

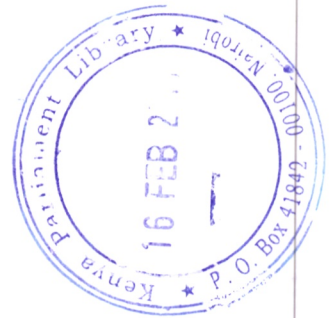
REPUBLIC OF KENYA



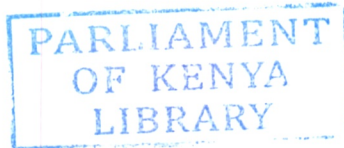
PARLIAMENT OF KENYA

ELEVENTH PARLIAMENT  
(FOURTH SESSION)

*Paper laid on  
the Table of  
the Senate on  
08/06/16 by  
Sen. Muriite.  
LAD  
08/06/16*



**REPORT OF THE 133<sup>RD</sup> ASSEMBLY OF THE INTER-  
PARLIAMENTARY UNION (IPU) AND RELATED  
MEETINGS HELD IN GENEVA, SWITZERLAND  
(OCTOBER 15 – 21, 2015)**



PARLIAMENT OF KENYA  
PARLIAMENT BUILDINGS  
NAIROBI.

*Approved*  
*[Signature]*  
*Speaker*  
February, 2016  
8 June, 2016

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

- i) Professor M. Kohen, Professor of international law, Graduate Institute of International and Development Studies, Geneva.
- ii) 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.

**XXXXXXXXXXXXXXXXXXXX**

## **FOREWORD**

Hon. Members,

The Inter-Parliamentary Union (IPU), the world organization of Parliaments, is a global forum for parliamentary dialogue, co-operation and action. The Union advances democracy and assists Parliaments and parliamentarians throughout the world to fulfill their mandates. At the time of this Assembly, there were 167 Members parliaments of the IPU. The IPU facilitates parliamentary debate, dialogue and cooperation and also promotes and defends democracy and the rule of law while assisting Parliaments in coping with growing international agenda relevant to their duties.

As the focal point for worldwide parliamentary dialogue since 1889, the IPU works towards peace and cooperation among peoples and for the solid establishment of representative institutions. Specifically, the IPU aims at-

- a) Fostering contacts, coordination and the exchange of experience among Parliaments and parliamentarians of all countries;
- b) Considering questions of international interest and express its views on such issues with the aim of bringing about action by Parliaments and their members;
- c) Contributing to the defence and promotion of human rights, which are universal in scope and respect for which is an essential factor of parliamentary democracy and development; and
- d) Contributing to better knowledge of the working of representative institutions and to the strengthening and development of their means of action.

The IPU Assembly is the principle statutory body that expresses the views of the Inter Parliamentary Union on political issues. It brings together parliamentarians to study international problems and make recommendations for parliamentary and governmental action. The Assembly meets twice a year and is held each time in a different country, providing participants with an opportunity to see various national realities.

Other statutory organs of an IPU are the Governing Council, the Executive Committee, the Meeting of Women Parliamentarians, and the IPU Secretariat. The IPU also works through Committees, working groups and ad hoc bodies. The following bodies are currently in place-

- i) Standing Committee on Peace and International Security
- ii) Standing Committee on Sustainable Development, Finance and Trade
- iii) Standing Committee on Democracy and Human Rights

- iv) Standing Committee on United Nations Affairs
- v) Committee on Human Rights of Parliamentarians
- vi) Committee on Middle East Questions
- vii) Group of Facilitators for Cyprus
- viii) Committee to Promote Respect for International Humanitarian Law
- ix) Advisory Group on HIV/AIDS and Maternal, Newborn and Child Health
- x) Bureau of Women Parliamentarians
- xi) Gender Partnership Group
- xii) The Forum for Young Parliamentarians

The IPU supports the efforts of the United Nations, whose objectives it shares, and works in close co-operation with it. The Union also co-operates with regional inter-parliamentary organizations, as well as with international intergovernmental and non-governmental organizations which are motivated by the same ideals.

