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114th Assembly of the Inter-Parliamentary Union

The 114th IPU Assembly¹ opened at the Kenyatta International Conference Centre in Nairobi on the morning of Monday, 8 May 2006, with the election by acclamation of Mr. F.X. ole Kaparo, Speaker of the National Assembly of Kenya, as President of the Assembly. He informed the participants that due to the election in Italy of a new President of the Republic, Mr. P.F. Casini, the IPU President, had had to return to Italy but that he planned to rejoin them.

The President recalled the important work done by the IPU to promote democracy and help build democratic institutions, which was the overall theme of the Assembly's General Debate, and underlined the special relevance of the issue to Africa, and this part of Africa in particular. For this reason, and in order to put the debate in context, the General Debate opened with a brief high-level segment. Ms. M. Mensah-Williams, the Vice-President of the IPU Executive Committee, gave a keynote address on IPU's work to promote democracy and help build democratic institutions. The President of the Assembly and the IPU Secretary General then presented a study entitled *Parliament and Democracy in the Twenty-First Century - a guide to good practice*, which the IPU had just released. Mr. A. Dossal, Executive Director of the United Nations Fund for Partnerships, spoke about the importance of the relations between the IPU and the United Nations, the newly created United Nations Democracy Fund and the outlook for the United Nations' work to promote democracy. Mr. S.H. Sheikh Aden, Speaker of the Transitional Federal Parliament of Somalia, spoke on behalf of those countries in Africa and elsewhere that were going through a period of transition from violent conflict to institution-building and peace, and whose parliaments needed assistance from the international community. Mr. F.-X. de Donnea, leader of the Belgian delegation, closed the segment by presenting the *Guidelines on Parliaments, Crisis Prevention and Recovery*.

On Tuesday, 9 May, the Assembly was addressed by a number of prominent speakers. Mr. R. Tuju, Minister of Foreign Affairs and International Cooperation of Kenya, noted that the Assembly was

meeting at a time of major challenges and opportunities, when the dominance of free market economies had resulted in changed lifestyles and unprecedented improvement in living standards around the globe. At the same time, the influence of big business on governance, the political process and campaign finance was growing, and parliamentarians had to be concerned about whether that influence would promote or subvert democracy. As the voice of the voiceless, parliamentarians had to protect the vulnerable from the emerging dictatorship of international capitalism. Kenya attached great importance to the situation in the Great Lakes and the Horn of Africa. It belonged to both regions - it lived in a tough neighbourhood. He thanked the IPU for granting the Transitional Federal Parliament of Somalia observer status, as this was an important step in that country's reintegration into the community of nations. Kenya had struggled to help Somalia with its limited resources, but, sadly, the rest of the world had for the most part not followed suit.

Professor Wangari Maathai, MP and Nobel Laureate, said that, in awarding her the Nobel Peace Prize in 2004, the Nobel Committee had for the first time recognized the environment as a central part of peace-building - surprising many people who could not see the link between trees and peace - and had acknowledged the link between peace, sustainability and good governance. The Green Belt Movement she had founded used the tree as an entry point to communities, as a sign of hope that could instil a feeling of self-worth and accomplishment. Democracy had to include sound management of resources and allow the majority to rule while protecting the minority. Without better management of resources, Africa might never achieve peace, and future generations would pay. Since it took ten trees to counteract the effects of one person's daily carbon dioxide emissions, delegates should return home and plant at least one tree.

Mr. D. Nabarro, Senior United Nations Coordinator for Avian and Human Influenza, said that avian influenza was spreading rapidly across the world. It had affected livestock, increased poverty and caused huge economic damage. The virus might also mutate and trigger the next major influenza pandemic. The threat of avian influenza could be brought under control, and its impact reduced, by legislation,

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

compensation and preparation. The public must be informed but without provoking irrational fear or panic. The issue must be addressed without losing sight of other diseases such as malaria and HIV/AIDS. Preparedness was the key, and the delegates had to ask themselves whether their countries were ready. Had they made plans? Had they engaged with the media, with international organizations such as WHO, and with the private sector?

1. Inaugural ceremony

The 114th IPU Assembly was inaugurated on 7 May 2006 at a ceremony at the Kenyatta International Conference Centre, in the presence of His Excellency the President of the Republic of Kenya, Mr. M. Kibaki. Inaugural addresses were delivered by Hon. A. Ligale, MP, President of the Organizing Committee, Mr. F.X. ole Kaparo, Speaker of the National Assembly of Kenya, Mr. A. Dossal, Representative of the United Nations Secretary-General and Executive Director of the United Nations Fund for Partnerships, and Ms. M. Mensah-Williams, Vice-President of the IPU Executive Committee, speaking on behalf of the President of the IPU. The ceremony concluded with an address by the President of the Republic, who declared the 114th IPU Assembly officially open.

2. Participation

Delegations of the parliaments of the following 118 countries took part in the work of the Assembly:² Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Congo, Côte d'Ivoire, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Ecuador, Egypt, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Latvia, Lebanon, Liberia, Libyan Arab Jamahiriya, Lithuania, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Namibia, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, San Marino,

² For the complete list of IPU Members, see page 21.

Saudi Arabia, Senegal, Serbia and Montenegro, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia and Zimbabwe.

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

Observers included representatives of: (i) Palestine; (ii) the United Nations system: United Nations, United Nations Environment Programme (UNEP), United Nations Conference on Trade and Development (UNCTAD), United Nations Children's Fund (UNICEF), World Health Organization (WHO), World Bank, International Monetary Fund (IMF), International Fund for Agricultural Development (IFAD), Organization for the Prohibition of Chemical Weapons; (iii) African Union (AU); (iv) African Parliamentary Union (APU), Arab Inter-Parliamentary Union, ASEAN Inter-Parliamentary Organization (AIPO), Assembly of the Western European Union (WEU), Commonwealth Parliamentary Association (CPA), Association of European Parliamentarians for Africa (AWEPA), Association of Senates Shoora and Equivalent Councils in Africa and the Arab World (ASSECAA), Inter-Parliamentary Assembly of the Eurasian Economic Community, Maghreb Consultative Council, Nordic Council, Parliamentary Assembly of the Union of Belarus and the Russian Federation, Parliamentary Union of the Organization of Islamic Conference Members (PUOICM), Southern Africa Development Community (SADC) Parliamentary Forum; (v) Amnesty International, International Committee of the Red Cross (ICRC); (vi) and Parliamentary Forum on Small Arms and Light Weapons.

Of the total of 1,066 delegates who attended the Assembly, 602 were members of national parliaments. The parliamentarians included 33 Speakers, 30 Deputy Speakers and 170 women parliamentarians (28.2% at the close of the Assembly).

3. Choice of an emergency item (Item 2)

The President announced that the Secretariat had received 11 proposals and that, following consultation in the African Group, the proposals

submitted by Switzerland, Angola and Niger had been withdrawn in favour of a revised proposal submitted by Kenya and entitled *The need for urgent food relief in order to combat drought-induced famine and poverty in Africa, for the world's most industrialized nations to speed up aid to the continent and for particular efforts to be made to reach desperate and poor populations*.

Mr. A. Majali (Jordan), speaking on behalf of Algeria, Bahrain, Egypt and Iran (Islamic Republic of) and the Arab Inter-Parliamentary Union, explained that they had decided to withdraw their proposal in favour of the African proposal. An item on respect for religions should be included on the agenda of the 116th Assembly.

Mr. C.S. Atwal (India), who had presented a proposal on avian flu preparedness, withdrew the proposal in favour of that submitted by Kenya with the support of the African Group.

The proposal submitted by Kenya with the support of the African Group was adopted unanimously and added to the agenda as item 8 (see page 39).

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

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

The General Debate on the political, economic and social situation in the world, the overall theme of which was *Promoting democracy and helping to build democratic institutions*, took place on the mornings and afternoons of 8, 9 and 11 May. A total of 104 speakers from 98 delegations took part in the debate, which was chaired by the President of the Assembly. During the sittings, the President invited the Vice-Presidents, who were members of the delegations of Algeria, Argentina, Benin, Burundi, Monaco, New Zealand and Pakistan, to replace him in the chair.

(b) First Standing Committee: Peace and International Security

(i) *The role of parliaments in strengthening control of trafficking in small arms and light weapons and their ammunition* (Item 4)

The Committee held three sittings on 8 and 10 May, with its President, Mr. N. Al-Ghanem (Syrian Arab Republic), in the chair. In addition to a report and draft resolution prepared by the co-Rapporteurs, Ms. R. Oniang'o (Kenya) and Mr. F.-X. de Donnea (Belgium), the Committee had before it

amendments and sub-amendments to the draft resolution submitted by the delegations of Australia, China, Egypt, France, Germany, India, Indonesia, Israel, Japan, Jordan, Mexico, Philippines, Romania, Sudan, Sweden, Switzerland and the United Kingdom.

The first sitting began with the presentation of the report and draft resolution by the two co-Rapporteurs. A total of 53 speakers from 45 parliaments and four organizations took the floor during the debate. Following the debate, the Standing Committee appointed a drafting committee composed of representatives from Argentina, Benin, Bolivia, Ethiopia, Iran (Islamic Republic of), Israel, Japan, Russian Federation, Sudan, Sweden and the United Kingdom. Ms. Oniang'o and Mr. de Donnea were also invited to participate in the work of the drafting committee, in an advisory capacity.

The drafting committee met on the afternoon of 8 May and the morning of 9 May. It appointed Lord Morris (United Kingdom) as president and Mr. R. Mongbe (Benin) as rapporteur. It examined 120 amendments and sub-amendments to the draft resolution, and adopted 34 of them in full or in part. A number of other amendments were accepted, if not in letter, then in spirit, as many were similar in content to the initial draft or to those that had been adopted.

