

# THE WORLD OF PARLIAMENTS



## How to implement human rights, reconciliation and political tolerance?

Each year on 10 December, International Human Rights Day is an opportunity to remember that human rights are about respect for the basic dignity of each human being. They are a moral imperative, a legal requirement and they entail duties. In this issue of the IPU Quarterly Review, high-profile personalities give their views on challenging issues such as political tolerance, reconciliation and human rights as they

relate to different areas such as political violence against women, female genital mutilation, climate change, the right to food, national interests, HIV/AIDS, etc. The spotlight is also placed on the daunting task of the IPU's Committee on the Human Rights of Parliamentarians to protect legislators at risk, with a poignant account from Senator Eliane Naïka of Madagascar.

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Photo Parliament of Botswana

IPU President Dr. Theo-Ben Gurirab met with Ms. Graça Machel, Chairperson of the National Organization of Children of Mozambique, member of the Nelson-Mandela Foundation and former Education Minister of Mozambique, at the IPU Conference on Democracy in Africa, in Gaborone (Botswana) in September 2009.

Ms. Navy Pillay,  
United Nations High Commissioner for Human Rights

## “We must work for the full implementation of human rights”

**Q:** What do you see as the main challenges facing your Office?

**Navy Pillay:** Well, we must recognize that, for all the solemn commitments and legislative advances made in the promotion and protection of international human rights – and these have been considerable – serious implementation gaps remain. The main problem lies in the imperfect implementation of international laws and standards at the national level. Obviously, parliamentarians have a crucial role to play in improving this situation. Impunity, armed conflict and authoritarian rule have not been defeated, and regrettably, human rights are at times side-stepped in the name of security. Freedom from discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status – the promises of the Universal Declaration of Human Rights – remains an elusive goal for many people around the world, and working to eliminate all forms of discrimination is one of the main priorities of my Office over the coming years. Rights to freedom of expression, association and assembly, which are indispensable to the functioning of civil society, continue to come under sustained attack in many parts of the world. We must work for the full implementation of human rights in a way that affects and improves the lives of men, women and children everywhere. We are all entitled, regardless of our race, sex, religion, nationality, property or birth, to the realization of each and every right set forth in the Universal Declaration of Human Rights.

**Q:** What would your message be to parliaments as you address these challenges?

**N.P.:** You have to believe you can bring about positive change, have an impact. And I do believe that, not least because of my personal experience in apartheid South Africa, and the human rights abuses that I had to confront first hand. I grew

up as a second-class citizen with no legal recourse. Yet, in the course of my lifetime, I have seen a complete transformation take place, and South Africa now has one of the strongest constitutions in the world, and is a truly democratic society. Twenty years ago, very few of us would have dared hope such a transformation was possible. Much of the credit for what happened in South Africa is of course due to the vision of Nelson Mandela, who went for compromise and negotiation. These were words that I scorned as a university student, but they were crucial in helping us to put our past behind us and develop a new, democratic South Africa. While South Africa struggles – as many countries do – to turn legal rights into reality, witnessing the course of change in a single decade, and via a relatively peaceful evolution, leads me to believe that anything is possible, providing the will is there. I would urge parliamentarians everywhere not to take the easy way out and accept the status quo – but to do their bit to bring about positive change that benefits all members of their societies, not just the entrenched elites.

**Q:** Do you see progress in the field of human rights or rather setbacks?

**N.P.:** Since the adoption of the Universal Declaration of Human Rights in

1948, we have witnessed the development of international law through which States willingly assumed human rights obligations and the formulation and continuing expansion of a system of human rights monitoring. We have also seen the growth and impact of the international human rights movement, which, through committed advocacy, has often been instrumental in pressing recalcitrant governments to embrace in law, and implement in practice, internationally recognized human rights principles. As you probably know, human rights are enshrined in the UN Charter as a fundamental purpose of the organization. An increasing number of UN agencies have adopted human rights-based approaches and integrated human rights into their policies and programmes. In so doing, they have brought a sharper focus on human rights into UN-supported national development efforts, and are thus better equipped to understand the needs and rights of the most marginalized and excluded. The recent food, financial and economic crises starkly highlighted the critical vulnerabilities that stem from violations of human rights, including economic, social, and cultural rights. Indeed, we have come a long way in terms of mainstreaming human rights within the UN system. There has been notable

Photo: United Nations/Jean-Marc Ferre



progress in the peace and security pillar, in terms of human rights components of UN integrated missions for peacekeeping and increased interaction with the UN Security Council. That having been said, the United Nations can only do so much to affect what happens at the national level in individual countries. Governments bear the prime responsibility to protect the human rights of their own citizens, and parliaments play a crucial role in framing laws and seeing to it that they are implemented properly by the government of the day.

**Q: Can human rights and national interests be reconciled?**

**N.P.:** Yes, of course. Human rights norms provide uniform and universal standards that help us ensure that the authorities of all countries are held to the same measure. They have all gone through rigorous and sometimes very difficult negotiation processes before they were adopted at the international level, and it can be equally difficult to make them effective at the national level. It is sometimes tempting to ignore the restraints that human rights norms impose – for example when dealing with terrorism, or when the public opinion of an important or majority group wants to discriminate against or do harm to a less influential minority. But that is precisely why governments adopted these international laws in the first place: as a restraint to prevent them giving in to the temptation to harm their own citizens – or, for that matter, citizens of other countries and stateless people. This is what guides me as High Commissioner and I intend to ensure that the universality of human rights norms, which speak to our common humanity and priorities, guide discussions in politically charged environments and instill both measure and substance to political discourse in an objective manner. We should never accept the argument that some rights fit the traditions of certain cultures, but are antithetical to other customs. Universality is anchored in our common humanity, and not on those shifting historical, cultural, economic and geographic circumstances that critics of universality invoke to shore up their views.

**Q: What is the impact of the economic crisis on the rights of citizens?**

**N.P.:** There is no doubt that the current financial crisis has had dire and possibly enduring consequences on the global economy. No measure should be over-

looked to mitigate the most nefarious effects of the crisis for those who live at the margins of the world's economy, especially the very poor and people who are eking out a living at subsistence levels. A good starting point in this regard could be offered by paying heed to the UN Secretary-General's appeal to Member States to do more, and work faster, in their efforts to meet the Millennium Development Goals (MDGs). He reminded us that what we are confronting is nothing less than a development emergency. Yet in too many cases, the MDGs are pursued in isolation of human rights. One of the "added values" of the human rights approach to poverty reduction and the right to development, which my Office champions and advocates at every opportunity, resides in providing a framework of institutions and norms to help reduce disparities. A human rights perspective allows us to focus our attention on those who are likely to be the most affected by the crisis. The negative impact is disproportionately being felt by the marginalized sectors of the population in many countries where the enjoyment of human rights - including the rights to work, housing, food, health, education and social security - is severely curtailed or undermined altogether.

This human rights approach helps mediate those conflicting claims that inevitably arise through development processes. For this reason, not only can rights-based programming provide content and legitimacy to "capacity development," it also makes this process more sustainable in the long run. I believe that human rights, development and security are all inextricably linked. Human rights cannot be fully realized without development, and human rights cannot be enjoyed in the absence of security, peace and justice.

**Q: What are the major effects of climate change on human rights?**

**N.P.** Natural disasters, as well as conflict and other man-made catastrophes, will continue to engender mass movements of people, often within countries that can least afford such upheavals. Climate-related problems pose a direct threat to a wide range of universally recognized human rights, such as the right to life, to food, to adequate housing and water. The impact of climate change, and the consequences of calamitous weather conditions, are already visible in many parts of the world and will almost inevitably get worse, unless we act fast to mitigate it.

A human rights approach compels us to look at the people whose lives are most adversely affected. It provides the legal rationale and grounds for advocating the integration of human rights obligations into policies and programmes designed to counter negative environmental developments. It links an assessment of critical vulnerabilities to accountability, when vulnerable individuals or groups are either deliberately or negligently overlooked by States.