Hon. Members,

The 133<sup>rd</sup> IPU Assembly and related meetings was held in Geneva, Switzerland, from October 15 to 21, 2015. The Kenyan Delegation comprised the following Members:-

1. The Hon. Sen. David Ekwee Ethuro, EGH, MP;
2. The Hon. Kabando Wa Kabando, MP;
3. The Hon. David Pkosing Losiaku, MP;
4. The Hon. Sen. Catherine Mukiite Nabwala, MP;
5. The Hon. Sen. Isaac Melly, MP;
6. The Hon. Sarah Paulata Korere, MP;
7. The Hon. Andrew Mwadime, MP;
8. The Hon. Patrick Makau Kingola, MP; and
9. Mr. Jeremiah Nyegenye, Clerk of the Senate.

Hon. Members,

The Parliament of Kenya is well represented in the affairs of the IPU. During this 133<sup>rd</sup> IPU Assembly, the Speaker of the Senate of Kenya, Sen. David Ekwee Ethuro, was elected to the Executive Committee – a 15-member Committee that steers the agenda of the IPU – to serve a 4-year term ending in 2019. This is in addition to Hon. David Pkosing who is a member of the Standing Committee on Democracy and Human Rights and Sen. Catherine Mukiite who is serving as a member in the Standing Committee on United Nations Affairs.

Hon. Members,

During the Assembly and its related meetings, members of the Kenyan delegation were actively involved in the deliberations that greatly enriched the resolutions that were arrived at. On behalf of the delegation, I wish to take this opportunity to thank you for bestowing upon us the important task of representing Kenya in one of the most important fora in the associations of Parliaments.

Hon. Members,

Article 7 of the IPU Statute mandates Members of the IPU to submit the resolutions of the IPU within their respective Parliament, in the most appropriate form; to communicate them to the Government; to stimulate their implementation and to inform the IPU Secretariat, as often and fully as possible, particularly in its annual reports, of the steps taken and the results obtained.

In accordance with Article 7 of the Statutes of the IPU, it is my pleasure and humble duty to submit this report, highlighting the proceedings and resolutions of the 133<sup>rd</sup> Assembly of the Inter-Parliamentary Union and Related Meetings to Parliament for **noting** and necessary action.

Thank you.

**SEN. EKWEE ETHURO, EGH, MP**  
**SPEAKER OF THE SENATE**

## THE 133<sup>RD</sup> IPU ASSEMBLY

### 1. OPENING OF THE 133<sup>RD</sup> ASSEMBLY

The 133<sup>rd</sup> Assembly opened on 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, (Federated States of Micronesia); 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 2015, and had been reflected in the outcome of the United Nations Sustainable Development Summit held later in September 2015. 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 and the time had now come for resolute action in the implementation of the new commitments. Parliaments needed to make sure they were fit for the 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.

### **1.1 PARTICIPATION**

The Kenyan Delegation took part in the work of the Assembly together with delegations from 133 Member Parliaments including: 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.

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%).

## **2. 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:

- a) *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;
- b) *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;
- c) *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;
- d) *Protecting human rights in the fight against terrorism and violent extremism*, proposed by Mexico;
- e) *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. The proposal put forward jointly by the United Arab Emirates and Sudan was adopted and added to the agenda as Item 7.

### **3. DEBATES OF THE ASSEMBLY AND ITS STANDING COMMITTEES**

#### **3.1 THE GENERAL DEBATE: THE IMPERATIVE FOR FAIRER, SMARTER AND MORE HUMANE MIGRATION**

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.

On 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.

### **3.2 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).

#### **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.

### **3.3 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 2015 by the President of the Standing Committee, Mr. O. Hav (Denmark).

### **3.4 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 2015 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 2015. 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 2015.

#### **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 135th 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.

## **3.5 STANDING COMMITTEE ON UNITED NATIONS AFFAIRS**

The Standing Committee met on 20 October 2015. 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 10th anniversary. Panelists 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, 2015. 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).

### **3.6 DEBATE ON 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.

#### **Adoption of the emergency item resolution**

On 20 October 2015, 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.