On the afternoon of 10 May, the First Standing Committee considered the consolidated draft. Several delegations took the floor to express support for the text. Three delegations brought forward sub-amendments to the text, which were accepted by the Committee. One delegation requested that its amendment, which had initially been rejected by the drafting committee, be reconsidered. After a discussion on the theme, the amendment was put to a vote and rejected by a broad majority. The revised draft resolution was subsequently adopted as a whole by consensus by the First Standing Committee.

On the afternoon of 12 May, the draft resolution was submitted to the plenary sitting of the Assembly, which adopted it by consensus. The delegation of India expressed strong reservations on the text of the resolution as a whole, since it had requested that the resolution deal exclusively with illicit small arms and light weapons (see page 23 for the text of the resolution).

(ii) *Selection of subject item and co-Rapporteurs for the First Standing Committee at the 116th Assembly*

The Bureau of the First Standing Committee met on 10 May to examine eight proposals for the subject item to be debated by the First Standing Committee at the 116th Assembly. It selected the subject item entitled *Ensuring respect for and peaceful co-existence between all religious communities and beliefs in a globalized world*; its choice was subsequently endorsed by the Committee and the Assembly. On its recommendation, the Assembly also approved the nomination of Ms. S. Masri (Jordan) and Mr. P. Bieri (Switzerland) as co-Rapporteurs.

(c) Second Standing Committee: Sustainable Development, Finance and Trade

(i) *The role of parliaments in environmental management and in combating global degradation of the environment* (Item 5)

The Committee held two sittings, on 9 and 11 May, with its President, Mr. A. Fomenko (Russian Federation), in the chair. In addition to a report and preliminary draft resolution prepared by the co-Rapporteurs, Mr. S. Katoh (Japan) and Mr. J.T. Nonô (Brazil), the Committee had before it amendments to the draft resolution submitted by the delegations of Australia, Canada, China, Egypt, France, Germany, India, Indonesia, Italy, Mexico, Norway, Philippines, Romania, Sudan, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, United Kingdom and Venezuela. A separate set of amendments was submitted by the Meeting of Women Parliamentarians.

A total of 45 speakers from 43 parliaments and two international organizations took the floor during the plenary debate, following which the Standing Committee appointed a drafting committee composed of representatives from Argentina, Canada, China, France, India, Morocco, Niger, South Africa, Sudan, United Republic of Tanzania and Venezuela.

The drafting committee met on the morning and afternoon of 10 May. It appointed Mr. M. Harb (Canada) as its president and Mr. K. Mporogomyi (United Republic of Tanzania) as rapporteur. It examined 138 amendments to the preliminary draft resolution and adopted 76 of them in full or in part. A number of other amendments were accepted, if not in letter, then in spirit, as many were similar in content to those that were adopted. In view of the political sensitivity of the subject of environmental management, the drafting committee had to vote four times.

On the morning of 11 May, the Second Standing Committee considered the consolidated draft. Five changes were made to the text and a number of further amendments were defeated. The Committee also made a number of editorial changes, most of which applied to just one language version of the document. The amended draft resolution was thereafter adopted as a whole by 38 votes to 1, with one abstention. A number of delegations expressed reservations about the draft resolution, which they also repeated during the final sitting of the Assembly (see below).

On the afternoon of 12 May, the draft resolution was submitted to the Assembly and adopted by consensus (see page 27 for the text of the resolution). Following the adoption of the resolution, the delegation of India expressed reservations on operative paragraphs 4 and 16, which it felt should appear in the preambular section, and pointed out that the European Union proposal referred to in operative paragraph 4 could not be seen as enjoying universal support. The delegation of Australia said that two of its four members wished to register a reservation on operative paragraphs 10 and 11 of the resolution. The delegation of Venezuela expressed reservations on operative paragraph 10 because it failed to mention by name the single biggest atmospheric polluter of the environment. It also regretted that paragraph 13 of the initial draft, which referred specifically to the work of the Nobel Prize laureate, Ms. W. Maathai of Kenya, had been deleted from the final draft, and proposed therefore that honorary IPU membership be bestowed on Ms. Maathai and that a special resolution be adopted to this end. The delegation of Niger seconded the proposal.

(ii) *Selection of subject item and co-Rapporteurs for the Second Standing Committee at the 116th Assembly*

The Bureau of the Second Standing Committee met on 11 May with the Committee's President, Mr. A. Fomenko, in the chair. It examined proposals submitted for the items to be debated by the Second Standing Committee at the 116th Assembly. The Bureau approved the subject item entitled *Job creation and employment security in the era of globalization*, which it subsequently submitted to the Second Standing Committee. The Committee agreed to propose this subject item to the Assembly for its inclusion on the agenda of the 116th Assembly and requested the President of the Second Standing Committee to carry out consultations with the

geopolitical groups with a view to appointing the co-Rapporteurs on the item as soon as possible. The item was subsequently approved by the Assembly, which also appointed Ms. E. Salguero (Bolivia) and Mr. O. Abu Ghararah (Saudi Arabia) as co-Rapporteurs on this item.

(d) Third Standing Committee: Democracy and Human Rights

- (i) *How parliaments can and must promote effective ways of combating violence against women in all fields* (Item 6)

The Committee held three sittings, on 9, 10 and 11 May, with its President, Mr. J.-K. Yoo (Republic of Korea), in the chair. Mr. Yoo shared his duties with Mr. L. Nicolini (Uruguay), substitute Vice-President. The Committee had before it a report and a draft resolution drawn up by the co-Rapporteurs, Ms. H. Lee (Republic of Korea) and Ms. M.A. Martínez García (Spain), along with amendments to the draft resolution submitted by the delegations of Algeria, Australia, Belgium, Canada, China, France, Germany, India, Italy, Japan, Mexico, Norway, Philippines, Romania, Sweden and Turkey.

In all, 52 speakers took part in the debate, after which the Committee designated a drafting committee composed of representatives of Algeria, Argentina, Bahrain, Belgium, Benin, India, Malaysia, Mexico, Saudi Arabia and Spain.

The drafting committee met on 10 May. It began its work by naming Ms. M. De Meyer (Belgium) as its president and Ms. D.M. Sauri (Mexico) as its rapporteur. It considered the draft resolution in detail and improved the text by incorporating some of the proposed amendments.

On 11 May, the Committee considered the consolidated text of the draft resolution and adopted it unanimously. Votes were taken on the inclusion of an amendment by Sweden to add certain categories to the list of vulnerable groups in the preamble. The Committee rejected this amendment. The delegations of Bahrain, Iran (Islamic Republic of) and Saudi Arabia expressed reservations on paragraphs relating to traditions. The latter also expressed reservations on an operative paragraph relating to gender balance in military and peace-keeping operations.

On the afternoon of 12 May, the Assembly, meeting in plenary, adopted the resolution by consensus (see page 33 for the text of the resolution). Following the adoption of the resolution, the delegation of Australia indicated that two of its members had expressed reservations on the reference in operative paragraph 1 to the CEDAW Optional Protocol. The delegation of Iran (Islamic Republic of) expressed reservations on preambular paragraph 8 and operative paragraph 12.

- (ii) *Selection of subject item and co-Rapporteurs for the Third Standing Committee at the 116th Assembly*

The Bureau of the Third Standing Committee met on 10 May to examine a number of proposals submitted for the subject item to be debated by the Third Standing Committee at the 116th Assembly. The Bureau's choice, *Promoting diversity and equal rights of all through universal democratic and electoral standards*, was subsequently endorsed by the Committee and the Assembly. On its recommendation, the Assembly also approved the nomination of Ms. N. Narochitskaya (Russian Federation) and Mr. J.D. Seelam (India) as co-Rapporteurs.

(e) Emergency item

The need for urgent food relief in order to combat drought-induced famine and poverty in Africa, for the world's most industrialized nations to speed up aid to the continent and for particular efforts to be made to reach desperate and poor populations (Item 8)

On Monday, 8 May, the Assembly decided to include the above topic on its agenda. It then decided to refer it to a drafting committee composed of representatives of Chile, Kenya, Portugal, South Africa, Switzerland, Tunisia and Uruguay. The drafting committee appointed Mr. N. Balala (Kenya) as its president and rapporteur. The drafting committee met on Tuesday and Wednesday, 9 and 10 May. It adopted a draft resolution by consensus.

On Friday, 12 May, the draft resolution was adopted unanimously by the Assembly (see page 39 for the text of the resolution).

178th Session of the Governing Council

1. Membership of the IPU

At its sitting on 12 May, the Governing Council approved a request for affiliation from the parliament of Qatar and requests for reaffiliation from the parliaments of Paraguay and Somalia. The Union currently comprises 146 Member Parliaments; in addition, seven international parliamentary assemblies and organizations are Associate Members.

2. Observers

The Governing Council approved requests for observer status from the Association of Senates, Shoora and Equivalent Councils in Africa and the Arab World (ASSECAA), the Inter-Parliamentary Assembly on Orthodoxy (IAO), the Inter-Parliamentary Commission of the Economic and Monetary Community of Central Africa (CEMAC), and the Great Lakes Parliamentary Forum on Peace - Amani Forum.

The Council also decided to allow requests for observer status from international federations of political parties and amended the Brussels Practical Modalities of the Rights and Responsibilities of Observers at IPU Meetings to include them as a fifth category of eligible observers.

3. Financial results for 2005

The Governing Council considered the Annual Financial Report and Audited Financial Statements for 2005, in conjunction with the report of the External Auditor. The Financial Statements showed that the IPU had an operating surplus of CHF 218,845 in 2005 and additional credits of CHF 275,214 to the Working Capital Fund.

