and free Internet, and in view of the universal recognition of the right to privacy, its protection in international law and the expectations of citizens around the world that the right to privacy is safeguarded both in law and in practice,

*Also acknowledging* that, in the area of digital surveillance, it is not enough simply to adopt and enforce legislation and that procedural safeguards are sometimes weak and oversight ineffective,

*Expressing concern* that mass surveillance programmes regarding digital communications and other forms of digital expression constitute violations of the right to privacy, including when conducted extraterritorially, and endanger the rights to freedom of expression and information, as well as other fundamental human rights, including the rights to freedom of peaceful assembly and of association, thus undermining participative democracy,

*Acknowledging* the need for capacity-building, for the empowerment of parliamentarians and parliamentary specialized bodies in the identification of legislative gaps, for the enactment of legislation dealing with the protection of human rights, including the right to privacy, and for the prevention of the violation of such rights,

*Affirming* the responsibility of parliaments to establish, in line with international principles and undertakings, a comprehensive legal framework to exercise effective oversight of the actions of government agencies and/or surveillance agencies acting on their behalf, and to ensure accountability for all violations of human rights and individual freedoms,

*Expressing* the need to engage and consult with all relevant stakeholders, including civil society groups, academia, the technical community and the private sector on policy-making related to the digital era,

*Acknowledging* the importance and expertise of national human rights institutions, non-governmental organizations and human rights advocates, and their role in monitoring, policy-making, consultation and awareness-raising, and *welcoming* greater cooperation between these organizations and advocates, parliaments and parliamentarians worldwide,

*Taking note of* the work and contribution of these entities, such as the International Principles on the Application of Human Rights to Communications Surveillance (the Necessary and Proportionate Principles), endorsed by more than 400 non-governmental organizations and the Global Network Initiative,

*Affirming* the need for secure and uncompromised systems of communication for the public good and the protection of basic rights,

*Considering* the findings of the report of the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, on the use of encryption and anonymity,

*Recognizing* the contribution of parliaments to, and their impact on, decisions facilitating the national and international consensus needed for concerted and effective action on these issues,

1. *Calls on* parliaments to take part in the development and implementation of an overall strategy to enable in the long run the whole population to enjoy the considerable benefits that the Internet can bring to economic, social, cultural and environmental life in order to achieve the Sustainable Development Goals adopted by the United Nations;
2. *Underlines* that this overall strategy should aim both legally and ethically to build a digital ecosystem that is capable of guaranteeing the same rights to all citizens and ensuring that their freedom is effectively protected, particularly in terms of educating all people in digital know-how, and ensuring an equity between actors that will avoid any abuse of a dominant position;
3. *Underscores* that all legislation in the field of surveillance, privacy and personal data must be based on the principles of legitimacy, legality, transparency, proportionality, necessity and the rule of law;
4. *Calls on* parliaments to review their national frameworks and State practices with a view to promoting and increasing public participation and involvement in the digital era, free exchange of information, knowledge and ideas and equal access to the Internet and, with a view to enhancing democracy in the 21<sup>st</sup> century, *encourages* parliaments to remove all legal limitations on freedom of expression and the flow of information and to uphold the principle of Net neutrality;
5. *Urges* parliaments to carefully review national laws and the practices of government agencies and/or surveillance organizations acting on their behalf so as to make sure that they comply with international law and human rights, especially as they relate to the right to privacy, and *calls on* parliaments to guarantee, as part of that review, that private and public companies will not be forced to cooperate with the authorities on practices that impair their customers' human rights, with the exceptions provided for in international human rights law;
6. *Calls on* parliaments to ensure that national legal frameworks comply fully with international human rights law when applied to interception, analysis, collection, storage and commercial use of data and to share reviews and information from individual States and the IPU on related cases;
7. *Urges* parliaments to review their legislation in order to prohibit the interception, collection, analysis and storage of personal data, including when those actions are of an extraterritorial or bulk nature, without the informed consent of the individuals concerned or a valid order granted by an independent court on grounds of reasonable suspicion of the targets' involvement in criminal activity;

8. *Underscores* that privacy protections must be consistent across domestic and international borders and *calls on* parliaments to make sure that privacy protections in national law cannot be bypassed by reliance on secretive and informal data-sharing agreements with foreign States or multinationals;
9. *Calls on* parliaments to enact comprehensive legislation on data protection, for both the public and private sectors, providing, at the minimum, for strict conditions regarding permission to intercept, collect, analyse and store data, for clear and precise limitations on the use of intercepted and collected data, and for security measures that ensure the safest possible preservation, anonymity and proper and permanent destruction of data; and *recommends* the establishment of independent and effective national data-protection bodies with the necessary power to review practices and address complaints, while further urging parliaments to ensure that their national legal frameworks on data protection are in full compliance with international law and human rights standards, making sure that the same rights apply to both offline and online activities;
10. *Also calls on* parliaments to ensure through legal means that all collaboration on various surveillance programmes between governments and companies, entities and all other organizations is subject to parliamentary oversight, insofar as it does not hamper the conduct of criminal investigations;
11. *Further calls on* national parliaments and governments to encourage the private technology sector to honour its obligations to respect human rights, bearing in mind the Guiding Principles on Human Rights and Business, as customers of these companies must be fully informed of how their data is being gathered, stored, used and shared with others, and *further calls on* parliaments to promote both global norms on user agreements and more development of user-friendly data-protection techniques which counter all threats to Internet security;
12. *Urges* parliaments to reject the interception of telecommunications and espionage activities by any State or non-state actor involved in any action, which negatively affects international peace and security, as well as civil and political rights, especially those enshrined in Article 12 of the Universal Declaration of Human Rights and Article 17 of the International Covenant on Civil and Political Rights, which states that "no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence" and that "everyone has the right to the protection of the law against such interference or attacks";
13. *Recognizes* the need for parliaments to specify, in relative detail, the circumstances under which any interference with the right to privacy may be permitted, to establish strict judicial procedures for the authorization of communications surveillance and to monitor the implementation of those procedures, limits on the duration of surveillance, security and storage of the data collected, and safeguards against abuse;
14. *Emphasizes* that while national security arguments will invariably be advanced that diverse digital technology tools may threaten the security and well-being of a State, parliaments need to review their capacity to oversee all executive action and ensure that a balance is struck between national security and individual freedoms so as to ensure that measures taken in the name of national security and counter-terrorism comply strictly with human rights, and avert any threats to democracy and human rights;
15. *Strongly urges* parliaments to review and establish effective, independent and impartial oversight mechanisms where needed and include them in the legal framework; *stresses* that parliaments must investigate any shortcomings in their oversight function and the reasons behind them, making sure that their oversight bodies, such as parliamentary committees and parliamentary ombudsmen, have sufficient resources, proper authorizations and the requisite authority to review and publicly report on the actions of government agencies and/or surveillance agencies acting on their behalf, including actions in cooperation with foreign bodies through the exchange of information or joint operations;
16. *Calls on* parliaments to acknowledge that civil society and public participation can play a vital role in monitoring the executive branch and *encourages* parliaments and parliamentarians to promote and engage in consultation and to welcome assistance from

- all stakeholders, including national human rights institutions, the private sector, civil society, the technical community, the academic community and users, in their monitoring, policy-making and policy implementation efforts;
17. *Strongly urges* parliaments to ensure that attempts to restrict democratic voices online, including journalists, other media actors and human rights defenders, through imprisonment, harassment, censorship, hacking, illicit filtering, blocking, monitoring and other repressive means are strictly forbidden in national legislation in accordance with international human rights law, treaties and conventions;
  18. *Strongly recommends* that parliaments, as part of their oversight function, enact coherent and comprehensive legislation on the protection of whistleblowers in line with international standards and best practices;
  19. *Calls on* parliaments to uphold both governmental and corporate accountability for violations of human rights, such as the right to physical and psychological integrity, the right to privacy, freedom of expression and other individual freedoms, so that such accountability includes adequate sanctions to ensure justice and to act as a deterrent, including criminal prosecution, administrative fines, suspension or withdrawal of business licences, and the payment of reparation to individuals for harm caused;
  20. *Also calls on* parliaments to ensure that the necessary legal and administrative measures are taken to combat trafficking in persons perpetrated through the Internet, and to combat gender-based harassment and cyber-violence that targets, in particular, women and children;
  21. *Underscores* the right to effective remedy for victims of violations of the right to privacy and other individual freedoms and *calls on* parliaments to provide for procedural safeguards in law, thereby facilitating access to duly implemented remedies;
  22. *Strongly urges* parliaments to enable the protection of information in cyberspace and associated infrastructure, so as to safeguard the privacy and individual freedom of citizens by developing formal as well as informal cooperation and relationships among nations to exchange information and share experiences; *further calls on* parliaments to carry out technical and procedural cooperation as well as to collaborate in order to mitigate the risk of cyber-crimes and cyber-attacks and, in this context, to modernize mutual legal agreements so as to address the multidimensional challenges of the digital era, including speed of response;
  23. *Welcomes* the appointment of the United Nations Special Rapporteur on the right to privacy and *calls on* the IPU to initiate a dialogue with him as well as the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the United Nations Special Rapporteur on the situation of human rights defenders and the United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, and to work with them to produce a compilation of best legislative practices in this field;
  24. *Calls on* Parliaments to ensure that their respective governments cooperate fully with the United Nations Special Rapporteurs on the right to privacy, on the promotion and protection of the right to freedom of opinion and expression, on the situation of human rights defenders and on the promotion and protection of human rights and fundamental freedoms while countering terrorism, including in relation to challenges arising in the digital age; *invites* parliaments to keep themselves informed of the Rapporteurs' recommendations, and to provide the necessary legislative framework for their implementation, as appropriate;
  25. *Invites* the IPU to develop – in cooperation with relevant stakeholders, including international and regional organizations, civil society and human rights experts – capacity-building programmes for parliamentary bodies tasked to oversee observance of the right to privacy and individual freedoms in the digital environment.

**The role of the Inter-Parliamentary Union, parliaments, parliamentarians, and international and regional organizations in providing necessary protection and urgent support to those who have become refugees through war, internal conflict and socio-economic situations, according to the principles of international humanitarian law and international conventions**

**Results of roll-call vote on the request of the delegations of the United Arab Emirates and Sudan for the inclusion of an emergency item**

**R e s u l t s**

Affirmative votes.....	751	Total of affirmative and negative votes ..	962
Negative votes .....	211	Two-thirds majority.....	641
Abstentions .....	286		

Country	Yes	No	Abst.	Country	Yes	No	Abst.	Country	Yes	No	Abst.
Afghanistan	10			Ghana	<i>absent</i>			Palestine	11		
Albania	<i>absent</i>			Greece	13			Panama	<i>absent</i>		
Algeria	15			Guinea	<i>absent</i>			Peru	<i>absent</i>		
Andorra			10	Guinea-Bissau			11	Philippines	<i>absent</i>		
Angola	10			Haiti	<i>absent</i>			Poland	<i>absent</i>		
Argentina	<i>absent</i>			Hungary	13			Portugal			13
Armenia	<i>absent</i>			Iceland		10		Qatar	8		
Australia		14		India	23			Republic of Korea	17		
Austria	<i>absent</i>			Indonesia	22			Republic of Moldova			10
Bahrain	10			Iran (Islamic Republic of)	12		6	Romania		14	
Bangladesh	20			Iraq	14			Russian Federation			20
Belarus			13	Ireland	11			Rwanda	<i>absent</i>		
Belgium		6	6	Italy		17		San Marino	7		3
Benin	12			Japan	20			Sao Tome and Principe	10		
Bhutan			10	Jordan	12			Saudi Arabia	14		
Bosnia and Herzegovina	<i>absent</i>			Kazakhstan	<i>absent</i>			Senegal	12		
Botswana	11			Kenya	10			Serbia	12		
Brazil	10			Kuwait	11			Singapore			12
Burkina Faso	<i>absent</i>			Lao People's Dem. Republic	8		4	Slovenia			11
Burundi	<i>absent</i>			Latvia			11	South Africa	17		
Cabo Verde			10	Lebanon	<i>absent</i>			South Sudan	<i>absent</i>		
Cambodia	13			Lesotho	11			Spain		15	
Cameroon	13			Liechtenstein	<i>absent</i>			Sri Lanka	<i>absent</i>		
Canada		10		Lithuania			10	Sudan	15		
Chad			13	Madagascar			14	Suriname	10		
Chile	13			Malaysia	<i>absent</i>			Sweden		12	
China	23			Maldives	<i>absent</i>			Switzerland		10	
Costa Rica	10			Mali	8		2	Syrian Arab Rep.		13	
Croatia	10			Mauritania	11			Thailand	6		12
Cuba	13			Mauritius	<i>absent</i>			Timor-Leste			11
Cyprus	10			Mexico			20	Togo	<i>absent</i>		
Czech Republic	10		3	Micronesia (Fed. States of)	<i>absent</i>			Tunisia	<i>absent</i>		
DR of the Congo	<i>absent</i>			Monaco	<i>absent</i>			Turkey			18
Denmark	<i>absent</i>			Mongolia	<i>absent</i>			Uganda	13		
Djibouti	<i>absent</i>			Morocco	15			Ukraine	17		
Dominican Rep.	<i>absent</i>			Myanmar	10			United Arab Emirates	11		
Ecuador	13			Namibia	11			United Kingdom		18	
El Salvador	<i>absent</i>			Netherlands	<i>absent</i>			Uruguay		11	
Equatorial Guinea	<i>absent</i>			New Zealand			11	Venezuela		15	
Estonia	<i>absent</i>			Nicaragua	10			Viet Nam	19		
Ethiopia	<i>absent</i>			Niger	<i>absent</i>			Zambia	13		
Fiji			10	Nigeria	20			Zimbabwe	13		
Finland		18	12	Norway	3	9					
France				Oman	<i>absent</i>						
Gabon	11			Pakistan	21						
Georgia	<i>absent</i>										
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 role of the Inter-Parliamentary Union in countering the terrorism and extremism of Islamic State in Iraq and the Levant (ISIL), Al-Nusra Front (ANF) and other terrorist groups associated with them

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

#### Results

Affirmative votes .....	250	Total of affirmative and negative votes ...	650
Negative votes .....	400	Two-thirds majority .....	433
Abstentions .....	598		

Country	Yes	No	Abst.	Country	Yes	No	Abst.	Country	Yes	No	Abst.
Afghanistan	10			Ghana	<i>absent</i>			Palestine	11		
Albania	<i>absent</i>			Greece			13	Panama	<i>absent</i>		
Algeria	15			Guinea	<i>absent</i>			Peru	<i>absent</i>		
Andorra		10		Guinea-Bissau			11	Philippines	<i>absent</i>		
Angola			10	Haiti	<i>absent</i>			Poland	<i>absent</i>		
Argentina	<i>absent</i>			Hungary			13	Portugal	13		
Armenia	<i>absent</i>			Iceland		10		Qatar		8	
Australia		14		India			23	Republic of Korea			17
Austria	<i>absent</i>			Indonesia	3		19	Republic of Moldova	10		
Bahrain		10		Iran (Islamic Republic of)	18			Romania		14	
Bangladesh			20	Iraq	14			Russian Federation	20		
Belarus	13			Ireland			11	Rwanda	<i>absent</i>		
Belgium		12		Italy		17		San Marino		10	
Benin			12	Japan			20	Sao Tome and Principe			10
Bhutan			10	Jordan			12	Saudi Arabia		14	
Bosnia and Herzegovina	<i>absent</i>			Kazakhstan	<i>absent</i>			Senegal			12
Botswana		11		Kenya			10	Serbia	12		
Brazil			10	Kuwait		11		Singapore			12
Burkina Faso	<i>absent</i>			Lao People's Dem. Republic	6		6	Slovenia			11
Burundi	<i>absent</i>			Latvia			11	South Africa		17	
Cabo Verde			10	Lebanon	<i>absent</i>			South Sudan	<i>absent</i>		
Cambodia			13	Lesotho			11	Spain		15	
Cameroon	13			Liechtenstein	<i>absent</i>			Sri Lanka	<i>absent</i>		
Canada		10		Lithuania			10	Sudan		15	
Chad			13	Madagascar			14	Suriname		10	
Chile	3		10	Malaysia	<i>absent</i>			Sweden		12	
China	10		13	Maldives	<i>absent</i>			Switzerland		10	
Costa Rica	10			Mali			10	Syrian Arab Rep.	13		
Croatia			10	Mali			11	Thailand			18
Cuba	13			Mauritania			11	Timor-Leste			11
Cyprus	10			Mauritius	<i>absent</i>			Togo	<i>absent</i>		
Czech Republic	3		10	Mexico			20	Tunisia	<i>absent</i>		
DR of the Congo	<i>absent</i>			Micronesia (Fed. States of)	<i>absent</i>			Turkey		18	
Denmark	<i>absent</i>			Monaco	<i>absent</i>			Uganda			13
Djibouti	<i>absent</i>			Mongolia	<i>absent</i>			Ukraine		17	
Dominican Rep.	<i>absent</i>			Morocco		15		United Arab Emirates		11	
Ecuador			13	Myanmar			10	United Kingdom		18	
El Salvador	<i>absent</i>			Namibia		11		Uruguay		11	
Equatorial Guinea	<i>absent</i>			Netherlands	<i>absent</i>			Venezuela	15		
Estonia	<i>absent</i>			New Zealand			11	Viet Nam	15		4
Ethiopia	<i>absent</i>			Nicaragua			10	Zambia			13
Fiji			10	Niger	<i>absent</i>			Zimbabwe			13
Finland			12	Nigeria		20					
France		18		Norway		12					
Gabon			11	Oman	<i>absent</i>						
Georgia	<i>absent</i>			Pakistan			21				
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.



## Protecting human rights in the fight against terrorism and violent extremism

### Results of roll-call vote on the request of the delegation of Mexico for the inclusion of an emergency item

#### R e s u l t s

Affirmative votes.....	430	Total of affirmative and negative votes ..	614
Negative votes .....	184	Two-thirds majority.....	409
Abstentions .....	634		

Country	Yes	No	Abst.	Country	Yes	No	Abst.	Country	Yes	No	Abst.
Afghanistan	5		5	Ghana	<i>absent</i>			Palestine	5		6
Albania	<i>absent</i>			Greece	13			Panama	<i>absent</i>		
Algeria	15			Guinea	<i>absent</i>			Peru	<i>absent</i>		
Andorra			10	Guinea-Bissau	11			Philippines	<i>absent</i>		
Angola			10	Haiti	<i>absent</i>			Poland	<i>absent</i>		
Argentina	<i>absent</i>			Hungary			13	Portugal	13		
Armenia	<i>absent</i>			Iceland		10		Qatar		8	
Australia			14	India			23	Republic of Korea			17
Austria	<i>absent</i>			Indonesia	5		17	Republic of Moldova			10
Bahrain			10	Iran (Islamic Republic of)	18			Romania			14
Bangladesh			20	Iraq	8		6	Russian Federation			20
Belarus			13	Ireland		11		Rwanda	<i>absent</i>		
Belgium			12	Italy		17		San Marino	6		4
Benin			12	Japan	20			Sao Tome and Principe	10		
Bhutan			10	Jordan			12	Saudi Arabia			14
Bosnia and Herzegovina	<i>absent</i>			Kazakhstan	<i>absent</i>			Senegal			12
Botswana		11		Kenya			10	Serbia			12
Brazil	10			Kuwait		11		Singapore			12
Burkina Faso	<i>absent</i>			Lao People's Dem. Republic	6		6	Slovenia			11
Burundi	<i>absent</i>			Latvia	11			South Africa			17
Cabo Verde	10			Lebanon	<i>absent</i>			South Sudan	<i>absent</i>		
Cambodia			13	Lesotho			11	Spain	15		
Cameroon	13			Liechtenstein	<i>absent</i>			Sri Lanka	<i>absent</i>		
Canada			10	Lithuania			10	Sudan		15	
Chad			13	Madagascar	14			Suriname	10		
Chile	13			Malaysia	<i>absent</i>			Sweden		12	
China	10		13	Maldives	<i>absent</i>			Switzerland		10	
Costa Rica	10			Mali	10			Syrian Arab Rep.			13
Croatia			10	Mali	10			Thailand	18		
Cuba	13			Mauritania	5		6	Timor-Leste	11		
Cyprus			10	Mauritius	<i>absent</i>			Togo	<i>absent</i>		
Czech Republic			13	Mexico	20			Tunisia	<i>absent</i>		
DR of the Congo	<i>absent</i>			Micronesia (Fed. States of)	<i>absent</i>			Turkey	18		
Denmark	<i>absent</i>			Monaco	<i>absent</i>			Uganda	3		10
Djibouti	<i>absent</i>			Mongolia	<i>absent</i>			Ukraine			17
Dominican Rep.	<i>absent</i>			Morocco	15			United Arab Emirates			11
Ecuador	13			Myanmar			10	United Kingdom		18	
El Salvador	<i>absent</i>			Namibia		11		Uruguay	11		
Equatorial Guinea	<i>absent</i>			Netherlands	<i>absent</i>			Venezuela	15		
Estonia	<i>absent</i>			New Zealand			11	Viet Nam	15		4
Ethiopia	<i>absent</i>			Nicaragua			10	Zambia			13
Fiji			10	Niger	<i>absent</i>			Zimbabwe			13
Finland	12			Nigeria		20					
France		18		Norway		12					
Gabon			11	Oman	<i>absent</i>						
Georgia	<i>absent</i>			Pakistan			21				
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 role of parliaments in taking urgent action to protect the climate

### Results of roll-call vote on the request of the delegation of New Zealand for the inclusion of an emergency item

#### Results

Affirmative votes .....	646	Total of affirmative and negative votes ...	811
Negative votes .....	165	Two-thirds majority .....	541
Abstentions .....	437		

Country	Yes	No	Abst.	Country	Yes	No	Abst.	Country	Yes	No	Abst.
Afghanistan	5		5	Ghana	<i>absent</i>			Palestine			11
Albania	<i>absent</i>			Greece	13			Panama	<i>absent</i>		
Algeria			15	Guinea	<i>absent</i>			Peru	<i>absent</i>		
Andorra	10			Guinea-Bissau	11			Philippines	<i>absent</i>		
Angola			10	Haiti	<i>absent</i>			Poland	<i>absent</i>		
Argentina	<i>absent</i>			Hungary	10		3	Portugal			13
Armenia	<i>absent</i>			Iceland	10			Qatar		8	
Australia	14			India			23	Republic of Korea			17
Austria	<i>absent</i>			Indonesia	5		17	Republic of Moldova		10	
Bahrain			10	Iran (Islamic Republic of)	9		9	Romania	14		
Bangladesh	20			Iraq	9		5	Russian Federation			20
Belarus			13	Ireland		11		Rwanda	<i>absent</i>		
Belgium	12			Italy	17			San Marino	10		
Benin	12			Japan	20			Sao Tome and Principe			10
Bhutan	10			Jordan	5		7	Saudi Arabia			14
Bosnia and Herzegovina	<i>absent</i>			Kazakhstan	<i>absent</i>			Senegal	12		
Botswana		11		Kenya			10	Serbia			12
Brazil			10	Kuwait		11		Singapore	12		
Burkina Faso	<i>absent</i>			Lao People's Dem. Republic	7		5	Slovenia	11		
Burundi	<i>absent</i>			Latvia	11			South Africa			17
Cabo Verde	10			Lebanon	<i>absent</i>			South Sudan	<i>absent</i>		
Cambodia	10		3	Lesotho			11	Spain	15		
Cameroon			13	Liechtenstein	<i>absent</i>			Sri Lanka	<i>absent</i>		
Canada	10			Lithuania	10			Sudan		15	
Chad	13			Madagascar	14			Suriname		10	
Chile	6		7	Malaysia	<i>absent</i>			Sweden	12		
China			23	Maldives	<i>absent</i>			Switzerland	10		
Costa Rica	10			Mali	10			Syrian Arab Rep.			13
Croatia	5		5	Mali	5		6	Thailand	18		
Cuba			13	Mauritania	5		6	Timor-Leste			11
Cyprus			10	Mauritius	<i>absent</i>			Togo	<i>absent</i>		
Czech Republic	13			Mexico		20		Tunisia	<i>absent</i>		
DR of the Congo	<i>absent</i>			Micronesia (Fed. States of)	<i>absent</i>			Turkey	18		
Denmark	<i>absent</i>			Monaco	<i>absent</i>			Uganda	7		6
Djibouti	<i>absent</i>			Mongolia	<i>absent</i>			Ukraine	17		
Dominican Rep.	<i>absent</i>			Morocco	15			United Arab Emirates		11	
Ecuador	13			Myanmar	10			United Kingdom	18		
El Salvador	<i>absent</i>			Namibia		11		Uruguay		11	
Equatorial Guinea	<i>absent</i>			Netherlands	<i>absent</i>			Venezuela			15
Estonia	<i>absent</i>			New Zealand	11			Viet Nam	19		
Ethiopia	<i>absent</i>			Nicaragua	10			Zambia			13
Fiji	10			Niger	<i>absent</i>			Zimbabwe		13	
Finland	12			Nigeria		20					
France	18			Norway	9	3					
Gabon			11	Oman	<i>absent</i>						
Georgia	<i>absent</i>			Pakistan			21				
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 role of the Inter-Parliamentary Union, parliaments, parliamentarians, and international and regional organizations in providing necessary protection and urgent support to those who have become refugees through war, internal conflict and social circumstances, according to the principles of international humanitarian law and international conventions**

***Resolution adopted unanimously by the 133<sup>rd</sup> IPU Assembly  
(Geneva, 20 October 2015)***

The 133<sup>rd</sup> Assembly of the Inter-Parliamentary Union,

*Expressing its utmost concern* about the humanitarian tragedies caused by the recent worsening of the refugee crisis, which has itself led to a rise in the number of refugees to over 30 million, a significant increase which makes this refugee crisis, in the wake of the deterioration of the political and military situations in some Middle Eastern and African countries, the worst since the Second World War,

*Deeply troubled* by the deaths and the suffering recently endured by thousands of refugees from some Middle Eastern and African countries from exposure to severe weather or lack of food or shelter,

*Noting with concern* that the United Nations estimates that many thousands of refugees and forced migrants from some Middle Eastern and African countries have been registered daily over the last three months of this year and that a significant portion of the population of those countries are at risk of becoming refugees, particularly those from the Syrian Arab Republic, Yemen, Somalia and Libya, a situation which exacerbates the humanitarian disaster for refugees even further,

*Cognizant* of the fact that a lasting solution to the problem of refugees is to be found through negotiation, and particularly through the peaceful settlement of internal conflicts,

*Emphasizing* the vital role of regional organizations in helping countries and warring factions to reach peaceful settlements to internal conflicts,

*Underlining* the seriousness of the conditions reported by the International Labour Organization with respect to the social and economic pressures arising from the deterioration of the refugee crisis over the last three months in host countries and in view of rising levels of unemployment in those countries, of refugee child labour, of the lower chances of benefiting from public services, and of their worsening quality, as well as of lower social cohesion between refugees and local communities,

*Stressing* the responsibility of regional organizations and the international community, in particular donor and neighbouring countries, to render support in order to help increase the capacity of host countries to deal with refugees, provide a humanitarian environment and solve the problems associated with refugees,

*Taking into consideration* the United Nations Charter and Universal Declaration of Human Rights, which acknowledge that all people, without discrimination, should be able to enjoy their basic rights and freedoms, and which advocate the enhancement of international cooperation for the resolution of humanitarian problems,

*Recalling* the Convention relating to the Status of Refugees (1951) and its Protocol (1967), which provide that refugees shall enjoy their fundamental rights and freedoms, and which emphasize the social and humanitarian nature of issues relating to refugees, without any discrimination based on ethnicity, religion, gender, age or country of origin,

*Also recalling* the four Geneva Conventions of 1949 and their additional protocols of 1977, particularly as regards the preferential treatment of refugees,

*Emphasizing* the need to protect refugees from persecution and fear, as well as to provide the necessary protection to women and child refugees and to other vulnerable groups,

*Referring* to the Statute of the Office of the United Nations High Commissioner for Refugees (1950) and United Nations General Assembly Resolution 51/73 (1996) concerning the exploitation of women and child refugees and their use as soldiers or human shields in armed conflicts, as well as of other actions which endanger their safety or threaten their personal security,

*Stressing* that children, adolescents and young people constitute particularly vulnerable groups and are over-represented among migrants and refugees, and face specific challenges that include isolation, exclusion, discrimination and insecurity,

*Recognizing* that women refugees are especially vulnerable to trafficking, abuse, exploitation, discrimination, unpaid work and gender-based violence, including sexual violence,

*Renewing* its commitment to the principles of international humanitarian law, international law on refugees and international human rights law to ensure international protection for refugees, whether through provisional or permanent measures, so as to safeguard their legal and social rights,

1. *Calls on* parliaments to cooperate with governmental and non-governmental national organizations, as well as with regional and international organizations, to identify the reasons for refugee flows;
2. *Also calls on* parliaments to cooperate with the relevant national organizations and regional and international parliamentary organizations, and with the regional and international governmental organizations, in the preparation of work programmes and projects for spreading the culture of tolerance and moderation and the principles of common international values, and for combating backwardness, illiteracy and fanaticism of any kind whatsoever;
3. *Regrets* that efforts made by a number of developing countries are hampered by the policy of imposing sanctions through unilateral measures, and *considers* that such a policy directly affects the welfare of ordinary people and contributes to the escalation of the flow of refugees;
4. *Re-emphasizes* the compliance of United Nations Member States with the principle of non-interference in the domestic affairs of other nations, respect for national sovereignty, peaceful settlement of disputes and the non-use of force or threats of force, so that the peoples of the world may escape the ordeals of combat and war and the movement of populations from their home countries;
5. *Acknowledges* the principle of the “common international responsibility” of the United Nations and other regional and international organizations to protect refugees from harm through providing urgent humanitarian aid and support by host countries, ensuring that refugees enjoy their internationally recognized human rights, thereby expediting the implementation of international and regional programmes on international cooperation for sustainable economic development;
6. *Calls on* the Office of the United Nations High Commissioner for Refugees and national and international non-governmental organizations to bear their responsibility and provide humane conditions for refugees;
7. *Invites* Member Parliaments, regional and international parliamentary organizations and the international community to cooperate with the Office of the United Nations High Commissioner for Refugees and all other international and regional organizations concerned with refugee affairs, in order to facilitate the task of monitoring the application of international rules for protecting refugees and providing them with accommodation and in order to ensure that the rights granted to them under international conventions are guaranteed;
8. *Reminds* all countries hosting refugees of the need to comply with the principles of international humanitarian law and international law on refugees with respect to providing them with the necessary care and prohibiting hostilities against their lives or any abuse offensive to their dignity, or the handing down of judgments without trial, while taking all precautionary measures to save the lives of refugees, and being mindful that every refugee must comply with the legal obligations and measures to preserve public order to which they are subject in the host country;

9. *Calls on* parliaments and governments to develop and implement special measures and gender-sensitive policies for women refugees, especially mothers who must take care not just of themselves but whole families, as well as young women and girls;
10. *Also calls on* parliaments and governments to address the special needs of young refugees, especially those separated from their families and without parental guidance, to take special action to tackle xenophobia, stereotypes and discrimination, and to give children and young people access to age-appropriate information on safe migration and the dangers of trafficking;
11. *Calls for* full respect for the principle of “international relief” contained in international conventions concerning the protection of refugees and emergency and long-term support for health care, food and other supplies, as well as education for children and young people;
12. *Calls on* countries which are occupying territories to undertake not to deport or displace civilian populations to other territories, and to ensure the safety and security of civilians according to the principles of international humanitarian law and international conventions;
13. *Also calls on* host countries not to deport refugees or expel them to the border of another country in which their life would be threatened for ethnic, religious or nationality reasons, membership of a certain social category or political opinions; and *notes that* States are required to enable refugees to obtain the right of temporary residence in the event that they are not able to obtain permanent residence pending resettlement in another country;
14. *Invites* Member Parliaments, regional and international parliamentary organizations and the international community to cooperate in sharing the burden of refugees and associated costs with host countries;
15. *Calls on* the United Nations and all countries that are active at the international and regional levels both to settle military conflicts in the Middle East in compliance with resolutions adopted by the United Nations in order to establish political and military stability in the region and also to avoid threats to international peace and security, drawing attention to the fact that the failure of the international community to deal with the problems of refugees results in other problems of migration and human trafficking;
16. *Also calls on* the Office of the United Nations High Commissioner for Refugees, the IPU, the international community and national and international non-governmental organizations, to declare a year of refugees.

## Report of the Standing Committee on Peace and International Security

*Noted by the 133<sup>rd</sup> IPU Assembly  
(Geneva, 21 October 2015)*

The Standing Committee on Peace and International Security held one sitting on 18 October 2015 with its President, Mr. R. Tau (South Africa), in the Chair.

During this sitting, the Committee held an experts hearing *Terrorism: The need to enhance global cooperation against the threat to democracy and individual rights*, the topic of a resolution that is expected to be adopted by the 134<sup>th</sup> IPU Assembly in Lusaka (Zambia). The purpose of the discussion was to give Committee members an opportunity to learn about current issues in cooperation relating to counter-terrorism, and to exchange views with experts in the field.

Having dealt with procedural items, the Chair opened the meeting and introduced the experts, Mr. A.S. El Dawla, Counter-Terrorism Committee Executive Directorate (CTED) and Mr. K. Koser, Global Community Engagement and Resilience Fund (GCERF).

Mr. El Dawla began by explaining the role of the Counter-Terrorism Committee and its Executive Directorate, and its work in assessing threats and devising standards on counter-terrorism. He explained that while successful, efforts to counter terrorism could also increase threats, as they forced groups to transform their activities, shortened time-frames and changed the methods of recruitment. Nowadays, many fighters were young people or women. This created many challenges at the policy, legal and operational levels, such as increased difficulties in exchanging information and transposing measures to create standards and norms, or the need for close cooperation and coordination at all levels. Mr. El Dawla underlined that the responsibility for creating new legislation or adapting existing laws lay with parliaments. He added that executive branches should then apply that legislation, and that parliaments would then have the additional responsibility of overseeing its implementation.

Mr. Koser was then given the floor. He began by presenting the newly established Global Community Engagement and Resilience Fund (GCERF) which sought to support local community-level initiatives aimed at strengthening resilience against violent extremist agendas, and to be a new means of countering terrorism. He analysed the strengths, weaknesses, opportunities and threats of this tool.

The new approach was a truly global effort which focussed on communities and helped understand why people turned to violent agendas. However, it was working in a vacuum as there was no clear definition of violent extremism. It aimed to bring together security and development communities, which were often divided while having counter-terrorism right in the middle. With regard to threats, Mr. Koser highlighted that since the tool was new, there was a difficulty in demonstrating results that would only appear in the long term. Moreover, the approach of preventing terrorism was still fragile; and needed to be action-oriented and sustainable so that countries did not revert back to military responses. Based on that analysis, he then made the following recommendations: Supporting and funding efforts to counter violent extremism was everybody's duty. Parliaments should adopt a comprehensive, action-oriented, counter-terrorism approach, engaging with all relevant stakeholders. Such an approach should deal with development as well as military intelligence. Parliaments should also work to ensure that a robust human rights framework was in place.