## **4. THE 197<sup>TH</sup> SESSION OF THE GOVERNING COUNCIL**

### **4.1 Membership and Permanent Observers of the IPU**

At its sitting on 18 October, the Governing Council approved a request for re-affiliation 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.

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.

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.

### **4.2 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.

### **4.3 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 132nd 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 134th 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 70th 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.

#### **4.4 Implementation of the IPU Strategy for 2012–2017**

##### ***a) 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 133rd 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 195th 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

#### ***b) 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 30th anniversary of the Meeting of Women Parliamentarians, with the adoption of a call for action *My Power for Women's Power* at the 132nd IPU Assembly in Hanoi, and the 10th 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.

**c) 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 133rd 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.

**d) 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.

#### **4.5 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 133rd 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.

#### **4.6 Elections to the Executive Committee**

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

- i) Ms. C. Cerqueira (Angola)
- ii) Mr. A. Lins (Brazil)
- iii) Mr. K. Jalali (Iran, Islamic Republic of)
- iv) Mr. E. Ethuro (Kenya)
- v) Ms. G. Eldegard (Norway)
- vi) Mr. K. Kosachev (Russian Federation)
- vii) 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.

#### **4.7 Future Inter-Parliamentary Meetings**

The Governing Council confirmed the decision to hold the 134th 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.

## **5. MEETING AND CO-ORDINATING 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 35th 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 133rd 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 15th 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. Sen. Ekwee Ethuro, Speaker of the Senate of Kenya, and Ms. L. Nadaraia, a member of the CEDAW Committee, opened the debate.

The debate focused on the following key priorities:-

- a) strengthening the representation of women in parliaments, especially in roles relating to peacekeeping and security;
- b) strengthening the role of parliaments in the implementation of UN Security Council resolution 1325 at the national level; and
- c) 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.

## **6. MEETINGS OF SUBSIDIARY BODIES OF THE GOVERNING COUNCIL**

### **6.1. 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 148th 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.

### **6.2. 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. Müri (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.

### **6.3. Committee to Promote Respect for International Humanitarian Law**

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.

### **6.4. 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 133rd 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.

### **6.5. 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 133rd 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 134th 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-Tenaiji (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.

## **7. 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 135th 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 134th 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 133rd Assembly closed.

## **8. RESOLUTIONS OF THE 133<sup>RD</sup> IPU ASSEMBLY**

### **8.1 DECLARATION FROM THE GENERAL DEBATE ON THE IMPERATIVE FOR FAIRER, SMARTER AND MORE HUMANE MIGRATION**

*Endorsed by the 133rd IPU Assembly  
(Geneva, 21 October 2015)*

We, parliamentarians from over 135 countries gathered in Geneva at the 133rd IPU Assembly, debated *The moral and economic 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***

- 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;
- 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;
- 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***

- 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;
- 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;
- Design and implement effective regulation of recruitment, particularly of low-skilled migrant workers, and promote fair recruitment practices;
- 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;
- 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;
- Protect all migrant workers from discrimination and abuse, such as sexual and other forms of gender-based violence and forced organ-harvesting;
- Revise legislation so as to ensure access to justice for any person on our territory, regardless of nationality and migration status;
- 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***

- 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;

- 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;
- Take the lead in communicating rationally and factually on migration, while bearing in mind the human dimension of the issue;
- 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;
- 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;
- 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.

## **8.2 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 133rd 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 118th 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 21st 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.

### **8.3 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 133rd IPU Assembly  
(Geneva, 21 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.

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

## APPENDIX

### APPENDIX 1: 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 134th 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 focused 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 134th Assembly in Lusaka (Zambia).

The Bureau established the Committee's work programme for the 134th 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.

## **APPENDIX 2: 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 134th 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 134th 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.

## **APPENDIX 3: 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 10th anniversary**

- i) Dr. O. Jütersonke, Head of Research, Centre on Conflict, Development and Peacebuilding (CCDP), Graduate Institute, Geneva;
- ii) Hon. A. Correia, Deputy Speaker of the National Assembly of Guinea-Bissau;
- iii) Mr. S. Weber, Director General, Interpeace;
- iv) 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 county 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.