**Q: Is it possible to reconcile the universality of human rights with respect for cultural specificity?**

**N.P.:** The universality of human rights is often questioned, more often by those for whom it is a duty – in other words, those who run States and State institutions - than by those who would benefit from true universality, namely the rest of us. I think virtually everyone shares the same basic ideas about what is needed to live a dignified life, free from want and fear. While the promotion and implementation of human rights standards demand sensitivity to context, the universality of the essential values and aspirations embodied in these commitments are beyond doubt. Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world. A comprehensive vision of all the most fundamental human rights is set out in the Universal Declaration, and has subsequently been incorporated in dozens of binding international treaties, as well as in many national constitutions and laws. For me, that Declaration is a beacon of hope for the future because it contemplates a world with full realization of all rights for all people: civil, political, economic, social and cultural rights, without distinction. A world in which every man, woman and child lives in dignity, free from hunger, and a world without violence and discrimination, with the benefits of housing, health care, education and opportunity. A global culture of human rights is predicated on the universality of human rights and their connection to security and development and welfare for all. After all, despite our wonderfully rich and varied range of cultures and traditions, we all share one thing in common: we are all human beings, and as human beings we should all share the same fundamental rights. LB ▀

## Legislators at risk in 20 countries

During the 121<sup>st</sup> IPU Assembly in Geneva, the President of the Committee of the Human Rights of Parliamentarians, Senator Sharon Carstairs (Canada), presented her report to the Governing Council, highlighting public cases concerning 214 legislators in 20 countries. The Council adopted the resolutions concerning cases of parliamentarians in Afghanistan, Bangladesh, Belarus, Burundi, Cambodia, Colombia, Democratic Republic of the Congo, Ecuador, Eritrea, Iraq, Lebanon, Madagascar, Mongolia, Myanmar, Palestine/Israel, Philippines, Rwanda, Sri Lanka, Turkey and Zimbabwe.

The Committee's session was attended by its current President, Senator Sharon Carstairs (Canada), its Vice-President, Senator Rosario Green (Mexico), its titular members: Senator Zahia Benarous (Algeria), Senator Aquilino Q. Pimentel (Philippines), and Senator Philippe Mahoux (Belgium).



Photo IPU/G.Fortunato

Canadian Senator Sharon Carstairs, President of the IPU Committee on the Human Rights of MPs

*“There should be no conflict between human rights and national interests”*

The essence of a nation should be to allow its citizens to live in dignity and to be afforded the opportunity to maximize their potential, not only for their benefit but for the benefit of the nation. Therefore, there should be no conflict between human rights and national interests. They should and

ought to be one and the same. When they are, the nation flourishes. As individuals, we must remember that when one of us gains a human right, our human rights are thereby further protected. Human rights should be considered the essence of our humanity.



Photo IPU/G.Fortunato

*The right not to be a missing person*

From left to right: Ms. Christine Beerli (ICRC), Dr. Theo-Ben Gurirab (IPU), Mr. Anders B. Johnsson, (IPU) and Ms. Brigitta Gadiet (Swiss MP).



Photo Reuters

At the 121<sup>st</sup> IPU Assembly in Geneva, IPU President, Dr. Theo-Ben Gurirab, ICRC Vice-President, Ms. Christine Beerli, and Swiss MP, Ms. Brigitta Gadiet, unveiled a new guide entitled *Missing Persons - A Handbook for Parliamentarians*. This tool highlights what lawmakers can do to prevent people from disappearing in armed conflicts, help clarify the fate of missing persons and provide enhanced support to their families, which are interwoven issues. International humanitarian law (IHL) requires authorities to do all they can to inform families about relatives who have disappeared, yet across the world, countless people remain without any news of their missing relatives, sometimes for decades. This is just one of many IHL rules that States and non-State actors must take more seriously, underlined the ICRC and the IPU.

## Respect for human rights requires the support and vigilance of all parliaments

Each year on 10 December, International Human Rights Day is an opportunity to remember that human rights are about respect for the basic dignity of each human being. They are a moral imperative, a legal requirement and they entail duties.

It is crucial for members of parliament to be able to speak out freely in order to share their ideas and views. If not, how can they - as representatives of the people - defend their basic rights?

Protecting parliamentarians in this endeavour is at the heart of the IPU's work in the field of human rights. In 1976, the world organization of parliaments established the Committee on the Human Rights of Parliamentarians, a unique body

represented by legislators, men and women from different regions of the world and different political persuasions. The Committee's task is a daunting one: raising human rights matters is very delicate and requires the Committee to employ various tools at its disposal, ranging from quiet diplomacy to speaking out publicly and forcefully, to put an end to abuses against parliamentarians. There is often much at stake for legislators at risk and the IPU is often the only space where they can express their views and seek protection and redress.

The IPU Committee gauges its success in terms of the concrete difference it makes to the life of several parliamentarians who fall victim to

abuse. It gives hope and comfort to those legislators who are at risk and to the people they represent. This unique body needs the support of all parliaments, which are at the core of democracy.

As IPU Secretary General Anders B. Johnsson underlined in his own contribution to this issue, "Parliament itself is dependent on respect for human rights. Without freedom of speech and expression, parliamentary work quickly becomes a mockery. Every parliament has an interest in having functional mechanisms to protect its members from abuse. An attack on one of its members is in fact an attack on the institution itself".

LB



Photo IPU/G. Fortunato

### Senator Eliane Naïka from Madagascar

*"I was treated inhumanly during my violent arrest"*

parliamentarians have been released from prison. Since the coup d'état that took place on 17 March 2009 in Madagascar, the two houses of parliament have been suspended. Since 23 April, an arrest warrant for 18 members of parliament has been issued. Six have been tortured and subsequently imprisoned. I myself, a politician, was treated inhumanly during my violent arrest by armed elements of the regime's Special Intervention Force (FIS) on 12 September, when my human dignity was disregarded.

I was tortured and beaten during my arrest. I was brought before a gathering of military officers, who humiliated me. Later, I was taken to the Public Prosecutor's Office and in-

formed of three charges against me. I was placed under a committal order. I am currently out on bail. We are still very concerned about the member of parliament who is the Quaestor of the National Assembly, Mr. Raharinaivo Andrianantoandro, who has been detained on political grounds for over two months.

Fellow parliamentarians, we are very worried about the widespread violation of human rights that affect parliamentarians in particular, notably in the form of regular threats of arrest, travel bans and bans on taking political stances. In short, between the coup d'état that took place on 17 March and now, Madagascar has been experiencing its darkest and most dramatic hours. On behalf of the members of parliament of Madagascar, I am requesting the IPU Members to send a parliamentary mission to Madagascar to meet with the parliamentarians in Madagascar and get first-hand knowledge of their situation".

After presenting her report to the IPU Governing Council, Senator Sharon Carstairs invited Senator Eliane Naïka of Madagascar to share her personal experiences since the *coup d'état* which took place last March in her country.

"...Thanks to the incessant and effective intervention of the IPU, five

*IPU President Dr. Theo-Ben Gurirab, who is also Speaker of the National Assembly of Namibia*

## Citizens want more political tolerance

*by IPU President,  
Dr. Theo-Ben Gurirab*

On the International Day of Democracy - 15 September - there was huge popular aspiration across the world for more democracy, as the only system of government that can provide better advancement of peoples' fundamental rights and freedoms, more equitable distribution of wealth and greater security for themselves and their families. At the same time, many people are not convinced by the way democracy is working in practice. I would like to invite parliaments everywhere to reflect seriously on the challenges that they face as the central institution of democracy.

The IPU has released the results of the first ever research it has commissioned on public views of democracy. The opinion poll, conducted by WorldPublicOpinion.org, has asked people in 24 countries representing 64 per cent of the world's population about their perceptions of a key principle of democracy: political tolerance. Political tolerance means accepting and respecting the basic rights and civil liberties of persons and groups whose viewpoints differ from one's own. It is the foundation of democratic dialogue and political pluralism. The findings are encouraging, but also a cause for concern.

The research shows that there is widespread support for democracy, but citizens around the world have deep misgivings about the way political life functions in their own countries.