Further to the experts' interventions, a total of 33 speakers, including two observer organisations, took the floor during the discussion. All the participants had an opportunity to express their views on the various aspects of the issue at stake.

Many of the interventions referred to acts of terrorism that had occurred in some countries, and the nature of the legislation that had been put in place or the actions taken to counter such acts. Some speakers also pointed out that there was no definition of the concept of terrorism, and that there was a need to come up with a commonly-held notion. They also addressed the issue of terrorism financing, through money laundering or drugs, and the need for economic and social development to be at the heart of international assistance, so as to deter young people from being encouraged to engage with terrorism.

Speakers commented on how to strike a balance between security and individual rights, including the capacity to use new technologies and social media, which are now resorted to by terrorists to recruit people. Many of the comments dealt with young people, often emphasizing that they should be supported and provided with a better future, and that organisations should be provided with a means to combat poverty and promote employment opportunities.

Finally, speakers called for acts to replace words, and for stakeholders to go beyond diplomacy and be more proactive in tackling the roots of terrorism. They felt the need to address more effectively sensitive matters such as the issue of weapons used by terrorists, and how the suppliers should be punished. Several speakers spoke about the need to strengthen cooperation to counter terrorism.

In their concluding remarks the two experts referred to the fact that although terrorist acts were still being committed, counter-terrorism actions had been successful. They highlighted the need for those actions to be in accordance with the rule of law. With regard to definition, they supported the existing framework, which defined 19 actions. They also emphasized the need for prevention.

The Bureau of the Standing Committee met on 18 October 2015. 8 members out of 18 were present. Two had excused themselves.

The President of the Committee began by informing the Bureau members of the discussions held during the Joint Meeting of Chairpersons of the Geopolitical Groups and Presidents of the Standing Committees and their outcomes, especially the reshuffling of leadership positions that was expected to take place in March 2016 during the 134<sup>th</sup> Assembly in Lusaka (Zambia).

The Bureau established the Committee's work programme for the 134<sup>th</sup> IPU Assembly. Keeping to existing practice, it decided to propose that the whole time allocated to the Committee be devoted to the resolution, i.e., 3 to 4 hours of debate on the resolution itself and some explanation of amendments, the remaining time being used for negotiating the resolution in plenary. That proposal was subsequently approved by the Committee plenary.

There was some lively discussion of the methods of work of the Bureau of the Committee, and the topics to be studied by the Committee. Bureau members felt that better means of communication should be put in place, and that the Bureau should meet more often. Two members of the Bureau stated that they would like to host additional Bureau meetings, including with the co-Rapporteurs, to discuss at length the resolution and other topics of interest.

# Report of the Standing Committee on Sustainable Development, Finance and Trade

*Noted by the 133<sup>rd</sup> IPU Assembly  
(Geneva, 21 October 2015)*

The Standing Committee on Sustainable Development, Finance and Trade held its sitting on 19 October 2015 with its Vice-President, Mr. O. Hav (Denmark), in the chair.

## **Parliamentary contribution to the 2015 United Nations Climate Change Conference**

The Committee dealt with four subjects:

- (a) Presentation of the 2015 Global Climate Legislation Study;
- (b) Information about the Parliamentary Meeting to be organized by the IPU in Paris, in December, on the occasion of the United Nations Climate Change Conference;
- (c) Exchange of views on the preliminary draft outcome document of the Parliamentary Meeting in Paris; and
- (d) Presentation of the draft Parliamentary Action Plan on Climate Change.

The IPU President addressed the Committee at the beginning of the debate. He expressed the hope that an agreement on climate change would be made in Paris. However, he highlighted that members of parliament had to push their governments to come up with higher ambitions to combat climate change. Another important role of parliaments was to ensure a clear, long-term pathway to achieve the national and global goals, such as the net zero emissions/climate neutrality target by 2050.

The IPU President also stressed that there was an overlap between climate change and many other Sustainable Development Goals which should be looked at and explored as countries prepared their national strategies. Such an approach would reduce the cost of countries' engagement in the Goals and would increase effectiveness.

After the President's address, the Committee heard a presentation about the 2015 Global Climate Legislation Study which had published its fifth edition this year. The study was a uniquely comprehensive review of climate change legislation throughout the world and as such, was of immense importance for parliamentarians. The IPU was closely associated with the preparation of the study and the Secretariat had sent copies to each parliament.

One of the authors of the study, Ms. A. Averchenkova (Grantham Research Institute, London) presented the study to the Committee. The study covered 98 countries plus the European Union, which taken together, produce 93 per cent of world emissions. Among other things, the study found that, since 1997, the number of climate change laws and policies had doubled every five years. Approximately half of those (398) were passed by the legislative branch, and half (408) by the executive branch (e.g. by decree). Forty-six new laws and policies were adopted in 2014, compared with 82 in 2013.

Ms. Averchenkova informed the Committee that the study included detailed country chapters with a full list of laws for each country covered, a set of country fact sheets with key indicators, and a complete database of over 800 climate-related laws. The study was intended as a source of information for legislators, researchers and policy-makers. It was hoped that parliaments considering climate change legislation would benefit from the growing body of experience reflected in the study.

After this presentation, the chair gave the floor to Mr. S. Tchelnokov (IPU Secretariat) to brief the Committee on the Parliamentary Meeting that the IPU would organize in Paris in conjunction with the United Nations conference on climate change. Mr. Tchelnokov explained that a two-day Parliamentary Meeting would be organized jointly by the IPU and the French Parliament as the only official parliamentary activity held in conjunction with the United Nations conference. A practical information note on the Meeting, its registration form and provisional programme were posted on the IPU website. The Parliamentary Meeting would be open to parliamentarians attending the United Nations session as members of official national delegations or in any other capacity, such as observers representing civil society organizations.



One of the outcomes of the Parliamentary Meeting should be the adoption of a declaration. Its preliminary draft was prepared by the rapporteur of the Parliamentary Meeting, Mr. H. Maurey (France). The chair invited Mr. Maurey to explain to the Committee the main concepts and ideas behind his text. He then invited the Committee to provide the rapporteur with comments and ideas that he could use in his further work on the text.

Mr. Maurey highlighted that parliamentarians had an essential role to play in contributing to the success of policies to combat climate disruption. Among other things, his draft document tried to encourage parliamentarians to search for innovative solutions in all areas concerning climate change – adaptation, mitigation and financing. Improving the level of knowledge of climate change among parliamentarians, including through peer education, should be promoted. Finally, the draft document committed to ensure that questions related to climate disruption were systematically included on the agenda of inter-parliamentary meetings and that the outcome document of the Parliamentary Meeting would be attached to the Final Acts of the United Nations conference.

Fifteen delegations took the opportunity to comment on to Mr. Maurey's presentation. They largely expressed agreement with the current text but highlighted that the outcome should be more action-oriented. The chair encouraged everyone to submit additional input and amendments by 15 November so that they could be incorporated and presented to the Parliamentary Meeting in Paris.

The chair then invited Mr. Tchelnokov to present the draft Parliamentary Action Plan on Climate Change that the IPU is preparing under the leadership of its President. Mr. Tchelnokov explained that the Parliamentary Meeting in Paris would also be an opportunity to advance consultations on this strategic document that should guide IPU's climate-related work after Paris. Due to lack of time it was not possible to make a full presentation of the action plan to the Committee. Mr. Tchelnokov therefore invited everyone to consult the draft on the IPU website and provide comments, reflections and input. The action plan would be finalized after the Paris conference and presented to the 134<sup>th</sup> IPU Assembly in Lusaka for adoption.

### ***Debate on Ensuring lasting protection against destruction and deterioration for the tangible and intangible cultural heritage of humanity***

This debate was organized around the theme of the future Committee resolution, expected to be adopted at the 134<sup>th</sup> Assembly in Lusaka. The purpose of the debate was to provide the Committee with an opportunity to exchange views about challenges that stand in the way of ensuring lasting protection of the tangible and intangible heritage of humanity. The debate would also provide the co-rapporteurs with initial information about how IPU Member Parliaments might approach this issue.

The debate was chaired by Mr. A. Destexhe (Belgium), co-rapporteur. Mr. Giovanni Boccardi (Culture Sector Chief of Unit, UNESCO), also made a presentation to the Committee.

Mr. Boccardi provided background information about the definition of cultural heritage and how it had evolved over time. He pointed out the importance of community engagement in deciding what is heritage and how to preserve it. Mr. Boccardi briefed the Committee about the status of some heritage sites in current conflict areas and warned that the situation was deteriorating. He also stressed the critical link between cultural heritage and sustainable development for communities and societies at large.

Mr. Boccardi drew the Committee's attention to existing conventions and other instruments of cooperation in the area of cultural heritage. While instruments of implementation were well developed, effective implementation itself was lacking in some areas. He called the Committee to work towards a resolution that would call for further ratifications and implementation of these instruments, highlighting the specific roles that parliaments played in this process.

Mr. Destexhe took the floor after Mr. Boccardi and presented to the Committee his vision about the content and recommendations of the resolution. He identified nine challenges to the protection and preservation of cultural heritage: mass tourism, armed conflict and terrorism, looting and illicit trade, population growth and urbanization, lack of awareness, restoration, globalization, climate change, and lack of sufficient documentation by some countries. In each of these areas, he developed a number of recommendations on how parliaments could help overcome the current obstacles to better protection of cultural heritage. Mr. Destexhe invited the Committee to consult his preliminary note on the subject, which was posted on the IPU website.

In the debate that followed, 20 delegations took part. Most of them shared the good practices that their countries had put in place to protect cultural heritage. Several delegations provided concrete examples of laws and policies that their parliaments had developed in this area. Some pointed out that attempts to impose a way of life on communities and societies should also be viewed as a threat to cultural heritage.

Several parliamentarians argued that the resolution should encourage countries to include new generations in the protection of cultural heritage through educational programmes in schools and other settings. The role of parliaments in ensuring support to relevant institutions and cooperation across sectors was raised. Strong references were made to the importance of seeing identities and belonging as part of cultural heritage.

### **Elections to the Bureau**

The Committee also held elections to fill the existing vacancies on the Committee Bureau. Five vacant posts were filled by the African Group, Asia-Pacific Group and GRULAC, respectively. The Committee was informed that one Bureau member from the Arab Group and one from the Twelve Plus Group would no longer be able to participate in the work of the Bureau and those members were therefore replaced by other parliamentarians from the same countries who would serve the remainder of the former members' terms. Two vacant posts for the Eurasia Group remained unfilled. In accordance with the decision made at the Joint Meeting of Chairs of the Geopolitical Groups and Standing Committee Presidents on 17 October, the Committee President will be elected at the next IPU Assembly in Zambia.

The Committee approved the Bureau's proposal to dedicate time to discussing the resolution. Should time allow, a panel debate could also be organized.

## Report of the Standing Committee on United Nations Affairs

*Noted by the 133<sup>rd</sup> IPU Assembly  
(Geneva, 21 October 2015)*

The Vice President of the Committee, Mr. M. El Hassan Al Amin (Sudan) opened the session welcoming participants and inviting them to adopt the decision of the Bureau, at its Hanoi session (132<sup>nd</sup> Assembly), to elect Mr. A. Avsan (Sweden) as President of the Committee. The Vice President then invited Mr. Avsan to take over the chairmanship of the meeting.

Mr. A. Avsan continued with the announcement that three new members had been nominated by their geopolitical groups to the Bureau of the Committee: Mr. I. Dodon (Republic of Moldova), Ms. A. Bimendina (Kazakhstan), and Ms. A. Trettergstuen (Norway). With no objection from the floor the President declared these appointments adopted.

After announcing a number of UN meetings that will be high on the agenda next year, the President drew attention to a Handbook on the United Nations published by the government of New Zealand. Ms. A. King from the parliament of New Zealand formally introduced the handbook as a practical manual to United Nations bodies and processes. She noted the first edition of the handbook was dated 1961.

The President announced the two sessions on the programme, which he moderated in interview style.

### Session 1: **Review of the UN Peace-building Commission on its 10<sup>th</sup> anniversary**

Dr. O. Jütersonke, Head of Research, Centre on Conflict, Development and Peacebuilding (CCDP), Graduate Institute, Geneva;

Hon. A. Correia, Deputy Speaker of the National Assembly of Guinea-Bissau;

Mr. S. Weber, Director General, Interpeace;

Ambassador Y. Stevens, Permanent Representative of Sierra Leone to the United Nations, Geneva

The PBC was instituted 10 years ago to help consolidate the peace in post-conflict countries. A resolution of the General Assembly subsequently invited the PBC to work closely with the national parliaments of the countries involved. Taking the cue from a review of an independent expert commission of the United Nations, issued in June, the session considered how effective the PBC has been in stabilizing post-conflict countries. The discussion that ensued confirmed some of the experts' conclusion that peace building needs to be better integrated throughout the UN system.

A key point that emerged centred on the need to re-define the UN role in peace building. Peace building is not a new mission for the UN and draws its origin in the Charter. The novelty of the PBC is that it was created specifically to manage the sensitive period between the immediate end of conflict and the moment when a post-conflict country is able to get back on its feet to manage its own development.

Expectations of the PBC and of the UN's peace building mandate are often too high. In part, the UN itself is responsible for raising expectations when it tries to lead the peace building process instead of limiting itself to enabling actors on the ground to find their own solutions. In the final analyses, parliamentarians and other decision-makers in each country are responsible for creating the conditions for peace.

There was consensus amongst discussants that the UN and all peace-seeking actors should invest more in conflict prevention. On the other hand, it was acknowledged that it is not always possible to determine when a country is at risk of conflict and whether a conflict is imminent. It is a lot easier to talk about prevention in theoretical terms than to practice it in concrete scenarios. In a sense, the PBC could be considered a conflict prevention tool whenever it manages to prevent a post-conflict country from falling back into conflict.

Addressing the root causes of conflict should be the main objective of peace building. When this fails then conflict is likely to return, as the case of Burundi illustrates. Most conflicts are rooted in some form or other of social, economic, or political exclusion. These conditions in turn undermine the trust of vulnerable groups in the institutions of government.

The PBC and indeed the broader peace building architecture of the UN (which consists of the Commission, a Fund, and an Office in charge of operations) is often conflated with the peace keeping work of the UN. It was important to distinguish between the two. Similarly, the PBC cannot be seen as an enforcer of the relatively new principle of Responsibility to Protect (R2P). This principle only comes into play when governments commit atrocities against some of their own citizens or refuse to protect people from violent persecution. The PBC can only operate with the consent of the concerned governments.

As illustrated in Guinea Bissau, a country where the PBC is active, parliaments can take the lead in the peace building effort by constituting a reconciliation commission. Such a commission has been in place in Guinea Bissau for some time and has helped different groups articulate their grievances. The IPU, for its part, should invest more in strengthening the capacities of parliaments in post-conflict countries to take on a stronger peace building role.

**Session 2: The role of the International Court of Justice (ICJ) in the resolution of international disputes.**

Professor M. Kohen, Professor of international law, Graduate Institute of International and Development Studies, Geneva.

Ambassador J. Lindenmann, Deputy Director of the Directorate of International Law, Department of Foreign Affairs, Switzerland.

The ICJ is one of the six principal organs of the United Nations. The Court was designed to facilitate the peaceful resolutions of disputes through recourse to international law. Despite a strong record (about 144 cases adjudicated in the last 70 years), many countries who are parties to the ICJ do not recognize the jurisdiction of the Court as compulsory. This session looked closely at the consequences of this in terms of the Court's overall effectiveness as a conflict prevention tool. In the process, a number of misconceptions and misunderstandings about the Court were clarified.

Contrary to what some people may believe, the Court is not subject to political influence by the Security Council or other bodies of the United Nations. The custom that five of the fifteen justices must come from the permanent members of the Security Council has not resulted in undue political influence on the Court. Court decisions cannot be vetoed by the Security Council.

Overall, the Court is a force for good. It helps countries resolve a dispute where political negotiation has deadlocked. The Court is paid for entirely through UN assessed contributions. All states are equally sovereign before the Court regardless of their wealth or power. While it is true that, technically speaking, Court judgments cannot be enforced, virtually every case in which parties agreed to the jurisdiction of the Court have complied with the Court's decision.

Bringing a case before the Court is an act of peace. It signals to the international community that the parties are respectful of international law. In fact, it was noted, the UN Charter makes it clear that States have an obligation to seek a peaceful settlement to their disputes.

The Court's formal decisions should not be confused with its advisory opinions. These come from instances when countries ask the Court to clarify a point of international law in the course of a political negotiation. By definition, advisory opinions are not binding and do not entail an obligation to act. They always matter however because they help extend the field of international law.

## Presidential Statement

*Noted by the Governing Council at its 197<sup>th</sup> session  
(Geneva, 18 October 2015)*

The Fourth World Conference of Speakers of Parliaments was held at United Nations Headquarters in New York from 31 August to 2 September 2015 as part of the series of high-level meetings leading up to the UN Summit on the post-2015 development agenda.

It is a matter of deep regret that the Speaker of the Council of the Federation of the Federal Assembly of the Russian Federation could not participate in either the World Conference or the 10<sup>th</sup> Meeting of Women Speakers of Parliament that preceded it, due to restrictive visa conditions imposed by the authorities of the United States of America.

I reiterate the IPU's firm belief in the value of open and unrestricted dialogue between parliamentarians from different political, economic and social systems as a means of promoting understanding and resolving differences and cannot agree with the use, by any country, of political visa sanctions aimed at MPs duly designated by their parliaments to attend IPU meetings.

The IPU reaffirms its commitment to the principle and policy of holding its statutory meetings only in those countries where all IPU Members and Observers are invited, and where their representatives are certain to be granted the entry visas required for participation.

I take this opportunity to welcome the significant progress that has been made in the cooperation between the IPU and the United Nations. Nonetheless, I am sure all Members will agree much more remains to be done. The IPU looks forward to the conclusion of a new Cooperation Agreement that would place the institutional relationship on a stronger footing and further enhance the strategic partnership between the two organizations. As welcomed by the UN General Assembly, the IPU is providing a parliamentary component to major UN processes.

As such, joint events such as the World Conference of Speakers of Parliament and the annual Parliamentary Hearings at the United Nations should be formally recognized as official UN meetings, for which all MPs duly designated by the parliaments of the UN Member States are entitled to receive visas, in accordance with UN-Host Country Agreements.

I invite the IPU Governing Council to join me in taking note of this Statement.

## IPU Budget for 2016

*Approved by the IPU Governing Council at its 197<sup>th</sup> session  
(Geneva, 18 October 2015)*

	2015 Approved Budget	2016 Approved Budget		
		Regular Budget	Other Sources	All Funds
<b>REVENUES</b>				
Assessed contributions	10,612,500	10,016,000		<b>10,016,000</b>
Working Capital Fund	237,000	356,100		<b>356,100</b>
Staff assessment	1,000,300	1,018,500		<b>1,018,500</b>
Interest	108,200	110,000		<b>110,000</b>
Programme support costs	0	316,400	(316,400)	<b>0</b>
Other revenue	16,000	16,000		<b>16,000</b>
Voluntary contributions	3,514,600		4,271,700	<b>4,271,700</b>
<b>TOTAL REVENUES</b>	<b>15,488,600</b>	<b>11,833,000</b>	<b>3,955,300</b>	<b>15,788,300</b>
<b>EXPENDITURES</b>				
<b>Stronger democracies</b>				
1. Better functioning parliaments	2,603,500	1,425,900	1,875,000	<b>3,300,900</b>
2. Advance gender equality	1,496,100	732,800	858,500	<b>1,591,300</b>
3. Promote respect for human rights	1,449,200	1,024,700	429,800	<b>1,454,500</b>
Subtotal	<b>5,548,800</b>	<b>3,183,400</b>	<b>3,163,300</b>	<b>6,346,700</b>
<b>International involvement</b>				
4. Parliamentary dimension of multilaterals	882,700	837,300		<b>837,300</b>
5. International development goals	757,800		1,054,400	<b>1,054,400</b>
6. Peace building	449,100	40,000	54,000	<b>94,000</b>
Subtotal	<b>2,089,600</b>	<b>877,300</b>	<b>1,108,400</b>	<b>1,985,700</b>
<b>Parliamentary Cooperation</b>				
7. Enhanced Member relations	3,506,600	3,201,400		<b>3,201,400</b>
8. IPU visibility	967,800	967,800		<b>967,800</b>
9. Management and governance	849,700	848,700		<b>848,700</b>
Subtotal	<b>5,324,100</b>	<b>5,017,900</b>		<b>5,017,900</b>
Support Services	2,659,400	2,649,400		<b>2,649,400</b>
Other charges	127,000	105,000		<b>105,000</b>
Eliminations	(260,300)		(316,400)	<b>(316,400)</b>
<b>TOTAL EXPENDITURES</b>	<b>15,488,600</b>	<b>11,833,000</b>	<b>3,955,300</b>	<b>15,788,300</b>

### Approved 2016 capital budget

Item	2016
1. Replacement of computers	35,000
2. Furniture	15,000
3. Improved conference facilities	10,000
4. Website development	140,000
<b>Total capital expenditures</b>	<b>200,000</b>

## Approved programme and budget for 2016

### Scale of contributions for 2016 based on the UN scale of assessment

*Approved by the IPU Governing Council at its 197<sup>th</sup> session  
(Geneva, 18 October 2015)*

Country Name	UN 2013-2015	Approved 2016 scale	
	Per cent	Per cent	CHF
Afghanistan	0.005%	0.110%	11'000
Albania	0.010%	0.110%	11'000
Algeria	0.137%	0.280%	28'000
Andorra	0.008%	0.110%	11'000
Angola	0.010%	0.110%	11'000
Argentina	0.432%	0.630%	62'900
Armenia	0.007%	0.110%	11'000
Australia	2.074%	2.330%	232'600
Austria	0.798%	1.030%	102'800
Azerbaijan	0.040%	0.160%	16'000
Bahrain	0.039%	0.160%	16'000
Bangladesh	0.010%	0.110%	11'000
Belarus	0.056%	0.180%	18'000
Belgium	0.998%	1.240%	123'800
Benin	0.003%	0.100%	10'000
Bhutan	0.001%	0.100%	10'000
Bolivia	0.009%	0.110%	11'000
Bosnia and Herzegovina	0.017%	0.130%	13'000
Botswana	0.017%	0.130%	13'000
Brazil	2.934%	3.170%	316'500
Bulgaria	0.047%	0.170%	17'000
Burkina Faso	0.003%	0.100%	10'000
Burundi	0.001%	0.100%	10'000
Cabo Verde	0.001%	0.100%	10'000
Cambodia	0.004%	0.110%	11'000
Cameroon	0.012%	0.120%	12'000
Canada	2.984%	3.220%	321'500
Chad	0.002%	0.100%	10'000
Chile	0.334%	0.520%	51'900
China	5.148%	5.270%	526'100
Colombia	0.259%	0.430%	42'900
Congo	0.005%	0.110%	11'000
Costa Rica	0.038%	0.150%	15'000
Côte d'Ivoire	0.011%	0.120%	12'000
Croatia	0.126%	0.270%	27'000
Cuba	0.069%	0.200%	20'000
Cyprus	0.047%	0.170%	17'000
Czech Republic	0.386%	0.580%	57'900
Dem. People's Republic of Korea	0.006%	0.110%	11'000
Democratic Republic of the Congo	0.003%	0.100%	10'000
Denmark	0.675%	0.900%	89'900
Djibouti	0.001%	0.100%	10'000
Dominican Republic	0.045%	0.160%	16'000
Ecuador	0.044%	0.160%	16'000
El Salvador	0.016%	0.120%	12'000
Equatorial Guinea	0.010%	0.110%	11'000
Estonia	0.040%	0.160%	16'000
Ethiopia	0.010%	0.110%	11'000

Country Name	UN 2013-2015	Approved 2016 scale	
	Per Cent	Per Cent	CHF
Fiji	0.003%	0.100%	10'000
Finland	0.519%	0.730%	72'900
France	5.593%	5.690%	568'100
Gabon	0.020%	0.130%	13'000
Gambia	0.001%	0.100%	10'000
Georgia	0.007%	0.110%	11'000
Germany	7.141%	7.170%	715'800
Ghana	0.014%	0.120%	12'000
Greece	0.638%	0.860%	85'900
Guatemala	0.027%	0.140%	14'000
Guinea	0.001%	0.100%	10'000
Guinea-Bissau	0.001%	0.100%	10'000
Haiti	0.003%	0.100%	10'000
Honduras	0.008%	0.110%	11'000
Hungary	0.266%	0.440%	43'900
Iceland	0.027%	0.140%	14'000
India	0.666%	0.890%	88'900
Indonesia	0.346%	0.530%	52'900
Iran (Islamic Republic of)	0.356%	0.540%	53'900
Iraq	0.068%	0.190%	19'000
Ireland	0.418%	0.610%	60'900
Israel	0.396%	0.590%	58'900
Italy	4.448%	4.610%	460'200
Japan	10.833%	10.830%	1'081'200
Jordan	0.022%	0.130%	13'000
Kazakhstan	0.121%	0.260%	26'000
Kenya	0.013%	0.120%	12'000
Kuwait	0.273%	0.450%	44'900
Kyrgyzstan	0.002%	0.100%	10'000
Lao People's Democratic Republic	0.002%	0.100%	10'000
Latvia	0.047%	0.170%	17'000
Lebanon	0.042%	0.160%	16'000
Lesotho	0.001%	0.100%	10'000
Libya	0.142%	0.290%	29'000
Liechtenstein	0.009%	0.110%	11'000
Lithuania	0.073%	0.200%	20'000
Luxembourg	0.081%	0.210%	21'000
Madagascar	0.003%	0.100%	10'000
Malawi	0.002%	0.100%	10'000
Malaysia	0.281%	0.460%	45'900
Maldives	0.001%	0.100%	10'000
Mali	0.004%	0.110%	11'000
Malta	0.016%	0.120%	12'000
Mauritania	0.002%	0.100%	10'000
Mauritius	0.013%	0.120%	12'000
Mexico	1.842%	2.100%	209'700
Micronesia (Federated States of)	0.001%	0.100%	10'000
Monaco	0.012%	0.120%	12'000
Mongolia	0.003%	0.100%	10'000
Montenegro	0.005%	0.110%	11'000
Morocco	0.062%	0.190%	19'000
Mozambique	0.003%	0.100%	10'000
Myanmar	0.010%	0.110%	11'000
Namibia	0.010%	0.110%	11'000
Nepal	0.006%	0.110%	11'000



Country Name	UN 2013-2015	Approved 2016 scale	
	Per Cent	Per Cent	CHF
Netherlands	1.654%	1.910%	190'700
New Zealand	0.253%	0.420%	41'900
Nicaragua	0.003%	0.100%	10'000
Niger	0.002%	0.100%	10'000
Nigeria	0.090%	0.220%	22'000
Norway	0.851%	1.090%	108'800
Oman	0.102%	0.240%	24'000
Pakistan	0.085%	0.220%	22'000
Palau	0.001%	0.100%	10'000
Palestine		0.100%	10'000
Panama	0.026%	0.140%	14'000
Papua New Guinea	0.004%	0.110%	11'000
Paraguay	0.010%	0.110%	11'000
Peru	0.117%	0.260%	26'000
Philippines	0.154%	0.300%	30'000
Poland	0.921%	1.160%	115'800
Portugal	0.474%	0.680%	67'900
Qatar	0.209%	0.370%	36'900
Republic of Korea	1.994%	2.250%	224'600
Republic of Moldova	0.003%	0.100%	10'000
Romania	0.226%	0.390%	38'900
Russian Federation	2.438%	2.690%	268'600
Rwanda	0.002%	0.100%	10'000
Samoa	0.001%	0.100%	10'000
San Marino	0.003%	0.100%	10'000
Sao Tome and Principe	0.001%	0.100%	10'000
Saudi Arabia	0.864%	1.100%	109'800
Senegal	0.006%	0.110%	11'000
Serbia	0.040%	0.160%	16'000
Seychelles	0.001%	0.100%	10'000
Sierra Leone	0.001%	0.100%	10'000
Singapore	0.384%	0.570%	56'900
Slovakia	0.171%	0.320%	31'900
Slovenia	0.100%	0.240%	24'000
Somalia	0.001%	0.100%	10'000
South Africa	0.372%	0.560%	55'900
South Sudan	0.004%	0.110%	11'000
Spain	2.973%	3.210%	320'500
Sri Lanka	0.025%	0.140%	14'000
Sudan	0.010%	0.110%	11'000
Suriname	0.004%	0.110%	11'000
Sweden	0.960%	1.200%	119'800
Switzerland	1.047%	1.290%	128'800
Syrian Arab Republic	0.036%	0.150%	15'000
Tajikistan	0.003%	0.100%	10'000
Thailand	0.239%	0.410%	40'900
The Former Yugoslav Republic of Macedonia	0.008%	0.110%	11'000
Timor-Leste	0.002%	0.100%	10'000
Togo	0.001%	0.100%	10'000
Tonga	0.001%	0.100%	10'000
Trinidad and Tobago	0.044%	0.160%	16'000
Tunisia	0.036%	0.150%	15'000
Turkey	1.328%	1.580%	157'700
Uganda	0.006%	0.110%	11'000

Country Name	UN 2013-2015	Approved 2016 scale	
	Per Cent	Per Cent	CHF
Ukraine	0.099%	0.230%	23'000
United Arab Emirates	0.595%	0.810%	80'900
United Kingdom	5.179%	5.300%	529'100
United Republic of Tanzania	0.009%	0.110%	11'000
Uruguay	0.052%	0.170%	17'000
Venezuela	0.627%	0.850%	84'900
Viet Nam	0.042%	0.160%	16'000
Yemen	0.010%	0.110%	11'000
Zambia	0.006%	0.110%	11'000
Zimbabwe	0.002%	0.100%	10'000

Member or associate member	UN 2013-2015	Approved 2016 scale	
	Per Cent	Per Cent	CHF
Andean Parliament		0.020%	2,000
Arab Parliament		0.010%	1'000
Central American Parliament		0.010%	1'000
East African Legislative Assembly		0.010%	1'000
European Parliament		0.070%	7'000
Inter-Parliamentary Committee of the West African Economic and Monetary Union		0.010%	1'000
Latin American Parliament		0.020%	2'000
Parliament of the CEMAC		0.010%	1'000
Parliament of the ECOWAS		0.010%	1'000
Parliamentary Assembly of the Council of Europe		0.050%	5'000
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>10'006'000</b>

## Cooperation with the United Nations system

### List of activities undertaken by the IPU from 15 March to 15 October 2015

*Noted by the IPU Governing Council at its 197<sup>th</sup> session  
(Geneva, 21 October 2014)*

#### The United Nations

1. Following extensive preparations in coordination with the UN, as well as briefings for Permanent Missions in both Geneva and New York, the **Fourth World Conference of Speakers of Parliament** took place in New York from 31 August to 2 September. The Conference concluded with a Declaration on the role of parliaments in the post-2015 era. The UN Secretary General, Mr. Ban Ki-moon, and other high-level UN officials, were in attendance along with over 170 Speakers and Deputy Speakers of Parliament. Special guests included the UNDP Administrator, the Executive Director of UN Women, as well as the current and incoming President of the UN General Assembly.
2. Immediately before the Speakers' Conference, the **10<sup>th</sup> Meeting of Women Speakers of Parliament** was held on 29 and 30 August at UN Headquarters. Twenty-five women Speakers out of the 46 in office attended the Meeting, which adopted an outcome report on *Innovating for gender equality*. Several Permanent Representatives joined the women Speakers at a reception held at the residence of the Italian Ambassador to the UN.
3. With back-stopping from several parliaments, the IPU reached out to Permanent Missions in New York to advocate for a clear recognition of the role of parliaments in the **Declaration of the UN Summit on the post-2015 development agenda** held on 25 to 27 September. As a result, three important references to parliaments appear in the final UN Declaration. The IPU President held discussions with the Head of the G77 group at the UN, as well as a number of Permanent Representatives, including those from Bangladesh and Morocco. He was scheduled to deliver a statement to the Heads of State at the Summit on behalf of the World Speakers' Conference and participated in one of the official roundtables in late September.
4. As part of a series of high-level events at the UN Summit, the IPU Secretary General was a panellist at a **special event of the UN Secretary-General** entitled *A call to action beyond 2015: Finding integrative solutions to accelerate change*. He also attended a breakfast meeting organized by the Partnership for Maternal, Newborn and Child Health (PMNCH).
5. On 2 and 3 September, the IPU Secretary General addressed two specialized Committees of the **UN Security Council** - the UN Counter-Terrorism Committee and the 1540 Committee (proliferation of weapons of mass destruction to non-State actors), on the role of parliaments and the IPU in these critical areas. With UN funding, the IPU will be convening a regional workshop in Algeria later this year to help address legislative gaps in combating the proliferation of weapons of mass destruction.
6. Consultations on a new **cooperation agreement** between the two organizations continued on the basis of a draft that had been endorsed by IPU Members at the 132<sup>nd</sup> Assembly in Hanoi. Following an internal review of this draft by the UN, a revised text was developed for further negotiations.
7. On 10 July, the IPU President was one of the discussants on a **panel of the high-level segment of the Economic and Social Council** on strengthening and building institutions for policy integration in the post-2015 era. The panel helped highlight the role of parliaments in monitoring implementation of the SDGs at both the national and global levels, including through the UN High-Level Forum on Sustainable Development.
8. On 14 and 15 May, the IPU Secretary General participated in a **high-level retreat of Every Woman and Every Child**, convened by the UN Secretary-General. The retreat provided an opportunity to mobilize a strong coalition of new and existing global health leaders to contribute to and deliver an updated Global Strategy for Women's, Children's and Adolescent's Health for 2016-2030. As a result of strong and high-level IPU involvement, the Global Strategy, launched by the UN Secretary-General in late September, refers prominently to the key role of parliamentarians in prioritization, funding, representation, accountability and upholding rights. The IPU has committed to the Strategy, pledging to assist parliaments in discharging their core functions to deliver better health outcomes for women, children and adolescents.