The Governing Council's attention was drawn to the gender analysis of expenditure, which showed that the Secretariat had almost achieved parity in the number of professional staff. The Governing Council was told that extra-budgetary funding during the year had exceeded CHF 2 million and that the pension fund liability that had been reported previously had been liquidated when the IPU had joined the United Nations Joint Staff Pension Fund.

The internal auditors, Mr. I. Ouedraogo (Burkina Faso) and Ms. A. Ben Dali (Tunisia), reported that they were satisfied with the financial performance of the IPU in 2005 and with the presentation of the Financial Statements. They recommended that the internal financial and procurement procedures be codified to facilitate the work of staff members.

On the recommendation of the internal auditors, the Governing Council approved the Financial Statements, the transfer of the operating surplus to the Working Capital Fund, and the Secretary General's financial administration of the IPU in 2005.

4. Financial situation

The Governing Council was given an overview of the IPU's current financial situation. Expenditures during the first two months of 2006 were within the budget. The payment of contributions was slightly ahead of the previous year. The Secretary General alerted the Governing Council to his concerns relating to the reimbursement of expenditures on technical cooperation in Nigeria and negotiations with the French authorities on the double taxation of staff members.

The Governing Council was reminded about the proposal to introduce a new scale of assessments more closely linked to the UN scale and therefore to each country's capacity to pay. The final figures for the new scale of assessments would be presented to the Governing Council at its next meeting, after the UN had published an updated scale of assessments for the 2007-2009 period. Meanwhile, Members who had not paid their contributions were asked to make arrangements to do so.

The Governing Council was reminded that the Union was seeking funding from external sources for new and expanded activities, and informed that a Senior Programme Support Officer had been recruited for a fixed term to develop and implement a fund-raising strategy. Delegates were asked to give support when applications were made to national donors. Internal fund-raising activities were to be coordinated with any fund-raising done by the Global Parliamentary Foundation for Democracy, which was targeting corporate donors.

The Council also approved the Executive Committee's recommendation to forgive the special debts of the Dominican Republic, Georgia and Madagascar. Those debts would therefore be written off the Working Capital Fund.

5. Cooperation with the United Nations

The Governing Council took note of the extensive list of IPU activities carried out in cooperation with various bodies within the United Nations system (see page 43). It was apprised of the broad thrusts of IPU policy towards the United Nations. The Council also heard that the 61st session of the United Nations General Assembly would debate and adopt a resolution on cooperation between the two organizations. At the core of the resolution would be the call for the Annual Parliamentary Hearing at the United Nations to be considered as a joint UN-IPU event and an official part of the General Assembly agenda, thereby upgrading the status of the IPU within the United Nations and resolving current difficulties in guaranteeing access to the meeting for all delegations.

Moreover, the resolution would appeal for the establishment of formal arrangements for consultation and coordination between the two organizations. It would also call for close United Nations cooperation with the IPU in the work of the new UN bodies - the Human Rights Council, the Peace-Building Commission, and the UN Democracy Fund - all of which were built on the assumption that sustainable peace and development could not be achieved without viable representative institutions.

The Governing Council endorsed the draft contents of the resolution (see page 42). It also noted that adoption of the resolution would require the full support of Permanent Missions in New York, acting on instructions received from their Foreign Ministries, and urged Member Parliaments to secure support for this.

Under the same item, the Governing Council took note of the status of cooperation with the Bretton Woods institutions, in particular the moves towards developing a working relationship with the World Bank.

6. Cooperation with WTO

The Governing Council took note of the results of the Hong Kong session of the Parliamentary

Conference on the WTO that had been held in December 2005 (see page 47).

It expressed concern that some members of parliaments participating in sessions of the Parliamentary Conference on the WTO held in conjunction with WTO Ministerial Conferences had no access to the Ministerial Conference, which undermined their ability to oversee trade negotiations. It therefore approved a resolution urging governments of all WTO Member States to include, as a matter of rule, parliamentarians specializing in questions of international trade in official national delegations to WTO Ministerial Conferences; and invited the WTO General Council to consider adding "Parliamentary Conference on the WTO" (PC WTO) as a separate category of observers to Ministerial Conferences as a permanent mechanism for parliamentary oversight; and to include in the internal WTO rules and regulations a reference to the Parliamentary Conference on the WTO as a permanent mechanism of parliamentary oversight of and interaction with the WTO (see page 46).

7. Consolidation of reform of the IPU

The Governing Council was informed of progress in the reform process. The conclusions of the President's Working Group had been discussed by the geopolitical groups, whose views would be submitted to the Working Group. The geopolitical groups had each been invited by the President to send a representative to participate in the next session of the Working Group, which would take place at IPU headquarters later in 2006. The Group would make a comprehensive report to the governing bodies at the 115th Assembly.

8. Recent specialized conferences and meetings

The Governing Council took note of the results of the Parliamentary Hearing at the United Nations (see <http://www.ipu.org/Splz-e/unga05.htm>), the Parliamentary Panel on the occasion of the second phase of the World Summit on the Information Society (see <http://www.ipu.org/splz-e/wsis05.htm>), the African Parliamentary Conference on *Violence against women, abandoning female genital mutilation: the role of parliaments* (see page 50), the Hong Kong Session of the Parliamentary Conference on the WTO (see page 47), the Parliamentary Meeting on the occasion of the 50th session of the UN Commission on the Status of Women (see

<http://www.ipu.org/splz-e/csw06.htm>), the Regional Seminar for Asian-Pacific Parliaments on *Developing a protective framework for children* (see page 54), the Regional Seminar on *The role of parliaments in the national reconciliation process in Africa* (see page 59), and the Meeting of Women Speakers of Parliament on the occasion of the 50th session of the United Nations Commission on the Status of Women (see <http://www.ipu.org/splz-e/csw06.htm>).

9. Reports of plenary bodies and specialized committees

At its sitting on 12 May, the Governing Council took note of the reports on the activities of the Meeting of Women Parliamentarians and its Coordinating Committee, the Committee on the Human Rights of Parliamentarians, the Committee on Middle East Questions, the Committee to Promote Respect for International Humanitarian Law, and the Gender Partnership Group (see pages 13 and 14).

10. Future inter-parliamentary meetings

In addition to the meetings previously approved, the Council approved a parliamentary caucus to take place during the United Nations High-Level Meeting on HIV/AIDS to be held in New York on 1 June, the joint event organized by the IPU and the Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States (OHRLLS) on the occasion of the 2006 Mid-term Review of the Brussels Programme of Action on LDCs, to be held in New York on 15 September, the conference on broadcasting of parliamentary business through dedicated TV channels and public broadcasting systems, organized jointly by the IPU, the ASGP and the European Broadcasting Union (EBU) and to be held in Geneva on 19 October, and the meeting of parliamentary bodies dealing with the status of women and gender equality, to be held in Geneva in December on a date to be specified. None of the four events had budgetary implications.

Members were encouraged to join the delegations that their governments would send to the events taking place in New York on 1 June and 15 September.

246th Session of the Executive Committee

The Executive Committee held its 246th session in Nairobi on 4, 5 and 11 May. The President of the IPU chaired the meetings. The following members and substitutes took part in the session: Ms. J. Fraser (Canada), Mr. Lü Congmin (China), Ms. K. Serrano Puig (Cuba), Ms. K. Komi (Finland), Ms. E. Papadimitriou (Greece), Mr. Y. Yatsu (Japan) substituting for Mr. T. Kawara, Mr. F.X. ole Kaparo (Kenya), Mr. H. Al-Hadi (Libyan Arab Jamahiriya), Mr. A. Radi (Morocco), replaced by Ms. R. Benmassaoud on 11 May, Ms. M. Mensah-Williams (Namibia), Mr. A. Kozlovsky (Russian Federation), Ms. L. Lerksamran (Thailand) (on 11 May only), Mr. K. Gbetogbe (Togo) substituting for Mr. O. Natachaba, and Mr. J. Austin (United Kingdom). Mr. J. Jorge (Brazil) and Ms. A. Vadai (Hungary) were absent.

The proceedings of the Executive Committee were devoted to discussing and making recommendations on agenda items to be addressed by the Governing Council. The other matters considered by the Committee are summarized below.

The Committee discussed the information activities of the IPU and heard a report on new ventures designed to upgrade the public image of the IPU.

It considered the vacancy for the post of Secretary General and unanimously decided to recommend the reappointment of the incumbent. It also established a small working group with a six-month term to discuss the terms and conditions for the present appointment and the procedure for the appointment of future Secretaries General.

The Committee discussed questions related to the recently elected Palestinian Legislative Council (PLC). It agreed that channels for communication with that body should be kept open – wherever possible – in keeping with the IPU mission to promote dialogue among parliamentarians. It also considered a letter from the Speaker of the PLC relating to PLC members who were in detention, and decided to refer it to the Committee on the Human Rights of Parliamentarians and the Committee on Middle East Questions.

The Committee received a report on the Working Capital Fund. It discussed a target level for the Working Capital Fund equal to one half of the annual operating budget. It was informed of changes to the Fund's investment policy that would lead to investment of Fund assets in a well diversified and independently managed portfolio of obligations and equities in order to yield higher investment returns.

The Committee heard a report on the new scale of assessments that had been approved in principle at the last meeting. The United Nations Committee on Contributions was working on the revised UN scale of assessments for the period 2007-2009 and that scale would be the basis for calculating the definitive IPU Scale of Assessments for 2007. It was agreed that the new target rate of assessment for 2012 would be reviewed again in three years on the basis of the UN scale of assessments for 2010-2012 and that the methodology would be reviewed if there was a significant change in the membership of the Union.