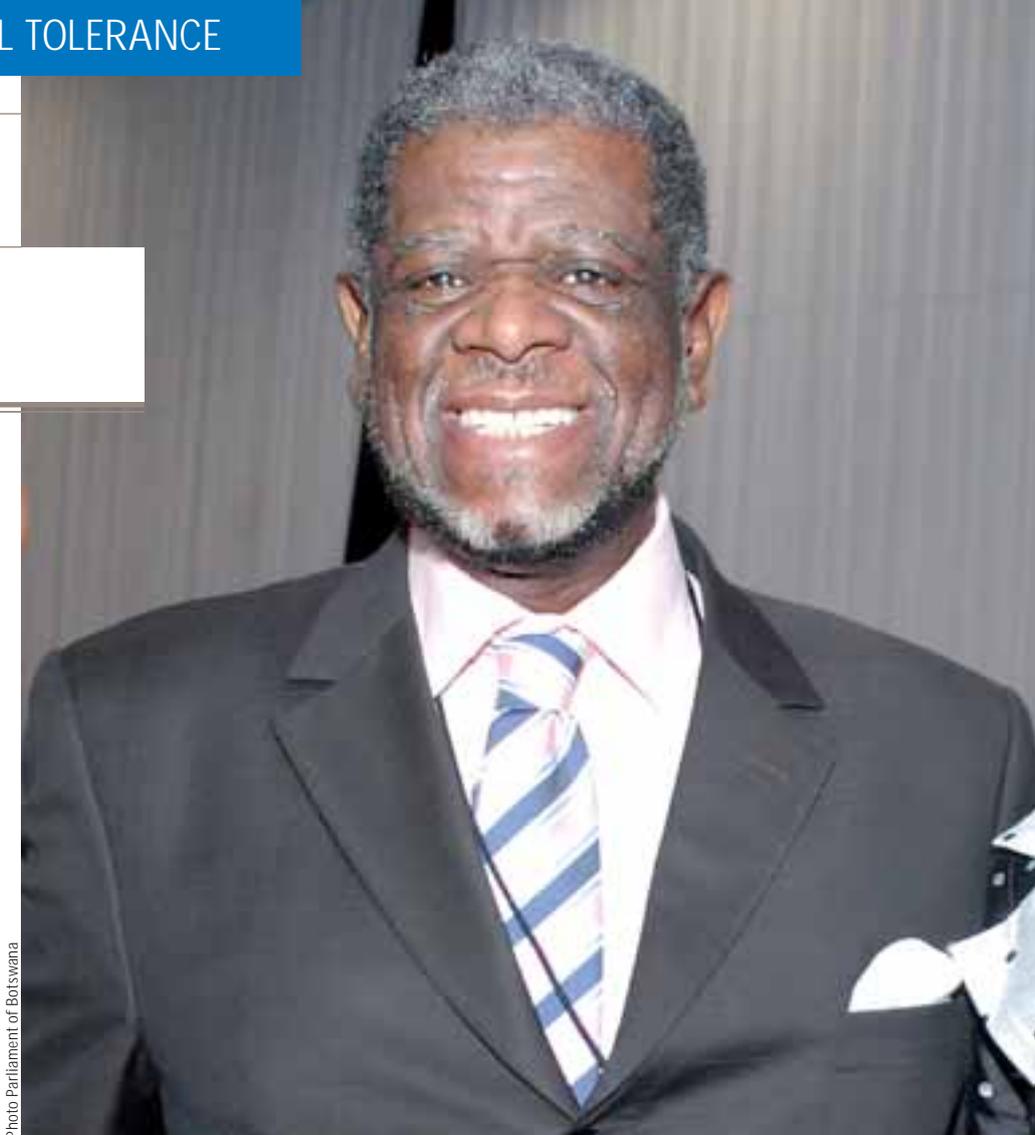


Photo: Parliament of Botswana

On average, across the 24 countries, 86 per cent of respondents consider that it is important that people should be able to express their political views, even when those views are unpopular. Only 24 per cent, however, think that they are completely free to express their views without fear of harassment or punishment.

There is widespread lack of confidence in the independence of members of parliament and their ability to speak freely on behalf of their constituents. The poll found that on average, more than two out of three people said that only sometimes (37%) or rarely (29%) do legislators feel free to depart from the official views of their party. Fifty-eight per cent believe that opposition parties only sometimes or rarely get a fair chance to express their views and influence government policies. The opposition in parliament is a necessary and indispensable component of democracy. Its primary function is to offer a credible alternative to the

majority in power. By overseeing and criticizing the action of the government, the opposition works to ensure transparency, integrity and efficiency in the conduct of public affairs and to prevent abuses by the authorities and individuals.

There are also significant concerns about the extent to which parliaments are representative of political and social diversity.

Although women make up only 18.3 per cent of the world's parliamentarians, 49 per cent of respondents consider that women are fairly represented in parliament. Not surprisingly, women (45%) are on average less likely than men (53%) to consider that the current situation is fair.

There is wide variation in perceptions of how fairly ethnic, religious and national minorities are represented in parliament. In several nations with significant indigenous populations, large majorities see these communities

as not being fairly represented. These findings hold generally true across all regions, all political systems, all age groups and for both men and women.

Parliament as an institution and parliamentarians as individuals must be preoccupied with the gulf that separates public aspirations for democratic governance and vigorous public debate, and the widely-held perception of political life as a closed space where there is little room for dissent and real consideration of alternative policy options.

It cannot be good for democracy if its key representative institution, parliament, is held in low esteem. Some of the factors influencing public levels

of confidence in parliament are attributable to broader social processes which parliaments do not directly control. But there is still much parliaments can do to improve their public standing. Parliaments can take action to address these issues, by putting in place guarantees to respect the rights of the opposition and allow parliamentarians to speak freely without fear of harassment or punishment, fostering political tolerance among citizens and political leaders through more education, improved communication, and, most importantly, upholding the highest standards of ethics in public life, working with political parties to make parliaments more representa-

tive of the social diversity of the population, monitoring public opinion on a systematic basis to detect areas of public disaffection with political life in order to be able to take rapid remedial action, and consolidating constitutional and legislative reform along the above-mentioned lines.

I therefore urge all parliaments and their Speakers, Presidents and Presiding Officers to act decisively to enhance political tolerance. By doing so, they will strengthen democracy in their country and make sure that the working relationship between government, parliament and the people it represents is ever stronger, more transparent and inclusive. ▀

## IPU President visits Israel



Photo: Knesset

IPU President, Dr. Theo-Ben Gurirab, welcomed by the Speaker of the Israeli Knesset, Mr. Reuven Rivlin.

IPU President, Dr. Theo-Ben Gurirab, visited Israel on 13 and 14 October 2009 to hold talks with political and parliamentary leaders in the country. The visit completed the tour of the region which he had begun earlier in the year with visits to Gaza and the West Bank, Egypt, Jordan and Oman.

During his two-day visit, Dr. Gurirab met with President Shimon Perez, Knesset Speaker Reuven Rivlin and leading members of parliament, including the leader of the opposition, the Deputy Prime Minister, the Deputy Foreign Minister and other senior officials. He travelled in the country, making a stop at the town of Sderot, which has been at the receiving end of rocket attacks.

Dr. Gurirab says that he would like to broaden the bonds that link the IPU to the Knesset and involve more of its members in the organization's work. The IPU, he says, can also do much to facilitate dialogue between Israeli and Palestinian members of parliament. There are many lawmakers in the Israeli and Palestinian parliaments who are committed to finding a negotiated solution to the conflict. The President's hosts in Israel agreed that the IPU can offer a space where these lawmakers can meet to exchange views, learn from each other's experiences, understand each other better, and start building on the goals that they share. The IPU's Committee on Middle East Questions now hopes to convene such a meeting in Geneva in the coming months. JJ

## Political violence against women

Even though women have advanced in terms of the quality and quantity of their political participation in almost every country in the world, some of them are still experiencing gender-based harassment and violence in politics. In countries that have incorporated the principles of alternation and parity in the drawing up of candidates' lists for elections, with a man and a woman in the titular and substitute positions, many women are still victims of harassment and violence and are forced to renounce their positions, leaving men in the positions of power.

Photo Chamber of Deputies of Bolivia



*by Elizabeth Salguero Carrillo, Chairperson of the Bolivian Chamber of Deputies Human Rights Committee*

For that reason, several Latin American countries such as Bolivia, Ecuador, Guatemala and Mexico are pushing legislation to prevent and punish all forms of persecution, harassment and violence against women. In Bolivia, the anti-gender-based harassment and violence in politics Act was widely approved by the House of Representatives and women expect it to be passed before the end of the parliamentary term. They want to have it as a tool to defend the rights of female candidates in the general elections next December and in the prefectural and municipal elections in April 2010.