9. The IPU attended either as a participant or as a presenter in several UN meetings (formal and informal), including: a meeting of the **Working Group of Committee 1540 on Transparency and Media Outreach** (1 July), the **High-Level Political Forum on Sustainable Development** (1-8 July), and a meeting of the **Global Policy Forum** on the influence of corporations in UN decision-making and operations. An IPU statement was delivered on 19 May before the **negotiators of the UN Summit Declaration** to make the case for a clear reference to the role of parliaments.
10. In collaboration with IDLO, UNDESA, and the Permanent Mission of Italy, the IPU sponsored a **debate on access to legal information** on 24 June. Among other things, the debate highlighted the role of legislation in protecting access to information as a fundamental right of citizens, as well as the difficulty that parliaments encounter in gaining access to independent data and analysis.
11. Initial consultations for the joint **Parliamentary Hearing** during the current 70<sup>th</sup> session of the General Assembly (GA) were held with the GA President-elect, Mr. Morgens Lykketoft (former Speaker of the Danish Parliament). The IPU President met with Mr. Lykketoft to secure his support for the IPU in the 70<sup>th</sup> session of the General Assembly, which will include a new resolution on interaction between the two organizations.
12. In keeping with its engagement with the **UN Development Cooperation Forum (DCF)**, the IPU participated in the first symposium of the 2014- 2016 biennium in Republic of Korea from 8 to 10 April. Preparations for the second symposium on 4 and 5 November in Kampala, Uganda, are underway. The IPU also supported the implementation of the DCF **survey on mutual accountability for development cooperation**.
13. As part of the inter-agency group for the Least Developed Countries, the IPU participated in discussions on the preparatory process for the **mid-term review of the Istanbul Programme of Action** that will take place in June 2016. As a first contribution to this process, the IPU Secretary General will write to the parliaments in the LDCs alerting them to the national reviews that are supposed to take place in the latter part of the year with UNDP support.
14. Preparations for the **Parliamentary Meeting** on the occasion of the COP21/CMP11 session in Paris later this year are underway. Co-organized with the French Parliament, the meeting, to be held on 5 and 6 December, will help galvanize political will for strong action on climate change. It will feature a series of debates and interactive panels with prominent international climate change experts and politicians, and should culminate with the adoption of a forward-looking political declaration.
15. The IPU held its **Global Conference of Young Parliamentarians** in May at the Parliament of Japan in Tokyo. The Conference theme was *Democracy, peace and prosperity* and addressed socio-economic rights, peace and security from a youth perspective. UN efforts on youth employment, education and participation in peace-building were highlighted throughout the Conference by officials from ILO, UNDP and UNICEF based in Japan or Asia. Special emphasis was placed on the SDGs and their responsiveness to youth needs and interests. A message was delivered by the UN Secretary-General's Special Envoy on Youth.
16. In August 2015, young parliamentarians of the IPU took part in the **Global Forum on Youth, Peace and Security** hosted by the Hashemite Kingdom of Jordan and co-organized by the United Nations.

#### **OHCHR – CEDAW Committee**

17. The Chair of the UN CEDAW Committee, Ms. Yoko Hayashi, took part in the World Conference of Young Parliamentarians held in May 2015 in Tokyo and launched a debate on *Eliminating all forms of violence against youth, in particular girls and young women*.
18. The IPU presented a report on parliaments' involvement in the CEDAW reporting process and women's political participation in the States reporting to the 61<sup>st</sup> session of the CEDAW Committee held in July in Geneva.
19. Working group meetings were also held between members of the **CEDAW Committee** and the IPU's Gender Partnership Programme during the Committee session. The meeting served to discuss various aspects of parliamentary oversight of CEDAW and share information on post-2015-related activities regarding gender equality.

**UNDP**

20. The IPU continued to contribute to the work of a **virtual network of experts** on the indicators for Goal 16 of the SDGs, on governance. This included an expert workshop in Vienna on 6 and 7 May in which IPU staff participated. The report of the group was issued in July and will contribute to the efforts deployed by the UN to finalize governance indicators by March 2016.

21. The IPU and UNDP have agreed to join forces to publish a second edition of the successful **Global Parliamentary Report**. An expert meeting held at IPU Headquarters on 22 and 23 June helped define the outline of this report, which will examine the issue of parliamentary oversight: what it means and how it takes place in different political contexts.

22. 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 Afghanistan, Guinea-Bissau, Myanmar, Pakistan, and Tunisia.

23. The IPU and the **Millennium Campaign** explored possible collaboration to engage parliaments in the implementation of the SDGs. A particular area of interest might be ensuring citizens' feedback on SDGs implementation through a new version of the My World facility.

24. In August 2015, UNDP officially endorsed the Common Principles for Support to Parliaments.

**OHCHR**

25. In collaboration with OHCHR, the IPU held a side event on 22 June on the occasion of the 29<sup>th</sup> **Human Rights Council session**. Chaired by the President of the Human Rights Council, Ambassador Rucker of Germany, the event assessed progress on the recommendations of a panel discussion of the Human Rights Council 2013 session regarding parliaments' engagement in the Universal Periodic Review. The IPU and OHCHR also advanced with the preparation of a compilation of best practices of such parliamentary engagement.

26. The IPU and OHCHR, in partnership with ILO, finalized in September their joint Handbook on *Migration, human rights and governance*, which will be launched during the 133<sup>rd</sup> IPU Assembly (17-21 October) during which IPU Member Parliaments will discuss and identify effective responses to challenges arising from migration.

**Office of the UN High Commissioner for Refugees (UNHCR)**

27. The IPU and UNHCR began preparations for a conference on statelessness to be hosted by the Parliament of South Africa in November 2015. As a traditional partner of the IPU Committee to Promote Respect for International Humanitarian Law, UNHCR provided briefings to the Committee at the 132<sup>nd</sup> IPU Assembly.

**UNAIDS**

28. The IPU completed implementation of a Programme Funding Agreement with UNAIDS. As a final activity, the two organizations produced a policy guide entitled *Fast-Tracking HIV Treatment: Parliamentary Action and Policy Options*. The guide lists actions that parliamentarians can take to increase access to HIV treatment and provides illustrations of good practice by legislatures and individual parliamentarians.

**UNICEF**

29. A parliamentary **seminar on child malnutrition and stunting** took place in Windhoek, Namibia, on 28 and 29 September. The meeting was sponsored by the IPU, UNICEF and the Parliament of Namibia and catered to parliamentarians from the Southern African Development Community (SADC).

**UNISDR**

30. Following the **UN Conference on Disaster Risk Reduction** and the related Parliamentary Meeting in Sendai, Japan, held on 13 March, whose outcome document included strong references to the role of parliament, UNISDR and the IPU have been in talks to explore possible collaboration at the operational level.

31. A special breakfast event on disaster risk reduction sponsored jointly by the IPU and UNISDR was held on 1 September during the Fourth World Conference of Speakers of Parliament in New York.

## UN WOMEN

32. UN Women took part in a panel on Beijing +20 organized during the Meeting of Women Parliamentarians held during the 132<sup>nd</sup> IPU Assembly in Hanoi. Senior officials from UN Women interacted with MPs on the links between Beijing +20 and the new development agenda, as well as the role of parliaments in effecting change. UN Women was also present for the celebration of the Meeting's 30<sup>th</sup> anniversary and the launch of the *My power for women's power* campaign.

33. The IPU and UN Women organized a side event on the occasion of the 132<sup>nd</sup> IPU Assembly in Hanoi. The side event focused on men's involvement in promoting and ensuring respect for women's rights and served to invite more men MPs to join UN Women's *He for She* campaign.

34. UN Women and the IPU finalized an agreement to support the Parliament of Turkey in its work for gender equality, focusing mainly on providing support to the parliament's Gender Equality Committee. The project is due to begin in October 2015

35. The IPU, UN Women, UNDP, NDI and International IDEA supported the organization of three e-discussions respectively on *Beijing +20; Do women make political parties more successful?*; and *Creating a work-life balance for women in politics* on the iKNOWPolitics website ([www.iknowpolitics.org](http://www.iknowpolitics.org)).

## World Health Organization (WHO)

36. At the regional level, the IPU once again partnered with WHO to organize the Accountability Loop Budget Advocacy training workshop in Asia. Held in Manila, Philippines, from 6 to 10 April 2015, the workshop provided parliamentarians from five Asian countries with an opportunity to acquire skills and knowledge on effective budget advocacy.

37. At the global level, the IPU and WHO organized a parliamentary session at the Consultation for the UN Secretary-General's Global Strategy on Women's, Children's and Adolescents' Health held in Johannesburg from 5 to 7 May. The session recommended that parliaments be considered a vital partner in the Strategy, that every effort be made to strengthen parliamentary capacity to engage on issues linked to women's, children's and adolescents' health, and that IPU be part of the future global accountability mechanism.

38. For the first time ever, the Director-General of WHO, Dr. Margaret Chan, is due to address the 133<sup>rd</sup> IPU Assembly in October. This augurs well for more substantive cooperation between the two organizations.

## World Trade Organization (WTO)

39. On 30 September 2015, the IPU and the European Parliament organized a parliamentary session within the framework of the Annual WTO Public Forum. The theme of the session was *Reducing trade costs: Why speedy legislative action on the Trade Facilitation Agreement is of paramount importance*. It served as a logical continuation of the work started by the IPU after the 9<sup>th</sup> WTO Ministerial Conference, which adopted the Trade Facilitation Agreement aimed at boosting global trade by expediting the movement, release and clearance of goods. To enter into force, the Agreement required domestic ratification by two-thirds of WTO Members. The IPU undertook a number of measures to accelerate this process up and reviewed the situation at the 34<sup>th</sup> session of the Steering Committee of the Parliamentary Conference on the WTO, which took place on 1 October.

## UNFCCC

40. To build up political momentum in advance of the UN Climate Change Conference in Paris, the IPU Secretary General, acting at the request of the Executive Secretary of the United Nations Framework Convention on Climate Change, addressed letters to 14 national parliaments urging them to speed up ratification of the Doha Amendment to the Kyoto Protocol. A total of 144 instruments of acceptance were required for the entry of this instrument into force, the parliaments in question being in advanced stage of the ratification process. By 2 September 2015, two parliaments out of 14 had ratified the agreement, with the others to follow suit.

# Implementation of the IPU Strategy for 2012-2017

## Strategic Objective 1: Strengthen democracy through parliaments

*Noted by the IPU Governing Council at its 197<sup>th</sup> session  
(Geneva, 21 October 2015)*

### Second Global Parliamentary Report

Selection of the theme for this second report, *Parliament's power to hold government to account: Realities and perspectives*, followed an extensive consultation process, including at the 132<sup>nd</sup> IPU Assembly in Hanoi, in March 2015. The first report, published by IPU and UNDP in 2012, focused on the changing nature of parliamentary representation. For the second report parliamentary oversight, and specifically parliament's power to hold government to account on behalf of the people, was identified by a large majority of contributors as a critical issue increasingly important for parliaments.

An expert meeting in June 2015 brought together 30 parliamentarians, parliamentary staff, academics and practitioners in the field of parliamentary development to advise on key themes and priority areas of research for the report, including the intrinsic importance of oversight for democracy, the extent to which a country's political environment is conducive to oversight, parliamentary capacity for oversight and the political will among a range of stakeholders to focus on accountability. The report will include recommendations to help parliaments better oversee governments and hold them to account.

Research is now underway. A panel discussion at the Fourth World Conference of Speakers of Parliament provided useful inputs from parliamentarians. Meetings at the 133<sup>rd</sup> IPU Assembly, in October 2015 will provide further opportunities. Parliaments will also be invited to provide written input, which will be complemented by interviews with parliamentarians.

Preliminary findings will be shared with parliaments at the 134<sup>th</sup> IPU Assembly in March 2016, prior to publication of the report towards the end of that year. As in 2012, the report is being produced in partnership with UNDP, which has been contributing actively to the planning and research activities.

### Common principles for support to parliaments

Adopted by the IPU Governing Council at the 131<sup>st</sup> Assembly the Common principles for support to parliament were publicly launched at the Hanoi Assembly. The Common principles aim at assisting partners engaged in the front line of parliamentary support and parliaments worldwide to work together with enhanced relevance, sensitivity and effectiveness.

They include 9 principles which emphasize the importance of strong partnerships, inclusiveness, coordination and sustainability. To date, the Common principles have received 95 endorsements as of 9 September 2015 (76 national parliaments, 5 parliamentary assemblies and 14 partner organizations). This is a significant increase from the 27 received by February 2015. They have come from parliaments from various parts of the world, including those that provide and those that receive support. That level of endorsement suggests that the Common Principles are considered useful for sustainable parliamentary development.

The Common Principles are already being applied in IPU's own capacity building work including projects to support parliaments in Equatorial Guinea, Myanmar and Palestine. Others are being encouraged to do the same. Reviewing projects in the light of the Common Principles has helped to ensure parliamentary ownership and improve project design and implementation.

### Guidelines for Parliamentary Research Services

The above-captioned guidelines, developed in partnership with the Section on Library and Research Services for Parliaments of the International Federation of Library Associations and Institutions (IFLA), were launched in August 2015 at the IFLA annual meeting. Grounded in the experience of IFLA members, they represent the state of the art in developing parliamentary research services.

Such services are widely considered vital to an effective parliament, providing MPs with independent, non-partisan analysis across a broad range of policy areas. The new guidelines are another addition to IPU's corpus of standards and guidelines for democratic parliaments, in such areas as parliamentary use of the social media, parliamentary web sites and information and computer technology (ICT) in parliamentary libraries.

The Guidelines for Parliamentary Research Services are particularly timely in the context of a renewed international focus on effective, accountable institutions under Sustainable Development Goal 16. They are expected to prove valuable to parliaments and the IPU in their efforts to strengthen parliamentary institutions, including, major IPU projects already underway to support parliamentary library and research services in Myanmar and Egypt.

### **Enhancing youth participation in parliament**

The IPU held its annual Global Conference of Young Parliamentarians in Tokyo on 27 and 28 May, organized jointly with Japan's parliament, the National Diet. The conference brought together about 190 young men and women MPs from 66 countries to discuss the theme *Democracy, peace and prosperity*.

The participants called for innovative policies to end the alienation and radicalization of young people, including new education policies and employment quotas. They underlined the need for a comprehensive rights-based framework of action against radicalization.

Following up on the Global Conference, a subsequent meeting in Tokyo, on 30 May, concerned how development cooperation can better respond to young people's needs. The meeting was organized by IPU and Worldwide Support for Development (WSD), an IPU partner and supporter of its work on youth participation. About 50 young MPs took part in the meeting, which was also open to the Japanese public. All in all, some 1000 people attended.

The meeting offered a platform for the young MPs, as representatives of their communities, to help shape more effective partnerships for development. They highlighted the need to focus development cooperation on people, and in particular on young people's specific interests, to create positive long-term outcomes. They stressed that it was critical to consult young people on development projects and called attention to the need for development cooperation to empower young people through investment in training, job creation, inclusive processes and responsive programmes. They also emphasized the need for more investment in key sectors, such as education, training in skills relevant to the job market, the agricultural sector and ICT, and for development cooperation that enhances young people's engagement in politics and democracy.

The President and Members of IPU's Forum of Young Parliamentarians took part in the first Inter-American Meeting of Young Legislators, organized by the Organization of American States. In August, Forum Members took part in a United Nations forum on youth, peace and security, held in Amman (Jordan). By taking part in such events, IPU Forum members are supporting youth participation and forging links between the IPU and other organizations and associations concerned with youth.

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## **Strategic Objective 2: Advance Gender Equality**

*Noted by the IPU Governing Council at its 197<sup>th</sup> session  
(Geneva, 21 October 2015)*

### **Key highlights**

2015 was a year of many global milestones. For the United Nations they included the setting of new development objectives and the Beijing +20 review, in February 2015. For the IPU, they included two major events: the 30<sup>th</sup> anniversary of the Meeting of Women Parliamentarians and the 10<sup>th</sup> Meeting of Women Speakers of Parliament.

These four milestones are reflected in the strategic planning for IPU's gender programme, which have included a series of activities to promote a strong parliamentary perspective in assessing the fulfilment of key international commitments for gender equality and identifying priorities for further policies and other measures to achieve it. These activities have emphasized the importance of leadership by women as well as men in the advancement of gender equality.



The following activities were carried out as the main components of Strategic Objective 2:

### **Research and data**

The IPU contributed to the definition of indicators on women's participation in politics for the new Sustainable Development Goal 5, on gender equality.

It produced two tools to raise awareness among policy-makers, activists and the general public about women's participation in politics: an analysis on *Women in Parliament: 20 years in review*, as input for the Beijing +20 review, and its Map on Women in Politics 2015, jointly produced with UN Women.

The IPU continued publishing its monthly statistics on women in parliament (<http://www.ipu.org/wmn-e/world.htm>) and developing a database on electoral quotas for women ([www.quotaproject.org](http://www.quotaproject.org)), a joint initiative with International IDEA and Stockholm University. By providing concrete examples of electoral gender quotas, highlighting good practice and pinpointing pitfalls to avoid, the database continues to provide a strong basis for IPU to assist parliaments in reforming electoral legislation.

The IPU also continued to support information sharing on women in politics and to showcase women's leadership through the International Knowledge Network of Women in Politics website ([www.iknowpolitics.org](http://www.iknowpolitics.org)), together with International IDEA, the National Democratic Institute, UNDP and UN Women. The iKNOWPolitics website hosted e-discussions on three themes: *Beijing +20*; the question *Do women make political parties more successful?* and *Creating a work-life balance for women in politics*.

The research and data on women in parliaments have elicited great interest among researchers, activists, politicians and partner organizations. They are an important source of information and good practices for the efforts of such actors to develop and implement more proactive measures to increase the number of women in parliament, develop gender sensitive parliaments and thus improve equality in politics.

### **Access and effectiveness**

At the national level, the IPU has implemented projects to support women's participation in particular parliaments, with emphasis on countries emerging from transition.

In June 2015, IPU provided support to women members of Tunisia's first parliament since that country's recent transition. In partnership with International IDEA, a training session on team building was organized to support synergy among women MPs from different political parties. A session on women's parliamentary caucuses provided guidance, facilitated experience-sharing among women parliamentarians and identified steps for the establishment of a women's caucus.

In Mali, IPU organized a training workshop to enhance the leadership capacity and skills of women parliamentarians, facilitating their identification of priorities for parliamentary work and strengthening their solidarity and ability to work together in re-building national cohesion and enhancing equality.

The Parliament of Kenya called on IPU to help craft a framework for implementing a constitutional provision limiting parliamentary membership for either gender to no more than two-thirds. IPU's expert mission to Nairobi met with key parliamentary and government officials and civil society representatives, provided guidance on needed legislative provisions and presented its recommendations to the Speakers of both houses of Kenya's parliament. In a plenary session of the country's Senate, both men and women MPs expressed their deep satisfaction with IPU's support and their willingness to implement IPU's recommendations. A bill drawing on those recommendations was tabled in summer.

### **Gender-sensitive parliaments**

Based on the Plan of Action for Gender-sensitive Parliaments, adopted at its 127<sup>th</sup> Assembly, IPU has developed a methodology to help parliaments assess their level of gender-sensitivity and adopt reforms to embody and champion gender equality.

IPU's Plan of Action on gender-sensitive parliaments and related self-assessment continues to inspire other international organizations. Partner UN agencies draw regularly on IPU support in seeking to mainstream gender in their own parliamentary development programmes. With respect to the Americas, in September 2015 the IPU presented the concept of gender-sensitive parliaments and described its work in this area at the Plenary Assembly of ParlAmericas, as input for the latter's new five-year project to strengthen parliaments in the region. That project has an important focus on gender mainstreaming and women's political empowerment.

## Discrimination and violence against women

The IPU and the National Assembly of Mali have launched a two-year initiative to improve the status of women and strengthen their rights. The project aims to support parliamentary bodies responsible for gender issues and back parliamentary efforts to develop the legislative and political framework needed to improve women's status. Training workshops on leadership for women MPs and on better enabling both male and female MPs skills to advocate gender equality and fight violence against women and girls were the first in a series of capacity-building activities. The project will continue this fall with support targeting women's participation in decision-making and the elimination of female genital mutilation and other forms of violence against women (VAW).

The IPU has continued to inform the deliberations of the UN Committee for the Elimination of all Forms of Discrimination against Women by providing reports on women's participation in parliament and government in the States reporting to the Committee.

It has also helped parliaments develop and/or implement legislation on violence against women. As a follow up to the IPU regional seminar for Asia-Pacific Parliaments, which focused on ending violence against girls, the Parliament of Bangladesh is now engaged in substantive work on child marriage, with IPU support. Following an MP capacity-building workshop on child marriage and birth and marriage registration, MPs will make a community outreach visit on the same topics in October 2015.

## IPU – a forum of exchange and mobilisation for women in parliament

At the Meeting of Women MPs held during the 132<sup>nd</sup> IPU Assembly in Hanoi, men and women parliamentarians celebrated the Meeting's 30<sup>th</sup> anniversary by issuing a call for action, entitled *My Power for Women's Power*. The call renewed their commitment to advancing gender equality through parliamentary work. Several parliaments have since taken up the cause and provided the IPU with lists of signatories to the call for action.

The 10<sup>th</sup> Meeting of Women Speakers of Parliament took place in New York on the eve of the Fourth World Conference of Speakers of Parliament. It brought together 25 women Speakers from 24 countries, with discussion focused on innovation for gender equality.

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## Strategic Objective 3: Protect and promote human rights

*Noted by the IPU Governing Council at its 197<sup>th</sup> session  
(Geneva, 21 October 2015)*

### 1. Strengthening the capacity of the IPU Committee on the Human Rights of Parliamentarians to deal with cases in which human rights have been violated

In March 2015, the Committee examined 39 cases concerning the situations of 178 parliamentarians in 24 countries. It also held 10 hearings with delegations and complainants. The Governing Council adopted 12 decisions submitted to it by the Committee on cases concerning the following countries: Belarus, Kenya, Malaysia, the Maldives, Mongolia, Palestine/Israel, Pakistan, the Philippines, Rwanda and Zambia. The Committee also examined cases concerning parliamentarians in other countries without deeming it necessary for the time being to submit decisions to the Governing Council, considering that its earlier concerns remained valid in most of these cases and that more information was needed to decide on the others.

As part of its monitoring of the case, the Committee sent a trial observer to Niger in April 2015. The Committee also conducted visits and missions during this period. A confidential visit was made in May 2015 and a mission was sent to Malaysia in June 2015. A mission to Mongolia is planned for mid-September, and a mission to the Maldives will be organized before the 133<sup>rd</sup> IPU Assembly, if possible.

### 2. Strengthening the contribution of parliaments to the promotion and protection of human rights

- **Panel discussion to evaluate progress in the involvement of parliaments in the Universal Periodic Review:** in accordance with its strategy to promote contributions from parliaments to the work of the United Nations Human Rights Council and its Universal Periodic Review, IPU, with support from the Office of the United Nations High

Commissioner for Human Rights (OHCHR), organized an event in parallel with the Council's 29<sup>th</sup> Session, on 22 June 2015. The aim of this discussion, sponsored by the permanent missions of Ecuador, Morocco, the Philippines and Romania, with some 60 participants taking part (including diplomats, human rights specialists and civil society representatives), was to review activities connected with the implementation of this strategy, including regional seminars organized in 2014 and 2015 to evaluate their progress and define new ways to improve parliamentary involvement in the process. During the discussion – chaired by the President of the Human Rights Council – participants drew attention to encouraging efforts by parliaments over the last two years and welcomed the IPU's continuous support for this strategy. IPU and OHCHR undertook to compile and publish the good parliamentary practices described. Those good practices should contribute to greater parliamentary involvement in the work of the Human Rights Council. The President of the Council on Human Rights reiterated the wish for stronger parliamentary contributions and announced that these discussions would extend into 2016 as part of the 10<sup>th</sup> anniversary of the Human Rights Council. A resolution to this effect is expected to be submitted to and adopted by the Human Rights Council in September 2015.

- **Dakar national seminar to enhance the involvement of members of Senegal's National Assembly in the promotion of human rights:** Organized jointly by IPU and the National Assembly of Senegal, the seminar is aimed at familiarizing Senegalese parliamentarians and parliamentary staff with international and regional norms and mechanisms for the promotion of human rights, including the rights of the child. Its objective is to enable Senegalese parliamentarians to define strategies and an action plan to strengthen their contribution to the promotion of human rights. The seminar is planned for October 2015 in Dakar.

In collaboration with the Office of the High Commissioner for Human Rights (OHCHR) and the International Labour Office (ILO), IPU has also advanced in finalizing the reference work *Migration, Human Rights and Governance: A Handbook for Parliamentarians*. This handbook will serve as an information tool to better equip members of parliament for the adoption of appropriate laws on migration compliant with international treaties, norms, and standards and to better promote fair and effective policies. The handbook is scheduled to be launched in English and French at the 133<sup>rd</sup> IPU Assembly in October 2015, alongside the General Debate on migration.

### 3. Strengthening the capacity of parliaments to ensure that the rights of children are respected

In accordance with its commitment to the rights of the child, first made in 2001, IPU has included children's rights in its strategy for the promotion of human rights. Among its activities in this regard, IPU encourages parliaments to contribute in a major way to the fight against malnutrition, which afflicts millions of children around the world, dangerously compromising their development. Given the urgency of this issue, IPU with support from UNICEF, has undertaken an extensive awareness-raising campaign about the need to promote child nutrition through such activities as the regional seminar organized for the parliaments of Asia and the Pacific, in November 2014; the panel discussion on child nutrition held during the IPU Assembly, in April 2015, in Hanoi; and the regional seminar for the parliaments of member countries of the Southern African Development Community (SADC), organized with the collaboration of the Namibian Parliament, on the theme of *Promoting child nutrition in the Southern African Development Community*, scheduled for 28-29 September 2015, in Windhoek.

The objective of this seminar is to raise awareness among parliamentarians of this sub-region about the importance of nutritional security as an integral part of national development policy, through the exchange of experiences among countries of the sub-region. The parliamentarians will identify concrete strategies and tools to establish or strengthen existing nutrition programs and policies.

### 4. Adopting a rights-based approach

The IPU Strategy calls for the introduction of a rights-based approach to its work so as to enhance the capacity of parliaments to promote and protect human rights. Following recommendations from consultants tasked with considering how a rights-based approach could be introduced at the IPU Secretariat, a training session was held at IPU Headquarters to better sensitize staff members to key human rights principles and to promote the value of a rights-based approach in their work. Next steps include internal consultations as a basis for developing a toolkit to help the IPU Secretariat take a more human rights-based approach to its activities and, at a later stage, develop a human rights-based policy for the Organization as a whole.

## **Strategic Objective 5: Build parliamentary support for international development goals**

### **Contribution to the post-2015 development agenda**

*Noted by the IPU Governing Council at its 197<sup>th</sup> session  
(Geneva, 21 October 2015)*

The IPU campaigned successfully for the insertion of a clear reference to the implementation and accountability role of parliaments in the UN Summit's final Declaration in September. Much of the impetus for that effort came from the **Hanoi Declaration** issued by IPU's 132<sup>nd</sup> Assembly, which focused on implementation of the SDGs.

Several parliaments, including those of **Andorra, Australia, Bangladesh, Djibouti, Italy, Kenya, Mexico, and Pakistan**, gave proactive support to the campaign by writing official letters to the foreign ministers or other authorities involved in the UN negotiation.

The President, the Secretary General and the Permanent Observer of the IPU at the UN lobbied key negotiators directly. Although the original proposal for a stand-alone paragraph on parliaments did not make it into the agreed draft Declaration, IPU's main concerns were reflected in the final text, entitled ***Transforming our world: The 2030 agenda for sustainable development***, as follows:

§ 45: "We acknowledge the essential role of national parliaments through their enactment of legislation and adoption of budgets and their role in ensuring accountability for the effective implementation of our commitments...."

§ 52: "We the Peoples" are the celebrated opening words of the UN Charter. It is 'We the Peoples' who are embarking today on the road to 2030. Our journey will involve Governments as well as Parliaments, the UN system and other international institutions...."

§ 79: "We also encourage member states to conduct regular and inclusive reviews of progress at the national and sub-national levels which are country-led and country-driven. Such reviews should draw on contributions from indigenous peoples, civil society, the private sector and other stakeholders, in line with national circumstances, policies and priorities. National parliaments as well as other institutions can also support these processes."

A similar attempt by the IPU to insert language on parliaments into the outcome document of the Addis Ababa Conference on financing for development did not succeed. The ensuing Addis Ababa Action Agenda makes only a passing reference to parliaments. On the other hand, the Sendai Framework for Disaster Risk Reduction (2015-2030) makes strong reference to the work of parliamentarians, actively encouraging them to develop new or amend existing legislation for disaster risk reduction and setting budget allocations. Adopted at the Third UN World Conference on Disaster Risk Reduction in Sendai, Japan, on in March 2015, the framework also makes a clear reference to the important role of the IPU in advocating for disaster risk reduction and the strengthening of national legal frameworks.

At the technical level, the IPU contributed to the work of a UNDP-led *Virtual Network of Stakeholders for the Development of Indicators on Peaceful Societies, Justice and Institutions for Sustainable Development Goal 16*. The **governance indicators** proposed were submitted to the UN Statistical Commission, which has been charged with developing indicators for the entire SDG framework by March 2016.

At the regional level, MPs from nine European and Central Asian countries attended IPU's first **parliamentary seminar on the SDGs**, held in Bucharest on 15-16 May with the Chamber of Deputies of the Romanian Parliament, examining how the SDGs and their targets might advance development in their region. They recommended that each country, with input from relevant parties, including women's groups, should devise its own sustainable development strategy, identifying specific goals and means to achieve them. They urged parliaments to promote strong inter-parliamentary cooperation, including joint projects between countries. They called on IPU to set up a global parliamentary mechanism to track and evaluate progress so that national and regional experiences can be fed back to the global level and encourage further progress.

## Advancing the MDGs

In parallel with work on the SDGs, efforts continue in pursuit of the current Millennium Development Goals (MDGs), particularly those on gender and health. Related commitments are now incorporated into the more comprehensive SDG framework.

A review of the work on gender is provided under item 7(b) of the Executive Committee's agenda. On the health front (MDGs 4, 5 and 6), the IPU has continued providing parliaments with targeted assistance to improve health outcomes for the most vulnerable and marginalized. Cooperation agreements were concluded with the parliaments of **Bangladesh, Uganda and Rwanda** to further improve legal frameworks and budgetary allocations in support of maternal, newborn and child health (MNCH).

Under a Memorandum of Understanding with **Lesotho** work began in September to review action taken by the country's parliament on health-related MDGs. The aim is to promote accountability for delivery of the government's health-related commitments and recommend how parliament can better help to achieve development goals, including the new SDGs.

At the regional level, the IPU once again partnered with the World Health Organization (WHO), the Partnership for Maternal, Newborn and Child Health (PMNCH) and other prominent international organizations and bodies to co-organise the **Accountability Loop Budget Advocacy training workshop in Asia**. Held in Manila, the Philippines, from 6-10 April 2015, the workshop enabled parliamentarians from five Asian countries to gain exposure to and acquire skills and knowledge for effective budget advocacy.

At the global level, IPU and WHO organized a **parliamentary session at the Consultation for the UN Secretary-General's Global Strategy on Women's, Children's and Adolescents' Health**, held in Johannesburg on 5-7 May. The session strongly recommended that parliaments should be considered a vital participant in the strategy, that every effort should be made to strengthen parliamentary capacity to engage on issues linked to women's, children's and adolescents' health, and that IPU should be part of the future global accountability mechanism. This message was reinforced by the IPU Secretary General during his participation in a high-level retreat hosted by the UN Secretary-General in New York on 14-15 May. As a result of strong and high-level IPU involvement, the Global Strategy, launched by the UN Secretary-General at the end of September, refers prominently to the **important role of parliamentarians** in prioritization, funding, representation, accountability and upholding rights. The IPU made a commitment under the Strategy to help parliaments deliver better health outcomes for women, children and adolescents as part of their core functions.

In the area of HIV/AIDS, IPU successfully completed implementation of a Programme Funding Agreement with UNAIDS. As a final activity, the two organizations produced a **policy guide** titled *Fast-Tracking HIV Treatment: Parliamentary Action and Policy Options*. The guide aims to help parliamentarians provide critical leadership in realizing a new vision for health that leaves no one behind and makes HIV treatment a reality for all. It lists actions that parliamentarians can take to increase access to HIV treatment and provides illustrations of good practice by legislatures and individual parliamentarians. Looking ahead, IPU and UNAIDS agreed on a **framework for their post-2015 collaboration**, which aims to engage and support parliamentarians in key countries in addressing the legal, policy, funding and other barriers to the HIV response.