The Committee was alerted to the situation of certain staff members residing in France who had received notices of tax assessment from the French Ministry of Economy, Finance and Industry. This amounted to double taxation and as such represented a liability for the IPU which the Secretary General hoped to resolve with the support

of the French Ministry of Foreign Affairs. The Committee discussed the activities of the Global Parliamentary Foundation for Democracy and invited the President of the Foundation to make a presentation at its next meeting.

The Secretary General informed the Committee that he had appointed two new staff members: a Senior Programme Support Officer and a Bilingual Secretary. Two temporary staff members had been engaged in New York, one to cover a maternity leave and the other to replace the consultant previously attached to the Office. One person had left the Secretariat and the Project Office in Abuja had been closed.

The Committee considered the possibility of the IPU joining the International Civil Service Commission (ICSC), which would allow the Union to participate in decision-making at the ICSC and improve the mobility of staff members between the IPU and other organizations participating in the Common System.

Finally, the Committee approved an amendment to the Regulations of the Staff Pension Fund which clarified the IPU's obligations to pensioners and the governance of the Fund. All active staff members were presently members of the United Nations Joint Staff Pension Fund.

Meeting and Coordinating Committee of Women Parliamentarians

The Eleventh Meeting of Women Parliamentarians took place on 7 May 2006 and brought together 105 women and five men from the following national parliaments: Andorra, Angola, Argentina, Armenia, Australia, Bahrain, Bangladesh, Belarus, Belgium, Benin, Botswana, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, China, Cuba, Cyprus, Denmark, Ecuador, Egypt, Estonia, Ethiopia, Finland, France, Gabon, Germany, Ghana, Greece, Iceland, India, Indonesia, Iran (Islamic Republic of), Japan, Jordan, Kenya, Libyan Arab Jamahiriya, Lithuania, Malaysia, Maldives, Mali, Mexico, Monaco, Morocco, Mozambique, Namibia, Niger, Norway, Pakistan, Philippines, Portugal, Republic of Korea, Romania, Rwanda, South Africa, Spain, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Uganda, Ukraine, United Kingdom, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia and Zimbabwe. Various Associate Members and observers were also

represented, including UNICEF, the East African Legislative Assembly (EALA) and the Southern Africa Development Forum (SADC Forum).

The Meeting was opened by the President of the Coordinating Committee of Women Parliamentarians, Ms. J. Fraser (Canada), and began its work by electing Ms. B. Mugo, Member of the Parliament of Kenya and Assistant Minister of Education, as its President. Ms. Mugo's opening remarks were followed by statements by Mr. F.X. ole Kaparo, Speaker of the National Assembly of Kenya, and Ms. M. Mensah-Williams (Namibia), Vice-President of the IPU Executive Committee.

In the absence of the Rapporteur of the Coordinating Committee, Ms. I. Allende (Chile), the Committee President, Ms. Fraser, briefly reported on the Committee's work at its previous three sessions. She expressed regret that her term as president was ending and paid tribute to the work accomplished by the outgoing Committee, which was also at the end

of its term. She highlighted the challenges facing the newly-elected Coordinating Committee, including the need to review its Rules, in particular those related to the term of its members. The Meeting paid a special tribute to Ms. Fraser, on her last day at the IPU, and thanked her for her commitment to and untiring efforts for the promotion of women.

Mr. J. Austin (United Kingdom) briefed the Meeting on the work done by the Gender Partnership Group since its previous session in Geneva in 2005; this included monitoring the participation of women in delegations to IPU Assemblies, examining the IPU budget from a gender perspective and monitoring the situation of parliaments without women members.

As its contribution to the 114th IPU Assembly, the Meeting considered the item of the Second Standing Committee, entitled *The role of parliaments in environmental management and in combating global degradation of the environment*. The Meeting divided into two discussion groups to debate gender-related amendments to the draft resolution. It appointed Ms. D.M. Sauri (Mexico) and Ms. D. Stump (Switzerland) as the groups' respective rapporteurs. Their reports were consolidated into nine proposed amendments, which were submitted to the Second Standing Committee during its first sitting (Tuesday, 9 May) and adopted in their entirety by the Second Standing Committee's drafting committee.

In the afternoon, the Meeting held a special session entitled *Pros and Cons of Positive Action Measures for the Promotion of Women in Politics*. The session was opened by Professor D. Dahlerup, from Stockholm University and an international expert on the subject, and by Ms. M. Karua, Minister of Justice

and Constitutional Affairs of Kenya. It provided an opportunity for delegates to debate the advantages and disadvantages of positive action and to hear about the different types of quotas countries had adopted to encourage participation by women. It was noted with disappointment that very few men attended the session.

The Meeting also discussed cooperation with the United Nations on gender issues and on the challenges currently facing the Organization, especially with regard to UN reform.

On Thursday, 11 May, a special sitting of the Meeting of Women Parliamentarians was held to elect the 24 regional representatives to the Coordinating Committee of Women Parliamentarians and the Committee's Bureau. Ms. M. Xavier (Uruguay) was elected President of the Committee, Ms. P. Cayetano (Philippines) first Vice-President and Ms. B. Al-Jishi (Bahrain) second Vice-President. (See page 18 for the complete results of the elections.)

The newly-constituted Coordinating Committee of Women Parliamentarians met on Friday, 12 May. It agreed that, at its next session, it would discuss item 4 of the agenda of the 115th IPU Assembly, entitled *The role of parliaments in overseeing the achievement of the Millennium Development Goals, in particular with regard to the problem of debt and the eradication of poverty and corruption*, with a view to submitting amendments to the Second Standing Committee.

Subsidiary bodies and committees of the Governing Council

1. Committee on the Human Rights of Parliamentarians

The Committee on the Human Rights of Parliamentarians held its 113th session from 7 to 11 May 2006. Ms. A. Clwyd (United Kingdom), Ms. V. Nedvedova (Czech Republic), Mr. M. Ousmane (Niger) and Mr. F.M. Drilon (Philippines) participated in their titular capacity, whereas Ms. S. Carstairs (Canada), Ms. M.J. Laloy (Belgium), Ms. Z. Benarous (Algeria) and Mr. K. Jalali (Islamic Republic of Iran) attended as substitute members.

The Committee conducted 11 hearings with delegations from countries where it had cases pending and with representatives of the sources. It examined a total of 64 cases in 35 countries. Seven cases were examined for the first time.

The Committee submitted 33 cases to the Governing Council (see resolutions on pages 69 to 112).

2. Committee on Middle East Questions

The Committee on Middle East Questions met on 8 and 11 May, with Mr. F.M. Vallersnes (Norway) in

the chair. It was attended by Mr. F. Owusu-Adjapong (Ghana) and Mr. K. Sairaan (Mongolia) as titular members, and on 11 May by Mr. F. Raidel (Germany) as a substitute member.

The Committee began by hearing the President's oral report on activities undertaken since its meeting in Manila one year previously.

In his capacity as Committee President, Mr. Vallersnes had joined a United Nations panel in New York to discuss the new Peace-Building Commission. He had subsequently been asked by the United Nations to help run a course for Arab parliamentarians in Amman in March. The participants had included parliamentarians from Palestine, and the course had provided an opportunity for initial contacts with the new Palestinian legislators. The President and the IPU Secretary General were present at the Palestinian presidential elections in January 2005, but the Committee had not been in attendance at the more recent elections to the Palestinian Legislative Council (PLC) and to the Knesset.

The latest changes in the parliamentary panorama had generated fresh difficulties and offered new opportunities. The Committee pointed out that the IPU had always had a mission to open channels for dialogue among parliamentarians, especially in areas of conflict. On that basis, it should remain vigilant to any possible openings for promoting dialogue between the members of the PLC and the Knesset. The Committee also expressed the belief that, as in the past, the IPU should be ready to provide technical assistance to the PLC, if it so requested, given that its members were mostly without parliamentary experience.

The Committee then held a hearing with representatives of the Knesset and the Palestine National Council, in the presence of delegations from Egypt and Jordan.

3. Committee to Promote Respect for International Humanitarian Law

The Committee to Promote Respect for International Humanitarian Law met on Wednesday, 10 May 2006. The sitting was chaired by Mr. J.-K. Yoo (Republic of Korea). The International Committee of the Red Cross (ICRC) was also represented.

The Committee was briefed on the Rapporteurs' work on the item on missing persons slated for discussion at the 115th IPU Assembly. It reiterated

its commitment to play a strong role in monitoring and ensuring follow-up to the resolution, once adopted.

The Committee welcomed the publication of two new language versions (Russian and Korean) of the IPU/UNHCR *Handbook for parliamentarians on statelessness and citizenship*. It invited all IPU Members to consider translating the Handbook into their national language(s) and organizing launch events in their parliaments.

The Committee discussed the follow-up to the First Review Conference of the Ottawa Convention on anti-personnel landmines, held in Nairobi in December 2004. This resulted in several recommendations inviting parliaments to take action in six specific fields:

- Ratification of the Ottawa Convention by those States that had yet to ratify it;
- Assistance to mine-blast survivors (adequate care and access to physical rehabilitation and socio-economic reintegration programmes);
- Enactment of domestic legislation to implement the provisions of the Ottawa Convention at national level;
- Ensuring that each State Party reported yearly by 30 April to the UN Secretary-General on the implementation of the Ottawa Convention;
- Planning and implementation of activities with a view to ensuring that States that had ratified the Ottawa Convention met their deadline for the destruction of landmines (10 years from entry into force for the State);
- Support for international agencies working on the elimination of anti-personnel landmines.