The purpose of the anti-harassment and violence in politics Act is to protect, defend and guarantee the enjoyment of political rights by female candidates - incumbent and elected - and to guarantee a legal framework and set penalties for individual and collective harassment and political violence.

The provisions of the Act are applicable to all incumbent and elected candidates with a popular mandate to democratically represent their constituents at the national, departmental and municipal levels, who are prevented from or restricted in exercising their political rights.

Political harassment is defined as the act or series of acts of pressure,

threats, harassment or persecution, committed by a person or group of persons directly or through a third party against a woman candidate - elected or incumbent - in the exercise of a public or political function. Furthermore, exerting pressure on the candidate's family to prevent the candidate - by act or omission - from discharging her rights and duties is also covered by the Act.

The definition of political violence encompasses actions, conduct or assault causing bodily harm, psychological or sexual abuse against a woman or her family aimed at preventing her from or restricting her in exercising her duties or causing her to take decisions against her will, principles or the law.

The anti-harassment and violence in politics Act also provides that penalties can be more severe when these acts of discrimination are committed against a pregnant woman, if as a result of the events a miscarriage occurs, when the act of aggression is committed against a woman over sixty years of age and if the perpetrator is a repeat offender. A further factor to consider is if the abused woman is illiterate or has a low level of education and the perpetrator is the leader of a political party or civic groups, a public servant and if the acts of dis-

crimination involve minors or family members of women politicians.

Furthermore, resignations tendered by elected women officials are valid only if the woman in question appears in person before the National Electoral Court. This is due to the fact that some women have been forced to sign their resignation under duress, thus resulting in a violation of their rights.

This innovative law is also based on the new State Constitution approved by the Bolivian people in February 2009, which sets out the principles of equal opportunity and gender equality. Similarly, the Act provides for the prevention and punishment of all acts of discrimination and violence of any kind against individuals, in particular against women. Regarding women's political rights, Article 26 guarantees fair and equal participation for men and women. Article 147 guarantees the participation of men and women for the election of members to the National Legislative Assembly.

The composition of the Government of the Republic of Bolivia is based on a democratic, representative and participatory approach, with equal conditions for men and women in accordance with Article 11 of the Constitution. ▀

## A call to action against female genital mutilation in Africa

Nearly 30 years after the adoption of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1979, and despite legislative provisions in a number of countries, the practice of female genital mutilation (FGM) remains one of the features of CEDAW that has received the least “visible” action. In parts of North and West Africa, the entire Horn of Africa and a number of countries in the East and Central Africa Region, the practice persists in varying degrees of form and severity. In some communities, it has been so deeply entrenched that refugee/asylum-seeking communities have either exported the practice or routinely send back their girl children to Africa ostensibly for “holidays”, but in reality to ensure that they undergo the practice, which is largely prohibited in Europe and other developed countries.

In Uganda, the CEDAW provision was incorporated into the 1995 Constitution and under Article 32(2), which provides: “Laws, cultures, customs and traditions which are against the dignity, welfare and interest of women or any other marginalized groups to which Clause (1) relates or which undermines their status are prohibited by this Constitution”.

Despite this clear provision, the practice of FGM has been going on for several years among the Sabinu, Pokot, Tepeth, Kadam and Somali peoples. Initial attempts by the government in 1985 to end the practice were met with violent resistance by the practising communities, which sought to ensure that the government did not “interfere with their culture”, by enacting a bye-law making FGM compulsory for both boys and girls. This prompted the government to focus its attention on sensitization activities.

Because of the several deaths, injuries and disfigurements that have resulted from the practice, the Sabinu



Photo: IPUG/Fortunato

*by Ms. Rebecca Kadaga,  
Deputy Speaker of the Parliament of Uganda*

community enacted another bye-law making FGM “optional” for girls in the 1990s. In 2006, the same local authority finally enacted an ordinance prohibiting FGM in the Kapchorwa District, and requested their members of parliament to facilitate urgent support for the new law. This came after several years of lobbying and sensitization by the parliamentarians.

At the time of writing, a Private Member’s Bill to end FGM is at the first reading stage in the Ugandan Parliament. The change of attitude was brought about by continuous sensitization by members of parliament and UN bodies, but the ultimate transformation was spearheaded by the elders and women’s rights activists in the practising communities.

Why did the practice persist? The biggest factor was the social stigma attached to “non-compliance” with the cultural norms; any girl or woman who opted out and remained in the community was continuously humiliated.

She could not draw water at the communal well until all the “women” had collected water; she still had the status of a child. She was not permitted to collect food from the family granary. If she died, an opening would be created in the wall of the house to avoid taking her body out via the

main entrance of her husband’s or father’s house. In other words, she was ostracized both in life and in death.

An uncircumcised girl or woman brought “shame” to the family and the community. Perhaps the most annoying thing is that no attention was paid to the women after circumcision, and to cases of painful periods and scarring, painful intercourse and obstructed delivery. For most women who have undergone circumcision, it was almost routine that after the age of 45, they opted out of their marriages or abandoned their husbands because sex was too traumatic for them.

A number of members of the Uganda Women’s Parliamentary Caucus have campaigned steadfastly together with the communities to end the practice.

What can we do as leaders? Political will and support are crucial to ending FGM as is funding for advocacy and sensitization campaigns. Other important ingredients include: enhancing awareness through the media, debates on the floor of the House, workshops on the subject educating the law enforcement and implementation agencies about the nature, effects and repercussions of FGM and investing them with the requi-

*Cont’d. on page 11*

## The role of national parliaments in combating hunger

*by Mr. Olivier de Schutter  
United Nations Special  
Rapporteur on the right  
to food*

More than 160 parliamentarians from 45 countries met in Rome in November to contribute to the outcome of the World Summit on Food Security at the invitation of the IPU and the Italian Parliament. Prof. Olivier de Schutter, United Nations Special Rapporteur on the right to food, led an intense debate with the parliamentarians. He urged them to stop being mere observers and start becoming active participants in the fight for food security. Mr. de Schutter was appointed UN Special Rapporteur on the right to food in March 2008 by the United Nations Human Rights Council. He is independent of any government or organization, and he reports to the Human Rights Council and to the UN General Assembly.

The Economics Nobel Prize laureate Amartya K. Sen is often credited for having asserted that famines do not occur in democracies. Although this is of course an oversimplification, the validity of the basic point is indisputable: the problem of hunger is not necessarily one of food availability. It is more often one of food accessibility. One billion people go hungry today. This is a record despite the fact that more than enough food is produced to feed everyone. The food price crisis of 2007-2008 occurred amid record harvests. The problem of hunger is really one of poverty and of inequality: people are hungry because they are poor, and thus cannot

Photo: Italian Chamber of Deputies



afford the food that is available on the markets. Accountability is therefore essential: if governments made the right choices, devised appropriate social programmes and put trade and investment policies in place, hunger could be overcome.

This is why the right to adequate food is considered as a human right. It treats hunger as a problem that is not technical, but political. It refuses to see hunger as a natural disaster: it sees it, rightly, as man-made – as the result of skewed development processes that could have been different, if they had been more carefully monitored.

Parliaments have an important role to play in improving accountability, and thus in combating hunger. First, they can favour the adoption of national strategies for the realization of the right to food. Such strategies are recommended by the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security adopted unanimously by the Member States of the FAO in 2004, and which is the only text of an inter-

governmental nature that identifies the concrete measures States should take in order to comply with the human right to adequate food. Strategies for the realization of the right to food define what actions should be taken, by which actors, within a precise timeframe, and according to specific process. They serve to ensure that the appropriate resources will be mobilized. They seek to improve coordination across different branches of government, ensuring that the many interrelated causes of hunger or malnutrition are addressed. They also enhance accountability: by assigning role players and defining responsibilities, they allow civil society organizations, national human rights institutions or courts – or indeed, parliaments – to better scrutinize the conduct of various State agencies. Because such strategies are participatory and inclusive, they contribute to democratization and empowerment – particularly when they are institutionalized into framework laws, as they are in Brazil, Guatemala and Nicaragua. They therefore limit the risk of arbitrariness or favouritism

*Ms. Rebecca Kadaga,  
Cont'd. from page 9*

in decision-making, and they ensure that the decisions are made in the light of the real needs, as expressed by the ultimate beneficiaries.