## List of Permanent Observers

*Approved by the IPU Governing Council at its 197<sup>th</sup> session  
(Geneva, 18 October 2015)*

United Nations

Food and Agriculture Organization of the United Nations (FAO)

International Fund for Agricultural Development (IFAD)

International Labour Organization (ILO)

Office of the United Nations High Commissioner for Refugees (UNHCR)

Partnership for Maternal, Newborn and Child Health (PMNCH)

Joint United Nations Programme on HIV/AIDS (UNAIDS)

United Nations Children's Fund (UNICEF)

United Nations Conference on Trade and Development (UNCTAD)

United Nations Development Programme (UNDP)

United Nations Educational, Scientific and Cultural Organization (UNESCO)

United Nations Entity for Gender Equality and the Empowerment of Women (UN Women)

United Nations Population Fund (UNFPA)

World Health Organization (WHO)

International Monetary Fund (IMF)

International Organization of Supreme Audit Institutions (INTOSAI)

International Organization for Migration (IOM)

Organization for the Prohibition of Chemical Weapons (OPCW)

Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO)

World Bank

World Trade Organization (WTO)

African Union (AU)

League of Arab States

Organization of American States (OAS)

ACP-EU Joint Parliamentary Assembly

African Parliamentary Union (APU)

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, Shoora and Equivalent Councils in Africa and the Arab World (ASSECAA)

Baltic Assembly

Commonwealth Parliamentary Association (CPA)

Global Organization of Parliamentarians against Corruption (GOPAC)

Inter-Parliamentary Assembly of Member Nations of the Commonwealth of Independent States (IPA CIS)

Interparliamentary Assembly on Orthodoxy (IAO)

Inter-Parliamentary Union of the Member States of the Intergovernmental Authority on Development (IPU-IGAD)

Maghreb Consultative Council

Nordic Council

Pan-African Parliament (PAP)

ParlAmericas

Parliamentarians for Nuclear Non-Proliferation and Disarmament (PNND)

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 Economic Cooperation Organization (PAECO)

Parliamentary Assembly of the Mediterranean (PAM)

Parliamentary Assembly of the Organization for Security and Co-operation in Europe (OSCE)

Parliamentary Assembly of Turkic-speaking Countries (TURKPA)

Parliamentary Assembly of the Union for the Mediterranean (PA-UfM)

Parliamentary Assembly of the Union of Belarus and Russia  
Parliamentary Confederation of the Americas (COPA)  
Parliamentary Union of the Organization of Islamic Cooperation Member States (PUIC)  
Southern African Development Community (SADC) Parliamentary Forum  
World Scout Parliamentary Union (WSPU)

Amnesty International  
Global Fund to Fight Aids, Tuberculosis and Malaria  
Human Rights Watch  
Penal Reform International  
World Federation of United Nations Associations (WFUNA)

Centrist Democrat International (CDI)  
Liberal International (LI)  
Socialist International

Geneva Centre for the Democratic Control of Armed Forces (DCAF)  
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)

## Calendar of future meetings and other activities

*Approved by the IPU Governing Council at its 197<sup>th</sup> session  
(Geneva, 21 October 2015)*

Conference on <i>Ensuring Everyone's Right to Nationality: The Role of Parliaments in Preventing and Ending Statelessness</i> , organized with UNHCR	CAPE TOWN (South Africa) 26-27 November 2015
UNESCWA regional parliamentary workshop for Arab countries, part of the UN regional project on UN SC resolution 1325 on women, peace and security, organized with the support of UNECA and IPU	TUNIS (Tunisia) Phase 1: 11-13 November 2015 Phase 2: December 2015
Seminar for West African Parliaments on combating child labour and trafficking, organized with ILO and the ECOWAS Parliament	ABUJA (Nigeria) November-December 2015
Parliamentary Meeting on the occasion of the United Nations Climate Change Conference (COP21/CMP11)	PARIS (France) 5-6 December 2015
Seminar on engaging national parliaments in the implementation of Security Council resolution 1540 (Africa/Middle East Parliaments)	ALGIERS (Algeria) 14-15 December 2015
149 <sup>th</sup> Session of the Committee on the Human Rights of Parliamentarians	GENEVA (IPU Headquarters) 15-18 January 2016
African Parliamentary Conference on the contribution of African migrants to the development of countries of origin and destination, organized by the African Parliamentary Union (APU) with the contribution of the IPU	Djibouti 3-4 February 2016
Annual Parliamentary Hearing at the United Nations	NEW YORK (UN Headquarters) 8 and 9 February 2016
35 <sup>th</sup> session of the Steering Committee of the Parliamentary Conference on the WTO	BRUSSELS (European Parliament) February 2016
Parliamentary meeting on the occasion of 60 <sup>th</sup> session of the UN Commission on the Status of Women, organised with UN Women	NEW YORK (UN Headquarters) March 2016
Global Conference of Young Parliamentarians	LUSAKA (Zambia) 16-17 March 2016
134 <sup>th</sup> Assembly and related meetings	LUSAKA (Zambia) 19-23 March 2016
Annual 2016 session of the Parliamentary Conference on the WTO	GENEVA (WTO) May 2016
Parliamentary event at the World Health Assembly	GENEVA (WHO) May 2016
135 <sup>th</sup> Assembly and related meetings	GENEVA (CICG) 23-27 October 2016



Parliamentary Meeting at the Second High-Level Meeting of the Global Partnership for Effective Development Cooperation	Kenya November 2016
World e-Parliament Conference	Chile (to be confirmed) Date to be confirmed
Regional Conference of Arab Women Parliamentarians	United Arab Emirates Date to be confirmed
Regional seminar on <i>Translating international human rights commitments into national realities: The contribution of parliament to the work of the United Nations Human Rights Council</i> (for Parliaments of the Middle East and North Africa region or of Central Asia and the Caucasus – to be determined)	Venue and date to be confirmed
Regional seminar on implementation of child rights in the post-2015 development agenda	Venue and date to be confirmed
Two regional seminars on Parliaments and the implementation of SDGs	Venue and date to be confirmed

## Agenda of the 134<sup>th</sup> Assembly

*(Lusaka, Zambia 19-23 March 2016)*

1. Election of the President and Vice-Presidents of the 134<sup>th</sup> Assembly
2. Consideration of requests for the inclusion of an emergency item in the Assembly agenda
3. General Debate on *Rejuvenating democracy, giving voice to youth*
4. Terrorism: The need to enhance global cooperation against the threat to democracy and individual rights  
*(Standing Committee on Peace and International Security)*
5. Ensuring lasting protection against destruction and deterioration for the tangible and intangible cultural heritage of humanity  
*(Standing Committee on Sustainable Development, Finance and Trade)*
6. Reports of the Standing Committees
7. Approval of the subject items for the Standing Committee on Peace and International Security and the Standing Committee on Sustainable Development, Finance and Trade for the 136<sup>th</sup> Assembly and appointment of the Rapporteurs

# Decisions concerning the Human Rights of Parliamentarians

## CAMEROON

### CM/01 - Dieudonné Ambassa Zang

*Decision adopted unanimously by the IPU Governing Council at its 197<sup>th</sup> session  
(Geneva, 21 October 2015)*

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Dieudonné Ambassa Zang, a former member of the National Assembly of Cameroon, and to the decision it adopted at its 195<sup>th</sup> session (October 2014),

*Recalling* the following information on file:

- Mr. Ambassa Zang, Minister of Public Works from August 2002 to December 2004 and known, according to the complainant, for having fought corruption within that ministry, was elected in 2007 on the ticket of the Cameroon People's Democratic Rally;
- On 7 August 2009, the National Assembly Bureau lifted Mr. Ambassa Zang's parliamentary immunity to permit an investigation into allegations of misappropriation of the public funds managed by him when he was Minister of Public Works; although Mr. Ambassa Zang left Cameroon on 12 July 2009, he had a defence note sent on 3 August 2009 to all members of the Bureau; there is no indication that the note was included in the file before the Bureau;
- According to the authorities, the charges laid against Mr. Ambassa Zang stem from audits prompted by a complaint by the French Development Agency (AFD), the funding source for the rehabilitation of the Wouri Bridge, works for which Mr. Ambassa Zang was responsible; according to the Prosecutor General, State companies, ministries and other State structures managing public funds are subject to annual audits by the Minister Delegate to the Office of the President in charge of the Supreme State Audit Office (CONSUPE); according to the complainant, Mr. Ambassa Zang was never informed about the audits, invited to contribute to the audit process, informed of the conclusions or invited to comment on them;
- On the basis of the audits, the Head of State first opted for criminal proceedings on a charge of misappropriation of public funds; on his orders, a decision was signed on 12 October 2012 also bringing the accusations against Mr. Ambassa Zang before the Budget and Finance Disciplinary Council (CDBF), before which, unlike in a criminal procedure, defendants can be represented in their absence by legal counsel; it would seem that the decision was notified to Mr. Ambassa Zang's counsel in May 2013, or nearly seven months after it was signed, without any explanation; on 20 August 2013, Mr. Ambassa Zang received a partial request for information from the CDBF rapporteur, to which he responded in two defence memoranda; more than two months later, the CDBF rapporteur sent, according to the complainant in violation of the CDBF rules of procedure, a second partial request for information, to which Mr. Ambassa Zang responded on 13 December 2013 with another defence memorandum; according to the complainant, the CDBF rapporteur has also broken the rules of procedure by formulating accusations in addition to those mentioned in the audits;
- The Minister Delegate to the Office of the President in charge of the CONSUPE, President of the CDBF, stated that CDBF's rules of procedure strictly comply with the general principles of the presumption of innocence and the right of defence, notably the right to be informed, the right to be assisted by a lawyer or counsel, and the right to adversarial proceedings and that "should one or several new incidents arising from the rapporteur's investigations be closely connected to the presumed offences on the basis of which the respondent was brought before the CDBF, the rapporteur is authorized, in accordance with consistent case-law, to take them into account in his examination of the case; this principle is at all times limited to the management period considered by the audit;" he also stated that it was not possible to establish a timetable for winding up the proceedings because how

long they last depended not only on the complexity of the case, but also on the rapidity with which the various people contracted by the rapporteur (the respondent, witnesses, and others) reply to the requests for information they have received; he stated that “in this case, the difficulties encountered by the rapporteur stem chiefly from the absence of the respondent and the fact that it is therefore impossible to reach him, and from the extensions requested by his counsel to reply to the requests for information and the incomplete nature of the replies provided”; moreover, he stated that “the defence would be well advised to contact the CDBF Permanent Secretariat with a view to consulting, on site and as provided for in the regulations, all the documents in the case”,

*Recalling* that, according to the complainant, there was no wrongdoing or misappropriation in Mr. Ambassa Zang’s favour of any sum whatsoever, the accusations have to do with objective facts and the relevant documents are available at the Ministry of Public Works, the Office of the Prime Minister, the Tenders Regulation Agency and donors such as the AFD; moreover, on 13 July 2010, the International Chamber of Commerce handed down an arbitral award in *UDECTO v. State of Cameroon*, a dispute concerning the execution of the Wouri Bridge rehabilitation works; the complainant affirms that, since Cameroon won the case, the company UDECTO being sentenced to pay it substantial sums, and on the strength of the legal principle *non bis in idem*, the charges brought against Mr. Ambassa Zang regarding a prejudice he allegedly caused Cameroon are no longer applicable; the AFD Director General stated in her letter of 7 January 2014 that the AFD wished to specify that it had filed no complaint against Mr. Ambassa Zang and relating to his activities in the context of the proceedings against him before the CBDF, and that, owing to the blocking statute, it was not in a position to provide any observations on the matter that could be used as proof in administrative or judicial proceedings abroad, except pursuant to an official request made as part of international judicial assistance procedures,

*Recalling* that with regard to the criminal procedure against Mr. Ambassa Zang, the Prosecutor General of the Special Criminal Court deferred him and four other defendants to that court by an Order (*Ordonnance de renvoi devant le Tribunal criminel spécial*) dated 9 June 2014; *recalling* in this regard that, on 11 June 2013, more than two years later after the police had completed their investigation, the Prosecutor General of the Special Criminal Court filed charges before the examining judge of that court, directed against 15 persons, including Mr. Ambassa Zang,

*Recalling* that Mr. Simon Foreman, (partner, Courrégé Foreman law office and lawyer at the Paris Bar), was mandated to attend and report on the hearing which took place in this case before the Special Criminal Court on 17 September 2014; in his report, he mentions that “It is worth stressing that the examining judge’s order seizing the court and presenting the charges against the accused mentions no sign whatsoever of personal enrichment on behalf of Mr. Ambassa Zang. Many of the accusations against him relate to the fact that the auditors found no justifying documents for various budgetary expenses, for which he could not account. Given that ministers do not normally leave office taking accounting documents with them, much of Mr. Ambassa Zang’s defence arguments rely on the suggestion that such documents might be found, for instance, in the archives of the Ministry of Public Works or the Ministry of Finance. In any event, his inability to provide detailed justification for expenses that occurred 10 to 12 years’ ago (2002-2004) does not amount to evidence of criminal misappropriation. In the absence of criminal intent, it should at the most qualify as mismanagement, possibly resulting in disciplinary proceedings. In reading the examining judge’s order, I found no mention of any sign of criminal intent, let alone personal enrichment”,

*Recalling also* that Mr. Foreman stated in his report that “the law in Cameroon does not allow an accused to be represented by defence counsels in a Criminal Court if he is absent [...] In other words, in the defendant’s absence, the court’s ruling will rely exclusively on the accusation and evidence brought by the prosecution. The European Court of Human Rights has ruled on a number of occasions that, although it is understandable that criminal systems may sanction defendants who refuse to present themselves to the court judging them, depriving them entirely from the right to be defended is a violation of their right to a fair trial. France, for instance, has had to amend its legislation accordingly. Even though the European Convention on Human Rights obviously does not apply in Cameroon, the right to a fair trial is also enshrined in international instruments that are binding upon Cameroon, such as the International Covenant on Civil and Political Rights or the African Charter on Human and People’s Rights. Fair trial principles are not only meant to protect the accused, but they also serve to guarantee better justice. A court of law’s findings are much less credible when it can rely on one party’s arguments only”,

*Recalling* its long-standing doubts about the fairness of the proceedings against Mr. Ambassa Zang and its conviction that the conditions were not met for the equitable and objective treatment of this case should Mr. Ambassa Zang, who enjoys official refugee status abroad, return to Cameroon,

*Considering* that the Special Criminal Court gave its decision on 18 June 2015, and found Mr. Ambassa Zang guilty and sentenced him in absentia to: (i) a penalty of life imprisonment; (ii) payment to the State of Cameroon of the sum of 5.8 billion CFA francs in damages; and (iii) lifelong forfeiture of his civil rights; Mr. Ambassa Zang sought from the Supreme Court annulment of the decision of the Special Criminal Court, arguing: (i) a material error regarding the amount of the financial penalty, the difference being no less than 91 million CFA francs; (ii) problems raised by the arbitral award concerning the authority of res judicata; and (iii) that Article 7 of the 2006 law organizing the judiciary stipulates that judges must state reasons for their decisions in law and in fact,

*Recalling* that, according to the complainant, Mr. Ambassa Zang's prosecution must be seen in the context of "Opération Épervier" (Operation Sparrow Hawk), which was widely criticized as a campaign originally intended to combat corruption and misappropriation of public funds, but instead used to purge critically-minded public figures who, like Mr. Ambassa Zang, expressed views not always in line with those of their party,

1. *Is deeply concerned* about the verdict handed down against Mr. Ambassa Zang and the severity of the penalty imposed on him;
2. *Believes* that the proceedings leading to his conviction are fraught with irregularities to the point that they can in no way justify his conviction; *fears*, in fact, that the different worrying elements in his file, when taken together, lend strong weight to the accusation that he was subject to a criminal procedure motivated by other than legal concerns;
3. *Points out* in this regard the following: (i) the verdict does not show how the accusations amount to criminal misappropriation and personal enrichment and constitute a criminal offence; (ii) Mr. Ambassa Zang has provided extensive and detailed rebuttals of each of the accusations made against him; (iii) the chief accusation against Mr. Ambassa Zang relates to the Wouri Bridge rehabilitation works, which matter the International Chamber of Commerce already fully adjudicated by finding company UDECTO at fault; (iv) the State of Cameroon does not seem to have asked for, through a formal request for assistance, the information the AFD or other donors may have at their disposal to shed further light on the accusations against Mr. Ambassa Zang; (v) there is a discrepancy between the amount of money that appears in the original accusations and the one mentioned in the verdict against Mr. Ambassa Zang;
4. *Is deeply concerned*, therefore, that the Special Criminal Court did not find it fitting, even on a point of procedure, to take note of the submissions made by Mr. Ambassa Zang's lawyer and therefore convicted Mr. Ambassa Zang without knowing the extensive arguments in his defence; *considers* that this is all the more worrying, given that no full appeal of the Special Criminal Court, which rules at single instance, is possible;
5. *Sincerely hopes* that the Supreme Court, in reaching its decision on the request for annulment of the sentence, will take due account of the multiple procedural irregularities that have occurred in the case; *decides* to closely follow those proceedings, including if possible, by mandating an observer;
6. *Is deeply concerned* that the disciplinary proceedings against Mr. Ambassa Zang appear to be stalled; *fails to understand* how, in light of his evident readiness to respond to the accusations in a timely and detailed manner, any delays can be attributed to him or his lawyer; *calls on* the authorities to do everything possible to expedite the proceedings so as to shed full light on the veracity of the accusations brought against him;
7. *Requests* the Secretary General to convey this decision to the relevant authorities, the complainant and any third party likely to be in a position to supply relevant information;
8. *Requests* the Committee to continue examining this case and to report back to it in due course.

## DEMOCRATIC REPUBLIC OF THE CONGO

### DRC/83 - Jean-Bertrand Ewanga

*Decision adopted unanimously by the IPU Governing Council at its 197<sup>th</sup> session  
(Geneva, 21 October 2015)*

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Jean-Bertrand Ewanga, a member of the National Assembly of the Democratic Republic of the Congo (DRC), and to the decision that it adopted at its 195<sup>th</sup> session (Geneva, 16 October 2014),

*Referring* to the information provided by the Speaker of the National Assembly in his letter of 8 October 2014, and by the complainant,

*Recalling* that Mr. Ewanga, an opposition member of parliament, gave a speech on 4 August 2014 at a public rally, and was arrested on the morning of 5 August 2014; he was charged with insulting the Head of State and inciting racial and tribal hatred; he was tried before the Supreme Court in first and last instance under the flagrante delicto procedure; during the trial, Mr. Ewanga claimed that the Constitution was violated, causing the judges to suspend the proceedings until a decision on these matters was made by the Constitutional Court; his challenges were rejected by that court and the trial before the Supreme Court resumed; he was subsequently sentenced to one-year imprisonment on 11 September 2014 on the charge of insulting the Head of State and other state officials,

*Recalling* that, according to the complainant, Mr. Ewanga was arrested, charged, and convicted in violation of his freedom of expression, parliamentary immunity and right to liberty and due process,

#### **As regards freedom of expression**

*Recalling* that, according to the complainant, article 23 of the DRC Constitution on freedom of expression was violated; Mr. Ewanga was exercising his freedom of expression and did not make any statements that went beyond legal criticism of a Head of State,

*Recalling* that, according to the Speaker, a video of Mr. Ewanga's speech was broadcast during the Supreme Court trial and led to the Court's conviction that his words went beyond legal criticism of the Government's action and constituted a criminal offence,

*Recalling* that the video and the transcript of Mr. Ewanga's speech, provided by the complainant and other reliable sources of information, indicated that he stated that "Kabila must go", that "he stole the elections", that "he lied", and that the Speakers of the Senate and the National Assembly, as well as the Prime Minister, were sorcerers,

*Recalling* that members of the international community, including the European Union and the United Nations peacekeeping mission in the DRC (MONUSCO), expressed concern over the arrest of Mr. Ewanga, questioned the appropriateness of the use of the flagrante delicto procedure, and called on the authorities of the DRC to take necessary measures to ensure that freedom of expression was protected,

*Recalling* that, according to the complainant, Ordinance Law No. 300 of 16 December 1963, which stipulates the crime of insulting the Head of State, is not in compliance with the DRC Constitution promulgated in 2006 and with international human rights standards, and should be repealed or amended,

*Emphasizing* that freedom of expression is protected under article 19 of the International Covenant on Civil and Political Rights and that general comment No. 34 (2011) of the United Nations Human Rights Committee states that, "the mere fact that forms of expression are considered to be insulting to a public figure is not sufficient to justify the imposition of penalties [...] all public figures, including those exercising the highest political authority such as heads of state and government, are legitimately subject to criticism and political opposition" (paragraph 38), and that "defamation laws must be crafted with care to ensure that they [...] do not serve, in practice, to stifle freedom of expression" (paragraph 47),

*Recalling* that, during the universal periodic review (UPR), in 2014, the DRC agreed to “ensure that the freedoms of expression and peaceful assembly are respected in conformity with international standards and that members of political parties, journalists and human rights defenders are able to exercise their activities and to criticize the Government without being subject to intimidation, reprisals or harassment” (paragraph 134.134 of the UPR Working Group’s report),

*Considering* that, in its resolution A/HRC/30/L.30 of 29 September 2015, the United Nations Human Rights Council encouraged the Government of the DRC “to continue its efforts to provide for an expansion of political space in the context of elections, while ensuring respect for human rights and fundamental freedoms, including the freedoms of expression, of association and of peaceful assembly”, and also emphasized the importance of ensuring a fair trial for persons involved in proceedings,

· **As regards parliamentary immunity**

*Recalling* that the complainant alleges that Mr. Ewanga was arrested in violation of his parliamentary immunity; it contested the application of the flagrante delicto procedure and claimed that it was abusively used to override the National Assembly and article 107 of the DRC Constitution, which reads that “Parliamentarians may not be prosecuted, investigated, arrested, detained or tried for opinions expressed or votes cast by them in the exercise of their functions”; it alleges that the use of the flagrante delicto procedure was abusive, both because Mr. Ewanga was simply exercising his freedom of expression and therefore did not commit a crime, and also because he was not arrested at the moment that he gave his speech, but only the following day,

*Recalling* that the Speaker of the National Assembly noted that, according to article 107 of the Constitution, parliamentary immunity only protects opinions or votes expressed in the exercise of parliamentary functions; he also stated that according to article 7 of the Congolese Criminal Code, the procedure of flagrante delicto can be applied whenever an infraction “produces effects [...] provided that this occurs shortly after the violation”,

· **As regards due process**

*Recalling* that, according to the complainant, due process was not respected in the judicial proceedings, in particular: (i) Mr. Ewanga’s lawyers were not provided with access to the court files at the initial hearing of the Supreme Court proceeding and could not consider the evidence against him; (ii) the composition of both the Supreme Court and the Constitutional Court was not consistent with domestic law; (iii) the sentencing was made without the presence of Mr. Ewanga’s legal counsel, who had left the courtroom in boycott; (iv) Mr. Ewanga was convicted for additional offences – namely insulting the presidents of the National Assembly and the Senate and insulting the Prime Minister – not on the original charge sheet, although he was never notified of the charges during the trial and could not therefore prepare a defence to them,

*Recalling* that, according to the Speaker of the National Assembly, Mr. Ewanga’s lawyers had access to the Supreme Court files, otherwise they would not have obtained a stay of enforcement of the case on account of pleas of unconstitutionality,

*Bearing in mind* that the Constitutional Court was not yet fully operational and that its proceedings continued to be conducted by the Supreme Court at that time,

*Considering* that the Supreme Court and Constitutional Court decisions were never transmitted by the parties, despite several requests to that effect, and that Mr. Ewanga was released on 30 July 2015 after serving the whole of his sentence without any steps being taken by the Congolese authorities to reach a satisfactory resolution of the case,

*Considering also* that, following his release, Mr. Ewanga resumed his political activities and was reinstated in his parliamentary duties, which he currently continues to exercise,

1. *Notes with interest* that Mr. Ewanga regained his freedom after serving the whole of his sentence and *deplores* that no steps have been taken by the DRC authorities to reach a satisfactory resolution of the case;
2. *Is deeply concerned* that Mr. Ewanga was convicted for criticizing government policy and the Head of State, in violation of his fundamental right to freedom of expression; *notes with concern* that this is not the first case of its kind to have been submitted and *urges* parliament to protect the freedom of expression of its members in the future, irrespective of

their political affiliation; also *calls on* the authorities to repeal or bring into line with international human rights standards any laws providing for the offence of insulting the Head of State as soon as possible, so as to prevent similar situations from recurring; *wishes* to be kept informed in this regard;

3. *Is shocked* that Mr. Ewanga has been unable to pursue appeal proceedings, despite the alleged irregularities during his trial; *recalls* that the possibility of lodging an appeal is one of the principal guarantees of a fair trial; *deeply regrets* that no reform has been undertaken to date to create an avenue of redress in the judicial process applying to parliamentarians, so that they may enjoy the same full protection of the rights of defence in judicial proceedings as all other citizens of the Democratic Republic of the Congo;
  4. *Considers* that the National Assembly should have enquired, in full respect of the principle of separation of powers, as to the grounds justifying the use of the flagrante delicto procedure and *expresses its concern* that flagrante delicto appears to have been used abusively to override the procedure for lifting parliamentary immunity; *recalls* that parliamentary immunity serves to protect parliamentarians against potential politically motivated unfounded accusations and prosecutions, and that parliamentary institutions have a duty to ensure that any accusation against one of their members is well founded;
  5. *Regrets* not receiving a response to its offer of technical assistance and reiterates that the IPU is available to share its experience in order to help the Parliament of the DRC to reform its existing legal framework so as to strengthen the protection of the fundamental rights of parliamentarians and of freedom of expression, reforms that are essential to provide for an expansion of political space in the context of elections;
  6. *Requests* the Secretary General to convey this decision to the parliamentary authorities, the complainant and any third party likely to be in a position to supply relevant information;
  7. *Decides* to close the case.
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## ERITREA

**ERI/01 - Ogbe Abraha**  
**ERI/02 - Aster Fissehatsion**  
**ERI/03 - Berhane Gebregziabeher**  
**ERI/04 - Beraki Gebreselassie**  
**ERI/05 - Hamad Hamid Hamad**  
**ERI/06 - Saleh Kekiya**  
**ERI/07 - Germano Nati**  
**ERI/08 - Estifanos Seyoum**  
**ERI/09 - Mahmoud Ahmed Sheriffo**  
**ERI/10 - Petros Solomon**  
**ERI/11 - Haile Woldetensae**

***Decision adopted unanimously by the IPU Governing Council at its 197<sup>th</sup> session  
(Geneva, 21 October 2015)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of the above-mentioned parliamentarians, former members of Eritrea's National Assembly, and to the resolution adopted at its 193<sup>rd</sup> session (October 2013),

*Recalling* the following:

- The parliamentarians concerned (often referred to as the "G11") were arrested on 18 September 2001, after publishing an open letter calling for democratic reform, and have been held incommunicado ever since, accused of conspiracy and attempting to overthrow the legitimate government, without ever being formally charged or tried;



- In November 2003, upon examination of a complaint concerning their situation, the African Commission on Human and Peoples' Rights found that the State of Eritrea had violated Articles 2, 6, 7(1) and 9(2) of the African Charter on Human and Peoples' Rights, which address the right to liberty and security of person, the right to a fair trial and the right to freedom of expression, and urged the State of Eritrea to order the immediate release of the former parliamentarians and to pay them compensation; the Eritrean authorities have rejected that decision,

*Recalling* that, according to non-governmental sources, on 3 April 2010 Mr. Eyob Bahta Habtemariam, a former prison guard who fled Eritrea, stated in an interview with Radio Wegahta that only two of the 11 former parliamentarians were still alive, namely Mr. Petros Solomon and Mr. Haile Woldetsae, the others having died between 2001 and now, and that he provided details in this respect,

*Recalling* that this information is unconfirmed and that, according to one of the sources, no concrete evidence exists to support the prison guard's statements; *recalling also* that the European Commission regularly raises the case of the former parliamentarians concerned with the Eritrean authorities, particularly in the framework of political dialogue, but that the Eritrean side refused to discuss individual cases during the September 2010 session of political dialogue on human rights,

*Recalling* resolution 23/21 of the United Nations Human Rights Council on the situation of human rights in Eritrea, which calls upon the Government of Eritrea, without delay, to account for and release all political prisoners, including members of the G11; that resolution being adopted by the Council on 25 June 2013 upon presentation of the first report of the United Nations Special Rapporteur on the situation of human rights in Eritrea, wherein the Special Rapporteur highlights the gravity of the human rights situation in Eritrea, refers to the 11 members of parliament arrested in 2001 as being among the most prominent cases of enforced disappearances and incommunicado detentions; states that the Government has refused to provide any information on their fate and points out that "The basic tenets of the rule of law are not respected in Eritrea owing to a centralized system of Government where decision-making powers are concentrated in the hands of the President and his close collaborators"; that "The separation of powers among the various arms of the State is inexistent", "Legislative functions accorded to the National Assembly by the unimplemented Constitution have been assumed entirely by the Government", "The National Assembly has not been convened since 2002" and "the court system is weak and prone to interference",

*Considering* that, in June 2014, the Human Rights Council decided to establish a Commission of Inquiry to conduct in-depth investigations into the human rights situation in Eritrea; the complainants and other relatives of the G11 were able to submit written submissions and to be heard by the Commission (which conducted 550 confidential interviews overall with witnesses and received 160 written submissions); the Commission presented its final report in June 2015 and concluded that systematic, widespread and gross human rights violations have been, and continue to be, committed in Eritrea under the authority of the Government, some of which may constitute crimes against humanity; the Commission has highlighted the case of the G11 (referred to as G-15) as follows: "In the area of freedom of expression, the Government systematically silences anyone who is perceived as protesting against, questioning or expressing criticism of the Government and its policies, even when such statements are genuine and legitimate in the context of a democratic public debate. The most visible sign of such repression was the purge in 2001 of the G-15 reform group and of its supposed supporters, who were in their majority either killed or disappeared"; the Commission called for their immediate and unconditional release,

*Considering* that the Eritrean authorities never granted access to Eritrea to the Commission of Inquiry; fully denied the content of the report, denouncing manipulations orchestrated by subversive groups to discredit Eritrea; and claimed that Eritrea was taking concrete steps to improve the human rights situation and that the bleak human rights narrative portrayed by the Commission ignored this reality and constituted a huge travesty of justice,

*Further considering* that, in the resolution adopted on 30 June 2015, the Human Rights Council welcomed the report of the Commission of Inquiry and strongly condemned the systematic, widespread and gross human rights violations committed by the Government of Eritrea in a climate of generalized impunity and urged the Government to take immediate and concrete steps to implement recommendations made by the Commission in order to address the dire situation of human rights in the country,

*Taking into account* that the lives of relatives of the G11 prisoners have been deeply affected by this situation, that their children have all fled Eritrea and grown up without their parents and that families continue to demand to know the truth about the fate of their loved ones,

1. *Is deeply concerned* at the conclusions of the United Nations Commission of Inquiry on human rights in Eritrea, as they not only confirm its own findings with regard to the G11 prisoners, but also give a comprehensive account of the horrendous backdrop of repression against which those conclusions have to be considered;
2. *Deplores once more* the Eritrean authorities' continued contempt for the most basic human rights of 11 former parliamentarians by keeping them incommunicado for the last 14 years for exercising their right to freedom of expression by calling for democratic reform;
3. *Continues to be appalled* by the persistent silence of the authorities, all the more so in light of the uncorroborated information that only two of the 11 former parliamentarians may still be alive and the fact of the continued uncertainty about the fate of the former parliamentarians leaves their families in absolute agony;
4. *Once more urges* the Eritrean authorities to provide information on the fate of the G11 prisoners and to release them forthwith;
5. *Can but consider* that the international community, including the global parliamentary community, cannot remain silent in the face of these violations; and *renews its invitation* to all IPU members to exert insistent pressure on the Eritrean authorities for the release of the persons concerned, including by making representations to the diplomatic missions of Eritrea in their countries and raising the case publicly; *as well as its appeal* to the African Union, the Pan-African Parliament, the European Union and the European Parliament to continue doing everything in their power to achieve this objective;
6. *Requests* the Secretary General to convey this decision to the Eritrean authorities, to the complainants, to the UN Special Rapporteur on the human rights situation in Eritrea and to the United Nations Commission of Inquiry, as well as to any third party likely to be in a position to supply relevant information, and to continue making every effort to draw international attention to this case;
7. *Requests* the Committee to continue examining this case and to report back to it in due course.

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## NIGER

### RN/115 - Amadou Hama

*Decision adopted unanimously by the IPU Governing Council at its 197<sup>th</sup> session (Geneva, 21 October 2015)*

The Governing Council of the Inter-Parliamentary Union,

*Referring to* the case of Mr. Amadou Hama, former Speaker of the National Assembly of Niger, pursuant to the Procedure for the examination and treatment of complaints (Annex I of the revised rules and practices of the Committee), and the decision adopted by the Committee on the Human Rights of Parliamentarians at its 146<sup>th</sup> session (Geneva, January 2015),

*Referring to* the letter of the Speaker of the National Assembly of 23 March 2015 and the letters of the Secretary General of the National Assembly of 23 April 2015 and 6 October 2015,

*Considering* the following information on file: on 27 August 2014, the Bureau of the National Assembly of Niger authorized the arrest of Mr. Amadou Hama, at the time the Speaker of the National Assembly, in response to a request made by the Prime Minister on 25 August 2014 in the context of judicial proceedings linked to trafficking in babies; Mr. Amadou Hama fled Niger on 28 August 2014 following the Bureau's decision and is currently abroad; a national arrest warrant was issued for him and he was formally charged on 4 December 2014, along with 30 other people, including his wife; the Niamey Criminal Court opened proceedings in the case on 2 January 2015 and declared

that it did not have jurisdiction to try the case on 30 January 2015; the prosecution appealed against this decision; the Court of Appeal delivered its verdict on 13 July 2015; it overturned the decision of the court of first instance and ordered the Criminal Court to rule on the merits of the case; Mr. Amadou Hama has appealed against the decision and the trial on the merits can only be held after the Supreme Court has issued its ruling,

*Considering* that Mr. Amadou's wife benefits from the assistance of a lawyer, that Mr. Amadou Hama will be tried in absentia and will be unable to be represented by a lawyer in his absence from Niger but that, should he be convicted in absentia, he can oppose the verdict and ask for a retrial in his presence pursuant to the Code of Criminal Procedure,

*Considering* that, pursuant to the referral order of the examining magistrate dated 4 December 2014, all the persons charged are being prosecuted for "child substitution" (and aiding and abetting child substitution), forgery and use of forged documents, and criminal conspiracy, which are punishable by up to 10 years in prison and revocation of civic and political rights; that Mr. Amadou Hama's wife, along with other women, is accused of faking their pregnancies and purchasing newborn babies in Nigeria through a Nigerian woman healer involved in a sub-regional baby-trafficking network, and of obtaining false birth certificates on their return to Niger; that Mr. Amadou Hama is accused of complicity for allegedly having known of his wife's conduct and having had false birth certificates issued,

*Bearing in mind* the complainant's allegations that the procedure followed by the National Assembly to authorize Mr. Amadou Hama's arrest took no account of his parliamentary immunity and rights of defence, that there is no evidence to back up the charges against him and that he is the victim of a campaign of political and legal harassment,

- **As concerns parliamentary immunity and the procedure followed by the National Assembly to authorize the arrest**

*Considering* that, according to the complainant, Mr. Amadou Hama's parliamentary immunity and rights of defence were disregarded, as follows:

- Mr. Amadou Hama was heard by neither the Bureau, of which he was the President at the time, nor a committee of the National Assembly; the file containing the charges against him was not made available to him and the requests filed by the judicial and executive authorities provided scant particulars in this respect;
- The presumption of innocence was violated, given that Mr. Amadou Hama's arrest was requested without him first being asked for his version of events and without considering such alternatives as his voluntary appearance or release on bail, and even though the procedure did not have the prior authorization of the National Assembly;
- The Prime Minister's request did not contain sufficient information to enable the Bureau to deliberate on the request and to assess whether the prosecution was serious and not an abuse of process, in compliance with the jurisprudence of the Constitutional Court required; namely, the information provided did not include information regarding the acts of which Mr. Amadou Hama is accused, the circumstances in which they occurred, the degree to which he was implicated, the criminal qualification of the acts and the measures requested, in particular, any deprivation of freedom; the Bureau did not ask for the missing information and reached a decision on the request within 48 hours, without waiting for the Constitutional Court to rule on Mr. Amadou Hama's application for interpretation of the constitutional provisions regarding parliamentary immunity;
- The executive authorities waited until the National Assembly was no longer in session to introduce the request, in order to ensure that it would be handled exclusively by the Bureau and not put to a vote in plenary, where it would require a qualified majority (according to the complainant, the vote would have gone against the Government); the initial request from the judicial authorities is dated 16 July 2014, and the matter should therefore, according to the complainant, have been placed on the agenda of the extraordinary session of parliament held from 5 to 19 August 2014;
- The proceedings against Mr. Amadou Hama had not been authorized before his arrest was requested, and this constitutes disregard for his parliamentary immunity; according to article 88(4) of the Constitution, when parliament is not in session, the Bureau may authorize the arrest of a parliamentarian but does not have jurisdiction to authorize judicial proceedings; consequently, in order for the Bureau to authorize an arrest when parliament is not in session, the judicial proceedings against the parliamentarian concerned must first

have been authorized by the National Assembly meeting in plenary during the session, with due regard for the procedure for lifting parliamentary immunity, and this was not done in the present case;

- The National Assembly Standing Orders do not stipulate the practical modalities to be followed by the Bureau when authorizing an arrest; they contain no provisions on the Bureau's decision-making process or on the guarantees relating to the rights of defence;
- The Bureau's decision was not valid because the Bureau's composition at the time it made the decision did not conform to the Constitution; the decision was made only by the members of the Bureau from the majority, in the absence of those from the opposition; furthermore, on the date the decision was made, the Bureau's composition continued to infringe article 89(1) of the Constitution, which provides that "[t]he composition of the Bureau must reflect the political configuration of the National Assembly"; this was confirmed by the Constitutional Court,

*Considering also* that, according to the parliamentary authorities, the procedure followed by the National Assembly was in conformity with the Constitution and did not disregard Mr. Amadou Hama's parliamentary immunity, in particular in view of the following:

- Contrary to what he alleged, Mr. Amadou Hama knew what the facts and evidence underlying the charges against him were (the authorities did not indicate how this information had been provided to him);
- The Bureau offered Mr. Amadou Hama the possibility to defend himself before authorizing his arrest, but Mr. Amadou Hama instead engaged in the following stalling tactics: (i) he did not convene a meeting of the Bureau on 26 August 2014 in response to the government request, even though seven members of the Bureau had requested such a meeting in writing; (ii) he had preferred to reply to the Prime Minister in person (asking for additional information) on the same date, without first consulting the Bureau; (iii) he had filed a petition with the Constitutional Court, asking it to interpret the constitutional provisions on parliamentary immunity with a view to contesting the Bureau's jurisdiction in that regard;
- The National Assembly could not refuse to respond to the Government's request without valid grounds; the request having been made while it was not in session, the National Assembly had no choice in terms of procedure and had simply applied article 88(4) of the Constitution, which empowers the Bureau to act in such cases;
- Although neither the Constitution nor the National Assembly Standing Orders stipulate a specific procedure to be followed by the Bureau when it authorizes the arrest of a member of parliament, the members of the Bureau verified that the Government's request was honest and sincere and considered that the proceedings were neither an abuse of process nor vexatious; the members of the Bureau reached that conclusion because the procedure did not target Mr. Amadou Hama alone and he was the only suspect still at large on the day of the Bureau meeting; the minutes of the meeting of the Bureau of 27 August 2014, forwarded by the authorities, say that "the matter was extensively discussed and considered in depth", but without further details;
- In its decisions of 4 and 9 September 2014, the Constitutional Court held that, when parliament was not in session, members of parliament benefit from a lower level of protection from criminal or vexatious proceedings instigated against them on matters unrelated to the exercise of their mandate; it held that a member of parliament could be prosecuted without authorization at such times, and that only the arrest of a member of parliament required prior authorization when parliament was not in session, such authorization falling under the jurisdiction of the Bureau;
- In the same decisions, the Court also stated that the National Assembly must assess the "serious, honest and sincere" character of legal proceedings instituted against a member of parliament when parliament was in session, but that determining the grounds for the arrest of a member of parliament when parliament was not in session was the sole responsibility of the Bureau; it did not consider that it was empowered to determine the lawfulness of the legal proceedings, and said that the procedure for lifting parliamentary immunity did not apply when it came to authorizing the arrest of a member of parliament when parliament was not in session, and that such authorization was equivalent in effect to lifting immunity;

- With regard to the conformity of the composition of the Bureau with the Constitution, the Constitutional Court ruled that a Bureau made up of 11 members did not reflect the configuration of the National Assembly and was not in conformity with the Constitution, but that the current composition of the Bureau of the National Assembly was the result of the decision made by the chairpersons of parliamentary groups to withdraw the applications submitted for the vacant posts and thereby to provisionally waive their right to occupy the two seats to which they were entitled under article 89(1) of the Constitution; the Court therefore held that the other elected members of the Bureau had to ensure that the National Assembly functioned properly for as long as the vacancies remained unfilled,
- **As concerns the charges and respect for due-process guarantees in the judicial proceedings**

*Considering* that, according to the complainant: the charges are groundless and pure fabrications; they are further examples of the many acts of political and legal harassment directed against Mr. Amadou Hama, his relations and his party's leaders and activists since August 2013; the aim of the harassment is to remove Mr. Amadou Hama, an opposition leader, from the post of Speaker of the National Assembly and to prevent him from standing in the 2016 presidential elections; Mr. Amadou Hama therefore preferred to leave Niger and shield himself from political exploitation by Niger's justice system,

*Considering also* that, according to the complainant, Mr. Amadou Hama's wife had finally managed to become pregnant thanks to the help of a Nigerian doctor who had been recommended by the second wife of the Head of State, and her pregnancy was known to the Head of State himself, who had offered her gifts, in keeping with the traditions of Niger; his wife's pregnancy was kept under observation in Nigeria, to which she travelled several times before giving birth on 1 September 2012; a baptism was organized in Niamey to celebrate the children's birth, and the Head of State himself had attended; all the documents attesting to the pregnancy and to the medical examinations performed in Nigeria had been placed in the file, at the request of the magistrate; the complainant does not consider that he can speak to the veracity of the charges against the other defendants in the case, but he does consider that Mr. Amadou Hama and his wife have been shown no evidence of a link between them and any baby-trafficking network or the alleged "baby factory" or "clinic" run by the Nigerian healer,

*Taking into account* that, according to the parliamentary authorities, the judicial proceedings were conducted in total independence and in compliance with the Constitution and the laws of Niger; they came in the wake of a judicial investigation of several months that had established that the purchase of newborn babies in Nigeria had become a widespread practice in Niger, particularly among affluent couples experiencing difficulties having children, and that this practice was part of a sub-regional human trafficking network; the judicial investigation had collected a substantial amount of evidence of child-trafficking and of the involvement of several high-profile citizens of Niger, including Mr. Amadou Hama and his wife, in particular through inquiries conducted in Nigeria and Benin in cooperation with the judicial authorities of those countries,

*Taking into consideration* that, in the referral order of 4 December 2014, the examining magistrate concluded that "all the wives simulated pregnancy, knowing full well that they were sterile or could not have children, and bought babies at an exorbitant price", that his conclusions are based, not on conclusive evidence, but rather on deductions made from a web of evidence establishing, according to him, that all the families implicated followed the same approach, and that all the women implicated denied having faked their pregnancy and having bought children and said they had delivered their own children,

*Considering also* that, according to the above-mentioned referral order, Mr. Amadou Hama's wife did not acknowledge the facts that were alleged against her; she stated that she had given birth to twins on 1 September 2012 following a traditional medicine treatment in Nigeria; several persons having accompanied her to Nigeria (including her gynaecologist) seem to confirm her version of the facts and were reportedly also charged with being accomplices; two of these persons had reportedly fled before being thoroughly interrogated by the investigators; according to the examining magistrate, she furthermore refused to give the name of the clinics and physicians who had attended to her during her pregnancy and to produce an ultrasound; she also admitted to having taken her children to a clinic in Cotonou whose name she had reportedly forgotten, only to retract her statement later; for these reasons, the examining magistrate concluded that these elements were not "such as to rule out the idea that she had given birth as other women" with the assistance of the Nigerian traditional healer and made a stronger case for her conviction and guilt,

*Considering* that, in his letter of 23 March 2015, the Speaker of the National Assembly reaffirmed that the National Assembly believed that a DNA test was an irrefutable means of ascertaining the parentage of children, and stated that the Niger authorities had accepted the IPU offer of assistance to identify and facilitate the intervention of an independent expert to carry out the DNA test on Mr. Amadou Hama's wife,

*Considering* that, according to the complainant, Mr. Amadou Hama's wife had offered to undergo a DNA test before his arrest to clarify the situation but, as the judge refused, she considered herself to be presumed guilty and subsequently refused to have a DNA test for fear that the results would be falsified; Mr. Amadou Hama refused, on the advice of his lawyers, to have himself or his wife undergo a DNA test, even one organized by an independent expert thanks to IPU facilitation, because he considers that the presumption of innocence must be upheld, that it is up to the prosecution service to furnish evidence, and that agreeing to take the test would set a dangerous precedent in the future,

*Taking into consideration also* that the parliamentary authorities have consistently stated that the case was not political in nature, that they acknowledged that Niger, and the National Assembly, were experiencing a period of political tension, but that the tension in question was due not to the "imported babies" case, but rather to: (i) the fact that Mr. Amadou Hama had left the majority and joined the opposition while continuing to occupy the post of Speaker of the National Assembly, and above all had conducted himself, not as a Speaker "above it all" but rather as an opposition leader; and (ii) a dispute relating to the renewal of the National Assembly Bureau in 2014, on which the Constitutional Court had ruled,

*Bearing in mind* the applicable constitutional, legislative and regulatory framework, in particular articles 88 and 89 of the Constitution of Niger, articles 9 to 13 of the law on the status of parliamentarian, articles 14 and 15 of the law on the status of the opposition, and Orders 49 to 55 of the National Assembly Standing Orders,

*Taking into account* that, in his letter of 23 March 2015, the Speaker of the National Assembly stated that the National Assembly undertook to review its basic texts to ensure better protection for parliamentarians,

*Considering* that Mr. Assane Dioma Ndiaye was mandated to observe the appeal proceedings and travelled to Niamey from 26 to 29 April 2015; even though the hearing was postponed at the last minute, he met with all parties and concluded in his mission report that the judicial proceedings appeared overall to have been conducted properly thus far; he noted that there were opposing views on the case and that, even if there was a legitimate suspicion of score settling, a number of concrete facts had nonetheless emerged that could be considered as grounds for prosecution; he recommended that the Committee again mandate an observer to monitor follow-up proceedings,

1. *Thanks* the authorities for their the cooperation and the documents forwarded;
2. *Also thanks* the trial observer for his mission report and takes note of his conclusions;
3. *Notes with concern* that parliamentary procedure has not been conducted with respect for the rights of defence of Mr. Amadou Hama and *recalls* that the *raison d'être* of parliamentary immunity, in particular parliamentary inviolability, is to ensure that parliament functions smoothly and in complete independence, shielding its members from frivolous accusations, and that, consequently, lifting a member's immunity is a serious measure that must be taken in conformity with the applicable constitutional, legislative and regulatory provisions and with absolute respect for the rights of defence of the parliamentarian concerned;
4. *Notes with concern* that, unlike the procedure for lifting immunity, the procedure for authorizing the arrest of a member of parliament by the Bureau while in recess is currently governed by no legal provisions; and *considers* that this legal vacuum is not conducive to ensuring due process; *therefore notes with interest* the Speaker of the National Assembly's commitment to amending its Standing Orders as soon as possible, with a view to establishing an appropriate framework for the procedure, in particular by incorporating all guarantees relating to the rights of defence; and *wishes* to be kept informed of progress achieved to that effect;

5. *Observes* that the judicial proceedings are ongoing; *agrees with* the trial observer's conclusion that the judicial proceedings appeared overall to have been conducted properly thus far; *takes note* of the Niamey Court of Appeal's decision of 13 July 2015; and *expresses the wish* to send an observer again when the trial on the merits begins;
6. *Notes the wish* of the complainant that the presumption of innocence should be upheld; and *considers* that it is up to the Prosecutor at this stage to furnish evidence against Mr. Amadou Hama and his wife; *hopes* that the trial on the merits will clarify the evidence collected by the prosecution service against them;
7. *Requests* the Secretary General to convey this decision to the parliamentary authorities, the complainant and any third party likely to be able to provide relevant information and to take any necessary steps to organize a trial observer's mission in due course;
8. *Requests* the Committee to continue examining this case and to report back to it in due course.

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## COLOMBIA

### CO/142 - Álvaro Araújo Castro

*Decision adopted unanimously by the IPU Governing Council at its 197<sup>th</sup> session  
(Geneva, 21 October 2015)*

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Álvaro Araújo Castro, a former member of the Colombian Congress, and to the resolution adopted at its 193<sup>rd</sup> session (October 2013),

*Considering* the information provided by Mr. Álvaro Araújo at the hearing held with the Committee on 18 October 2015,

*Recalling* the following information on file:

- On 15 February 2007, the Supreme Court issued detention orders for the then Senator Araújo on charges of aggravated criminal conspiracy and voter intimidation, allegedly for having collaborated in his Department César with paramilitary group *Bloque Norte*, led by Mr. Rodrigo Tovar Pupo (alias "Jorge 40"), for the purpose of winning the parliamentary election;
- Given that members of Congress are investigated and judged in single-instance proceedings by the Supreme Court, Mr. Araújo relinquished his seat in Congress on 27 March 2007; as a result, his case was transferred to the ordinary judicial system, under which he would be investigated by the Prosecutor's Office and tried by an ordinary court with the possibility of appealing;
- However, after a reinterpretation of its jurisprudence, the Supreme Court re-established its jurisdiction with respect to his case and, on 18 March 2010, without giving him the opportunity to be heard, declared him guilty of aggravated criminal conspiracy and voter intimidation and sentenced him to a prison term of 112 months and to payment of a fine; in the same ruling, the Supreme Court ordered that an investigation be conducted to establish whether or not Mr. Araújo could be considered part of the paramilitary command structure and therefore to share responsibility for the crimes against humanity it had committed; as with the original charges, both the investigation and any subsequent trial on this matter are entrusted to the Supreme Court, whose ruling would not be subject to appeal;
- A legal expert, Mr. Alejandro Salinas, asked by the Committee to examine whether the right to a fair trial had been respected in the case, concluded that the legal proceedings against Mr. Araújo were fundamentally flawed;
- Mr. Araújo was released on parole in February 2011, having served three-fifths of his prison sentence,

*Considering* that, on 18 March 2015, the Supreme Court ordered that the investigation into crimes against humanity establish whether or not Mr. Araújo appeared in the records of paramilitary groups as a member or integral part of its structure and that it examine the dispossession of land, as revealed by demobilized paramilitary member, Mr. José del Carmen Gelves Albarracín (alias “El Canoso”), and the murder in 1997 of Mr. Araújo’s employee, Mr. Eusebio de Jesús Castro Visbal, as denounced by demobilized paramilitary member, Mr. Hernando de Jesús Fontalvo Sánchez (alias “El Pájaro”), so as to establish whether Mr. Araújo bore responsibility for these crimes; on 22 September 2015, the Supreme Court extended the investigation by 30 days; *considering* that there are no time limits for the Supreme Court in advancing its investigation into Mr. Araújo’s possible responsibility, as the accusations concern crimes against humanity,

*Recalling* that, according to Mr. Araújo, the Prosecutor’s Office had already previously investigated his alleged involvement in the murder of his aforesaid employee, but had decided to discontinue the investigation; Mr. Araújo affirms in this regard that the statements made by “El Pájaro” are hearsay and not credible and that a member of the Prosecutor’s Office had pressured Mr. Jesús Castro’s family members, who first, in the presence of the former paramilitary member, denied the truth of his testimony regarding false accusations against Mr. Araújo, which they later retracted,

*Considering* that Mr. Araújo affirms that Mr. Jesús Castro had been killed by the paramilitary for the sole reason that guerrilla groups had set up road blocks and carried out targeted kidnappings opposite his terrain; he affirms that he was quick to denounce the murder publicly, went under heavy protection to Mr. Jesús Castro’s funeral, and in 2009 took action to obtain reparation for his family, as no such reparation had been forthcoming after more than 13 years,

*Considering* that Mr. Araújo has made sworn statements to the Prosecutor’s Office to denounce the untruthfulness of the statements made by “El Canoso” and “El Pájaro”, which matter was being examined by the Working Group on False Witnesses of the Prosecutor’s Office; with regard to the allegation made by “El Canoso” that Mr. Araújo was responsible for the dispossession of land, the latter denied it and said that, out of loyalty to a friend, he had helped his mother to protect a piece of land in Santa Marta that belonged to her with fences, but which had subsequently been invaded, which matter was before the courts,

*Considering also* that Mr. Araújo has made sworn statements to the Prosecutor’s Office that he had become an enemy of the paramilitary because: (i) they had made an attempt on his life on 1 October 2000, after which Mr. Araújo immediately rushed to the police, with whose help one of the responsible paramilitary members was killed and another seriously injured; and (ii) he denounced the crimes and pressure exerted by the paramilitary, naming “Jorge 40”, in a speech he delivered in Valledupar on 29 September 2002 at an event attended by the then President Uribe and other dignitaries; Mr. Araújo affirms that many of the members of the political party he belonged to, ALAS, were assassinated by the paramilitary between 1998 and 2004; *considering also* that “Jorge 40” has stated to the Prosecutor’s Office that Mr. Araújo was not part of his organization and acknowledged that Mr. Araújo had publicly denounced the crimes committed by his group,

*Considering* that, in September 2015, the Colombian Supreme Court closed the investigation into the possible responsibility for crimes against humanity of seven other former members of Congress, most of whom were part of the original case which led to Mr. Araújo’s conviction in 2010, with the argument that the fact that they were found guilty of criminal conspiracy for having cooperated with the paramilitary for electoral support did not make them automatically responsible for their illegal activities; *considering also* that these seven former members of Congress all signed, unlike Mr. Araújo for whom there is no such evidence, a political and electoral pact with the paramilitary and had admitted to cooperating with the paramilitary in return for lenient sentences as part of a plea bargain agreement,

*Recalling also* that an IPU delegation travelled to Bogotá in August 2011 to help strengthen the National Congress of Colombia and, as part of that assignment, formulated a series of recommendations, including with a view to helping ensure greater respect for fair-trial standards in criminal cases against members of Congress; *recalling also* that the Committee’s then Vice-President, Senator Juan Pablo Letelier, met with the relevant Colombian parliamentary and judicial authorities and the source during his visit to Colombia on 20 and 21 March 2013 and discussed implementation of those recommendations with them,



*Recalling* that Mr. Araújo submitted a petition to the Inter-American Commission on Human Rights in 2011 denouncing the flawed judicial proceedings in his case; *considering* that in light of the ongoing investigation by the Supreme Court on crimes against humanity, Mr. Araújo fears that he might soon be re-arrested and has therefore asked the Inter-American Commission to adopt precautionary measures in his favour,

*Considering* that Committee member Senator Letelier travelled to Washington in September 2015 to meet with the Secretariat of the Inter-American Commission to discuss progress in the consideration of this and other cases that are simultaneously before the Committee and the Commission,

1. *Reaffirms* its long-standing view that Mr. Araújo was convicted in 2010 in legal proceedings that violated his right to a fair trial and in the absence of compelling, tangible and direct evidence to substantiate his conviction, on the grounds of complicity with the paramilitary forces, and on charges of aggravated criminal conspiracy and voter intimidation; *points out* in this regard that, to the contrary, events and statements show that there was clear hostility between Mr. Araújo and the paramilitary groups in his Department;
2. *Remains deeply concerned*, therefore, that the Supreme Court invoked his 2010 conviction to order an investigation into the much more serious accusation that he was, in fact, part of the paramilitary command structure, and that such investigation, which relates to crimes against humanity, can run indefinitely, as it is not subject to the statute of limitations;
3. *Considers* that, so long as basic fair-trial concerns are not addressed and there is no convincing evidence for the lesser charge, such investigation is inappropriate;
4. *Fails to understand* in this regard that the Supreme Court recently discontinued an investigation on the same charge against several other parliamentarians who had admitted to having cooperated with paramilitary groups and who had been signatories to cooperation agreements with these groups, but did not take the same decision in Mr. Araújo's case, in which such evidence and admission are absent; *wishes* to receive clarification on this point;
5. *Considers* that, as a minimum, the investigation of the Supreme Court against Mr. Araújo should be suspended until the Prosecutor's Office has terminated its investigation into the denunciations against the two demobilized paramilitary members or, better still, dropped altogether; *recalls* in this regard its long-standing concerns about the credibility of testimonies of demobilized paramilitaries and the manner in which they are obtained and used in criminal cases;
6. *Remains convinced* that concerns about the lack of fair-trial standards inherent in the procedure applicable to Colombian members of Congress in criminal matters can only be fully addressed through new legislation; *reaffirms* the continued readiness of the IPU to provide support for any legislative efforts undertaken by Congress and other relevant Colombian authorities in this regard;
7. *Recalls* that the American Convention on Human Rights and related jurisprudence provide extensive protection of the right to a fair trial; *considers*, therefore, that action by the Inter-American Commission on Human Rights is crucial to helping address the injustice suffered by Mr. Araújo; *sincerely hopes* that the Commission will rule on the petition for precautionary measures as a matter of priority, so as to prevent any further violations of Mr. Araújo's rights;
8. *Considers* that it would be timely to carry out a mission to Colombia to address the serious concerns that have emerged in this case with the relevant executive, parliamentary and judicial authorities, in particular the Supreme Court, the complainant and others who might be able to assist; *requests* the Secretary General to seek the agreement of the Colombian parliamentary authorities for this purpose in the hope that the mission can soon take place;
9. *Requests* the Secretary General to convey this decision to the competent authorities, the complainant and any third party likely to be in a position to supply relevant information;
10. *Requests* the Committee to continue examining this case and to report back to it in due course.

## VENEZUELA

**VEN/10 - Biagio Pilieri**  
**VEN/11 - José Sánchez Montiel**  
**VEN/12 - Hernán Claret Alemán**  
**VEN/13 - Richard Blanco Cabrera**  
**VEN/14 - Richard Mardo**  
**VEN/15 - Gustavo Marcano**  
**VEN/16 - Julio Borges**  
**VEN/17 - Juan Carlos Caldera**  
**VEN/18 - María Corina Machado (Ms.)**  
**VEN/19 - Nora Bracho (Ms.)**  
**VEN/20 - Ismael García**  
**VEN/21 - Eduardo Gómez Sigala**  
**VEN/22 - William Dávila**  
**VEN/23 - María Mercedes Aranguren**

*Decision adopted by consensus by the IPU Governing Council at its 197<sup>th</sup> session  
(Geneva, 21 October 2015)<sup>3</sup>*

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of the aforesaid members of the National Assembly of Venezuela and the decision adopted by the Governing Council at its 194<sup>th</sup> session (March 2014),

*Considering* the extensive information provided by the Venezuelan delegation to the 133<sup>rd</sup> IPU Assembly (October 2015) during the meeting held with the Committee, including a letter from the leader of the delegation to the IPU Secretary General, transmitting details on the criminal investigations into several of the individuals concerned, and the information regularly provided by the complainant,

*Considering* the following information on file:

- **With regard to Mr. Pilieri, Mr. Sánchez, Mr. Alemán and Mr. Blanco:**
- The four men have been exercising their parliamentary mandate, but remain subject to criminal proceedings; according to the complainant, the proceedings are baseless, which the authorities deny; they were instigated before the men's election to the National Assembly in September 2010, at which time Mr. Pilieri and Mr. Sánchez were detained; they were released in February and December 2011, respectively;
- **With regard to Mr. Richard Mardo:**
- On 5 February 2013, Mr. Diosdado Cabello, Speaker of the National Assembly, reportedly displayed, in the course of an ordinary session, public documents and cheques to support the hypothesis that Mr. Mardo had benefited from third-party donations, arguing that this amounted to illicit enrichment; the complainant affirms that what the Speaker displayed were falsified cheques and forged receipts;
- On 6 February 2013, Mr. Pedro Carreño, in his capacity as President of the Parliamentary Audit Committee, pressed criminal charges against Mr. Mardo and called for him to be placed under house arrest in view of the alleged flagrante delicto situation;
- On 12 March 2013, the Prosecutor General's Office formally requested the Supreme Court to authorize proceedings against Mr. Mardo on charges of tax fraud and money laundering; the complainant affirms that only on that day was Mr. Mardo allowed access to the investigation records, which had been compiled without his involvement;
- In its ruling of 17 July 2013, the Supreme Court requested the National Assembly to lift Mr. Mardo's parliamentary immunity, "an action which, if taken, is fully in accordance with Article 380 of the Code of Criminal Procedure", which stipulates that, "Once the required

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<sup>3</sup> The delegations of Venezuela and Cuba expressed their reservations regarding the decision.

formalities for the prosecution have been duly completed, the official shall be suspended, or suspended and barred, or barred from holding any public office during the trial”; on 30 July 2013, the National Assembly decided to lift Mr. Mardo’s parliamentary immunity;

- According to the complainant, the authorities have not advanced with the criminal proceedings, which seem to have stalled; the authorities have stated that matters are proceeding and that Mr. Mardo was officially charged on 25 June 2014,
- **With regard to Ms. María Mercedes Aranguren:**
- On 12 November 2013, the National Assembly lifted Ms. Aranguren's parliamentary immunity so as to allow charges of corruption and criminal association to be filed in court; the complainant points out that Ms. Aranguren had switched to the opposition in 2012 and that the lifting of her immunity and her subsequent suspension under Article 380 of the Code of Criminal Procedure meant that she would be replaced by her deputy, who remained loyal to the ruling party, thus giving the majority the 99 votes needed for the adoption of enabling legislation (*ley habilitante*) investing the President of Venezuela with special powers to rule by decree; the complainant affirms that the case against Ms. Aranguren is not only baseless, but had been dormant since 2008 and was only reactivated in 2013 in order to pass the enabling legislation;
- According to the complainant, the authorities have not advanced with the criminal proceedings, which seem to have stalled; the authorities deny this allegation and state that on 10 December 2014, the court in charge of the case ordered her arrest,
- **With regard to Ms. María Corina Machado:**
- On 24 March 2014, the Speaker of the National Assembly announced, without any discussion in plenary, that Ms. Machado had been stripped of her mandate after the Government of Panama had accredited her as an Alternate Representative at the March 2014 meeting of the Permanent Council of the Organization of American States (OAS) in Washington, DC, so as to allow her to present her account of the situation in Venezuela; according to the Speaker, Ms. Machado had contravened the Constitution by accepting the invitation to act as a Panamanian official at the meeting; the complainant affirms that the decision to revoke Ms. Machado's mandate was taken without respect for due process and was unfounded in law, first, because it was taken unilaterally by the Speaker of the National Assembly without any debate in plenary, and second, because Ms. Machado was accredited as a member of another country's delegation merely so that she could take part in a single meeting, a step taken in the past in respect of other participants at OAS meetings, and she had in no way accepted or assumed any official post or responsibilities on behalf of the Panamanian Government;
- The matter was brought before the Constitutional Chamber of the Supreme Court which, in its decision of 31 March 2014, concluded, relying primarily on Articles 130, 191, 197 and 201 of the Constitution, that Ms. Machado had automatically lost her parliamentary mandate by agreeing to act as an alternate representative for another country before an international body;
- According to the complainant, days before Ms. Machado was stripped of her parliamentary mandate, the National Assembly had requested the Prosecutor General's Office, in a document signed by 95 parliamentarians from the majority, to initiate pretrial proceedings against her for, according to the Speaker, “the crimes, devastation and damage in the country” following the large demonstrations and violent clashes between protestors and government forces that took place in the early months of 2014;
- Ms. Machado is subject to two criminal investigations; the complainant affirms that the investigations relate to allegations that she was accused of involvement in an alleged plot to carry out a coup d'état and assassinations and of incitement to violence; Ms. Machado has denied the accusations and charge against her; the authorities affirm, however, that both investigations relate to allegations of conspiracy, in connection with work carried out by several representatives of the NGO *Sumate*, including Ms. Machado, in support of a consultative referendum, which is illegal, as this matter falls within the purview of the National Electoral Commission, and the fact that this NGO received funding from a US organization, which is considered possible foreign interference and against the security of the nation; the authorities affirm that the formal written charge (*escrito de acusación*) was presented on 30 September 2014 and that on 6 July 2015 a preliminary hearing took place

on the case; as for the second investigation, the authorities affirm that it derives from a complaint presented by several members of the National Assembly, in which they ask for an investigation into the possible commission by Ms. Machado of several criminal offences; this case is at its preliminary stage and, on 3 December 2014, formal charges were brought in the prosecutor's office;

- On 14 July 2015, the Comptroller General of the Republic fined Ms. Machado and suspended her from her duties for 12 months, thereby blocking her intention to stand in the parliamentary elections scheduled for 6 December 2015 for a further term as a member of the National Assembly; the Comptroller alleges in his decision to suspend her that María Corina Machado concealed income in her sworn financial disclosures, consisting of food and transport vouchers available to members of parliament; Ms. Machado claims, however, never to have used such vouchers; according to the complainant, the suspension is at any rate unconstitutional and a violation of human rights, for two reasons: Article 42 of the Venezuelan Constitution provides that the exercise of a citizen's political rights can be suspended only by a final court ruling; this means that suspension from public office can be imposed as punishment only in the context of a (criminal) trial and by means of a firm sentence, since access to public office is recognized by the State as one of the political rights of its citizens, in addition to the right to vote and the right to be elected; the Comptroller General of the Republic cannot legitimately impose the punishment of suspension, since it is an administrative organ that issues administrative rulings; in addition, the Inter-American Court of Human Rights, in the case *Leopoldo López v. Venezuela*, established that Article 23.2 of the American Convention on Human Rights allows for political suspension only when on the basis of a firm sentence by a competent court in criminal proceedings; moreover, the complainant affirms that it is absolutely disproportionate and even irrational to impose such a severe punishment as suspension for the omission from an income or asset statement of an (alleged) payment due from the National Assembly itself, which has all of the information about such payments, given that no mismanagement of public funds had occurred, or any other reproachable conduct substantiated – only a formal omission at most; the authorities affirm that the decision taken by the Comptroller has a solid basis in Venezuelan law and that due process was fully followed,
- **With regard to Mr. Juan Carlos Caldera:**
- On 26 November 2014, the Supreme Court authorized Mr. Caldera's prosecution, referring to Article 380 of the Code of Criminal Procedure; the complainant affirms that, contrary to the Court's ruling, the acts for which Mr. Caldera is to be investigated are not crimes; the complainant affirms that an illegal audio recording emerged showing several persons plotting to frame Mr. Caldera by making a lawful act – the receipt of private funds for a mayoral election campaign – appear criminal in the eyes of the public; the complainant points out that, in Venezuela, public funding of political parties and election campaigns is prohibited; faced with the imminent application of Article 380 of the Code of Criminal Procedure, since it is the majority in the National Assembly that instigated his prosecution and announced that it would lift his immunity, Mr. Caldera decided to resign from his functions before his parliamentary immunity was lifted,
- **With regard to Mr. Ismael García:**
- In November 2014, the Supreme Court admitted a request for pretrial proceedings in the case brought against Mr. García by General Carvajal, who claims to have been defamed and is currently being held in Aruba at the request of the United States Government on accusations of drug trafficking; the complainant points out that Mr. García had formally requested the Prosecutor General's Office to investigate General Carvajal for his alleged role in criminal activity; according to the complainant, none of these aspects was considered by the Supreme Court before admitting the request,

*Considering* that, according to the complainant, the lifting of parliamentary immunity, inasmuch as it has the effect of suspending the parliamentary mandate, requires a three-fifths majority vote in the National Assembly, whereas the parliamentary authorities affirm that a simple majority is sufficient; *considering also* that, according to the complainant, the fact of suspending a member of parliament for the duration of criminal proceedings under Article 380 of the Code of Criminal Procedure runs counter to Articles 42 and 49(2) of the Constitution, which circumscribe limitations to political rights and guarantee due process and the presumption of innocence, an affirmation denied by the authorities,

*Recalling* that an IPU mission was due to travel to Venezuela in June 2013 to address, among other things, the issues that had arisen in this case, but that the mission was postponed at the last minute in order to allow the parliamentary authorities more time to organize the meetings requested; *considering* that the Committee has since proposed on several occasions to the parliamentary authorities that the mission be carried out, each time without an official response or endorsement,

*Considering* that, with regard to the parliamentary elections taking place on 6 December 2015, several of the parliamentarians, with the exception of Ms. Machado, Mr. Caldera and Mr. Marcano but possibly also others, appear to have put themselves forward for election,

1. *Thanks* the Venezuelan delegation for the information it provided;
2. *Expresses regret* at the lack of cooperation of the Venezuelan authorities to organize the proposed visit;
3. *Reaffirms its belief* that the National Assembly should be the place in Venezuela where different views are expressed without fear of reprisal and charges of incitement to violence and where efforts are made to find common ground; *is concerned*, therefore, that the National Assembly itself, rather than the judicial authorities, took the initiative, at least in the cases of Mr. Mardo and Ms. Machado, to press criminal charges against members of the opposition, thereby lending weight to the allegation that the charges are politically rather than legally motivated;
4. *Sincerely hopes* that the soon-to-be elected National Assembly and parliamentary authorities will adopt a different approach and leave the initiative for any future criminal proceedings against parliamentarians in the hands of the prosecutor's office and the courts, and jealously safeguard respect for parliamentary immunity as enshrined in the Constitution, including by giving full and objective consideration to future requests for the lifting of such immunity;
5. *Expresses deep concern* at what appears to be a pattern of legal harassment of Ms. Machado; *considers* that the stripping of her parliamentary mandate in 2014 has no basis in law and was done with lack of due process, and that the recent decision to prevent her from standing in the forthcoming elections appears to be similarly flawed and frivolous; *is also deeply concerned* about the ongoing criminal investigations against her and the discrepancy between the versions of the authorities and the complainant with regard to the facts in support of the investigations; *fails* in this regard to understand, on the basis of the authorities' version, what she is being accused of exactly; *looks forward* therefore to receiving a copy of the charge sheets against Ms. Machado;
6. *Regrets* the absence of any official information on the legal steps taken against Mr. García; *fails to understand* how, given his status as a parliamentarian entrusted with oversight of the State apparatus, including the State security sector, his comments and action can give rise to a defamation case; *reiterates its wish* therefore to receive the views of the authorities on these matters;
7. *Remains convinced*, all the more so in the light of the forthcoming parliamentary elections, that a visit by a Committee delegation to Venezuela would provide a useful and direct opportunity to gain a better understanding of the complex issues at hand, including with regard to assessing whether there is a need to further examine, or rather to close, some of the cases at hand in which criminal investigations are ongoing;
8. *Requests* the Secretary General to contact the parliamentary authorities who will be installed after the elections, so as to seek their consent for such a visit in the hope that it will soon take place;
9. *Requests* the Secretary General to convey this decision to the authorities, the complainant and any third party likely to be in a position to supply relevant information;
10. *Requests* the Committee to continue examining this case and to report back to it in due course.