The Committee went on to discuss explosive remnants of war. Protocol V to the 1980 United Nations Convention on Certain Conventional Weapons (CCW) on Explosive Remnants of War was adopted in 2003. Two additional ratifications are required for its entry into force. The Committee urged all Members to take all necessary steps to ensure prompt ratification by those States that had not yet ratified Protocol V.

The Committee welcomed the adoption in December 2005 of Additional Protocol III to the 1949 Geneva Conventions, which created an additional distinctive emblem, the red crystal, alongside the red cross and the red crescent. The

29th International Conference of the Red Cross and Red Crescent would convene on 20-21 June 2006 in Geneva to allow the States, the National Red Cross and Red Crescent Societies, their International Federation (IFRC) and the ICRC to consider changes in the International Red Cross and Red Crescent Movement's Statutes to reflect the new situation. The Committee invited members of parliament to follow the Conference and if possible to take part in it. It also invited parliaments to look into the ratification of Additional Protocol III.

The Committee took note of the lack of information received on follow-up to the regional parliamentary conference on *Refugees in Africa: The challenges of protection and solutions*, and agreed to reconsider this item at its next session.

Lastly, the Committee considered how to improve its work. Committee members agreed to each ensure adequate follow-up within their own regional groups and to report back to the Committee. Regular updates would also be sent out, via email, on developments in humanitarian law and refugee law.

4. Gender Partnership Group

The Gender Partnership Group held its 17th session on 5 May 2006. The participants were Ms. J. Fraser (Canada), Ms. M. Mensah-Williams (Namibia), Mr. J. Austin (United Kingdom) and Mr. Y. Yatsu (Japan). Mr. Austin acted as moderator.

The Group studied the composition of the delegations attending the 114th IPU Assembly in Nairobi. As at 11 May 2006, 170 delegates (28.9%) were women. This was one of the highest figures ever in absolute numbers, but represented a slight decrease in relative terms since the 113th Assembly, where for the first time the 30 percent target had been met (32.5%). Of the delegations of more than one member in attendance on 11 May, 10 were all-male (9.3%): Chile, Hungary, Kuwait, Liberia, Malta, Mongolia, New Zealand, Saudi Arabia, Slovenia and Togo.

The improvement was the result of Members' increased awareness of the importance of gender-balanced delegations, an awareness enhanced by the adoption of amendments to the IPU Statutes and Rules governing the composition of delegations and by the IPU Secretary General's practice of writing to those Members whose announced delegations to the Assembly were single-sex.

The Group had started analysing the IPU budget from a gender perspective in 2004. At the 114th Assembly, it studied the financial statements for 2005 and welcomed the efforts made to present a gender breakdown of key areas of activity and expenditure. It nevertheless regretted that only some sectors of activity included a gender breakdown in their reporting and recommended that the practice be introduced across the board.

With regard to the gender composition of the Secretariat staff, the Group noted that the majority of the staff was female, though there were more women in the general services category than at the professional level. Recent appointments and promotions had brought near parity in the professional staff category. The Group requested that future reports include more detailed information on the level of posts held by women and men.

The Group continued its debate on progress made in countries where parliaments did not have women members, and mechanisms for assisting those parliaments in any way possible, if they so desired. It welcomed the fact that for the first time ever women advisors were included in the delegation of Saudi Arabia. It regretted, however, that the United Arab Emirates had not responded to its invitation to take part in a dialogue session to discuss women's participation in politics in that country, and reiterated its invitation.

At 30 April 2006, a total of ten countries had no women in their national parliaments. The Group noted encouraging progress and developments in many of the Arab countries concerned, but observed that several had not fulfilled their reporting commitments to the United Nations Committee on the Elimination of Discrimination against Women. The Group noted no progress in the Pacific countries concerned, in particular following recent elections in the region. It discussed ways of supporting existing initiatives, particularly with the Commonwealth Parliamentary Association.

The Group was updated on preparations on the survey research project the IPU planned to undertake in 2006 on *Gender Equality in Politics: A study on how women and men contribute to gender equality in parliaments*. Lastly, the Group expressed its support for the efforts made in Kenya towards passing strong legislation to curb violence against women, which was a universal problem.

Other events

1. Panel discussion on *Africa's development: goals and challenges*

A panel discussion on Africa's development was held on the afternoon of Tuesday, 9 May, to help raise the delegations' awareness of the many problems besetting the continent. Given that Africa was the only continent not on track to meet any of the Millennium Development Goals by 2015, the panel had three questions: what are the stumbling blocks to Africa's development; is the international community doing enough; and what role should parliamentarians play?

The panel was chaired by Ms. M. Mensah-Williams (Namibia), Vice-President of the IPU Executive Committee, and featured the following four speakers: Mr. A. Ligale (Kenya), President of the Organizing Committee of the host parliament, gave an overview of Africa's problems, including conflict, corruption and unfair trade practices, dwelling in particular on the issues of debt and conditionality; Senator Z. Bouayad (Morocco), co-Rapporteur of the Second Standing Committee at the 115th Assembly, talked about the inter-relationship between health and poverty and the role of international bodies such as FAO, WHO and WTO in supporting an environment conducive to good health; Mr. H. Bayley (United Kingdom) made the case for more pro-active networking among parliamentarians to ensure that government pledges to Africa were respected and foreign aid effectively utilized; finally, Mr. C. Bruce, Country Director of the World Bank for Kenya, Eritrea and Somalia, highlighted some of the more successful aspects of recent reforms on the continent and outlined priority areas for action, such as investing in people through education and training, by governments and other stakeholders such as the World Bank.

Some 200 people attended the question-and-answer session that followed the four presentations. Overall, the questions helped bring to light many misconceptions about Africa and development policy in general. In its small way, the panel made a real contribution to North-South dialogue and solidarity.

2. Panel discussion on HIV/AIDS and children

A panel discussion on HIV/AIDS and children was organized in cooperation with UNICEF and UNAIDS and took place on 10 May 2006. The panel was chaired by Ms. B. Mugo, President of the Meeting of Women Parliamentarians. The participants heard four speakers: Mr. S. Lewis, UN Special Envoy for HIV/AIDS in Africa, Ms. C. Ngilu, Minister of Health of Kenya, Ms. N. Heptulla, Honorary President of the IPU Governing Council, and Ms. C. Iliuna, Project Coordinator, Romanian Association against AIDS. Three main topics were discussed: prevention, treatment and care, and protection and support of orphans. The debate highlighted the challenges and concerns faced by MPs in combating HIV/AIDS. Good practices were also discussed.

Highlights of the debate included:

- How to ensure much more equitable access to treatment for children and newborns around the world;
- The need for comprehensive and adequately funded HIV/AIDS policies and/or legislation, covering children as well as adults;
- The role of parliaments in monitoring government commitments;
- The role of parliamentarians as opinion leaders, especially in breaking the silence and ending the stigmatization of those with HIV/AIDS;
- Action to support families and communities most affected by HIV/AIDS;
- Support for grandparents or other relatives who were taking care of affected children;
- The abolition of school fees and other financial barriers to school attendance, to ensure that millions of children affected by HIV/AIDS received an education;
- Access to drugs that prevent mother-to-child transmission.

The critical link between women and children's rights was also underscored: the rights of children cannot be realized unless women are empowered. More generally, gender equality is fundamental to ensuring protection against HIV/AIDS.

Other activities

1. **Launch of *Parliament and Democracy in the 21st Century: A Guide to Good Practice***

During the first sitting of the Assembly's General Debate (see page 4), Ms. M. Mensah-Williams presented a new IPU publication entitled *Parliament and Democracy in the 21st Century: A Guide to Good Practice*. The Guide offers a comprehensive account of the central role of parliaments in a democracy. It identifies five key objectives for any parliament: representativity, transparency, accessibility, accountability and effectiveness. It provides concrete examples of how parliaments are seeking to achieve these objectives through their lawmaking, oversight and representational functions. It also illustrates how parliaments are dealing with emerging challenges. The Guide draws on the examples provided by 75 parliaments and makes a strong case for the contribution parliaments make to democracy at both the national and international levels. In the latter case, they help bridge the democracy gap in international decision-making. Ms. Mensah-Williams encouraged all parliamentarians to seek to internalize and ensure wide dissemination of the principles and examples of good practice contained in the Guide, including by having it translated into local languages and by organizing launch events and debates in their respective parliaments.

2. **Presentation of *Guidelines on Parliaments, Crisis Prevention and Recovery***

During the first sitting of the Assembly's General Debate (see page 4), Mr. F.-X. de Donnea (Belgium) presented the *Guidelines on Parliaments, Crisis Prevention and Recovery*. The Guidelines had been developed jointly by the United Nations Development Programme (UNDP), the IPU and other partners in a bid to provide a coherent and structured approach to the assistance provided to parliaments in countries embroiled in or emerging from conflict. The Guidelines stress the importance of assisting parliaments in post-conflict situations in view of the crucial role they play in reconciliation, peace-building and the restoration of democracy, and make several recommendations on when and how effective assistance can be provided to such parliaments.

The Guidelines were adopted at a major donor conference that took place in Brussels in April 2006.

On behalf of the IPU and UNDP, Mr. de Donnea requested members of parliament to promote the Guidelines in their parliaments. Parliamentarians from donor nations should lobby their Foreign and Development Co-operation Ministries to include the Guidelines' core principles and recommendations in their post-conflict assistance strategies. Parliaments should also mainstream the Guidelines' central messages into both local and international efforts to enhance the effectiveness of parliaments in situations of crisis and post-conflict contexts.