Second, parliaments have a role to play in analysing budgets. It is their responsibility, for instance, to ensure that agricultural development receives the priority it deserves in public budgets. The Food and Agriculture Organization (FAO) Right to Food Unit published a brochure in 2009 called "Budget work to advance the right to food", laying out concretely what should be done to ensure that good intentions translate into reality. Under the International Covenant on Economic, Social and Cultural Rights, States must progressively realize the right to food "to the maximum of available resources"; they must raise the money they need, and they must spend the money they raise, with a focus on the needs of the most vulnerable segments of the population.

Third, parliaments should exercise their function as watchdogs of government action. Too often, support schemes to farmers do not reach the most marginal farmers living on the most arid land, away from communication routes. Social programmes or food aid programmes have their own

problems. In the absence of targeting, they sometimes benefit primarily the well-connected, the best informed, or those living in the urban centres. But when targeting is introduced, it may not be based on an adequate mapping of food insecurity; it may result in the imposition of bureaucratic hurdles, particularly difficult to overcome for the poor and the illiterate; and it may raise administrative costs and the risks of corruption.

"If all you have is a hammer, then all problems look like nails", Mark Twain once wrote. If all you have is technology, hunger looks like a technical problem, one that agronomists and economists should deal with. But parliaments provide us with other tools that have to do with governance, accountability and empowerment. By setting up the appropriate legal and institutional framework, by allocating appropriate budgets, and by monitoring government action, they can improve lives and, in time, eradicate hunger decisively.

For more information on the work of the Special Rapporteur on the right to food, visit: [www.srfood.org](http://www.srfood.org) or [www2.ohchr.org/english/issues/food/index.htm](http://www2.ohchr.org/english/issues/food/index.htm). ▽

site powers, sensitizing and changing the attitudes of the "surgeons" and encouraging them to find alternative means of income-generation, encouraging young boys and men to love and respect their wives/sisters/partners who are not circumcised, enacting the relevant legislation and budget for its implementation, lobbying for the establishment of protected boarding schools where girls can study without fear and complete their education.

I am delighted to report that on 1 July 2009, the Pokot community of Uganda launched the 1<sup>st</sup> Annual Culture Day in Amudat at which the President of Uganda, Mr. Y. K. Museveni, launched a nationwide campaign to end the practice of FGM in Uganda.

Members of parliament have a unique and influential position in their communities and should therefore embrace the campaign on behalf of the young, the voiceless and the stigmatized women of Africa. It is lamentable that the campaign has largely been left to the women when in fact it should be placed at the centre of community strategies. ▽

## The right to inform

Legislators are not the only ones in danger when they perform their function of informing citizens. According to the Press Emblem Campaign (PEC), more than 110 journalists were killed since January 2009. Freedom of expression and the right to information are key to democracy, according to the IPU, which adopted a resolution on these themes at its 120<sup>th</sup> IPU Assembly held in Addis Ababa, Ethiopia, in April 2009.

The IPU resolution encourages those parliaments that have not already done so to enact freedom of information legislation at the earliest opportunity, to pass laws that ensure respect for intellectual pluralism and to adopt the legislative measures needed to criminalize the dissemination or transmission of child pornography through any medium.

The resolution condemns the restrictions, violence and assassination suffered by legislators. It urges parliaments to take legislative action to protect journalists and other opinion-shapers in exercising their right to freedom of expression.

While recognizing that freedom of expression and access to information may need to be restricted in the event of a war or serious public security threat, the resolution stresses that such restrictions ought to be strictly limited in scope and duration. It expresses concern that the concentration of media ownership will ultimately marginalize the right to express unconventional views and invites parliaments to pass laws guaranteeing media plurality, which is essential to freedom of expression, and to combat arbitrary sanctions by the State on the media, press agencies and correspondents. LB

## Parliaments building peace

*by Mr. Anders B. Johnsson  
IPU Secretary General*

It was a sunny afternoon in May 1993 when I visited the Cambodian Parliament for the first time. I wanted to see the place that would soon be hosting the Assembly which the Cambodian people were electing to draft a new constitution. This was the final step in a long process designed to end a particularly violent and divisive conflict. Cambodia was desperately in need of peace and development and, more than anything, of reconciliation.

I was not expecting what I saw as I stepped through the door.

There was a large hall, sparsely furnished with desks and chairs badly in need of repair. The roof was leaking into small pools of mosquito-infested stagnant water. There was no functioning toilet. No equipment. No air conditioning. No microphones. No stationery. In fact, apart from the splendid façade, the place was hard to distinguish from a run-down school in some outlying district.

In those days, the business of building peace in Cambodia was spearheaded by the United Nations Transitional Authority for Cambodia (UNTAC). As I was soon to discover, although the international community was investing US\$ 1.5 in UNTAC, no funds had been set aside for the parliament. In fact, nobody had given a moment's thought to what the parliament and its 120 members would need to fulfil the task for which they were being elected.

In the weeks and months that followed, the IPU provided initial support to the Cambodian Assembly. It helped repair the building, mend the roof, install new windows and paint the walls. It purchased a sound system, several air conditioners and basic furniture. It

provided essential in-service training for the staff. It helped set up a library and documentation centre for the parliament and gave legal and technical advice to the Constitutional Assembly.

The moral of this story is that strong parliamentary institutions do not appear overnight as if by magic. They need nurturing, and they need support and long-term commitment. They need the solidarity of their peers in other countries who have experience and expertise to offer, and they need financial support.

In the case of IPU's early assistance to Cambodia, much of the expertise was provided by the parliaments of Australia, Canada, India, Namibia and the Philippines, with financial support from the Swedish International Development Cooperation Agency (SIDA).

### What does the IPU do?

The IPU's mission is clear. Through its global membership, the IPU is ideally placed to provide the kind of parliamentary knowledge and expertise

that is relevant to the needs of other parliaments. The IPU can mobilize that support. The IPU is also sensitive to the workings of the parliamentary institution. Parliaments are not governments. They have their own dynamics that demand their own response.

The IPU is also a global voice for parliaments. Far too often, as in the Cambodian example, the international community forgets that parliament is central to democracy and needs support. It is important to organize free and fair elections, but it is equally if not more important to provide support to the elected institution, so that it can function effectively and fulfil the hopes and expectations vested in it.

Accordingly, when the United Nations asked the IPU in 2005 to work with its new Peacebuilding Commission, the IPU responded willingly. The objective of the exercise was to help ensure that parliaments are included in peace-building operations.

Photo: IPU/G. Fortunato



Building peace and stability requires reconciliation and they need strong institutions. In all respects, the prime mover must be the country itself. It requires widespread involvement and, most definitely, the participation of parliament.

During these first years, the UN Peacebuilding Commission has concentrated on Burundi and Sierra Leone. The IPU has supported the parliaments in both countries, and continues to do so today through a jointly developed support programme that responds to the needs of each party.

### Some early lessons

The work in both of these countries, as in many others where the IPU is providing support to the national parliament, teaches us many valuable lessons. Support to parliament needs to be institutional. It has to be designed in partnership with parliament and have institutional political support. All political factions in parliament must be consulted and involved.

Facilitating inclusiveness in parliament is essential when pursuing peace and reconciliation. It makes little sense to elect a parliament that represents the different strata and components of society, and then deprive some MPs of the chance to play a meaningful role in its work. The political opposition in parliament has its own rights that

need to be safeguarded and its own responsibilities to fulfil.

What is covered by the term "inclusiveness" may differ from one country to another. In some countries, it involves different forms of minorities. Increasingly, it also means youth and persons with disabilities.

In all countries, however, it must mean including women in decision-making. They represent at least half of the population and they have their own perspective and contribution to offer. Countries are ill-served if they do not include them in their parliaments.