## BANGLADESH

### BGL/14 - Shah Ams Kibria

*Decision adopted unanimously by the IPU Governing Council at its 197<sup>th</sup> session  
(Geneva, 21 October 2015)*

The Governing Council of the Inter-Parliamentary Union,

*Referring to the case of Mr. Shah Ams Kibria, a member of the Parliament of Bangladesh who was assassinated in a grenade attack in January 2005, and to the resolution adopted at its 190<sup>th</sup> session (April 2012),*

*Taking into account the letters from the parliamentary authorities, dated 24 March and 13 October 2015, the information provided at the hearing held on 27 March 2015 with the Bangladeshi delegation to the 132<sup>nd</sup> IPU Assembly, as well as the information provided by the complainants and other sources of information,*

*Recalling, among the extensive information on file, the following:*

- The initial inquiry into the assassination proved to be an attempt by the investigating officers to divert the course of justice; since the investigation was reopened in March 2007, Islamist militants belonging to the Horkatul Jihad al Islami (Huji), including its leader Mufti Hannan Munshi, have been implicated; according to the Home Ministry's report of March 2010, several persons have been arrested, including the two who detonated the grenades (Mizanur Rahman Mithu and Md Badrul Alam Mizan); in addition, the former State Minister for Home Affairs, Mr. Lutfozzaman Babar, stands accused of harbouring and protecting the individuals who threw the grenades;
- According to the parliamentary authorities, the investigation had found that a Kashmir-based Islamic militant organization led by Abdul Mazid Butt helped Mufti Abdul Hannan and Moulana Tajuddin, Huji leader in Bangladesh, transport Arges grenades from Pakistan to Bangladesh with the intent to commit assassinations in different parts of the country; further investigation had also revealed that the accused Badrul Alam Mizan, Mizanur Rahman Mithu, Badrul, and Mohammed Ali were present when the grenades were thrown at Mr. Kibria;
- On 20 June 2011, the Criminal Investigation Department (CID) submitted a supplementary charge sheet against 14 other persons with the request that the court rule on their status;
- Mr. Kibria's family objected to the charge sheet and filed a no-confidence motion on the grounds that it was in its view incomplete and, among other concerns, failed to identify all the individuals involved in the assassination, in particular the real masterminds of the murder; the family further expressed concern that, unless further investigations were conducted, the evidence was unlikely to hold up in court, as it had been drawn largely from interrogations conducted in prison and the accused would claim that they had been obtained under duress; the family also remained concerned about persisting political interference in the investigations and the fact that it was not kept regularly informed of new developments and that its proposals to help advance the investigation had been disregarded;
- In January 2012, the judge granted the family's motion and ordered that further investigations be carried out; the newly assigned investigating officer visited Mrs. Kibria and indicated that she would remain in regular contact with the family as the third investigation proceeded;
- The parliamentary Standing Committee on the Ministry of Home Affairs has continued to monitor the case,

*Considering that, according to the authorities and one of the complainants, in the course of this third investigation, the investigating officer reviewed past case records and obtained testimony from 93 witnesses; this resulted in the identification and arrest of new suspects; a new charge sheet was submitted in December 2014 against 35 individuals; this third charge sheet was transferred to the Speedy Trial Tribunal in June 2015 and confirmed on 13 September 2015; judicial proceedings are now under way, with 171 witnesses expected to provide testimony,*

*Considering* that, according to the authorities, the new suspects identified include Mr. Harris Chowdhury (the political advisor of the then Prime Minister Khaleda Zia – Mr. Chowdhury appears to also have been involved in the August 2004 attack on the then leader of the opposition and current Prime Minister, Sheikh Hasina), who is suspected of having planned the assassination; Mr. Harris Chowdhury, as well as two other suspects identified in the latest charge sheet, have absconded; the Bangladeshi authorities confirmed that they have informed Interpol for necessary action and that a red notice was issued against Mr. Harris Chowdhury,

*Considering* that, according to one of the complainants, Mr. Kibria's family no longer received regular updates on the investigation in past years and has been unable to obtain detailed information on the new charge sheet, particularly as regards the grounds and evidence upon which the 35 suspects have been charged; the complainant observes that this lack of information, coupled with the long history of political interference, complications and delays in the investigation, has resulted in a loss of confidence in the judicial process on the part of Mr. Kibria's family; although no reports have indicated that the family contested the third charge sheet as it had done in the two earlier ones, the family reportedly continues to believe that other individuals involved in the crime, particularly the potential instigators, had not yet been charged due to political interference; the complainant has further pointed out that Mr. Harris Chowdhury has been the subject of old-standing arrest warrants in other proceedings and that no serious efforts appear to have been undertaken by the authorities to have him located and extradited,

*Considering* that, during the hearing conducted on the occasion of the 132<sup>nd</sup> IPU Assembly (Hanoi, March 2015), the Deputy Speaker of the Bangladeshi Parliament affirmed that the case was now on the right track and that the Bangladeshi authorities were committed to completing the judicial proceedings quickly and that he was confident that quick progress would be made towards the resolution of the case; he observed that the delays in the investigation were initially caused by political factors; he fully acknowledged that justice delayed was justice denied and emphasized that transparency of the proceedings and due process were essential to a satisfactory outcome; he was not aware that Mr. Kibria's family had not been informed of recent investigative steps and observed that it was normally a matter of routine for investigators to keep the families informed; he further pledged to convey a copy of the new charge sheet when made public upon its confirmation by the court, as well as continue to convey information on any new developments in the proceedings,

*Bearing in mind* the striking similarities between the grenade attack on Mr. Kibria and that on Sheikh Hasina and others five months earlier; both attacks targeted key members of the opposition at the time, and the same type of grenade was used both times; in both cases the investigation has revealed an alleged conspiracy between members of the then ruling party and Islamist extremists and, in this respect, several of the persons charged stand accused in both cases,

*Also bearing in mind* that Article 35 of the Bangladeshi Constitution provides that "every person accused of a criminal offence shall have the right to a speedy and public trial by an independent and impartial court or tribunal established by law"; the International Covenant on Civil and Political Rights – to which Bangladesh is a party – also affirms the right to be tried without undue delay; at its universal periodic review (UPR) before the United Nations Human Rights Council, Bangladesh accepted recommendations made to end impunity and to take necessary measures to ensure that perpetrators of human rights violations are prosecuted,

1. *Thanks* the parliamentary authorities for the information provided and for their renewed cooperation;
2. *Notes with interest* the ongoing progress in identifying those responsible for the attack, which has resulted in a third charge sheet, and the identification of new suspects, including one of the alleged planners; *further notes* that judicial proceedings are now under way; *wishes* to receive a copy of the latest charge sheet, as well as further information on the grounds and evidence supporting the charges against the suspects;
3. *Remains deeply concerned* that, ten years after the attack, none of the perpetrators has yet been held responsible in a court of law; and *hopes* that the trial will proceed swiftly and that further progress will promptly be made towards full accountability for this serious crime; *wishes* to send an observer to the trial and to be kept informed of new developments in the case;

4. *Observes with concern* that several suspects remain at large; *urges* the authorities to pursue all necessary efforts to apprehend them; *wishes* to be kept informed of progress in this regard, including with regard to the measures already taken by the authorities to obtain the extradition of some of the absconded suspects;
5. *Notes with concern* allegations that Mr. Kibria's family has not been kept regularly informed of progress made in the investigation and has lost confidence in the proceedings; *calls upon* the authorities to ensure that the family is regularly and fully informed and therefore able to participate meaningfully in the ongoing proceedings for the sake of transparency and accountability of the ongoing judicial process;
6. *Notes with appreciation* that the Parliament of Bangladesh continues to monitor the case and *trusts* that it will continue to keep the Committee regularly apprised of any significant developments;
7. *Requests* the Secretary General to convey this decision to the relevant authorities, the complainants and any third party likely to be in a position to supply relevant information, and to organize a trial observation mission;
8. *Requests* the Committee to continue examining this case and to report back to it in due course.

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## BANGLADESH

### BGL/15 - Sheikh Hasina

*Decision adopted unanimously by the IPU Governing Council at its 197<sup>th</sup> session (Geneva, 21 October 2015)*

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Sheikh Hasina, leader of the opposition at the time the communication was submitted, and current Prime Minister of Bangladesh, and to the resolution adopted at its 190<sup>th</sup> session (April 2012),

*Taking into account* the letters from the parliamentary authorities, dated 24 March and 13 October 2015, the information provided at the hearing held on 27 March 2015 with the Bangladeshi delegation to the 132<sup>nd</sup> IPU Assembly, as well as the information provided by the complainants and other sources of information,

*Recalling*, among the extensive information on file, the following:

- On 21 August 2004, a well-planned grenade attack was launched against Sheikh Hasina, resulting in her injury, as well as the death and injury of scores of other individuals;
- The initial investigation into the attack resulted in the arrests of 30 suspects, three of whom made statements confessing their participation in the attack, which later were found to be false and fabricated;
- A subsequent investigation into the attack revealed the following: the attack was carried out by Islamist militants belonging to Horkatul Jihad al Islami (Huji), several of whom, including its leader Mufti Hannan Munshi, were arrested in connection with the case; upon interrogation, the assailants disclosed the involvement of government officials, who upon further investigation were found to have provided administrative and financial support for the attack, including involvement in its planning and in helping facilitate the escape of some of the perpetrators;
- After the deadline for submitting the final investigation report had been extended many times, on 2 July 2011, the Criminal Investigation Department (CID) submitted a supplementary charge sheet and formally indicted, on 18 March 2012, 30 more persons,



including Mr. Lutfozzaman Babar (State Minister of Home Affairs), Mr. Abdus Salam Pinto (Deputy Minister, whose brother, Mr. Moulana Mohammad Tajuddin supplied the grenades used in the attack), Mr. Ali Ahsan Mohammed Mujahid (Secretary General of Jamaat E Islami Bangladesh), Mr. Tarek Rahman (Senior Vice-President of the Bangladesh Nationalist Party (BNP) and the son of former Prime Minister Khaleda Zia), and Mr. Harris Chowdhury (Political Adviser to Khaleda Zia), who were charged under sections 34, 109, 118, 119, 120(b), 201, 212, 217, 218, 302, 307, 324, 326, and 330 of the Penal Code and sections 3, 4 and 6 of the Explosive Substances Act; former heads of intelligence and former heads of police were also named in the charge sheet; further investigations also found that Abdus Salam Pinto, Lutfozzaman Babar and Tarek Rahman assured the perpetrators that they would provide the necessary administrative help to carry out the attack, with Mr. Babar assuring that security measures would be managed in a way enabling the assailants to execute the attack freely; seven of the indicted individuals were also found to have diverted the initial investigation in order to shield the true perpetrators;

- By October 2011, the case was under way and being tried by the Speedy Trial Court;
- Of the 52 individuals now charged with involvement in the crime, 19 remain at large, including Mr. Rahman and Mr. Chowdhury, who are believed to be in the United Kingdom;
- The Parliament's Standing Committee on the Ministry of Home Affairs has continued to monitor the case,

*Considering* that, according to one of the complainants, the trial proceedings have been excessively slow, with only a fraction of the 491 individuals registered to provide depositions having had their testimonies processed, and without any indication that the procedure would be completed any time soon; this slow progress in the trial, as well as an apparent lack of serious effort to have absconded suspects located and arrested, has contributed to a deterioration of confidence in the judicial system,

*Considering* that, according to the authorities, 188 witnesses had provided depositions as of September 2015; one suspect, Mr. Abu Bakar (aka Hafej Salim Hawlader), had been arrested and forwarded to the Court, and that red notices had been issued against Mr. Tarique Rahman, Mr. Al Haj Mawlana Mohammad Tajuddin Mia, Mr. Harris Chowdhury, and Mr. Kazi Shah Mofazzal Hossen Kaykobad, with red notices for other absconded individuals currently under process; the trial was delayed for six months due to some of the accused having appealed to the higher court, without any grounds, as a means to delay the trial,

*Considering* that the Deputy Speaker of the Bangladeshi Parliament affirmed, during a hearing held at the 132<sup>nd</sup> IPU Assembly (Hanoi, March 2015), that the case was on the right track and the Government was committed to completing the trial quickly; he fully acknowledged that justice delayed was justice denied and emphasized that transparency of the proceedings and due process were essential to a satisfactory outcome; he stated that, even without the full roster of witnesses heard, the case could advance and reach its conclusion if the prosecution and the court agreed that sufficient evidence had been received; the attack and the circumstances contributing to the long delays in the investigation and trial were influenced by political factors; the Bangladeshi Government was in discussions with the authorities of the United Kingdom to facilitate the extradition of Mr. Tarique Rahman,

*Bearing in mind* the striking similarities between the grenade attack on Mr. Kibria and that on Sheikh Hasina and others five months earlier; both attacks targeted key members of the opposition at the time, and the same type of grenade was used both times; in both cases the investigation has revealed an alleged conspiracy between members of the then ruling party and Islamist extremists and, in this respect, several of the persons charged stand accused in both cases,

*Also bearing in mind* that Article 35 of the Bangladeshi Constitution provides that "every person accused of a criminal offence shall have the right to a speedy and public trial by an independent and impartial court or tribunal established by law"; the International Covenant on Civil and Political Rights – to which Bangladesh is a party – also affirms the right to be tried without undue delay; at its universal periodic review (UPR) before the United Nations Human Rights Council, Bangladesh accepted recommendations made to end impunity and to take necessary measures to ensure that perpetrators of human rights violations are prosecuted,

1. *Thanks* the parliamentary authorities for the information provided and for their renewed cooperation;

2. *Notes with interest* the ongoing progress in the number of witness depositions made before the court, but *remains deeply concerned* at the slow pace of the judicial proceedings considering that, more than 11 years after the attack, none of the perpetrators has yet been held responsible in a court of law; *hopes* that the trial will proceed swiftly and that further progress will promptly be made towards full accountability for this serious crime; *wishes* to send an observer to the trial and to be kept informed of new developments in the case;
3. *Observes with concern* that several suspects remain at large; *urges* the authorities to pursue all necessary efforts to apprehend them; *wishes* to be kept informed of progress in this regard, including on the measures already taken by the authorities to obtain the extradition of some of the absconded suspects;
4. *Notes with appreciation* that the Parliament of Bangladesh continues to monitor the case, and *trusts* that it will continue to keep the Committee regularly apprised of any significant developments;
5. *Requests* the Secretary General to convey this decision to the parliamentary authorities, the complainants and any third party likely to be in a position to supply relevant information, and to organize a trial observation mission;
6. *Requests* the Committee to continue examining this case and to report back to it in due course.

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## MALAYSIA

### MAL/15 - Anwar Ibrahim

#### *Decision adopted by consensus by the IPU Governing Council at its 197<sup>th</sup> session (Geneva, 21 October 2015) <sup>4</sup>*

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Dato Seri Anwar Ibrahim, a member of the Parliament of Malaysia, and to the decision adopted at its 194<sup>th</sup> session (March 2014),

*Taking into account* the report of the Committee delegation (CL/197/11(b)-R.1) which, at the invitation of the Malaysian parliamentary authorities, went to Malaysia (29 June–1 July 2015) to gain a better understanding of the issues at hand in the Malaysian cases, raise existing concerns and examine possible avenues for progress; *considering* that the delegation was allowed to meet with Mr. Anwar Ibrahim in prison; *also taking into account* the information provided by the leader of the Malaysian delegation to the 133<sup>rd</sup> IPU Assembly (October 2015) and by one of the complainants at two separate hearings with the Committee on 17 and 18 October 2015 respectively,

*Recalling* the following information on file:

- Mr. Anwar Ibrahim, Finance Minister from 1991 to 1998 and Deputy Prime Minister from December 1993 to September 1998, was dismissed from both posts in September 1998 and arrested on charges of abuse of power and sodomy; he was found guilty on both counts and sentenced, in 1999 and 2000 respectively, to a total of 15 years in prison; on 2 September 2004, the Federal Court quashed the conviction in the sodomy case and ordered Mr. Anwar Ibrahim's release, as he had already served his sentence in the abuse of power case; the IPU had arrived at the conclusion that the motives for Mr. Anwar Ibrahim's prosecution were not legal in nature and that the case was built on a presumption of guilt;
- Mr. Anwar Ibrahim was re-elected in August 2008 and May 2013 and became the de facto leader of the opposition *Pakatan Rakyat* (The People's Alliance);
- On 28 June 2008, Mohammed Saiful Bukhari Azlan, a former male aide in Mr. Anwar Ibrahim's office, filed a complaint alleging that he had been forcibly sodomized by Mr. Anwar Ibrahim in a private condominium; the next day, when it was pointed out that

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<sup>4</sup> The delegation of Malaysia expressed its reservations regarding the decision.

Mr. Anwar Ibrahim, who was 61 at the time of the alleged rape and suffering from a bad back, was no physical match for a healthy 24-year-old, the complaint was revised to claim homosexual conduct by persuasion; Mr. Anwar Ibrahim was arrested on 16 July 2008 and released the next day; he was formally charged on 6 August 2008 under section 377B of the Malaysia Criminal Code, which punishes "carnal intercourse against the order of nature" with "imprisonment for a term which may extend to 20 years" and whipping; Mr. Anwar Ibrahim pleaded not guilty to the charge and, in addition to questioning the credibility of the evidence against him, pointed to several meetings and communications which took place between Mr. Saiful and senior politicians and police before and after the assault to show that he is the victim of a political conspiracy;

- On 9 January 2012, the first-instance judge acquitted Mr. Anwar Ibrahim, stating that there was no corroborating evidence to support Mr. Saiful's testimony, given that "it cannot be 100 per cent certain that the DNA presented as evidence was not contaminated"; 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;
- On 7 March 2014, the Court of Appeal sentenced Mr. Anwar Ibrahim to a five-year prison term, ordered that the sentence be stayed pending appeal, and set bail at 10,000 ringgits,

*Considering* that, on 10 February 2015, the Federal Court upheld the conviction and sentence, which Mr. Anwar Ibrahim is currently serving in Sungai Buloh Prison in Selangor; as a result of the sentence, he will not be eligible to run for parliament for six years after he has completed his sentence, i.e. until July 2027,

*Taking into account* the report of the IPU observer, Mr. Mark Trowell, QC, (CL/197/11(b)-R.2), who attended most of the hearings in the case in 2013 and 2014 and the final hearing on 10 February 2015; the rebuttal of his report by the authorities and the response to the rebuttal by Mr. Trowell,

*Considering* that the complainants affirm that the case against Mr. Anwar Ibrahim has to be seen against the backdrop of the uninterrupted rule of Malaysia by the same political party, UMNO, and the fact that in the 2013 general elections that monopoly was shaken by a united opposition which was able to obtain 52 per cent of the popular vote, although – according to the complainant, due to widespread gerrymandering and fraud – this did not translate into a majority of seats for the opposition; the complainants also point out that the alliance that Mr. Anwar Ibrahim was able to set up and keep together fell apart after he was incarcerated,

*Considering* that the Malaysian authorities have repeatedly stated that Malaysia's courts were fully independent and that due process had been fully respected in the course of the proceedings against Mr. Anwar Ibrahim, including by offering the counsel for defence many opportunities to present their arguments,

*Considering* that, on 30 April 2015, Mr. Anwar Ibrahim applied for a fresh judicial review of his conviction, under Rule 137 of the Federal Court rules, on grounds of unfairness, with the applicant asking for the adverse judgement to be set aside and a new bench constituted to rehear the appeal; in his nine-page affidavit, Mr. Anwar Ibrahim listed a number of grounds warranting a review of his case; he alleged, among other things, that the extraordinary swiftness, timing and content of the statement made by the Prime Minister's Office (PMO) on the day of his conviction gave the impression that it knew of the result of the case even before the court's ruling, which is normally subject to secrecy; the affidavit also points out that it is not the practice of the PMO to issue such a statement in any other criminal appeal; in the grounds to support his application, Mr. Anwar Ibrahim claimed that the judgement ought to be reviewed because the release of the PMO's statement on the date of judgement which sought to justify his conviction rendered the judgement objectively deficient; the affidavit also criticized the conduct of lead prosecutor Mr. Muhammad Shafee Abdullah who, according to Mr. Anwar Ibrahim, had conducted a "road show" following his conviction, thereby lending weight to his claim that his trial was backed by UMNO and that he was the victim of a political conspiracy,

*Considering also* that, on 10 June 2015, Mr. Anwar Ibrahim's lawyers filed an application to have the Federal Court hear retired senior police officer Mr. Ramli Yusuff's testimony to the alleged conspiracy to cover up the infamous "Black Eye" incident in 1998 during Mr. Anwar Ibrahim's detention before his first sodomy trial ("Sodomy I"); Mr. Ramli Yusuff had given evidence on 27 May 2015 in a separate case about his refusal to aid the then Assistant Inspector-General of Police, Tan Sri Musa Hassan, in a purported bid to fabricate evidence falsely showing that Mr. Anwar Ibrahim had self-

inflicted his injuries; Mr. Ramli Yusuff had also said that he refused to lodge a police report falsely claiming that Mr. Anwar Ibrahim had lodged a false report of an assault by the then Inspector-General of Police, Mr. Tan Sri Rahim Noor; Mr. Ramli Yusuff claimed that the then Inspector-General of Police had said that he had been sent by the then Attorney General, Tan Sri Mohtar Abdullah and the then lead prosecutor of the case, Mr. Abdul Gani Patail, who subsequently became, and until very recently was, the Attorney General of Malaysia; Mr. Anwar Ibrahim said that the police officer's evidence was credible and of crucial importance, adding that the Federal Court would not have rejected his defence of a political conspiracy had the additional testimony been available to him earlier,

*Considering* that, on 24 February 2015, Mr. Anwar Ibrahim's family submitted an application for a royal pardon; on 16 March 2015 the Pardons Board rejected the application unofficially through an affidavit in reply; the family again submitted a petition for a royal pardon on the basis of a transgression of justice on 12 October 2015,

*Considering* that, since his imprisonment on 10 February 2015, Mr. Anwar Ibrahim has been examined by Dr. Jeyaindran Tan Sri Sinnadurai, who is also the Deputy Director General of Health; Mr. Anwar Ibrahim had been complaining to Dr. Jeyaindran about the pain in his right shoulder since early March 2015; however, according to his family, he was only sent to hospital in Kuala Lumpur after four months, namely on 2 June 2015; although the physician who examined him recommended intensive physiotherapy, this recommendation was not implemented, except for a few days from 7 to 12 July 2015; currently, according to Mr. Anwar Ibrahim's family, physiotherapy rarely takes place – once every few weeks, despite the constant pain; Mr. Anwar Ibrahim's medical report had been referred to Prof. Dr. Ng Wuey Min, Associate Professor at the University Malaya Medical Centre, an orthopaedic shoulder specialist who had treated him before; he concluded that the problem affecting Mr. Anwar Ibrahim's right shoulder was serious and may require arthroscopic surgery to ensure long-term healing; Mr. Anwar Ibrahim's family affirms that, on 21 August 2015, Mr. Anwar Ibrahim's family was informed that, on that very same day, the orthopaedics specialist, Dr. Fadhil, had met Mr. Anwar Ibrahim in prison and merely prescribed strong painkillers to manage the pain, the dose subsequently being doubled by Dr. Jeyaindran,

*Considering* that Mr. Anwar Ibrahim's family consider that Dr. Jeyaindran should not be in charge of Mr. Anwar Ibrahim's health treatment for the following reasons: (i) he was a witness who testified during the trial against Mr. Anwar Ibrahim; (ii) he is also the personal physician to the current Prime Minister of Malaysia; (iii) he has failed to implement any necessary treatment, which he personally recommended, namely intensive physiotherapy; (iv) he lacks the expertise in the area of Mr. Anwar Ibrahim's health problems; (v) the family affirms that Dr. Jeyaindran has taken three months to allow Mr. Anwar Ibrahim to be examined and for an MRI of his right shoulder to be taken, which has contributed to the pain becoming chronic and affecting his left shoulder; (vi) the family considers that Mr. Anwar Ibrahim needs to be taken immediately to the University Malaya Medical Centre hospital for a thorough examination by Prof. Dr. Ng Wuey Min of his right and left shoulder problems, including all tests such as MRI, etc., so that he can give an authoritative judgement as to effective treatment,

*Recalling* that, while in detention during the first sodomy trial ("Sodomy I"), Mr. Anwar Ibrahim suffered a severe spinal injury and developed symptoms of spinal cord compression; his plea for medical help then was not heeded,

1. *Thanks* the IPU trial observer and the parliamentary authorities for their extensive comments on the trial against Mr. Anwar Ibrahim;
2. *Thanks also* the Malaysian authorities, in particular the parliamentary authorities, for receiving the on-site mission and for facilitating the fulfilment of its mandate; *appreciates* that the mission was given the opportunity to meet with Mr. Anwar Ibrahim, albeit - contrary to its procedure - not alone;
3. *Is deeply concerned* about the trial observer's conclusion that, in light of the procedural irregularities and the evidence available, Mr. Anwar Ibrahim should have been acquitted; *considers* in this regard that the detailed official rebuttal does not dispel the serious concerns about the credibility of the alleged victim, the DNA evidence and the dubious circumstances surrounding the alleged sodomy;
4. *Fears* that Mr. Anwar Ibrahim's conviction, which precluded him from participating in parliamentary life for more than a decade, deprived the opposition of its main leader and ultimately led to the disintegration of the united opposition, may be based on considerations other than legal;

5. *Sincerely hopes* therefore, all the more so in light of new facts presented by his legal counsel and family, that the efforts to obtain a judicial review or royal pardon will bear fruit; *wishes* to be kept informed of progress in this regard;
6. *Is deeply concerned* that Mr. Anwar Ibrahim may not be receiving the treatment he needs in an effective and timely manner; *calls* on the authorities to do everything possible to address this situation, including by allowing him to be cared for by a doctor of his own choice and to receive the recommended long-term treatment to avoid irreparable damage to his health, if need be through surgery abroad; *wishes to receive* the views of the authorities on this point;
7. *Requests* the Secretary General to convey this decision to the competent authorities, the complainant and any third party likely to be in a position to supply relevant information;
8. *Requests* the Committee to continue examining this case and to report back to it in due course.

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## MALAYSIA

**MAL/21 - N. Surendran**  
**MAL/22 - Teresa Kok (Ms.)**  
**MAL/23 - Khalid Samad**  
**MAL/24 - Rafizi Ramli**  
**MAL/25 - Chua Tian Chang**  
**MAL/26 - Ng Wei Aik**  
**MAL/27 - Teo Kok Seong**  
**MAL/28 - Nurul Izzah Anwar (Ms.)**  
**MAL/29 - Sivarasa Rasiah**  
**MAL/30 - Sim Tze Sin**  
**MAL/31 - Tony Pua**

***Decision adopted by consensus by the IPU Governing Council at its 197<sup>th</sup> session (Geneva, 21 October 2015)***<sup>5</sup>

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the aforesaid cases and to the decisions it adopted at its 195<sup>th</sup> session (March-April 2015),

*Taking account* of the report of the Committee delegation (CL/197/11(b)-R.1) which, at the invitation of the Malaysian parliamentary authorities, went to Malaysia (29 June – 1 July 2015) to gain a better understanding of the issues at hand in the Malaysian cases, discuss the Committee's existing concerns and examine possible avenues for reaching a satisfactory solution,

*Taking into account also* the information provided by the leader of the Malaysian delegation to the 133<sup>rd</sup> IPU Assembly (October 2015) at the hearing held with the Committee; *also taking into account* the information provided by one of the complainants at the hearing held with the Committee on 18 October 2015 and the information regularly provided by other complainants,

*Having before* it the cases of Mr. Sivarasa Rasiah, Mr. Sim Tze Sin and Mr. Tony Pua, which have been examined by the Committee on the Human Rights of Parliamentarians pursuant to the Procedure for the examination and treatment of complaints (Annex I of the revised rules and practices),

*Considering* that all the parliamentarians, with the exception of Mr. Teo Kok Seong and Mr. Sim Tze Sin, have been charged since May 2013 with sedition or are being investigated under (a), (b) and (c) of section 4(1) of the Sedition Act (1948) for exercising their freedom of speech, primarily to voice criticism of the Government and/or the judiciary,

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<sup>5</sup> The delegation of Malaysia expressed its reservations regarding the decision.

*Considering* that Mr. Chua Tian Chang was reportedly arrested on 20 March 2015 in connection with his involvement in the KitaLawan rally on 7 March in 2015 in protest against Mr. Anwar Ibrahim's conviction on a sodomy charge; Mr. Teo Kok Seong and Mr. Rafizi Ramli are also being investigated regarding their involvement in the same rally; Mr. Sim Tze Sin was charged for organizing or taking part in the KitaLawan rally; according to the complainants, the arrests and investigations infringe the rights of members of parliament to freedom of assembly; the complainants point out that this legal action is based on the Peaceful Assembly Act and section 143 of the Criminal Code, which states that, "whoever is a member of an unlawful assembly shall be punished with imprisonment for a term that may extend to six months, or with a fine, or with both",

*Recalling* that the Sedition Act dates from colonial times (1948) and originally sought to suppress dissent against the British rulers; it was seldom used in the past and was never invoked between 1948 and Malaysia's independence in 1957; only a handful of cases were pursued between 1957 and 2012; since then, however, hundreds of cases have been initiated under the Sedition Act,

*Recalling* that in 2012, Prime Minister Najib Razak announced publicly that the Sedition Act would be repealed. The discussions subsequently set in motion, however, explored its abolition as only one of four options, namely: (i) maintaining the Sedition Act with minor changes; (ii) abolishing it; (iii) replacing it with the National Harmony Act; or (iv) maintaining the Sedition Act along with the adoption of the National Harmony Bill,

*Considering* that the option finally chosen by the Government was to amend the Sedition Act and to pursue discussions on the adoption of a National Harmony and Reconciliation Bill; the official interlocutors told the Committee delegation that the Sedition Act remained necessary to promote national harmony and tolerance, and that the new legislation struck the right balance between protecting stability and social harmony on the one hand and freedom of expression on the other; members of the opposition, however, provided the following explanation to the Committee delegation for the Government's decision to keep and further tighten the Sedition Act: in the general elections in 2008, UMNO (United Malays National Organisation), which had been ruling Malaysia since independence in 1957, lost its two-thirds majority in parliament for the first time; in 2013 the opposition won the popular vote in the general elections, although it obtained only a minority number of seats in parliament; the opposition considered that those in power, in particular the radical elements, made their case for keeping the Sedition Act as a useful tool to ensure that UMNO's dominance would not be challenged in the future,

*Considering* that in April 2015 the House of Representatives and Senate passed most of the proposed amendments, notably the following:

- criticism of the Government or the administration of justice is no longer considered seditious;
- promoting hatred between different religions is now seditious;
- sedition is no longer punishable with a fine but carries a mandatory minimum three-year prison term;
- sedition is punishable with up to 20 years' imprisonment if the seditious acts or statements lead to bodily harm and/or damage to property;
- The Act empowers the court to order the removal of seditious material on the Internet,

*Considering* that, well before the passage of the amendments to the Sedition Act, the sedition charges and investigations against the parliamentarians had been put on hold pending a ruling by the Federal Court on the petition challenging the constitutionality of the original Sedition Act (1948); after reserving judgement on the matter on 24 March 2015, the Federal Court ruled on 7 October 2015 that the Sedition Act was constitutional; the complainants fear that the investigations and charges against the members of parliament will now be reactivated as the amendments will not be retrospective, even though, under the current Sedition Act, criticism of the judiciary and the Government is no longer punishable; *considering* that, according to the leader of the Malaysian delegation, the matter was entirely in the hands of the Attorney General, as he had the power to discontinue the proceedings at any time; he also stated that none of the proceedings had been reactivated, given that the Federal Court's ruling on constitutionality had been adopted only recently and that it might be several months before the Attorney General took a decision on how to proceed; the leader of the delegation offered to ask the Speaker of the House of Representatives formally to request the Attorney General to discontinue, in the public interest,

any legal action against the parliamentarians under the old Sedition Act inasmuch as criticism of the Government and judiciary was concerned; *considering also* that the amendments have still not been gazetted and therefore have not yet come into effect,

*Considering* the information presented by the one of the complaints on 18 October 2015 with regard to developments in the legal proceedings against the cases of the parliamentarians:

- **Case of Ms. Teresa Kok:** the Court of Appeal has fixed 17 November 2015 to continue hearing on her appeal to transfer her trial to the High Court from the current Sessions Court;
- **Case of Mr. N. Surendran:** his cases under the Sedition Act are pending trial;
- **Case of Mr. Khalid Samad:** the sedition case is still ongoing and the hearing is set for 31 October 2015. Furthermore, in March 2015, he was investigated again for sedition for his involvement in the KitaLawan rally calling for the Prime Minister to step down;
- **Case of Mr. Teo Kok Seong:** he is investigated under section 143 of the Penal Code and section 9 (5) of the Peaceful Assembly Act, but has not been formally charged;
- **Case of Mr. Tian Chua:** the trial relating to his speech on 13 May 2013, challenging the election results and calling on people to protest, is due to proceed; he won the other “Lahat Datu” sedition case, but the Government has appealed the decision; Mr. Tian Chua is also being investigated under the Peaceful Assembly Act for specifically wearing a yellow T-shirt with the official wording of “bersih4”, which represents the Clean and Free Election movement;
- **Case of Mr. Rafizi Ramli:** he was initially investigated under the Sedition Act for criticizing the demonstration in front of a place of worship - a church - but later charged under section 504 of the Criminal Code (uttering words with the intention to create public disorder); the submission is due for October 2015 after which sentencing is expected;
- **Case of Mr. Sivarasa Rasiah:** he is due to be charged under the Sedition Act for allegedly saying during the 7 March KitaLawan rally that the judiciary had been used by UMNO to incriminate Mr. Anwar Ibrahim;
- **Case of Mr. Sim Tze Sin:** he was charged this year under the Peaceful Assembly Act, section 4(2)(c), for organizing or taking part in the KitaLawan rally;
- **Case of Mr. Tony Pua:** he faces investigations under section 143 of the Penal Code and a travel ban as a consequence of his outspoken criticism against the 1MDB scandal; Mr. Tony Pua also faces defamation suits by the Prime Minister,

*Considering* that Malaysian politics has been engulfed in a scandal related to the 1Malaysia Development Berhad (1MDB), a debt-laden state investment fund; the Prime Minister has faced calls to resign over 1MDB’s struggles in meeting obligations from a RM42 billion (US\$14 billion) accumulated debt in the last five years; the calls for his resignation grew louder after it was revealed in July 2015 that US\$700 million (RM 2.6 billion) allegedly linked to the firm, whose advisory board the Prime Minister chairs, was allegedly deposited into his private accounts; the complainants fear that in the current political climate the authorities will only tighten the screws on the opposition,

*Considering* that in the face of mounting protests against the scandals, scores of people have recently been arrested under sections 124B and 143 of the Criminal Code addressing “unlawful assemblies”; considering that Section 124B of the Criminal Code, which has never before been used, states: “Whoever, by any means, directly or indirectly, commits an activity detrimental to parliamentary democracy shall be punished with imprisonment for a term which may extend to twenty years”; *considering also* in this regard that Ms. Nurul Izzah Anwar was first investigated under the Sedition Act but now also under section 124 B and J of the Criminal Code, which covers the offence of “being detrimental to parliamentary democracy”; she has not been formally charged,

1. *Thanks* the Malaysian authorities, in particular the parliamentary authorities, for receiving the on-site mission and for facilitating the fulfilment of its mandate;
2. *Fully endorses* the mission’s findings and recommendations;
3. *Deeply regrets* that a golden opportunity was missed this year to abolish the Sedition Act, following the Prime Minister’s earlier remarks in this regard in 2012;

4. *Welcomes* the fact that the amended Sedition Act no longer punishes criticism of the Government and the judiciary; *yet is deeply concerned* that its provisions remain excessively vague and broad, thus leaving the door open to abuse and setting a very low threshold for the type of criticism, remarks and acts that are criminalized, and that it includes a mandatory minimum three-year prison sentence for sedition;
5. *Deeply regrets* that the Federal Court ruled to uphold the constitutionality of the Sedition Act; *sincerely hopes* that the authorities, as some intimated in the course of the on-site mission, will initiate, in recognition of the fact that the amended Sedition Act is too repressive, a review of the Act with a view to bringing it into line with relevant international human rights standards;
6. *Recalls* the important principle in criminal law that if a lighter penalty is provided for after the offence occurs, that lighter penalty shall apply retroactively; *sincerely hopes* therefore that the present Attorney General will decide to discontinue the proceedings against the parliamentarians under the old Sedition Act in connection with criticism of the Government and the judiciary; *wishes* to receive the views of the Attorney General on this point;
7. *Is deeply concerned* about the continued arrests and investigations of opposition members and vocal critics under legislation, be it the Sedition Act, the Criminal Code or the Peaceful Assembly, that appears to be clearly at odds with respect for their right to freedom of expression and assembly; *is particularly worried* that the authorities are now resorting to Section 124B of the Criminal Code, which is overtly vague and broad in its language and carries a disproportionately harsh penalty;
8. *Wishes* to receive details from the authorities regarding the facts in support of the legal steps taken against the parliamentarians in relation to their participation in demonstrations;
9. *Calls on* the authorities, in particular Parliament, to make serious efforts towards swiftly ratifying the International Covenant on Civil and Political Rights and to make use of the expertise of the United Nations special procedures, in particular the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on freedom of peaceful assembly and association, to ensure that existing legislation is amended or repealed so as to comply with relevant international human rights standards;
10. *Requests* the Secretary General to convey this decision to the relevant authorities, the complainant and any third party likely to be in a position to supply relevant information;
11. *Requests* the Committee to continue examining this case and to report back to it in due course.