3. **IPU-UNICEF visit to Garissa**

A group of parliamentarians representing the donor community accompanied the Deputy Executive Director of UNICEF and her staff on a visit to the drought-stricken areas of north-eastern Kenya on 9 May 2006. They were joined by the Kenyan member of parliament representing the area. The group had talks with the regional governor, toured the Garissa hospital, which is working to care for victims of malnutrition, visited a remote supplementary feeding centre, and saw a food distribution post at work. Following the visit, they submitted a statement which was adopted by the IPU Assembly on 12 May (see page 42).

4. **Press and media coverage**

The 114th IPU Assembly was well covered by the national press (Kenyan newspapers and television networks) and by international media (BBC, AFP, Reuters, EFE, ANSA and *Il Corriere della Sera*). The IPU Secretary General was interviewed by *The New York Times* correspondent. Journalists also interviewed members of parliament from various delegations.

The IPU Information Service issued ten press releases and organized daily press conferences (eight in total). Camera crews from Reuters and Kenyan television filmed the UNICEF-IPU mission to Garissa.

A four-minute DVD presentation on the mission was shown at the beginning of the Assembly's closing sitting, on Friday, 12 May.

The e-Bulletin, the IPU's new electronic newsletter, was presented. About 140 delegates subscribed.

Elections and appointments

1. President of the 114th Assembly

Mr. F.X. ole Kaparo, Speaker of the National Assembly of Kenya, was elected President of the Assembly.

2. Bureaux of the Standing Committees

Standing Committee on Peace and International Security

President

Mr. N. El-Ghanem (Syrian Arab Republic)
(Arab Group)

First Vice-President

Mr. J. Argüello (Argentina)
(Latin American Group)

Vice-Presidents

Group African

Mr. A. Ndjavé-Djoye (Gabon) – titular
Mr. Thiémélé Boa (Côte d'Ivoire) – substitute

Arab Group

Ms. Z. Bitat (Algeria) – substitute

Asia-Pacific Group

Mr. S.P. Morin (Indonesia) – titular
Mr. C.S. Atwal (India) – substitute

Twelve Plus Group

Lord J. Morris of Aberavon (United Kingdom) – titular
Mr. R. Podgorean (Romania) – substitute

Eurasia Group

Mr. V. Likhachev (Russian Federation) – titular
Mr. B.-Z. Zhambalnimbuev (Russian Federation) – substitute

Latin American Group

Mr. L.F. Duque García (Colombia) – substitute

Standing Committee on Sustainable Development, Finance and Trade

President

Mr. A. Fomenko (Russian Federation)
(Eurasia Group)

First Vice-President

Mr. P. Martin-Lalande (France)
(Twelve Plus Group)

Vice-Presidents

Ms. N. Schimming-Chase (Namibia) – titular
Mr. T.A. Baniré Diallo (Guinea) – substitute

Arab Group

Mr. O. Abu Ghararah (Saudi Arabia) – titular
Mr. M. El Said (Egypt) – substitute

Asia-Pacific Group

Mr. E. Veloso (Philippines) – titular
Mr. G. Chapman (Australia) – substitute

Twelve Plus Group

Ms. I. Udre (Latvia) – substitute

Eurasia Group

Mr. V. Popov (Belarus) – substitute

Latin American Group

Mr. L.A. Heber (Uruguay) – titular
Mr. D. Vivas (Venezuela) – substitute

Standing Committee on Democracy and Human Rights

President

Mr. J.-K. Yoo (Republic of Korea)
(Asia-Pacific Group)

First Vice-President

Ms. R.A. Kadaga (Uganda)
(African Group)

Vice-Presidents

African Group

Mr. A. Baghin (Ghana) – substitute

Arab Group

Mr. Z. Azmy (Egypt) – titular
Mr. A. El-Kadiri (Morocco) – substitute

Asia-Pacific Group

Mr. J.D. Seelam (India) – substitute

Twelve Plus Group

Ms. B. Gadiant (Switzerland) – titular
Mr. H.S. Järrel (Sweden) – substitute

Eurasia Group

Mr. S. Zhalybin (Kazakhstan) – titular
Mr. A. Felaliev (Tajikistan) – substitute

Latin American Group

Mr. J. Machuca (El Salvador) – titular
Mr. L. Nicolini (Uruguay) – substitute

3. Rapporteurs of the Standing Committees to the 116th Assembly

Standing Committee on Peace and International Security

Ms. S. Masri (Jordan)
Mr. P. Bieri (Switzerland)

Standing Committee on Sustainable Development, Finance and Trade

Ms. E. Salguero (Bolivia)
Mr. O. Abu Ghararah (Saudi Arabia)

Standing Committee on Democracy and Human Rights

Mr. J.D. Seelam (India)
Ms. N. Narochnitskaya (Russian Federation)

4. Committee on the Human Rights of Parliamentarians

Ms. S. Carstairs (Canada), substitute member, was elected titular member for a five-year term of office ending in April 2011.

Ms. Z. Benarous (Algeria), substitute member, was elected titular member for a five-year term of office ending in April 2011.

5. Committee on Middle East Questions

Mr. H. Raidel (Germany) was elected titular member for a four-year term ending in April 2010.

Mr. J. Wlosowicz (Poland) was elected substitute member for a four-year term ending in April 2010.

Mr. J. Carter (New Zealand) was elected substitute member for a four-year term ending in April 2010.

6. Group of Facilitators for Cyprus

Mr. D. Conway (United Kingdom) was elected to replace Ms. J. Mackey (New Zealand), who is no longer a member of parliament.

7. Coordinating Committee of the Meeting of Women Parliamentarians

Bureau	Expiry of term
<i>President and ex officio member of the IPU Executive Committee</i>	
Ms. M. Xavier (Uruguay)	May 2008
<i>First Vice-President</i>	
Ms. P. Cayetano (Philippines)	May 2008

Second Vice-President

Ms. B.Y. Al Jishi (Bahrain) May 2008

Members of the Executive Committee (ex officio for the duration of their terms on the Executive Committee)

Ms. N.S. Mensah-Williams (Namibia) October 2007
Ms. L. Lerksamran (Thailand) October 2007
Ms. K. Komi (Finland) May 2008
Ms. K. Serrano Puig (Cuba) October 2008
Ms. A. Vadai (Hungary) October 2008
Ms. E. Papadimitriou (Greece) October 2009

President of the Meeting of Women Parliamentarians (ex officio member for two years)

Ms. P. Cayetano (Philippines) May 2007
Ms. B. Mugo (Kenya) May 2008

Regional representatives (elected for two years)

Group of African countries

Titular members:

Ms. R. Kadaga (Uganda) May 2008
Ms. S. Moulengui-Mouelé (Gabon) May 2008

Substitute members:

Ms. R.C. Banda (Zambia) May 2008
Ms. M.M.G. Chetima (Niger) May 2008

Group of Arab countries:

Titular members:

Ms. B.Y. Al Jishi (Bahrain) May 2008
Ms. R. Benmessaoud (Morocco) May 2008

Substitute members:

Ms. I. Al-Smadi (Syrian Arab Republic) May 2008
Ms. S. Greiss (Egypt) May 2008

Group of Asia and Pacific countries

Titular members:

Ms. K. Hull (Australia) May 2008
Ms. P. Cayetano (Philippines) May 2008

Substitute members:

Ms. N. Fayazbakhsh (Islamic Republic of Iran) May 2008
Ms. A. Sondakh (Indonesia) May 2008

Eurasia Group

Titular members:

Ms. N. Baranova (Belarus) May 2008
Ms. H. Hakobyan (Armenia) May 2008

Substitute members:

Ms. N. Narochnitskaya

(Russian Federation) May 2008

Ms. B.B. Biamagambetova

(Kazakhstan) May 2008

Group of Latin American countries

Titular members:

Ms. M. Xavier (Uruguay) May 2008

Ms. M.V. Mata (Venezuela) May 2008

Substitute members:

Ms. H.D. Giri (Argentina) May 2008

Ms. A. Joaquín Coldwell (Mexico) May 2008

Twelve Plus Group

Titular members:

Ms. G. Gautier (France) May 2008

Ms. D. Stump (Switzerland) May 2008

Substitute members:

Ms. M. Griefhahn (Germany) May 2008

Ms. V. Palm (Sweden)

May 2008

8. Gender Partnership Group

The Executive Committee appointed Mr. J. Austin (United Kingdom) to the Gender Partnership Group.

9. Secretary General of the Inter-Parliamentary Union

The Governing Council elected Mr. A.B. Johnsson (Sweden) Secretary General of the Inter-Parliamentary Union for a third four-year term, from 1 July 2006 to 30 June 2010.

Membership of the Union*

Members (146)

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

Associate Members (7)

Andean Parliament, Central American Parliament, East African Legislative Assembly, European Parliament, Latin American Parliament, Parliament of the Economic Community of West African States, and the Parliamentary Assembly of the Council of Europe.