Parliaments always need to pay attention to human rights. Reconciliation means addressing past injustices. Aside from the often contentious issue of how to deal with violations of human rights, parliaments can do much to help establish the truth, provide recognition and compensation to victims, and put in place legislation and institutions - checks and balances - to prevent fresh outbreaks of conflict.

Similarly, parliament itself is dependent on respect for human rights. Without freedom of speech and expression, parliamentary work quickly becomes a mockery. Every parliament has an interest in having functional mechanisms to protect its members from abuse. An attack on one of its members is in fact an attack on the

institution itself.

Representing people in parliament is a privilege given to few. More than that, however, it is a public service. Members of parliament are leaders and role models. Codes of ethics increasingly serve to make sure that members of parliament are held to the highest standards of probity.

It is true that countries emerging from conflict need a stable executive, but this should not come at the expense of a functional parliament. Without exception, governments need to be held to account and that is one of parliament's most important responsibilities. It is essential for parliament to develop mechanisms to assume that responsibility in an effective manner.

In fact, many parliaments need to examine their workings as an institution. And many of them are. The toolkit which the IPU has developed for parliaments to assess their performance and identify areas for improvement is being used in a growing number of parliaments to determine what they can do to be more representative, accessible, transparent, accountable and effective.

Much of the work in legislative strengthening programmes is focused on providing support to the members of parliament. Equally essential is support for the institution, capacity building for parliamentary staff, honing parliamentary services and improving the working environment. It can be very dispiriting - indeed disempowering - for members of parliament to have no office space, no committee meeting rooms, no venue for dialogue with constituents, no resources for research, and no transportation.

### An expanding agenda

As in the case of Cambodia, the list of needs is almost limitless. The reason for this is plain to see. Every one of the countries receiving assistance has suffered the ravages of war and strife. They are all developing countries and most of them have never had good parliamentary institutions.



Photo : Parliament of Cambodia

The National Assembly of Cambodia

*Cont'd. on page 14*

*Cont'd. from page 13*

It is all too easy to claim that it is more important to feed people and provide health, education and other services than to invest in parliament. But this is a meaningless choice since both are essential; failing to invest in parliament ends up undermining the foundations of democratic development in the country.

Recently, IPU President Dr. Theo-Ben Gurirab spoke at the UN General Assembly on the work of the UN Peacebuilding Commission. A fully representative parliament that has the requisite powers to legislate and hold government to account is, in many ways, the best antidote to conflict, he stated.

As a melting pot of the diverse components of society, parliament has a determining role in the process of national reconciliation, political tolerance and peace building in the aftermath of conflict. It is precisely in parliament that the competing and sometimes conflicting interests in

society are debated and that agreements on public policy and national priorities are forged.

Despite evident progress over the past couple of decades, many parliaments in developing countries and particularly those in post-conflict countries continue to face daunting challenges. They have far too little capacity and resources to function effectively and promote democracy.

Parliaments need sustained and practical support for their long-term development into more credible institutions; institutions that can help build consensus and serve as a platform for open and candid debate; institutions that can also contribute to healing the scars of conflict and averting the danger of a return to instability and discord.

### The real challenge

The 122<sup>nd</sup> IPU Assembly in Bangkok is being held under the guiding theme of parliament at the heart of political reconciliation and good governance.

It offers a fine opportunity to learn from the experience of parliaments such as those in Burundi, Cambodia and Sierra Leone.

How far have they come in achieving political reconciliation and good governance? What lessons have they learned? What are the major challenges they face today and what can other parliaments and the IPU do to assist them?

Glaring inequalities, extreme poverty and weak institutions are often at the root of modern conflicts. It is a truism that building peace requires a parliament that represents all sectors of society, is open and accessible to the people and accountable to them, works in full transparency, and is effective in legislating and holding government to account.

The real challenge is turning what is so self-evident into a reality for the people of Cambodia, Burundi, Sierra Leone and countless other countries. ▀

## In Memoriam

### Dr. Daouda Sow, former Speaker of the National Assembly of Senegal and former President of the Inter-Parliamentary Council

Former Speaker of the National Assembly of Senegal (1984-1998), Dr. Daouda Sow, aged 76, passed away on 6 December 2009 in Dakar following a long illness. He served as President of the Inter-Parliamentary Council from 1988 to 1991. He was a member of the opposition Socialist Party's Committee of Elders up to his death. Dr. Sow was buried in Kamb, a village in the Department of Linguère in his native Senegal. IPU President, Dr. Theo-Ben Gurirab, and IPU Secretary General, Mr. Anders B. Johnsson, spoke of his extraordinary energy and commitment, as well as his warmth and humility. The IPU extends its condolences to the Senegalese Parliament and its deep sympathy to Dr. Sow's family.

### Former President of the Upper House of the Algerian Parliament, Mr. Bachir Boumaza

The IPU was saddened to learn of the passing of Mr. Bachir Boumaza, former President of the Algerian Council of the Nation, on 6 November 2009. Mr. Boumaza was 82 years old. He died in Switzerland after battling a long illness. Born on 26 November 1927 in Kherrata (Sétif), Bachir Boumaza was Minister of Labour and Social Affairs in the first government of the Republic of Algeria in 1962, Economy Minister in 1963, Minister of Industry and Energy from 1964 to 1965 and Minister of Information from 1965 to 1966.

Mr. Boumaza held the post of President of the Council of the Nation from January 1998 to April 2001. The IPU wishes to pay its deep respects to Mr. Boumaza and to express its sincere condolences to his family.

## Towards lasting peace in Africa

Reconstruction with a view to lasting peace is the aim of all countries that have suffered the horrors of conflict. Realizing that goal requires an inclusive strategy of national reconciliation that involves all stakeholders in society, the aim being to avoid triggering a new conflict.

Parliament, as an institution that represents all components of society, is the place where all important decisions are taken. It is well-placed, therefore, to play the pivotal role of merging new energies to drive forward the process of national reconciliation with a view to achieving equitable and lasting peace. In 2008, the IPU launched a project for English-speaking post-conflict African countries based on the premise that parliament should be the driving force behind any strategy to achieve the peaceful coexistence of different communities.

The purpose of the project is to equip parliamentarians with the expertise and know-how they need to make a significant contribution to that process.

National seminars were organized in Kenya (17-19 November 2008), Sierra Leone (29-30 April 2009), Rwanda (13-14 July 2009) and Uganda (26-28 October 2009). They aimed to take stock of the status of implementation of existing national reconciliation mechanisms and explore the possibility of a parliamentary contribution. The initiative, which sought to underscore the determining role of parliamentarians in this area, was well received by the legislators.

The seminar participants recommended reforming their respective parliaments with a view to enhancing their performance in the area of national reconciliation, by inter alia involving the opposition in parliamentary activities, promoting partnership among men and women MPs within parliament and involving parliament in pro-

moting and ensuring respect for civil, political and socio-economic rights. They also recommended other institutional, administrative and political reforms, notably partnership between parliament and civil society, parliamentary activities aimed at making youth more responsible and promoting a culture of ethics.

### Recommendations tailored to national specificities

Given the specificity of conflicts and countries, the participants drew up a list of tailored recommendations.

As the conflict in Kenya had taken the form of ethnic clashes, it was suggested that care should be taken to ensure that political parties were driven by national interests rather than regional or ethnic interests. The IPU will provide support so that the parliamentarians can be directly involved as a united front in promoting a message of reconciliation and tolerance in their constituencies.

In Sierra Leone, the main concerns expressed centred on fighting corruption and drawing up a code of ethics and a charter of rights and duties of the opposition.

Regarding Rwanda, the focus was placed on popularizing laws on national reconciliation and human rights and sensitizing and mobilizing the population.

Lastly, in Uganda, the participants felt that it was necessary to organize a national conference on reconciliation, integrate demobilized child soldiers into school programmes, proclaim a national day of peace and appoint a second Vice-President from the opposition.

All of these recommendations have been incorporated into plans of action, some of which are already being implemented, while others will be shortly. The IPU provides direct assistance in implementing several of these recommendations. AA ▾



Photo: Parliament of Uganda

IPU seminar on reconciliation in Uganda.