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## MONGOLIA

### MON/01 - Zorig Sanjasuuren

*Decision adopted unanimously by the IPU Governing Council at its 197<sup>th</sup> session  
(Geneva, 21 October 2015)*

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Zorig Sanjasuuren, a member of the State Great Hural of Mongolia, who was murdered on 2 October 1998, and to the decision adopted at its 196<sup>th</sup> session (Hanoi, April 2015),



*Referring* to the letters of 21 April and 3 July 2015 from the Vice-Chairman of the State Great Hural and Chairman of the Executive Committee of the Mongolian Inter-parliamentary Group,

*Recalling* that Mr. Zorig Sanjasuuren, a leader of the democracy movement in Mongolia in the 1990s, was assassinated in October 1998 and that neither the culprits, nor the instigators, have been identified to date, despite uninterrupted investigations since his death,

*Taking into account* that a delegation of the Committee on the Human Rights of Parliamentarians led by Ms. Kiener-Nellen conducted a mission to Mongolia from 16-19 September 2015,

*Considering* that, during the mission, the delegation met parliamentary, government and judicial authorities, as well as political parties, law enforcement agencies, human rights organizations, family members and diplomats; it welcomed the authorities' cooperation and willingness to engage and noted that all Mongolian authorities, starting with the State Great Hural, shared their dissatisfaction and disappointment that the crime had not been resolved after such a long time and reaffirmed their continued commitment to shed light on the assassination and hold the culprits to account,

*Further considering* that the final mission report will be presented to the Governing Council at its next session (March 2016), after being shared with all parties for their observations, but that the Committee wishes to share the following preliminary observations and recommendations of the delegation on its mission:

- **Status of the investigation on the assassination of Mr. Zorig Sanjasuuren:**
- The delegation was able to verify that a judicial investigation is still effectively ongoing, although no suspect has been charged to date; the investigative working group is composed of nine persons working full time on the investigation under the direction and supervision of the Deputy Prosecutor General; the current group has been operating since the appointment of the current Deputy Prosecutor General in December 2013; the delegation took note that the investigation is particularly difficult in light of the initial deficiencies of the investigation (including the contamination of the crime scene) and the passing of time; a significant focus on investigative efforts has therefore been on forensic analysis in recent years; the delegation received confirmation in that respect that past IPU assistance had been valuable in establishing contact with foreign forensic experts and that further assistance would be useful, as new forensic technologies have emerged; the delegation, however, questioned the value of forensic evidence on the premises that, even if forensic analysis eventually led to the identification of the direct perpetrators, it was unlikely that the evidence would stand up in court, due to the initial crime scene contamination and the conditions in which the forensic samples were collected and stored for 17 years; the delegation further questioned the value of concentrating investigative efforts on the identification of the killers rather than on the instigator(s) of the assassination;
- Aside from the forensic activities, the delegation was unable to assess the overall progress made in the investigation in recent years, or its timeline for the coming months because of its high threshold of confidentiality; it obtained no new information on the identity of potential suspects, or on the motives of the assassination; the delegation, however, was told by many of its interlocutors that it is widely believed, among the general public, that Mr. Zorig Sanjasuuren's assassination was a political contract killing, which was most likely related to his upcoming appointment as Prime Minister at the time of his death,
- **Confidentiality of the investigation**
- The delegation was able to clarify that the "wall of secrecy" surrounding the case is essentially due to the classification of the case under the State Secret Law; the case was classified because of the involvement of the intelligence agency in the investigation under article 81 of the Criminal Code and article 27 of the Code of Criminal Procedure; this involvement was justified by the fact that Mr. Zorig Sanjasuuren was an official figure at the time of his assassination, as he was a member of parliament as well as the Minister of Infrastructure at that time; the confidentiality is also due to the fact that the criminal investigation is still ongoing and that, until charges are brought against identified suspects,

the prosecutor's office has no obligation to disclose the case file; therefore, even if the case was declassified, it would remain confidential, with the exception of any information that the head of the investigative working group may decide to disclose;

- The delegation understands that, like in any criminal investigation, there is a need for a measure of confidentiality to be maintained, in particular due to the political sensitivity of the case; it does not, however, find it appropriate that the case continues to be classified 17 years later; it also finds it very unusual that intelligence services would play such an important and lasting role in a criminal investigation; it observes that the uninterrupted involvement of the intelligence agency in the investigation and the ensuing lack of transparency, combined with alleged dubious methods of questioning and investigation at times, were also raised by many as a concern;
- The delegation considers that the confidentiality of the case is excessive and that it is not conducive to progress or accountability; it emphasizes that the high level of confidentiality prevents any effective oversight of the investigation, which is happening behind closed doors with no public scrutiny; the delegation wishes to remind the Mongolian authorities that justice needs to be done, but it also needs to be seen to be done; the very fact that it also prevents any debate on the case in parliament, or in any other public spheres, is very striking; so is the fact that the IPU Committee on the Human Rights of Parliamentarians has been unable to receive substantive information on the investigation, or to obtain responses to its information queries on the repeated grounds of the classified status of the case,

- **Political will and ways forward**

- It was important for the delegation to find out whether there was a still some political will on the part of the Mongolian authorities to resolve the case; it noted with satisfaction that all authorities reaffirmed their will to bring about progress; the delegation considers that there are many combined factors that are likely to account for the lack of results in the investigation after 17 years, including:
  - the initial investigative deficiencies (particularly the contamination of the crime scene);
  - issues related to the training and competence of the investigators, as well as forensic technologies available;
  - the endless replacement of the investigators;
  - the ongoing involvement of the central intelligence agency and excessive secrecy created by the classified status of the case;
  - the political dimension of the case and its subsequent political instrumentalization by political parties;
  - the time elapsed and its consequences;
  - the lack of accountability of the competent authorities despite the absence of results in the investigation,
- The delegation is not in a position to conclude that, among the various factors, political interference may have played a significant role, but it can also not exclude it; this is particularly true considering the lack of results in resolving the case after 17 years of full-time uninterrupted investigations and corresponding political commitments by the successive authorities to establish the truth;
- The delegation furthermore noted that secrecy and lack of progress in the investigation have strongly eroded the trust and confidence of the general public that there was ever any real political will to establish the truth; while all authorities, including the investigative working group, asserted that they had encountered no political hurdles or interference, the delegation could not fail to note that it was repeatedly told by its interlocutors that the general public is generally convinced of the contrary and believes that the case has been covered up; the repeated political instrumentalization of the case by all political parties for electoral gain has further given weight to the current perception of the public that law enforcement agencies are serving political interests; the renewed commitments to shed light on Mr. Zorig Sanjasuuren's assassination are therefore widely seen today as empty political promises,

- **Preliminary recommendations**
  - On the basis of the above preliminary findings, the delegation is of the view that only tangible progress and transparency in the investigation can effectively demonstrate that strong political will to find out who killed Zorig Sanjasuuren still exists today in Mongolia; renewed impetus in the investigation is therefore urgently needed; the delegation calls on the Mongolian authorities to redouble their efforts to resolve what is widely believed to have been a political assassination; it urges them to establish clear priorities and a timeline to that end;
  - The delegation also believes that the investigative group could benefit from specialized assistance and training on investigation methodology related to contract killings; it also suggests that the investigative team invests more time in examining witness statements, public records and open source materials instead of essentially focusing on forensic analysis, which, in the view of the delegation, is unlikely to prove conclusive and will, in any case, not help establish the motives of the assassination or the identity of the instigators;
  - The delegation further calls on the Mongolian authorities to strike an appropriate balance in the treatment of the case between the need for a reasonable measure of confidentiality and the pressing need for increased transparency and regular public communication on the investigation; the delegation recommends that the case be promptly declassified and that the State Secret Law be amended to avoid similar situations in the future; it calls upon the competent authorities, in particular the National Security Council and the State Great Hural, to take prompt action to that end; it also recommends that a system of public reporting on the investigation be promptly established and that opportunities for public debate be created to boost public confidence that appropriate action is being taken by the competent authorities;
  - Furthermore, the delegation expects that the investigative working group will continue to report quarterly on its latest investigative activities (including breakthrough and challenges) to the special oversight subcommittee of the State Great Hural and that the latter will effectively exercise its oversight function;
  - The delegation urges the Mongolian authorities, particularly the investigative working group and the special oversight subcommittee of the State Great Hural, to keep the Committee on the Human Rights of Parliamentarians apprised of their efforts, including recent investigative steps taken, their outcome and outstanding challenges; to that end, it wishes to receive periodic reports on the investigation at least twice a year before each IPU Assembly;
  - The delegation further invites the State Great Hural to organize a public debate on the case in parliament; it calls on all political parties to adopt a joint resolution by consensus in support of the resolution of the case; it is convinced that it would be an important step forward for all political forces to acknowledge the existing concerns and commit themselves, in the common interest of the nation, to taking and supporting all appropriate measures to bring about progress, including increased transparency, effective oversight and a commitment to stop resorting to the case for political gain; the delegation suggests that such a joint resolution should also include a public apology to Mr. Zorig Sanjasuuren's family for the State's failure to bring those responsible for his killing to justice,
1. *Thanks* the Mongolian authorities for their cooperation and assistance;
  2. *Takes note* of the preliminary observations of the Committee on the mission and; *eagerly awaits* the final mission report at the next IPU Assembly (March 2016);
  3. *Notes with satisfaction* the authorities' willingness to engage and their continued commitment to shedding light on the assassination and holding the culprits and the instigators to account; *urges* them to redouble their efforts to resolve the crime and to take prompt action to strike a more appropriate balance between the need for a reasonable measure of confidentiality and the pressing need for increased transparency and public communication on the investigation; particularly *calls upon* the President, the Prime Minister and the Speaker of the State Great Hural, as members of the National Security Council, to declassify the case;

4. *Notes with interest* that the investigative working group has been authorized to report quarterly to the parliamentary oversight subcommittee; *trusts* that the special oversight subcommittee of the State Great Hural will be kept informed of ongoing investigative activities and their outcome and will be able to exercise its oversight function effectively;
  5. *Wishes* to be kept apprised of future developments related to the case through bi-annual periodic reports focusing in particular on: (i) recent investigative activities, including their outcome and outstanding challenges; (ii) the assessment and recommendations made by the special oversight subcommittee of the State Great Hural; (iii) and progress made in implementing the recommendations arising out of the Committee's mission to Mongolia;
  6. *Requests* the Secretary General to convey this decision to all relevant parliamentary, executive and judicial authorities, including the Speaker of the State Great Hural, the President and the Prime Minister of Mongolia, the Minister of Justice, the Prosecutor General and the Deputy Prosecutor General, the Chairman and members of the special parliamentary oversight subcommittee, the chairmen of the parliamentary caucuses of political parties, as well as the complainant and any other third party likely to be in a position to supply relevant information;
  7. *Requests* the Committee to continue examining this case and to report back to it in due course.
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## SRI LANKA

**SRI/49 - Joseph Pararajasingham**

**SRI/53 - Nadarajah Raviraj**

**SRI/61 - Thiyagarajah Maheswaran**

**SRI/63 - D.M. Dassanayake**

**SRI/69 - Sivaganam Shritharan**

***Decision adopted unanimously by the IPU Governing Council at its 197<sup>th</sup> session  
(Geneva, 21 October 2015)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the cases of the first four above-mentioned parliamentarians, who were all assassinated between December 2005 and January 2008, and the case of Mr. Shritharan, who was the victim of an attempt on his life in March 2011, and to the resolution adopted at its 193<sup>rd</sup> session (October 2013),

*Taking into account* the information provided by the Deputy Speaker and other members of the Sri Lankan delegation to the 133<sup>rd</sup> IPU Assembly (October 2015) at the hearing held with the Committee on 16 October 2015; *taking into account as well* the communication from the Chief Parliamentary Protocol Officer, dated 13 October 2015, forwarding reports from the Central Investigation Department, Colombo, and the information regularly provided by the complainants,

*Recalling* the following information on file with regard to Mr. Pararajasingham:

- Mr. Pararajasingham, a member of the Tamil National Alliance (TNA), was shot dead on 24 December 2005 during the Christmas Eve mass at St. Mary's Church in Batticaloa, which was located in a high-security zone between two military checkpoints; the murder took place at a time when additional security forces were on duty;
- The complainants have always affirmed that Mr. Pararajasingham was killed by the Sri Lankan Government with the help of the Tamil Makkal Viduthalai Pulikal (TMVP, also known as the "Karuna group"), a faction led by Mr. V. Muralitharan (alias "Karuna"), which split from the Liberation Tigers of Tamil Eelam (LTTE) in 2004 over grievances that the LTTE gave priority to the situation of the Tamils in the north and disregarded the Tamils in the east; during that time, the Karuna group reportedly asked Mr. Pararajasingham to support the split; his refusal to do so became a problem, given that the Government had wanted the Tamils to divide over the north and east;

- According to the authorities, one of the main problems in the pursuit of justice in the case was the availability of witnesses, as they were afraid to come forward,  
*Recalling* the following information on file with regard to Mr. Raviraj:
- Mr. Raviraj, a member of the TNA, was shot dead on 10 November 2006, along with his security officer, while travelling along a main road in Colombo, the gunman escaping on a motorcycle; the complainants refer to information which shows that the circumstances of the murder point to State responsibility and that the immediate purpose of Mr. Raviraj's killing was to silence the Civil Monitoring Committee, which he had set up and whose reports on abductions, killings and extortions had created significant commotion;
- A Scotland Yard team arrived in Sri Lanka in January 2007 and took swabs of the bloodstain in the bag in which the firearm used for Mr. Raviraj's assassination had been hidden and transported, and which had been found at the crime scene;
- Investigations into the ownership of the motorcycle used by the gunman led to persons referred to as "Arul" and "Ravindra" who, according to the police progress report forwarded in April 2009, were strongly suspected of having gone to the areas then controlled by the LTTE; the Criminal Investigation Department recorded statements of the family members of the suspects in the Gramaniladhari of Kotahena and Aluthkade areas between July 2013 to February 2014 with regard to their whereabouts, but no useful information was revealed,

*Recalling* the following information on file with regard to Mr. Maheswaran:

- The complainant in this case has from the outset emphasized that Mr. Maheswaran voted against the budget on 14 December 2007 and that, soon after the vote, the number of security guards assigned to him was cut from 18 to two; Mr. Maheswaran had openly made statements to the effect that the reduction of his security detail put his life seriously at risk and repeatedly requested the Government to enhance his security, but to no avail; on 1 January 2008, he was shot and died soon after; according to the complainant, the attack came after Mr. Maheswaran had said in a television interview that, when parliamentary sittings resumed on 8 January 2008, he would describe in detail the terror campaign that the Government was pursuing in Jaffna, particularly how abductions and killings were managed;
- In the months following the murder, the authorities arrested Mr. Johnson Collin Valentino from Jaffna, who was identified as the gunman on the basis of a DNA analysis; the investigators concluded that he was an LTTE activist who had been trained and sent to Colombo to kill Mr. Maheswaran; Mr. Valentino confessed to the crime and was found guilty on 27 August 2012 and sentenced to death,

*Recalling* the following information on file with regard to Mr. D.M. Dassanayake:

- Mr. Dassanayake was killed on 8 January 2008; the arrest of a key LTTE suspect operating in Colombo led to the arrest of other suspects; one of the suspects, Mr. Hayazinth Fernando, pleaded guilty and was sentenced on 1 August 2011 to two years' rigorous imprisonment, a 10-year suspension and the payment of a fine of Rs. 30,000 for refusing to provide information to the investigators; two other accused, namely Mr. Sunderam Sathisha Kumaran and Mr. Kulathunga Hettiarachchige Malcom Tyron, stood indicted in the High Court of Negombo on nine counts; these counts included conspiracy to commit murder and abetment to commit murder,

*Recalling* that, with regard to the case of Mr. Sivaganam Shritharan, he is a member of parliament belonging to the TNA; on 7 March 2011, Mr. Shritharan was travelling from Vavuniyaa to Colombo to attend parliament the following day; around 6 p.m., when his vehicle was passing Nochchiyagama, three persons got out of a vehicle parked on the roadside without a number plate, opened fire at the vehicle and hurled two hand grenades under it; thanks to the skills of the driver, Mr. Shritharan escaped unscathed and the vehicle was only lightly damaged; thus far, no one has been held to account for the attempt on Mr. Shritharan's life,

*Considering* that, on 16 September 2015, the United Nations High Commissioner for Human Rights released his report (A/HRC/30/CRP.2) on his Office's (OHCHR) comprehensive investigation into alleged serious violations and abuses of human rights and related crimes by both parties (that is the Government and related institutions, on the one hand, and the LTTE on the other) in Sri Lanka between 2002 and 2011; the report concludes that:

- There are reasonable grounds to believe that gross violations of international human rights law and serious violations of international humanitarian law were committed by all parties during the period under review;
- There are reasonable grounds to believe the Sri Lankan security forces and paramilitary groups associated with them were implicated in widespread and unlawful killings of civilians and other protected persons; Tamil politicians, humanitarian workers and journalists were particularly targeted; the LTTE also unlawfully killed civilians perceived to hold sympathies contrary to the LTTE, or suspected of being informers, as well as rival Tamil political figures, public officials and academics;
- The sheer number of allegations, their gravity and recurrence and the similarities in their modus operandi, as well as the consistent pattern of conduct they show, all point to systematic crimes, which cannot be treated as ordinary crimes;
- Sri Lanka's criminal justice system is not currently equipped to conduct an independent and credible investigation into allegations of this breadth and magnitude, or to hold accountable those responsible for such violations;
- It is therefore necessary to establish an ad hoc hybrid special court, which would include international judges, prosecutors, lawyers and investigators, mandated to try notably war crimes and crimes against humanity, with its own independent investigative and prosecuting organ, defence office and witness and victim protection programme,

*Considering* that on 1 October 2015, the United Nations Human Rights Council adopted a resolution, supported by Sri Lanka, in which the Council: (i) welcomed the recognition by the Government of Sri Lanka that accountability is essential to uphold the rule of law and to build confidence in the people of all communities of Sri Lanka in the justice system; (ii) notes with appreciation the proposal of the Government of Sri Lanka to establish a judicial mechanism with a special counsel to investigate allegations of violations and abuses of human rights and violations of international humanitarian law, as applicable; (iii) affirms that a credible justice process should include independent judicial and prosecutorial institutions led by individuals known for their integrity and impartiality; and (iv) affirms in this regard the importance of Commonwealth and other foreign judges, defence lawyers and authorized prosecutors and investigators participating in Sri Lankan judicial mechanisms, including working with the special counsel's office,

*Considering* that presidential elections took place in Sri Lanka on 8 January 2015 and parliamentary elections on 17 August 2015, that the new President has put in place a national union government and that, fulfilling an election promise, he worked with parliament to bring about the adoption, on 28 April 2015, of the Nineteenth Amendment aimed to reduce the powers of the presidency and to re-empower independent oversight commissions in Sri Lanka; President Sirisena, along with other high-ranking government officials, have repeatedly emphasized the need for reconciliation and accountability in public statements; the Minister of Foreign Affairs announced in this regard to the United Nations Human Rights Council on 14 September 2015 that the authorities intended to set up a Commission for Truth, Justice, Reconciliation and Non-recurrence, an Office on Missing Persons, a judicial mechanism, with a special counsel to be set up by law and an Office for Reparation; he also said that all mechanisms would be set up through a wide process of consultation involving all victims and other interested parties; moreover, each mechanism was intended to have the freedom to obtain financial, material and technical assistance from international partners, including the OHCHR; the Minister also stated that, in order to guarantee non-recurrence, a series of measures would be undertaken, including administrative and judicial reform, and the adoption of a new Constitution; additionally, the Minister said, the Government was committed to, inter alia, reviewing and repealing the Prevention of Terrorism Act and replacing it with anti-terrorism legislation that was in line with contemporary international best practices, reviewing the Public Security Ordinance Act and reviewing the Victim and Witness Protection Act, which was adopted this year,

*Considering* the extensive new information as presented by the Deputy Speaker of Parliament to the Committee on 16 October 2015, as well as the information contained in the United Nations High Commissioner's report, with regard to progress in the four murder cases:

- **The case of Mr. Pararajasingham:** On 4 October 2015, three suspects, including the former Chief Minister of Eastern Provincial Council, the leader of Tamil Makkal Viduthalai Pulikal (TMVP), were arrested; the involvement of four others, all members of the TMVP, had also been established, two of whom were said to be in Dubai and India; as regards the

motive, the UN report stated that Mr. Pararajasingham had declined to support Karuna after his split from the LTTE and had previously been threatened by members of the Karuna group; family members of the victim suffered further threats after the attack and fled the country; the UN investigators considered that, based on the information obtained, “there are reasonable grounds to believe that the Karuna Group killed Joseph Pararajasingham, and that it was aided and abetted by security and army personnel”;

- **The case of Mr. Raviraj:** seven persons were arrested, four of whom in March 2015, namely two Lt. Commanders of the Sri Lankan Navy and two other navy and police officers; four of the seven suspects, namely those arrested in 2006 and one of the Lt. Commanders arrested in March 2015, were released on bail; the investigation has also pointed to the complicity in the crime of Mr. Sivakanthan Vivekanandan (alias Charan), a TMVP member, who is said to be in Switzerland; his extradition process has been initiated; the Sri Lankan authorities have also formulated a Mutual Legal Assistance request to the United Kingdom authorities to enlist the support of the Metropolitan Police Service (MPS), New Scotland Yard, of the United Kingdom, which had been able to develop DNA profiles and fingerprints from the exhibits found at the murder scene and which they had taken back to the United Kingdom for examination at the time; the United Nations report stated that Mr. Raviraj was widely known for his moderate views and critical statements of both the LTTE and the Government, particularly in the weeks leading up to his murder. Along with other parliamentarians, he had set up the Civilian Monitoring Committee, which alleged the Government was responsible for abductions, enforced disappearances and unlawful killings. The UN report also points to the fact that, the day before he was killed, Mr. Raviraj and other TNA parliamentarians took part in a demonstration in front of the United Nations offices in Colombo to protest against the killing of Tamil civilians by the military in the east and the increasing abductions and extrajudicial killings;
- **The case of Mr. Maheshwaran:** an appeal regarding the sentence against Mr. Johnson Collin Valentino is pending; the case is next to be called for hearing on 11 November 2015;
- **The case of Mr. Dassanayake:** the trial against Mr. Hayazinth Fernando was closed; with regard to the other two accused, namely Mr. Sunderam Sathisha Kumaran and Mr. Malcom Tyrone, the first had fallen sick in remand prison and died in hospital on 14 May 2015, whereas the case against the other was ongoing and scheduled for trial on 20 October 2015,

*Considering* also that the Sri Lankan Prime Minister was intent on setting up a parliamentary select committee to monitor the investigations into the assassinations of parliamentarians,

1. *Thanks* the Deputy Speaker and the other members of the Sri Lankan delegation for their cooperation and the extensive information they provided;
2. *Welcomes* the ambitious initiatives which the current authorities have set in motion to promote truth, justice and reparation for crimes that took place in connection with the internal conflict in Sri Lanka that ended in May 2009; *wishes to be kept informed* of how these initiatives, as well as the announced constitutional and institutional reform, are taking concrete form; *also wishes* to know in what ways the authorities aim to strengthen the Victim and Witness Protection Act, so as to offer the best protection for witnesses in and outside of Sri Lanka;
3. *Considers* that the Sri Lankan authorities stand much to gain from cooperating with the international community and making use of relevant international expertise and advice to shed full light on past human rights violations; *notes* in this regard the particular concerns expressed by the United Nations High Commissioner for Human Rights about the capacity of the current Sri Lankan justice system to address the full complexity and gravity of those violations; therefore *calls on* the authorities to work closely with the Office of the United Nations High Commissioner for Human Rights, the United Nations Human Rights Council and its special procedures, so as to enhance the effectiveness of the accountability process and to promote trust among the population, the victims in particular, about the credibility of its outcome;
4. *Appreciates* the significant progress recently made to hold to account the alleged culprits of the murders of Mr. Pararajasingham and Mr. Raviraj; *expresses deep concern* nevertheless at the fact that the identity of those arrested confirms the concerns originally

- voiced by the complainants and the recent conclusions by the United Nations High Commissioner for Human Rights about State responsibility in collusion with paramilitary groups in the murders;
5. *Trusts* that, in light of the seriousness of the situation and the potential hurdles that the prosecution of high-profile suspects may bring, the authorities will do everything possible to sustain the current momentum for shedding full light on these crimes and establishing full accountability; *wishes to be kept* informed of progress with regard to the legal action against those under arrest or released on bail, including as to if and when charges are brought, and to receive, when available, information on the motives and modus operandi for the crimes; *also wishes* to be informed of progress in the efforts to locate and extradite the suspects who are abroad;
  6. *Appreciates* the Deputy Speaker's undertaking to provide copies of the verdict against the culprits in the cases of Mr. Dassanayake and Mr. Maheswaran; *sincerely hopes* that the verdict in the case of Mr. Maheswaran will shed light on whether the timing of his killing and the reduction of his security detail was taken into account; *trusts* that trial proceedings against the one remaining suspect in the case of Mr. Dassanayake will soon be completed; *wishes* to receive further information on this point;
  7. *Notes with concern* that there appears to be no progress in holding to account those responsible for the attack on Mr. Shriritharan's life in 2011; *trusts* that the authorities will also include this crime as a priority in their efforts to establish truth and justice;
  8. *Trusts* that the announced parliamentary select committee to monitor the investigations into the assassinations of former members of parliament will be set up as a matter of urgency and vested with a strong mandate and powers; *hopes* that the committee will also include in its remit oversight of the investigation into the attack on Mr. Shriritharan's life in 2011; *wishes* to be kept informed of developments regarding the establishment of the committee and its work;
  9. *Requests* the Secretary General to convey this decision and the request for information to the relevant authorities, the complainants and any third party likely to be in a position to supply relevant information;
  10. *Requests* the Committee to continue examining this case and to report back to it in due course.

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## RUSSIAN FEDERATION

### RUS/01 - Galina Starovoitova

*Decision adopted unanimously by the IPU Governing Council at its 197<sup>th</sup> session (Geneva, 21 October 2015)*

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Ms. Galina Starovoitova, a member of the State Duma of the Russian Federation, who was assassinated on 20 November 1998, and to the resolution adopted at its 192<sup>nd</sup> session (March 2013),

*Recalling* the following information on file provided over several years:

- In June 2005, two men, Mr. Akishin and Mr. Kolchin, were found guilty of Ms. Starovoitova's murder, with Mr. Akishin sentenced to 23 and a half years in prison, and Mr. Kolchin sentenced to 20 years, both by the St. Petersburg City Court, which, in its judgment, concluded that the murder had been politically motivated; in September 2007, two others were found guilty of complicity in the murder and sentenced to 11 and 2 years' imprisonment respectively; four other suspects were acquitted and released; there are open national and international arrest warrants for three other individuals; in its report of April 2008, the Prosecutor General's Office stated that the investigation and search operations to identify the other individuals involved in Ms. Starovoitova's murder were ongoing;



- Ms. Starovoitova was a prominent Russian human rights advocate and had denounced instances of high-profile corruption shortly before her assassination; in November 2009, the United Nations Human Rights Committee expressed “its concern at the alarming incidence of threats, violent assaults and murders of journalists and human rights defenders in the Russian Federation, which has created a climate of fear and a chilling effect on the media ...”, and urged the Russian Federation “to take immediate action to provide effective protection and ensure the prompt, effective, thorough, independent, and impartial investigation of threats, violent assaults and murders and, where appropriate, prosecute and initiate proceedings against the perpetrators of such acts”; many States made similar recommendations during the first and second universal periodic reviews of the Russian Federation’s compliance with its human rights obligations before the United Nations Human Rights Council (February 2009 and April 2013),

*Recalling* the information that Mr. Sergey A. Gavrilov, a member of the Russian delegation, provided to the Committee at the hearing held during the 126<sup>th</sup> IPU Assembly (Kampala, March-April 2012):

- It was very difficult to identify all the individuals involved in Ms. Starovoitova’s murder, which had to be seen in the context of her political activism; after it became possible, in 2006, for convicts to obtain reduced sentences in exchange for cooperation in providing essential information about unresolved crimes, Mr. Kolchin had cooperated to help advance the recently resumed investigation into Ms. Starovoitova’s murder; as a result, the authorities had been able to identify Mr. Mikhael Glushchenko, a former member of parliament and a businessman involved in large-scale criminal activities, as the presumed instigator of the assassination; Mr. Glushchenko was now a formal suspect in the investigation into Ms. Starovoitova’s murder and was already serving a long prison term after having previously been found guilty of extortion;
- The State Duma was fully committed to shedding light on and establishing accountability for Ms. Starovoitova’s murder and had set up an anti-corruption and security committee, which was monitoring the case and coordinating with the Prosecutor General’s Office about further developments; it should be possible to communicate further information on the investigation and proceedings to the IPU in the coming months,

*Recalling* that, according to the complainants, Mr. Glushchenko was eventually charged as one of the organizers of the crime, and entered a plea bargain by agreeing to provide the name of the person who had ordered him to organize the killing in exchange for a reduced sentence,

*Considering* that, on 27 August 2015, Mr. Glushchenko was convicted to 17 years in prison as one of the organizers of the assassination; Mr. Glushchenko pleaded guilty and stated that he was acting under orders from Mr. Vladimir Barsukov (aka Kumarin), a former leader of the “Tambov criminal syndicate”, who is already serving a prison term on a prior conviction; Mr. Glushchenko has appealed the sentence,

*Considering* that the complainant hopes that the investigation will now proceed to examine Mr. Barsukov’s role in the assassination and will lead to the identification and prosecution of all other individuals involved, including the mastermind(s),

*Further considering* that the complainant found credible that Mr. Barsukov may have been involved in the assassination in some way, but believed that he most likely acted on orders from one or more other persons because there was no personal motive for him to have instigated the murder,

*Taking into account* that the State Duma has not provided information on the case since March 2012 and has not responded to repeated information requests, or to invitations to meet with the Committee,

1. *Notes with satisfaction* that the pursuit of justice in this case continues to make progress towards identifying all those involved in Ms. Starovoitova’s murder, and *expresses the hope* that Mr. Glushchenko’s admissions will allow the investigators to make further progress towards ensuring full accountability for those responsible for the crime, including the mastermind(s);

2. *Deeply regrets* the lack of response from the State Duma, and *recalls* that the Committee strives to foster dialogue and cooperation with the authorities of Russia, first and foremost with parliament, its primary interlocutor pursuant to its procedure; therefore, *sincerely hopes* that constructive dialogue is resumed shortly;
3. *Reaffirms* its conviction that the State Duma's continued interest in the case of a former colleague killed for having exercised her right to freedom of speech is critical to helping ensure that justice is done; and *urges* it to resume the monitoring of the proceedings and to keep the Committee apprised of future developments;
4. *Requests* the Secretary General to convey this decision to the attention of the relevant authorities, the complainant and any third party likely to be in a position to supply relevant information;
5. *Requests* the Committee to continue examining this case and to report back to it in due course.

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## IRAQ

### IQ/59 - Mohammed Al-Dainy

*Decision adopted unanimously by the IPU Governing Council at its 197<sup>th</sup> session (Geneva, 21 October 2015)*

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 communication's submission, and to the resolution adopted by the Governing Council at its 192<sup>nd</sup> session (March 2013),

*Referring* to the hearing conducted with two members of the delegation of Iraq to the 133<sup>rd</sup> IPU Assembly (Geneva, October 2015), and to information provided by one of the complainants and other sources of information,

*Recalling* the following information on file:

- 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 in 2009; detailed information was provided by the complainant 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: (i) the bombing of the Council of Representatives in April 2007; (ii) 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; (iii) the killing of 155 people from Al-Tahweela village, who were allegedly buried alive; and (iv) 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 paragraph 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 judgement 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, that committee concluded on 15 March 2012 that: (i) 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; (ii) 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; (iii) 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; (iv) 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: (a) that the case of Mr. Al-Dainy be promptly reviewed in the interests of truth and justice; and (b) 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;
- 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 Higher Judicial Council on 17 July 2012 and requested it to take all necessary measures in view of the Committee's findings and recommendations; the conclusions of the parliamentary committee, including its official request for Mr. Al-Dainy's retrial, were broached, including in direct meetings, with the Higher Judicial Council, the Prime Minister and other competent authorities,

*Considering* that, during a hearing held during the 130<sup>th</sup> IPU Assembly (March 2014), a member of the Iraqi delegation affirmed that there had been an agreement for a retrial, but that, according to Iraqi law, it could only take place if Mr. Al-Dainy was physically present in Iraq; however, given the high likelihood that Mr. Al-Dainy would be arrested upon arrival, should he decide to return to Iraq, the retrial could not proceed,

*Considering* that, according to the information recently conveyed by one of the complainants and by other sources, Mr. Al-Dainy voluntarily returned to Iraq in April 2015 and surrendered himself to the Iraqi authorities for a retrial in the hope of being proven innocent; he has been held in detention in Al Muthana prison since that date; the retrial has taken place and was completed about three months ago,

*Considering* the following information shared by the two members of the Iraqi delegation during the hearing held during the 133<sup>rd</sup> IPU Assembly (October 2015):

- Mr. Al-Dainy voluntarily returned to Iraq on 27 April 2015 to face justice and confront the false accusations that had been made against him; the judicial proceedings have been fully completed after a three-month retrial, and the court concluded that Mr. Al-Dainy was not guilty of any of the charges brought against him and ordered his release;
- Mr. Al-Dainy has nevertheless not been released and remains in detention, in violation of the Iraqi Constitution and laws; the competent authorities have failed to execute the court order to date and have put his release on indefinite hold; Mr. Al-Dainy is indeed detained at the former Al-Muthanna military airport in Baghdad, a military intelligence detention centre;
- The reasons for Mr. Al-Dainy's continued detention pertain to persistent political divergences between the majority and the opposition parties along sectarian lines and the wish of certain political parties to sideline or eliminate political opponents such as Mr. Al-Dainy; this divide has become entrenched within the legislative, executive and judicial branches of power in Iraq and has hampered progress;
- Lack of judicial independence and the political instrumentalizing of Iraqi courts require urgent judicial reform, but the reforms initiated to date have not been conducive to any tangible progress;
- The Council of Representatives is concerned about the situation of Mr. Al-Dainy; members of parliament have called on the competent authorities to expedite his release and to restore his rights; they have also requested the authorization to visit Mr. Al-Dainy in detention, which has not been granted to date; the members of the Iraqi delegation expressed surprise and regret that no responses had been forthcoming from the Council of

Representatives on this matter, despite repeated requests of the Committee on the Human Rights of Parliamentarians; they pledged to follow up with the Speaker on this matter upon their return to Iraq,

*Bearing in mind* as well that Iraq is a party to the International Covenant on Civil and Political Rights and to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; that the international community - through the reports of the United Nations Secretary-General, the United Nations Assistance Mission for Iraq, the Office of the High Commissioner for Human Rights, the United Nations Special Rapporteur on the independence of judges and lawyers and the Human Rights Council universal periodic review mechanism - has repeatedly voiced serious concerns regarding the lack of fair trial, the use of torture, the level of independence of the judicial system, and the use of the death penalty; particular concerns have been expressed in relation to the serious flaws of the Iraqi judicial system, including persistent serious violations of due process and fair trial rights in cases involving capital punishment and terrorism cases, together with the routine use of torture and coerced confessions, as recently reaffirmed in the concluding observations adopted in September 2015 by the United Nations Committee against Torture (CAT) on the initial report of Iraq; the CAT further made reference to the detention facility at the former Al-Muthanna military airport in West Baghdad, as one of the irregular detention centres used to detain alleged terrorists or other high-security suspects, which continues to operate secretly under military control, and urged the authorities of Iraq to close such detention facilities, which are per se, a breach of the Convention against Torture,

1. *Thanks* the members of the Iraqi delegation for the information provided;
2. *Notes with satisfaction* that, upon Mr. Al-Dainy's voluntary return to Iraq, a retrial took place and he was finally proven innocent more than five years after being sentenced to death following a trial that had been a clear travesty of justice; *requests* the parliamentary authorities to convey a copy of the latest court decision at their earliest convenience;
3. *Is nevertheless dismayed* that Mr. Al-Dainy continues to be kept in detention, despite his acquittal, *and calls for* his immediate release;
4. *Deeply regrets* that the Council of Representatives has not responded to the Committee's requests for updated information or shared any official information on the latest developments; *notes* that the members of the delegation have stated that the Council of Representatives is concerned about the situation of Mr. Al-Dainy; therefore *expresses its perplexity* at the lack of official response; *calls on* the Council of Representatives to take urgent action to obtain Mr. Al-Dainy's release and ensure that his fundamental rights are fully respected by all relevant authorities; and *reiterates its wish* to be kept informed of the action taken to that end and its outcome; *stresses* that the Committee strives to foster dialogue and cooperation with the authorities of Iraq, first and foremost with the Council of Representatives, its primary interlocutor pursuant to its procedure;
5. *Recalls* that the protection of the rights of parliamentarians is the prerequisite to enable them to protect and promote human rights and fundamental freedoms in their respective countries; and *urges* the Council of Representatives of Iraq as a whole, including all of its individual members and their respective political parties, to overcome their existing divergences and stand united for the protection of the rights of all Iraqi parliamentarians in order to strengthen the parliamentary institution and its ability to protect the fundamental rights and freedoms of the Iraqi people;
6. *Considers* that, in light of the seriousness of the concerns at hand and the urgent need for increased dialogue with the Iraqi authorities, a mission to Iraq by a delegation of the Committee on the Human Rights of Parliamentarians would offer a timely opportunity to meet with senior officials of the legislative, executive and judicial branches, particularly the Speaker of the Council of Representatives, the Prime Minister, the Minister of Justice and the President of the Higher Judicial Council, so as to obtain first-hand information on the above-mentioned concerns and responses of the relevant Iraqi authorities;
7. *Requests* the Secretary General to seek the authorities' agreement for such a mission, and to convey this decision to the relevant authorities, the complainants and any third party likely to be in a position to supply relevant information;
8. *Requests* the Committee to continue examining this case and to report back to it in due course.