* At the closure of the 114th Assembly

Agenda, Resolutions and Decisions of the 114th Assembly

1. Election of the President and Vice-Presidents of the 114th Assembly
2. Consideration of possible requests for the inclusion of an emergency item in the Assembly agenda
3. General debate on the political, economic and social situation in the world with the overall theme of *Promoting democracy and helping to build democratic institutions*
4. The role of parliaments in strengthening control of trafficking in small arms and light weapons and their ammunition
(Standing Committee on Peace and International Security)
5. The role of parliaments in environmental management and in combating global degradation of the environment
(Standing Committee on Sustainable Development, Finance and Trade)
6. How parliaments can and must promote effective ways of combating violence against women in all fields
(Standing Committee on Democracy and Human Rights)
7. Approval of the subject items for the 116th Assembly and appointment of the Rapporteurs
8. The need for urgent food relief in order to combat drought-induced famine and poverty in Africa, for the world's most industrialized nations to speed up aid to the continent and for particular efforts to be made to reach desperate and poor populations
(Emergency item)

THE ROLE OF PARLIAMENTS IN STRENGTHENING CONTROL OF TRAFFICKING IN SMALL ARMS AND LIGHT WEAPONS AND THEIR AMMUNITION

Resolution adopted by consensus by the 114th Assembly
(Nairobi, 12 May 2006)*

The 114th Assembly of the Inter-Parliamentary Union,

Deeply concerned by the tremendous human suffering, especially for women and children, who are the most vulnerable in armed conflicts, associated with the proliferation and misuse of small arms and light weapons (SALW),

Stressing that, by definition, SALW include all arms that can be used by one person alone and all associated ammunition, including grenades, rockets, missiles, mortar shells and man-portable air defence systems (MANPADS), and that landmines can be considered as having similar effects,

Recalling that items such as daggers, machetes, clubs, spears, and bows and arrows are also frequently used in armed conflicts and criminal acts, and that, although they do not fall under the SALW category, their use may need to be regulated,

Recalling also that the definition of SALW should not include daggers and other items which are not firearms and are not used to cause bodily harm, but as part of the national dress,

Deeply concerned also by the high political, social and financial costs incurred when SALW fuel armed conflict, armed criminality and terrorism, exacerbate violence, contribute to the displacement of civilians, undermine respect for international humanitarian law, impede the provision of humanitarian assistance to victims of armed conflict, and hinder a return to peace and sustainable development,

Recognizing the threat posed to civilian aviation, peacekeeping, crisis management and security by the illicit transfer and unauthorized access to and use of MANPADS,

Affirming that combating the proliferation and misuse of SALW requires coherent and comprehensive efforts by governmental and other players at the international, regional and national levels,

Welcoming in this regard the adoption in 2001 of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (SALW Programme of Action),

Recalling the relevant United Nations General Assembly resolutions concerning international arms transfers,

Welcoming the adoption in December 2005 by the United Nations General Assembly of the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons,

Also *welcoming* the entry into force in July 2005 of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (the Firearms Protocol),

* The delegation of India expressed strong reservations to the text of the resolution as a whole.

Recalling that the Second Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects was held in New York from 11 to 15 July 2005,

Pointing to the existence of several other SALW and firearms control instruments at the level of the United Nations, and in the Americas, Europe, sub-Saharan Africa and Pacific regions,

Emphasizing that these multilateral initiatives must be fully implemented by their member States and be supplemented with the development of high national standards,

Underscoring that the active involvement of the relevant national authorities and of parliaments is essential for the effectiveness of any measures to combat SALW proliferation,

1. *Urges* parliaments to engage actively in efforts to combat SALW proliferation and misuse as a key component of national strategies on conflict prevention, peace-building, sustainable development, the protection of human rights, and public health and safety;
2. *Calls upon* parliaments to encourage their governments to reaffirm their commitment to implement the SALW Programme of Action and to build on their current commitment to combat SALW proliferation and misuse at the 2006 SALW Programme of Action Review Conference, while focusing on areas where obstacles to full implementation of the SALW Programme of Action persist, namely: brokering, transfer controls, marking and tracing, end-user certification, stockpile management and destruction, ammunition and capacity-building;
3. *Encourages* parliaments to agree to a set of global principles for international arms transfers based on States' obligations under international law and internationally accepted human rights standards, as a fundamental requirement for national arms transfer controls and to be included as a key output of the 2006 Review Conference;
4. *Urges* parliaments to encourage their governments to redouble their efforts in this area following the 2006 Review Conference, notably by organizing additional biennial meetings in order to develop ideas and recommendations for consideration at future international and United Nations-sponsored meetings and conferences;
5. *Urges* parliaments to promote and ensure the adoption at the national level of the legislation and regulations required to control SALW effectively throughout their "life cycle" and actively to combat SALW proliferation and misuse;
6. *Encourages* parliaments to promote the development of an international arms trade treaty to strictly regulate arms transfers on the basis of State obligations under international law and internationally accepted norms and human rights standards;
7. *Encourages* parliaments to promote greater international and, where appropriate, regional efforts to develop common standards to strictly control the activities of those brokering or otherwise facilitating arms transfers between third countries;
8. *Calls upon* parliaments to ensure that those who provide SALW to children, or who recruit and use children in conflicts or armed operations, are subject to strong legal sanctions;
9. *Urges* parliaments to enact legal sanctions at the national level for those who commit crimes and atrocities against vulnerable sections of society such as the elderly, women and children, and to adopt measures to prevent such crimes and atrocities;

10. *Encourages* parliaments to ensure also that national legislation is matched by the allocation of adequate means for the national authorities, including training and equipment, to ensure the strict enforcement of national controls;
11. *Urges* parliaments to adopt and enforce national legislation incorporating the two instruments that provide the most specific guidance regarding States' obligations to prevent misuse: the United Nations Code of Conduct for Law Enforcement Officials and the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;
12. *Recommends* that parliaments work towards the harmonization of national SALW controls on the basis of strict common standards, while ensuring that national controls provide an appropriate response to the national and regional realities of each State;
13. *Recommends* that parliaments exchange with each other and the IPU information on national legislation on SALW control, in order to enhance understanding of controls and to identify existing best practices, and establish international parliamentary forums to consider SALW issues;
14. *Urges* parliaments to consider ratifying, if they have not already done so, the multilateral SALW control treaties their governments have signed, to incorporate their provisions into domestic legislation in a timely manner and in accordance with the aims of these treaties, and to see to it that they are duly implemented;
15. *Calls upon* parliaments to ensure that the provisions of the recently adopted International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons are fully implemented under national legislation, and that ammunition for SALW is covered by national legislation to trace illicit SALW;
16. *Urges* parliaments to make violations of arms embargoes a criminal offence under national law; to sanction logistical or financial support for such violations; and, in the event of breaches of arms embargoes, to trigger the specific action prescribed for each particular embargo;
17. *Recommends* that parliaments develop and help implement, where appropriate and together with governments, national action plans on preventing, combating and eradicating the illicit SALW trade in all its aspects;
18. *Encourages* parliaments, where necessary, to set up or strengthen procedures enabling them to scrutinize government practice and policy on SALW controls, to ensure respect for their countries' international commitments, and to work towards the high degree of transparency allowing for such scrutiny;
19. *Calls upon* parliaments to designate a parliamentary committee, or to create one at the national level if no such body exists, to engage with the government in a regular debate on national SALW policy and control practice;
20. *Encourages* parliaments in this context to promote regular reporting by governments to national parliaments on SALW transfers, in order to allow for informed debate on whether government practices are in conformity with stated policy and legislation;
21. *Recommends* that parliaments closely monitor the efficiency and effectiveness of their governments' fiscal measures related to SALW policies and, where necessary, request their governments to provide financial and technical support to international SALW research initiatives and funds;

22. *Invites* the relevant parliamentary committees to seek regular exchanges of views and information with governments in a debate on government policy and action at both the national and multilateral levels, and to request their governments to include parliamentarians in national delegations to regional and international meetings between States on combating the illicit trade in SALW;
23. *Encourages* parliaments in a position to do so to offer assistance to other parliaments requesting such assistance, so as to develop national capacities to engage in a dialogue on SALW with governments and scrutinize their policy and action, and *requests* that the IPU compile a list of parliaments able to provide assistance in this field to interested parliaments;
24. *Invites* the IPU, in cooperation with its relevant partners, to promote capacity-building programmes that enable parliaments to make effective contributions to the prevention and combating of SALW proliferation and misuse;
25. *Recommends* that parliaments in countries engaged in disarmament, demobilization, reintegration and rehabilitation (DDRR) programmes encourage their governments to prioritize in such programmes "weapons in exchange for development" schemes to provide community-based incentives for the voluntary surrender of illicitly held SALW;
26. *Recommends* that parliaments in post-conflict countries encourage their governments to ensure that the reconstruction process is promoted under an international framework for conflict prevention and peace-building;
27. *Encourages* parliaments to support the participation and active role of women in DDRR processes and peace-building activities, and *stresses* the need to incorporate a gender perspective in DDRR and peace-building strategies and activities;
28. *Encourages* parliaments to urge governments involved in DDRR programmes to pay particular attention to the unique circumstances of child soldiers and the rehabilitation and reintegration of former child soldiers into civilian life, in order to prevent such children from resorting to armed crime;
29. *Encourages* parliaments to urge their governments to destroy, in public view and wherever possible, all illicit SALW that are recovered by the national authorities in the context of armed conflict and crime, including SALW recovered in the context of DDRR programmes, and to dispose of such SALW in a safe, environmentally responsible and cost-effective manner;
30. *Calls upon* parliaments to intensify international cooperation to prevent the illicit international arms trade and its links with international organized crime, particularly drug trafficking;
31. *Exhorts* the parliaments of countries that produce SALW to develop effective mechanisms for regulating their sale and distribution, both nationally and internationally, thus preventing their proliferation;
32. *Recommends* that parliaments continue and strengthen efforts, and work together with civil society, including NGOs, to prevent the outbreak of conflict in regions and States prone to tensions and to resolve social and economic problems underpinning such tensions and armed conflict, including efforts to fight poverty, social exclusion, trafficking in human beings, drugs and natural resources, organized crime, terrorism and racism;
33. *Urges* parliaments in this context to adopt and support adequate national measures to limit demand in their societies for SALW and firearms, and in particular to eradicate the demand for illicit SALW and firearms;

34. *Encourages* parliaments to develop strategies aimed at building public awareness of the negative effects of the illicit acquisition of SALW, including by proposing that an international day be observed annually to publicize these effects, and to participate in relevant programmes with the media, in coordination with the government and civil society;
35. *Calls upon* parliaments to promote full implementation by their governments of their pledges under the United Nations Millennium Declaration to ensure the achievement of the Millennium Development Goals, a measure which requires disarmament and the reduction of armed violence.