## HIV: To disclose or not to disclose

One of the issues that often crops up in debate about HIV and people's rights is confidentiality. Medical practice has always upheld the notion that someone's health is a private matter. The physician should not divulge personal details. The Hippocratic Oath taken by doctors encompasses a set of ethical principles that includes the following: "All that may come to my knowledge in the exercise of my profession, which ought not to be spread abroad, I will keep secret and will never reveal."

On the other side of the public health equation there is the need for reliable knowledge about the scale of a disease if it is to be professionally treated on a national scale. The health authorities need accurate facts and figures to set up national health programmes for treatment and care. In cases of epidemics, it is particularly important to know how many people are carrying a disease if the response is to be commensurate with the problem.

The disclosure/confidentiality conundrum is not new to the medical profession. Countries everywhere have built up their own traditions of law and practice in the field. But with HIV and AIDS, the dilemmas seem to be particularly acute. They seem to come with a sting in their tail.

One of the reasons for this is the intrusion of criminal law into the already complex HIV disclosure scenario. This has come about as a result of court cases in which someone is accused of *wilfully* transmitting the virus to a partner. These cases, where a person recklessly inflicts his or her pain on somebody else, frequently giving the victim a death sentence by so doing, are fraught with suffering, and with legal difficulties as well.

Causing bodily harm to others is an offence that is normally liable to prosecution under existing criminal law. However, a number of countries, and their parliaments, not content with the law already on the statute

books, have passed specific AIDS-related criminal legislation.

What, you might ask, is the harm in that? Deliberately putting other people's lives in danger testifies to such gross disrespect for one's fellow human being that punitive law is surely an appropriate response.

Not so, say the human rights lawyers. Not in this case anyway. For a start, there is a problem with the burden of proof.

A typical scenario might run as follows: a man from a remote part of Africa or Asia travels to the city - Johannesburg, Bangkok, wherever, to find work. He stays in the city, returning home occasionally on leave to see his family. He may have good reason to suspect he is carrying the HIV virus, but has never been tested. In actual fact, he is a carrier and he transmits the virus to his spouse. For the spouse to have any recourse under these punitive laws, the perpetrator must be proven to have known that he was carrying the virus at the moment of transmission. If the wife wishes to sue the errant husband for giving her a deadly virus for which there is no available treatment (antiretrovirals being either unobtainable or too costly in the village), she must prove her husband knew he was infected. He will be likely to deny any such knowledge, and may well go on to accuse his wife of picking up the virus elsewhere, and just for good measure, beat her up for her fictitious infidelity. And, in some extreme cases, kill her.

What is more, knowing the terms of the new HIV law, promiscuous men or women who suspect they may have HIV are far less likely to turn up at the nearest testing centre to find out for sure. Their legal position is much safer if their status is unknown, to them or anyone else. In other words, HIV-specific criminal law provides a formidable disincentive to voluntary testing. And a formidable barrier to

the epidemiologist looking for reliable data on prevalence.

More generally, homophobic law is having the same kind of result. Homosexuality is being outlawed in an increasing number of countries. In one East African country, a law is before parliament that makes homosexuality an offence punishable with long prison terms. Not only that, the bill includes a provision that could lead to the imprisonment for up to three years of anyone who fails to report within 24 hours the identities of everyone they know who is lesbian or gay, or who supports human rights for people who are.

The bill is a reflection of the atmosphere of fear that reigns in countries where the epidemic has cut down large swathes of the population. It is a response to a kind of surrender, a loss of hope that is all too understandable. And its certain effect, like similar laws elsewhere, will be to drive people deeper into hiding. Already stigmatized, these groups will become even more vulnerable to the ugliest forms of discrimination.

Caught between the hammer and the anvil, the pressure of public opinion in the constituency and the duty to respect the human rights of all, the legislator is not in an enviable position.

At the IPU's Global meeting on HIV/AIDS at the end of 2007, parliamentarians, picking up on the World AIDS Day theme of leadership, stated their intention to stand up and be counted. The 2009 theme is human rights. Their leadership is more necessary than ever. JJ ▾



Photo: AP/WIDEWORLD

## Cambodia

### *IPU supports plans to mark the International Day of Democracy*

On the occasion of the 2nd International Day of Democracy on 15 September 2009, a seminar was organized by the Cambodian Parliament, with support from UNDP and the IPU at the National Assembly in Phnom Penh. Mr. Heng Samrin, President of the National Assembly, said, "This year marks the sixteenth anniversary of Cambodian democracy under the new Constitution declared in 1993. We have come a long way in developing our democratic institutions, and look forward to working with the international community in future to continue that development." The seminar attracted about 200 guests, including representatives from parliament, government, civil society and the international community. NB



Photo: Parliament of Cambodia

The Parliament of Cambodia celebrated the International Day of Democracy

## Democratic Republic of the Congo

### *The IPU continues to provide support to the parliament*

In the framework of the partnership agreement signed in May 2009 with the United Nations Development Programme (UNDP) to provide support to the national and provincial assemblies of the Democratic Republic of the Congo, the IPU organized a series of activities this year, including an organizational audit of the parliament in June, a training course on legislative research techniques and drawing up topical dossiers in September, a training session for committee and plenary advisers in October and a technical evaluation of methods of transcribing parliamentary proceedings in November. December sessions will be dedicated to identifying priorities for 2010 and drawing up a work plan. LM

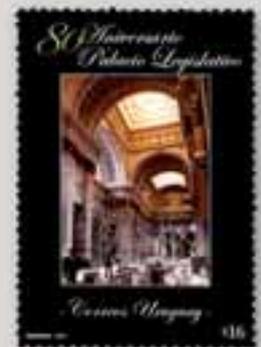
## Parliaments and the International Day of Democracy

The parliaments of the following countries have organized events to commemorate the International Day of Democracy on 15 September:

Algeria, Andorra, Armenia, Bahrain, Bangladesh, Belarus, Bhutan, Botswana, Brazil, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Chile, Colombia, Croatia, Czech Republic, Egypt, Ethiopia, Finland, Georgia, Greece, Hungary, India, Indonesia, Latvia, Lebanon, Luxembourg, Mexico, Mongolia, Namibia, Nepal, Palau, Philippines, Republic of Korea, Romania, Serbia, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, United Arab Emirates, Uruguay and Zambia.

See list of events on the IPU website:

<http://www.ipu.org/dem-e/idd/events.htm#parliaments>



Stamp issued by the Uruguayan Post, in cooperation with the Parliament of Uruguay

## Mr. Anders B. Johnsson re-elected IPU Secretary General

On 21 October, the IPU re-elected the current Secretary General, Anders B. Johnsson, for a new four-year term, from 2010 to 2014. This will be the fourth mandate for Mr. Johnsson, who was first elected Secretary General in 1998. Over the past ten years, Mr. Johnsson has helped develop the Organization and its activities to promote peace, democracy and development, particularly in developing countries and countries emerging from conflict. During

this period, the IPU has also developed a strong parliamentary interface with the United Nations and has brought more stringent parliamentary scrutiny to the workings of the multilateral bodies, in particular of the United Nations. Mr. Johnsson has dedicated his entire professional life to international cooperation. He worked for many years with the United Nations before joining the IPU in the 1990s.

## Burundi

On 10 and 15 September 2009 respectively, the National Assembly and the Senate adopted a new electoral law. It introduced a financial deposit for political parties and groups of independent candidates: 400,000 Burundian francs (US\$ 330) per list for the Senate and 500,000 francs (US\$ 410) for the National Assembly. In both cases, the deposit will be reimbursed in full if the party or the group obtains at least 2 per cent of the votes nationwide. The law stipulates that any senators and deputies elected as party candidates who voluntarily leave their political party will lose their parliamentary mandate. Parliamentarians who are dismissed from a party after exhausting all judicial recourses will also lose their mandate. Several parliamentarians left their parties before the law - which is not retroactive - was promulgated by President Pierre Nkurunziza on 18 September.

## Brazil

On 15 and 16 September 2009 respectively, the Senate and the Chamber of Deputies approved a bill modifying the electoral law and the law on elections standards. President Luiz Inacio Lula da Silva signed the bill into law on 29 September. Among other things, the law seeks to increase women's political representation. Political parties will be required to allocate at least 30 per cent of their candidatures for parliament to women candidates. They must also use at least 10 per cent of their advertising and 5 per cent of their public campaign funds to promote the participation of women in politics.