## IRAQ

### IQ/62 - Ahmed Al-Alwani

*Decision adopted unanimously by the IPU Governing Council at its 197<sup>th</sup> session (Geneva, 21 October 2015)*

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Ahmed Jamil Salman Al-Alwani, a former member of the Council of Representatives of Iraq, and to the decision adopted by the Governing Council at its 194<sup>th</sup> session (March 2014),

*Referring* to the hearing conducted with two members of the delegation of Iraq at the 133<sup>rd</sup> IPU Assembly (Geneva, October 2015), and to information provided by the complainant and other sources of information,

*Recalling* the following information on file:

- Mr. Al-Alwani was arrested on 28 December 2013 in Ramadi, in Al-Anbar Governorate, during a raid on his home carried out by Iraqi forces in the middle of the night; the gunfight resulted in casualties, including deaths, among the security forces; Mr. Al-Alwani's brother and members of his entourage were also killed; the circumstances of the raid, including the reasons why the Iraqi forces conducted it, remain unclear;
- Mr. Al-Alwani was detained, charged for terrorist-related crimes under the Iraqi Anti-Terrorism Law, and tried before the Central Criminal Court of Baghdad; he was sentenced to death on 23 November 2014;
- The complainant has stated that Mr. Al-Alwani was arrested in retaliation for his outspoken support for the grievances of the Sunni population; Mr. Al-Alwani was a member of the Al-Iraqiya political block and was serving his second parliamentary mandate; he was known to be a prominent critic of the Iraqi Prime Minister at the time, Nouri Al-Maliki, and a supporter of the demonstrations that started in Ramadi in December 2013 in protest against the perceived marginalization and persecution of Iraqi Sunnis by the central Government; the Prime Minister at the time was said to have publicly announced on 22 December 2013 that these protests had become a "headquarters for the leadership of Al-Qaida" and to have warned that the security forces would intervene; Mr. Al-Alwani had held meetings with the provincial authorities on 27 December 2013, the day before his arrest, in an effort to defuse the tension between the governorate and the central Government;
- The complainant alleges that, at the time of the raid, Mr. Al-Alwani and his entourage had no way of knowing whether they were engaged in a confrontation with Iraqi security forces, a terrorist group, or an armed militia, considering the precarious security situation at the time, and that the raid was conducted in the middle of the night; the complainant alleged that Mr. Al-Alwani's entourage only responded to the gunfire in self-defence;
- According to a member of the delegation of Iraq who appeared before the Committee at the 130<sup>th</sup> Assembly (Geneva, March 2014), the Council of Representatives had not received any information on the exact circumstances of, and grounds for Mr. Al-Alwani's arrest, which had been the subject of much speculation; there were, however, two opposing points of view in that respect within parliament: (i) one was that he was a terrorist and was caught in flagrante delicto by the Iraqi forces; and (ii) the other was that he was attacked by the Iraqi forces because he had supported the demonstrations, and was accused of terrorism because he and his bodyguards opened fire to defend themselves when the house was broken into by unknown armed forces in the middle of the night;
- During the same hearing held at the 130<sup>th</sup> Assembly, the same member of the delegation of Iraq indicated that the Council of Representatives had, at that time, not been able to obtain any information on the charges and proceedings against Mr. Al-Alwani, or on his conditions of detention or his health, and did not know whether he had been subjected to torture; the member, however, stated that torture in detention was a long-standing problem

in Iraq, which had been documented, including in reports of the Parliamentary Human Rights Committee; the member also noted that there were special procedures to respect under the Constitution and the laws of Iraq to arrest and prosecute members of parliament and that, regardless of the circumstances and grounds for his arrest, Mr. Al-Alwani was entitled to protection from torture and to a fair trial; he was then detained in Baghdad and had not been allowed to receive visits from family members, lawyers or from the parliamentary authorities pursuant to the terrorism law; a hearing had taken place in the main courtroom of Baghdad and the trial had been suspended after Mr. Al-Alwani requested the transfer of the proceedings to Al-Anbar Governorate according to the normal criminal procedure that provided him with the right to be tried in his province of origin; however, the member observed that this did not usually apply in terrorism cases and the current instability in Al-Anbar did not allow for such a transfer;

- According to the complainant, in the months following his arrest, neither Mr. Al-Alwani's relatives, nor his lawyers knew where he was being detained and were prevented from visiting him in detention; the complainant also stated that Mr. Al-Alwani was subjected to severe torture and forced to make false confessions that were used against him and led to his conviction;
- Mr. Al-Alwani was sentenced to death for murder and attempted murder as a result of the deaths of, and injuries sustained by, security forces during the gunfight; according to the complainant, he denied all charges and firmly denied opening fire on the security forces during the trial;
- According to the complainant, Mr. Al-Alwani was denied the right to a fair trial and the right to mount an adequate defence; he was denied the right to defend himself, the right to choose his lawyer and, on three occasions, the lawyers assigned to him were allegedly forced to resign by the judges for attempting to present their defence arguments effectively; one of his lawyers was harassed and arbitrarily arrested by Iraqi security forces, allegedly in reprisal for agreeing to represent Mr. Al-Alwani; Mr. Al-Alwani was also denied the right to meet with his lawyer during his detention, and was therefore unable to prepare his defence; several international human rights non-governmental organizations have corroborated that Mr. Al-Alwani was denied the right to a fair trial and, in particular, the right to a defence, and they have pressed for a stay of execution on these grounds;
- According to a letter dated 31 December 2013 from the Speaker of the Council of Representatives at the time: (i) the Council of Representatives and its parliamentary investigative committee had been unable to visit Mr. Al-Alwani in detention or obtain any information on his place or conditions of detention, or even on his health; (ii) the Council of Representatives had not been apprised of the progress made in the investigation; (iii) Mr. Al-Alwani's parliamentary immunity had been violated and there were concerns with regard to respect for constitutional and legal safeguards; and (iv) Mr. Al-Alwani was protected by parliamentary immunity and should therefore be released,

*Considering* that no further information has been forthcoming from the Speaker of the Council of Representatives, despite repeated requests,

*Considering* that Mr. Al-Alwani has appealed the ruling, but the complainant does not expect the appeal process to be conducted in compliance with international standards of due process because of the lack of independence and impartiality of the judiciary,

*Considering* that, according to a source, he is also facing additional charges, including incitement to violence, also punishable by death; the status of these judicial proceedings is unknown; Mr. Al-Alwani's release had been discussed in the context of political negotiations between Prime Minister Al-Abadi and Sunni parliamentary blocs; however, these commitments have not been fulfilled; Mr. Al-Alwani has been held in solitary confinement and mistreated, and is in very poor health,

*Bearing in mind* that the case comes against a political backdrop of violent internal conflict and sectarian tensions; elections took place in 2014, resulting in the appointment of new parliamentary and executive authorities and bringing about what may be a new stage of political compromise and enhanced national dialogue, according to the United Nations; a draft amnesty law appears to currently be under consideration,

*Bearing in mind* that the 2005 Constitution guarantees the right to life, security and liberty (article 15), provides that homes may not be entered, searched or put in danger except by a judicial decision and in accordance with the law (article 17.2), guarantees the right to a defence in all phases of the investigation and the trial (article 19.4), and prohibits unlawful detention and detention in places not designed for that purpose (article 19.12); that article 60 of the Constitution guarantees parliamentary immunity and prohibits the arrest of a member during the legislative term of the Council of Representatives, unless the member is accused of a crime and the Council decides by an absolute majority to lift the immunity, or if caught in flagrante delicto committing a crime,

*Bearing in mind* as well that Iraq is a party to the International Covenant on Civil and Political Rights and to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; that the international community - through the reports of the United Nations Secretary-General, the United Nations Assistance Mission for Iraq, the United Nations Office of the High Commissioner for Human Rights, the United Nations Special Rapporteur on the independence of judges and lawyers and the Human Rights Council universal periodic review mechanism - has repeatedly voiced serious concerns regarding the lack of fair trial, the use of torture, the level of independence of the judicial system, and the use of the death penalty; the United Nations Committee against Torture (CAT) also expressed concern at the lack of a clear provision prohibiting torture in Iraqi legislation and at reports of routine and widespread use of torture and ill-treatment of suspects in police custody, primarily to extract confessions or information to be used in criminal proceedings; the CAT called for the Iraqi authorities to ensure that all allegations of torture be investigated promptly, effectively and impartially and the perpetrators be held personally accountable; the CAT also expressed concern about the failure to fully respect and protect international and constitutional guarantees of due process and fair trial standards in death penalty cases and over both a consistent pattern of alleged terrorists being arrested and detained incommunicado in secret detention centres, as well as over the conditions of detention,

*Considering that*, according to the two members of parliament from the delegation of Iraq who appeared before the Committee at the 133<sup>rd</sup> IPU Assembly (Geneva, October 2015), the reasons behind Mr. Al-Alwani's arrest and the subsequent conviction pertain to persistent political divergences between the majority and the opposition parties along sectarian lines and the wish of certain political parties to sideline or eliminate political opponents, such as Mr. Al-Alwani; this divide has become entrenched within the legislative, executive and judicial branches of power in Iraq and has not been conducive to progress; Mr. Al-Alwani's house was raided by Iraqi forces on baseless grounds; his parliamentary immunity was violated; an appeal was lodged against Mr. Al-Alwani's conviction, but it has stalled due to political pressure; the lack of judicial independence and the political instrumentalization of Iraqi courts require urgent judicial reform, but the reforms initiated to date have not been conducive to any tangible progress; while in detention Mr. Al-Alwani was severely tortured; authorization for parliamentarians to visit him was denied, despite a request by the Speaker of the Council of Representatives; the authorities obfuscated the location of Mr. Al-Alwani's detention, but it was eventually established that he is currently being held in solitary confinement in a prison in Baghdad; he is in very poor physical and psychological health and is being denied access to medical treatment; the Council of Representatives remains concerned about his situation and the members of the Iraqi delegation expressed surprise and regret that no responses had been forthcoming from the Council of Representatives on this matter, despite repeated requests of the Committee on the Human Rights of Parliamentarians; they pledged to follow up on this matter with the Speaker upon their return to Iraq,

1. *Thanks* the members of the Iraqi delegation for the information provided;
2. *Continues to be appalled* that Mr. Al-Alwani was sentenced to death, given serious doubts that the case complied with basic fair trial and due process guarantees; *again urges* the judicial authorities to lift the death sentence passed against Mr. Al-Alwani, and *expects* appeal proceedings to take place promptly and in a manner which fully respects Mr. Al-Alwani's right to a fair trial;
3. *Is deeply concerned* by allegations that Mr. Al-Alwani was tortured, continues to be held in solitary confinement, and is in very poor physical and psychological health and denied access to medical treatment; *calls on* the authorities to investigate these allegations without further delay and ensure that he be urgently provided with medical care, permitted visitors, and can enjoy conditions of detention that comply with international standards; *wishes* to be kept informed of actions taken in this regard and their outcomes;
4. *Is further concerned* that Mr. Al-Alwani's parliamentary immunity may have been violated, given the circumstances of his arrest; *reiterates* its prior request to receive further information of the grounds and circumstances of the raid conducted against his home and of his arrest; *also*

- requests* the parliamentary authorities to provide a copy of the court decision, as well as further information on legal avenues of redress still available to Mr. Al-Alwani and on other charges that may still be pending against him;
5. *Deeply regrets* that the Council of Representatives has not responded to the Committee's requests for updated information, or shared any official information on the latest developments; *notes* that the members of the delegation have stated that the Council of Representatives is concerned about Mr. Al-Alwani's situation; therefore *expresses its perplexity* at the lack of official response; *calls on* the Council of Representatives to take urgent action to ensure respect for Mr. Al-Alwani's rights and to monitor the situation closely; and *reiterates its wish* to be kept informed of the action taken to that end and its outcome; *stresses* that the Committee strives to foster dialogue and cooperation with the authorities of Iraq, first and foremost with the Council of Representatives, its primary interlocutor pursuant to its procedure;
  6. *Recalls* that the protection of the rights of parliamentarians is the prerequisite to enable them to protect and promote human rights and fundamental freedoms in their respective countries; and *urges* the Council of Representatives of Iraq as a whole, including all of its individual members and their respective political parties, to overcome their existing divergences and stand united for the protection of the rights of all Iraqi parliamentarians in order to strengthen the parliamentary institution and its ability to protect the fundamental rights and freedoms of the Iraqi people;
  7. *Considers* that, in light of the seriousness of the concerns at hand, and the urgent need for increased dialogue with the Iraqi authorities, a mission to Iraq by a delegation of the Committee on the Human Rights of Parliamentarians would offer a timely opportunity to meet with senior officials of the legislative, executive and judicial branches, particularly the Speaker of the Council of Representatives, the Prime Minister, the Minister of Justice and the President of the Higher Judicial Council, so as to obtain first-hand information on the above-mentioned concerns and responses of the relevant Iraqi authorities;
  8. *Requests* the Secretary General to seek the authorities' agreement for such a mission and to convey this decision to the relevant authorities, the complainants and any third party likely to be in a position to supply relevant information;
  9. *Requests* the Committee to continue examining this case and to report back to it in due course.

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## PALESTINE/ISRAEL

### PAL/02 - Marwan Barghouti

*Decision adopted unanimously by the IPU Governing Council at its 197<sup>th</sup> session  
(Geneva, 21 October 2015)*

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Marwan Barghouti, an incumbent member of the Palestinian Legislative Council (PLC), and to the decision it adopted at its 195<sup>th</sup> session (October 2014),

*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 information on file regarding Mr. Barghouti's situation:

- He 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 of 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 included the use of torture;

- According to his letter of 6 January 2013, the Diplomatic Advisor to the Knesset stated that: “Mr. Barghouti was detained in Hadarim prison. He was held in a regular cell with other inmates, without any separation or isolation. Mr. Barghouti is entitled to and, in fact, receives regular visits from his family, the most recent of which took place on 4 December 2012”.

*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, a 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 Israel released 26 long-serving Palestinian prisoners each day on 13 August, 30 October and 30 December 2013, as part of a United States-brokered deal allowing the resumption of Israeli-Palestinian peace talks; the individuals form the first three of four groups of Palestinian prisoners detained before 1993, totalling 104 individuals; the release of the fourth and last batch of prisoners, scheduled for late March 2014, did not take place following disagreements between Israeli and Palestinian authorities about the peace talks,

*Considering* that, according to the latest information provided by the complainants, Mr. Barghouti was threatened before a disciplinary committee with solitary confinement should he publish another article like the one he published on 11 October 2015 in the Guardian newspaper, entitled: “There will be no peace until Israel’s occupation of Palestine ends”; Mr. Barghouti ends his article with: “I joined the struggle for Palestinian independence 40 years ago, and was first imprisoned at the age of 15. This did not prevent me from pleading for peace in accordance with international law and United Nations resolutions. But Israel, the occupying power, has methodically destroyed this perspective year after year. I have spent 20 years of my life in Israeli jails, including the past 13 years, and these years have made me even more certain of this unalterable truth: the last day of occupation will be the first day of peace”.

1. *Deplores* the silence on the part of the Israeli Knesset in recent years in responding to the concerns and requests for information in this case;
2. *Remains deeply concerned* that 13 years after his arrest Mr. Barghouti remains in detention as the 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;
3. *Calls on* the Israeli authorities to release him without delay and to provide, until that occurs, new official information on his current conditions of detention, in particular his family visiting rights, along with information on the extent to which he has access to medical care; *remains concerned* in this regard about the reported prison conditions in which Palestinian prisoners are held in Israel;
4. *Urges* the authorities to accede to its own long-standing request, for as long as Mr. Barghouti remains imprisoned, to be granted permission to visit him; *sincerely hopes* that the authorities will respond favourably and facilitate such a visit;
5. *Is concerned* about the reported threat of reprisals against Mr. Barghouti in connection with his exercise of the right to freedom of expression; *wishes* to receive the official views on this matter;
6. *Requests* the Secretary General to convey this decision to the relevant authorities, the complainant and any third party likely to be in a position to supply relevant information;
7. *Requests* the Committee to continue examining this case and to report back to it in due course.

## PALESTINE/ISRAEL

### PAL/05 - Ahmad Sa'adat

*Decision adopted unanimously by the IPU Governing Council at its 197<sup>th</sup> session (Geneva, 21 October 2015)*

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 decision it adopted at its 195<sup>th</sup> session (October 2014),*

*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 file regarding Mr. Sa'adat's situation:*

- 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 doctor 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, were not allowed to visit their father, 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; his 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; one of the complainants affirmed in September 2012 that, while Mr. Sa'adat's wife and oldest son had been able to visit him, his other three children continued to be denied permits;
- According to his letter of 6 January 2013, the Diplomatic Advisor to the Knesset stated that: "Mr. Sa'adat was detained in Hadarim Prison. He was held in a regular cell with other inmates, without any separation or isolation. Mr. Sa'adat is entitled to and, in fact, receives regular visits from his family, the last of which was on 4 December 2012",

*Recalling that Israel released 26 long-serving Palestinian prisoners every day on 13 August, 30 October and 30 December 2013, as part of a United States-brokered deal allowing the resumption of Israeli-Palestinian peace talks; the individuals form the first three of four groups of Palestinian prisoners detained before 1993, totalling 104 individuals; the release of the fourth and last batch of prisoners, due to take place at the end of March 2014, did not occur following disagreements between Israeli and Palestinian authorities about the peace talks,*

*Considering that, according to the information provided by one of the complainants, a complete ban on family visits was imposed on Mr. Sa'adat from July 2014, at a time when violence had flared up in the region, which was only lifted in September 2015,*

1. *Regrets* the silence on the part of the Israeli Knesset in recent years in responding to the concerns and requests for information in this case;
2. *Deeply deplores* that nine years after his arrest Mr. Sa'adat remains in detention as a result of a politically motivated trial; *reaffirms* in this regard its long-standing position that Mr. Sa'adat's abduction and transfer to Israel were related not to the original murder charge but rather to his political activities as PFLP General Secretary;
3. *Calls on* the Israeli authorities to release him without delay and to provide, until that occurs, new official information on his current conditions of detention; *is concerned* about the allegation that he was subject to a complete ban on family visits; *wishes* to enquire if the ban has indeed been fully lifted and to receive information on the extent to which he has access to medical care; *remains concerned* in this regard about the reported prison conditions in which Palestinian prisoners are held in Israel;
4. *Urges* the authorities to accede to its own long-standing request, for as long as Mr. Sa'adat remains imprisoned, to be granted permission to visit him; *sincerely hopes* that the authorities will respond favourably and facilitate such a visit;
5. *Requests* the Secretary General to convey this decision to the relevant authorities, the complainant and any third party likely to be in a position to supply relevant information;
6. *Requests* the Committee to continue examining this case and to report back to it in due course.

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## PALESTINE/ISRAEL

**PAL/28 - Muhammad Abu-Teir**

**PAL/29 - Ahmad Attoun**

**PAL/30 - Muhammad Totah**

**PAL/32 - Basim Al-Zarrer\***

**PAL/47 - Hatem Qfeisheh\***

**PAL/57 - Hasan Yousef\***

**PAL/61 - Mohd. Jamal Natsheh**

**PAL/62 - Abdul Jaber Fuqaha\***

**PAL/63 - Nizar Ramadan\***

**PAL/64 - Mohd. Maher Bader\***

**PAL/65 - Azzam Salhab\***

**PAL/75 - Nayef Rjoub\***

**PAL/78 - Husni Al Borini \***

**PAL/79 - Riyadgh Radad\***

**PAL/80 - Abdul Rahman Zaidan**

**PAL/82 - Khalida Jarrar (Ms.)**

***Decision adopted unanimously by the IPU Governing Council at its 197<sup>th</sup> session  
(Geneva, 21 October 2015)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of the above-mentioned parliamentarians, all of whom were elected to the Palestinian Legislative Council (PLC) in January 2006, and to the decision it adopted at its 196<sup>th</sup> session (March-April 2015),

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\* According to information provided by one of the sources of information in October 2015, these parliamentarians are no longer in detention.

*Recalling* that the parliamentarians concerned were elected to the PLC on the Electoral Platform for Change and Reform and arrested following the kidnapping of an Israeli soldier on 25 June 2006, that they were prosecuted and found guilty of membership of a terrorist organization (Hamas), holding a seat in parliament on behalf of that organization, providing services to it by sitting on parliamentary committees, and supporting an illegal organization, and that they were sentenced to prison terms of up to 40 months,

*Noting* that, while most of the parliamentarians concerned were released upon serving their sentences, many were subsequently rearrested, sometimes several times, and placed in administrative detention,

*Considering* that, although by September 2014 the number had reached 25 to 26 PLC members in administrative detention, according to information provided in October 2015 by one of the complainants, the number now stands at one, with only Mr. Mohammad Jamal Al-Natsheh in administrative detention; according to the complainant, Mr. Al-Natsheh has been in administrative detention for two and a half years and has already spent 10 years (non-consecutively) in administrative detention without charge or trial,

*Recalling* that, with regard to the use of administrative detention:

- The Supreme Court of Israel has ruled that the exceptional measure of administrative detention, which is usually ordered for six months, but may, in fact, be prolonged indefinitely, can only be applied if there is current and reliable information to show that the person poses a specific and concrete threat, or if the confidential nature of the intelligence and security of the sources prohibit the presentation of evidence in an ordinary criminal procedure; according to the Israeli authorities, 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; this approach is said to have reduced the number of administrative detention orders;
- Human rights organizations in and outside Israel have repeatedly stressed that administrative detention is usually justified by reference to a “security threat”, without, however, specifying the scope and nature of the threat or disclosing the evidence; accordingly, although administrative detainees are entitled to appeal, this right is ineffective, given that the detainees and their lawyers lack access to the information on which the orders are based and are therefore unable to present a meaningful defence,

*Recalling* that, during the mission in March 2013 by the delegation of the IPU Committee on Middle East Questions to Israel and Palestine, an invitation was extended to the Committee on the Human Rights of Parliamentarians to observe directly the legal proceedings in one or more cases of administrative detention of PLC members,

*Considering* that, according to information provided previously by one of the complainants, PLC member Mr. Husni Al Borini had been sentenced to a 12-month prison term and that Mr. Riyadh Radad and Mr. Abdul Rahman Zaidan, who had first been held in administrative detention, were now in detention subject to criminal charges,

*Recalling* that, on 20 August 2014, PLC member Ms. Khalida Jarrar was ordered, according to the complainant, based on secret information that she is a threat to the security of the area, to leave her home in Ramallah and to move to Jericho for the next six months; according to unofficial reports, following an appeal against the decision, the military court reduced the expulsion order from six months to one month,

*Considering* that, according to one of the complainants, on 2 April 2015, Ms. Jarrar was arrested at her home and immediately put under administrative detention, without charge or trial, based on secret information; while she was under administrative detention, the Israeli military prosecution brought charges against her, according to the complainant, all 12 of which revolve around her work as a political figure and human rights activist; on 21 May 2015, the Ofer Military Court judge ruled for her release on a bail of NIS 20,000 during trial proceedings; however, the military prosecution appealed the decision of the court; on 28 May 2015, another military court judge overturned the previous court decision and accepted the appeal to keep Ms. Jarrar remanded until the end of trial proceedings;

according to the complainant, the judge based his information on secret evidence, to which neither Ms. Jarrar nor her legal counsel had access, and on information already reviewed by the previous judge and found to be insufficient to continue her detention; on 24 August 2015, the first hearing for witness testimonies in the trial was held; according to the complainant, three of the prosecution's witnesses attended, and two did not present their testimonies owing to time constraints; the two witnesses spoke about the conditions in which their confessions were obtained, including torture and ill-treatment; subsequently, the prosecution requested the witnesses to be held as "hostile witnesses" and the court agreed to the request; this enabled the prosecution to ask leading questions and to claim that the confessions obtained initially were true, whereas the witnesses were making false statements in the court room; the counsel for defence, however, sought to prove the opposite – that their initial confessions were flawed, as they had been obtained under duress; according to the complainant, the witnesses spoke of pressure and ill-treatment during interrogation, including sleep deprivation, being tied up and held in positions to cause maximum pain and stress for long hours, and being threatened with further torture and the arrest of family members; additionally, according to the complainant, it was brought to light that witnesses were banned from lawyer visits for long periods, demonstrating that their confessions were made without legal counselling; a second hearing for witness testimonies was held on 20 September 2015; the complainant affirms that the court heard only one witness, currently held in prison by the Israeli authorities, whereas the military prosecution failed to ensure the attendance of the other witnesses; the complainant points out that the one witness who attended denied all the former allegations against Ms. Jarrar and that, as a result, the military prosecution declared him a hostile witness, which the military court approved; the military prosecution further requested the court to issue arrest warrants for the witnesses who did not attend, so that they would be in custody during the next hearing set for 12 October 2015; however, on 12 and 18 October 2015, the hearings were postponed as, again, none of the witnesses showed up; the next hearings are scheduled for 25 October and 1 November 2015 and the complainant has requested that the IPU send a trial observer to those and other hearings,

*Considering* that the complainant affirms that Ms. Jarrar suffers from multiple transient ischemic attacks and hypercholesterolemia and was hospitalized for epistaxis (nose bleeds), being treated to stop the continuous bleeding; according to the complainant, the transfer between court and prison is a physically exhausting process, with Ms. Jarrar having reported that the transfer from the prison to the court and back lasts approximately 16 hours in difficult conditions,

*Recalling* the following information on file with regard to the revocation of the residence permits of three PLC members: in May 2006, the Israeli Minister of the Interior revoked the East Jerusalem residence permits of Mr. Muhammad Abu-Teir, Mr. Muhammad Totah and Mr. Ahmad Attoun, arguing that they had shown disloyalty to Israel by holding seats in the PLC; the order was not implemented, owing to their arrest in June 2006; after their release in May/June 2010, the three men 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 3 January 2012 respectively,

*Bearing in mind* that, in its concluding observations on the third periodic report of Israel under the International Covenant on Civil and Political Rights,<sup>6</sup> the United Nations Human Rights Committee recommended, inter alia, that all persons under Israel's jurisdiction and effective control be afforded full enjoyment of the rights enshrined in the Covenant,

*Considering* that, since September 2015, violence has flared up again in the region with both Palestinian and Israeli casualties,

1. *Takes* note of the information provided by one of the complainants that only one member of the Palestinian Legislative Council (PLC) is now in administrative detention in Israel;
2. *Regrets* that the Israeli authorities are not providing it with regular official updates on the status of PLC members in Israeli detention, as it is difficult without that information to crosscheck the substantively fluctuating unofficial details and figures provided by the

<sup>6</sup> CCPR/C/ISR/CO/3.

- complainants over time, and to decide whether or not to close further examination of the situations of those parliamentarians, who are no longer in detention or facing legal proceedings;
3. *Sincerely hopes*, therefore, that the Israeli authorities will provide such information, including confirmation or denial that the criminal proceedings against detained PLC members, Mr. Riyadh Radad and Mr. Abdul Rahman Zaidan, have been dropped and that they were released as a result; *reiterates its wish* also in this regard to receive official information regarding the reported conviction of and 12-month prison term for PLC member Mr. Husni Al Borini and, should he have indeed been sentenced, a copy of the ruling;
  4. *Is concerned* about Mr. Al-Natsheh's prolonged administrative detention; *considers* that, as his case history shows, even when PLC members are released, they remain subject to renewed arrest and can be placed in administrative detention again at any time, a practice which lends weight to claims that the use of such detention is arbitrary;
  5. *Draws attention once again* to the need for further clarification as to how, given that administrative detention often relies on classified evidence, those so detained can fully enjoy due process in practice, and how far they can effectively challenge their deprivation of liberty, as the authorities affirm; *sincerely hopes*, therefore, that, with the assistance of the authorities of the recently elected Knesset, invitations to attend judicial reviews of PLC members in administrative detention will materialize soon; and *requests* the Secretary General to make the necessary arrangements for a Committee member to attend at least one such hearing in the case of Mr. Natsheh;
  6. *Is deeply concerned* about the allegations regarding the nature of the charges brought against Ms. Jarrar and the claim that she and her defence counsel cannot effectively challenge the information on which they are based; *wishes* to receive the views of the authorities on this matter and, if possible, to receive a copy of the charge sheet; *decides* to send a trial observer to the proceedings in her case with a view to monitoring and reporting on respect for fair trial;
  7. *Expresses also deep concern* at reports about Ms. Jarrar's frail health; *trusts* that the Israeli authorities are doing everything possible to ensure that she receives the treatment required; *wishes* to receive confirmation thereof and to obtain further information about the treatment itself, including through regular access to a doctor;
  8. *Remains deeply concerned* that Mr. Totah, Mr. Abu-Teir and Mr. Attoun were effectively removed from East Jerusalem; *reiterates its long-standing concerns* about the decision to revoke their residence permits and the manner of its implementation; *considers* that the revocation is at odds with the Hague Convention (IV) of October 1907 on the rules of customary international law, article 45 of which stipulates that the inhabitants of an occupied territory, of which East Jerusalem may be considered an example, are not to be compelled to swear allegiance to the occupying power;
  9. *Requests* the Secretary General to convey this decision to the relevant authorities, the complainant and any third party likely to be in a position to supply relevant information;
  10. *Requests* the Committee to continue examining this case and to report back to it in due course.

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## PALESTINE/ISRAEL

### PAL/83 - Aziz Dweik

*Decision adopted unanimously by the IPU Governing Council at its 197<sup>th</sup> session  
(Geneva, 21 October 2015)*

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Aziz Dweik, Speaker of the Palestinian Legislative Council (PLC), and to the decision it adopted at its 196<sup>th</sup> session (March-April 2015),

*Recalling* that Mr. Dweik was elected to the PLC on the Electoral Platform for Change and Reform and arrested during the night of 15 to 16 June 2014, along with and followed by scores of other Palestinian leaders, following the abduction, which Israel blamed on Hamas, of three Israeli teenagers, who were subsequently found killed; according to the complainant, after first being placed in administrative detention, Mr. Dweik is now facing criminal charges,

*Recalling* that, on 4 September 2014, an indictment was reportedly handed down against a member of the Hebron branch of Hamas, Mr. Hussam Qawasmeh, charging him with helping to plan the abduction of the three Israeli teenagers; the document, as described in Israeli news reports, spells out a detailed account of the crime's planning, execution and aftermath, but does not appear to contain any evidence that the leadership of Hamas – or anyone else outside of Mr. Qawasmeh's family, which reportedly controls the Hebron branch – had any knowledge of the crime before or after its commission,

*Considering* that, on 25 May 2014, the Israeli military court in Ofer Prison sentenced Mr. Dweik to a one-year prison term and a fine on charges apparently related, according to the complainant, to a speech he made at a public gathering and other activities linked to his political work; on 9 June 2015, Mr. Dweik was released upon serving his sentence,

*Recalling* that Mr. Dweik was previously arrested during the night of 5 to 6 August 2006 by the Israeli Defence Forces, and later charged with membership of a terrorist organization, namely Hamas, and leadership of that organization through his membership of the PLC and assuming the role of Speaker of the PLC; on 16 December 2008, the judge handed down her verdict, finding him guilty of membership of an unauthorized organization and leadership of that organization through his membership of the PLC and, on account of his poor health, sentenced him to 36 months' imprisonment, which he served until his release on 23 June 2009,

*Recalling* that since then, Mr. Dweik was re-arrested in 2012 and spent six months in administrative detention in Israel until his release on 19 July 2012,

1. *Notes* that Mr. Dweik has been released;
2. *Deeply regrets* that the Israeli authorities have not seen fit to convey to the Committee a copy of the sentence handed down on Mr. Dweik; and hence *remains concerned* therefore, in the light of Mr. Dweik's case history and the allegations from the complainant, that his latest conviction may not have been based on formal charges of any specific criminal activity, but rather on his political affiliation, and that it therefore may have been carried out for non-judicial purposes;
3. *Requests* the Israeli authorities to provide a copy of the verdict as a matter of priority in order that it may carry out its own assessment of the case;
4. *Requests* the Secretary General to convey this decision to the relevant authorities, the complainant and any third party likely to be in a position to supply relevant information;
5. *Requests* the Committee to continue examining this case and to report back to it in due course.