## Colombia

On 21 August and 2 September 2009 respectively, the Senate and the House of Representatives approved a bill on the referendum that requires citizens to vote on whether the President should be able to run for two consecutive re-elections. In 2005, the Congress had amended the Constitu-

tion to allow President Alvaro Uribe to seek one immediate re-election. Upon his re-election in 2006, he became the first President in more than a century to serve a second four-year term. The Congress started to examine the 2009 referendum bill after a petition to allow a third term for the President had collected over 5 million signatures.

On 8 September, President Uribe signed the bill into law and sent it to the Constitutional Court for review, which began on 17 September. The Court has a total of 24 weeks to rule on the law but is expected to shorten the process because of the upcoming presidential elections due by May 2010.

## Democratic People's Republic of Korea

In April 2009, the Supreme People's Assembly approved the revised Constitution. The new Constitution states that the Chairman of the National Defence Commission is the "supreme leader" of the country. Mr. Kim Jong-il has been Chairman of the National Defence Commission since he inherited power from his father, Kim Il-sung, in 1994. The revised Constitution has thus legally confirmed Mr. Kim Jong-il, who also serves as General Secretary of the Workers' Party of Korea and Supreme Commander of the Korean People's Army, as the country's head.

The previous constitution referred only to the "Juche" idea (spirit of self-reliance) advocated by Mr. Kim Il-sung. The revised Constitution added Mr. Kim Jong-il's "Songun" idea (military first) as the country's second guiding pillar. "Songun" reflects the belief that the strength of a nation resides in its military, in particular its power to defend itself. The revised Constitution gives several new mandates to the Chairman of the National Defence Commission. The Chairman may direct State projects, ratify or

annul major treaties that the government signs with other countries and grant pardons. The revised Constitution also provides that the country shall respect and protect the human rights of its citizens.



Photo: Parliament of Georgia

The Parliament of Georgia.

## Georgia

On 24 September 2009, the parliament approved two amendments to the Constitution. Following the May 2008 elections, 12 opposition members had refused to take up their seats in protest at alleged fraud during the poll (see [http://www.ipu.org/parline-e/reports/2119\\_E.htm](http://www.ipu.org/parline-e/reports/2119_E.htm)). In June 2008, parliament adopted a resolution to strip them of their parliamentary mandate. The seats of two members elected under the majority system were filled through elections held in November 2008. The 2009 constitutional amendment restores the mandate of the remaining 10 members elected under the proportional representation system. They have until 1 January 2010 to reclaim their seats, after which the amendment becomes null and void. The opposition members announced that they would not re-enter parliament.

The second amendment provides for a partial relocation of the parliament from the capital Tbilisi to Kutaisi, the country's second largest city situated 200 km west of the capital. After the next parliamentary elections, scheduled for 2012, all plenary sessions will be held in Kutaisi while committee meetings and other legislative activity will remain in Tbilisi.

## Thailand

In view of future amendments to the Charter (Constitution), the House of Representatives and the Senate passed a Public Referendum Bill on 23 and 28 September 2009 respectively. The Bill stipulates that a public referendum must be held within 90 to 120 days from the day it is published in the Royal Gazette. A minimum of 50 per cent of the eligible voters must turn out for a referendum to be validated.

On 25 September, the government and the parliament agreed to task the parliamentary Committee for Reconciliation, Political Reform and Constitutional Amendment with preparing amendments to the Charter. They will cover the following six points: (1) dissolution of political parties and the banning of their executives from politics; (2) the procedure for becoming a member of the House of Representatives; (3) the procedure for becoming a senator; (4) treaties that require parliamentary approval; (5) the appointment of parliamentarians

to serve in other political positions; and (6) members' and senators' authority to help solve citizens' problems. In October, Prime Minister Abhisit Vejjajiva said that a referendum would suffice to enact each of the six amendments.

## Venezuela

On 31 July 2009, the National Assembly passed a new electoral law. The new law provides for a "twin" voting system (morochas) whereby two different parties may nominate the same candidate: once for a party list and once as a constituency (majority) candidate. When a "twin" candidate appears to be the winner in both cases, he/she shall be considered to be elected in the list where he/she obtains the higher number of votes. The new law also relaxes voter requirements by allowing non-citizens over the age of 18 who have lived in Venezuela for over 10 years to register to vote. The previous electoral law required Venezuelan nationality by birth to be eligible to vote. The law was gazetted on 12 August. HY

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The World of Parliaments team  
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Photo Giancarlo Fortunato

# “Climate change is a human rights issue because it has links to the right to life”

## VERBATIM

*by Mr. Mohamed Nasheed, President of the Maldives, upon receiving the Anna Lindh Prize on 15 June 2009 for the Maldives’ “great efforts to put people and their human rights at the heart of the debate on climate change”.*



Photo: Presidency of the Maldives

The President of the Maldives, Mr. Mohamed Nasheed signed the decree of the underwater Cabinet meeting.

“...Governments can do many things. But governments only do things when people want them to do things. We have been able to change things in the Maldives because we have been able to galvanize the people into political activism... Therefore, grass-root activities and especially a vibrant democracy are important to take up to the challenges of climate change.

Human rights become an important issue because, as it has been pointed out, we are talking about the destruction of a civilization. The Maldives have been around for the past 2,000 years. We have a written history of 2,000 years.

In fact, I just found out that our burial grounds have cowry shells in them. So Maldivians must have come here a long time ago...In our minds, therefore, climate change, sea-level rise and climatic aberrations are all very fundamental human rights issues. Having been a victim of torture myself, you will understand that it is not easy for me to say this. I am not trying to dilute the definition but we have to understand that there are core human rights values that we all share. Pain is a core human right value. Whichever culture you come from, when you are kicked in it hurts ...and when you are in solitary confinement.

But for us to be able to come up with a solution to this we have to start thinking about how we might be able to safeguard these core values. In my mind, safeguarding the core human rights values are also linked to, in a sense, secondary issues: climate change, poverty, and so on. If we are to protect even the fundamentals, the classical idea of human rights, we have to be able to include other issues in the definition of human rights. Climate change is a human rights issue because it has links to the right to life. So we feel that what is very important right now is to consolidate democracy in the Maldives”.

Photo WTO/Jay Louvion



Mr. Shakeel Mohamed, MP from Mauritius

*At the panel organized by the IPU and the European Parliament within the framework of the World Trade Organization (WTO) Public Forum 2009 held in September in Geneva, two participants gave their views on the impact that climate change can have on human rights.*

**Climate change has an impact on the rights of citizens, but we have to think as global citizens**

Many developing countries are currently advancing the argument that once upon a time the developed world cut down the trees and spoiled the environment, and that it is now our turn. That argument does not hold water. It is a different issue to issues of trade at the WTO. This deals with the survival of the planet. The developed world must help the developing countries in order to identify alternative means of energy, renewable energy, and new technology. There should be some exchange and some funding in order to help us, the developing countries, tackle the issue of climate change. But I totally disagree with the argument that it is our turn now. It is a dangerous stand to take. Climate change has an impact on the rights of citizens, but we have to think of the rights of us as global citizens of the planet. If we do not, there won't be any planet for us to live on. That is the way one should look at it. It is wrong to look at it from the perspective that we have to protect our own and at the same time destroy the planet.

**Unless we deal with climate change, we will not be able to fulfil our human rights goals**

Unless we deal with climate change, we will not be able to fulfil our human rights goals, because we will not fulfil our human potential. Human rights relate to the opportunities we have to fulfil our capabilities as individuals for personal human development. If we do not have a planet where we can continue to live and prosper, we will not be able to develop as individuals or as a species. It is a survival issue for humanity. I am hopeful that the world will come together in Copenhagen and agree a global treaty on climate change that will work for everyone. If we do so, that will be an extraordinary accomplishment. If we don't, we will have difficulties going forward.

I have great confidence in the capacity of President Obama to deliver on a lot of things, for America and for the world. We are certainly asking a whole lot of one human being, but I am ever the optimist!

Mr. James Bacchus, former member of the US Congress and former Chairman of the WTO Appellate Body



Photo WTO/Jay Louvion