THE ROLE OF PARLIAMENTS IN ENVIRONMENTAL MANAGEMENT AND IN COMBATING GLOBAL DEGRADATION OF THE ENVIRONMENT

Resolution adopted by consensus by the 114th IPU Assembly
(Nairobi, 12 May 2006)*

The 114th Assembly of the Inter-Parliamentary Union,

Alarmed at the state of the world's ecosystems and *recalling* the following agreements and instruments:

- The Declaration of the United Nations Conference on the Human Environment (Stockholm, 1972);
- The Convention on Long-range Transboundary Air Pollution (1979);
- The United Nations Convention on the Law of the Sea (1982);
- The Rio Declaration on Environment and Development and Agenda 21, adopted by the United Nations Conference on Environment and Development (1992);
- The United Nations Convention on Biological Diversity (1992) and the Cartagena Protocol on Biosafety (2000);
- The Convention to Combat Desertification (1994);
- The United Nations Framework Convention on Climate Change (UNFCCC, 1992) and its Kyoto Protocol (1997);
- The Johannesburg Declaration on Sustainable Development and the Plan of Implementation adopted at the World Summit on Sustainable Development (WSSD) (2002);
- The 2005 World Summit Outcome,

Further recalling the following reports and events:

- Reports to the Club of Rome, *Limits to Growth* (1972) and *No Limits to Learning* (1979);
- The World Commission on Environment and Development report *Our Common Future* (1987);
- The United Nations Millennium Development Goals (MDGs) (2000);
- The United Nations Global Compact (2000);
- The Third Assessment Report of the Intergovernmental Panel on Climate Change (2001);
- The Millennium Ecosystem Assessment (2001);
- The Monterrey Consensus adopted by the International Conference on Financing for Development (2002);
- The Report of the United Nations Environment Programme (UNEP) entitled *Natural Selection: Evolving Choices for Renewable Energy Technology and Policy* (2003);
- The Parliamentary Declaration entitled *Toward Sustainability: Implementing Agenda 21*, adopted by consensus at the Parliamentary Meeting held on the occasion of the 2002 WSSD;
- The final report of the United Nations Millennium Project, *Investing in Development* (2005);
- The support for the Earth Charter expressed at the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO) (2003);
- The IUCN World Conservation Congress resolution endorsing the Earth Charter (2004);
- The Ministerial Conference on the 3R initiative (2005);

* The delegation of India expressed reservations on operative paragraphs 4 and 16. Two of the four members of the delegation of Australia expressed reservations on operative paragraphs 10 and 11. The delegation of Venezuela expressed reservations on operative paragraph 10.

- The eleventh session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (COP 11) and the first meeting of the Parties to the Kyoto Protocol (COP/MOP 1) (2005);
- The Mauritius Strategy and Declaration drawn up at the International Meeting to Review the Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States (2005);
- The Hyogo Declaration and the Hyogo Framework for Action 2005-2015: Building the Resilience of Nations and Communities to Disasters (2005);
- The Parliamentary Declaration of the Fourth World Water Forum (Mexico, 2005);
- The Asia-Pacific Partnership on Clean Development and Climate (2005);
- The Strategic Approach to International Chemicals Management (SAICM) adopted by the International Conference on Chemicals Management (ICCM) (2006),

Deeply concerned that, while there has been some action relating to these commitments, many of them remain unfulfilled, and *emphasizing* the support expressed by the Inter-Parliamentary Union for measures aimed at curbing global environmental degradation, especially in the following statements, declarations, and resolutions:

- The statement adopted by the 87th Inter-Parliamentary Conference and entitled *Environment and Development: The views of parliamentarians on the main directions of the United Nations Conference on Environment and Development and its prospects* (Yaoundé, 1992);
- The Declaration adopted by the 97th Inter-Parliamentary Conference and entitled *Measures required to change consumption and production patterns with a view to sustainable development* (Seoul, 1997);
- The resolution adopted by the 107th Inter-Parliamentary Conference and entitled *Ten years after Rio: Global degradation of the environment and parliamentary support for the Kyoto Protocol* (Marrakech, 2002);
- The resolution adopted by the 108th Inter-Parliamentary Conference and entitled *International cooperation for the prevention and management of transborder natural disasters and their impact on the regions concerned* (Santiago de Chile, 2003);
- The resolution adopted by the 111th Assembly of the Inter-Parliamentary Union and entitled *The role of parliaments in preserving biodiversity* (Geneva, 2004), supporting the commitment of the 2002 WSSD to achieve a significant reduction in the current rate of loss of biological diversity by 2010,

Recognizing that global environmental problems pose a common threat to all humanity, particularly to developing countries, and constitute a common but differentiated responsibility for all countries,

Considering the high level of exhaust substances in the ozone layer, and *concerned* about the growing environmental impact of climate change,

Acknowledging the need for cooperation among all stakeholders, including government, civil society and business,

Recognizing that it has become urgent to reconcile sustainable development with globalization, the latter being the cause of a vicious cycle of environmental degradation triggered by unsustainable production and consumption patterns in both developed and developing nations, among other factors,

Also recognizing the importance, in establishing a sustainable society, of the role of education and learning, which have an impact on the awareness, lifestyle and work ethic of individuals,

Emphasizing that preservation of the environment is essential to poverty eradication and the achievement of the MDGs,

Noting the launch in 2005 of the United Nations Decade of Education for Sustainable Development (UNDESD), involving all actors and all levels of national education systems, UNESCO's International Implementation Scheme for the UNDESD, and the United Nations Economic Commission for Europe's Regional Strategy for Education for Sustainable Development and the Vilnius framework for its implementation,

Also noting that the International Conference on Financing for Development, held in Monterrey, Mexico, reaffirmed that the target for the provision of official development assistance (ODA) was 0.7 per cent of developed countries' gross national product (GNP), *recognizing* the need to study new approaches to innovative financial mechanisms, and *calling on* governments of developing countries to take urgent action for ensuring sustainable development,

Believing that effective administrative bodies and enabling legal and regulatory frameworks constitute the cornerstones of good governance and thereby enable governments to address critical environmental protection concerns,

Emphasizing the importance of the gender perspective in efforts to tackle national disasters, degradation of the natural environment, environmental pollution, deforestation, global warming and other environmental problems,

Recognizing the need to establish a sound material-cycle society with the 3R (Reduce, Reuse and Recycle) initiative,

Concerned about the contamination of global water resources and the deterioration of the quality of drinking water for human consumption, and about water consumption increases worldwide, which together result in water shortages in some regions of the world, worsening desertification and deforestation,

Emphasizing that environmentalism should become a way of life that governs the behaviour and activities of all,

Acknowledging the significance of the precautionary approach advocated in Principle 15 of the Rio Declaration on Environment and Development, the objective of the UNFCCC climate stabilization clauses, and the fact that scientific uncertainty concerning the causes of global warming can no longer be an excuse for not taking any action,

Noting the UNEP publication *Natural Selection: Evolving Choices for Renewable Energy Technology and Policy*, and *anticipating* the potential of a cleaner economy in the future,

Recalling the essential role played by parliaments in strengthening efforts to encourage sustainable development through legislative and budgetary policies that are consistent with the objectives set forth in the international conventions, through appropriate initiatives to monitor government action, and through advocacy aimed at public opinion and society at large,

1. *Calls upon* governments to ensure prompt implementation of all international environmental conventions to which they are party;
2. *Proposes* that international environmental governance and UNEP's role as a provider of policy advice and guidance be further strengthened, that the participation of all relevant actors, including NGOs, in international environmental policy-making be ensured, and that multilevel environmental partnerships fostered;
3. *Calls upon* all environmental management decision-making bodies to take into account the experiences, perspectives and knowledge of women, and to ensure their equal participation in

the planning, formulation, implementation and evaluation of environmental policies in order to mainstream the gender component in all environmental programmes;

4. *Recalls* that the European Union advocates the transformation of UNEP into a full-fledged United Nations environmental organization;
5. *Calls upon* parliaments, as front-line actors in the system of global environmental governance, to participate actively – through their own delegations – in all international events at which the major options for protecting the environment and for using natural resources sustainably are debated and negotiated;
6. *Calls upon* governments, when deciding policies, to take into account the Millennium Ecosystem Assessment and its main message that human well-being and progress towards sustainable development hinge on improving the management of Earth's ecosystems with a view to ensuring their conservation and sustainable use;
7. *Proposes* that UNEP prepare a list of global environmental goals similar to the MDGs, supplement these goals with criteria and indicators for their implementation and promote their implementation as a significant contribution to sustainable development;
8. *Encourages* parliamentarians to press their governments to give high priority to their international sustainable development commitments, including the MDGs;
9. *Stresses* the need for ensuring the protection of biodiversity, including on the high seas outside the jurisdiction of coastal States;
10. *Calls upon* countries that have not acceded to the Kyoto Protocol, starting with those that pollute the most, to do so in order to give effect to measures for the prevention of global warming;
11. *Calls for*, in the framework of the second commitment period of the Kyoto Protocol, strengthened commitments from all countries under Annex 1 as soon as possible;
12. *Calls upon* all countries designing a post-Kyoto framework to shoulder greenhouse gas emission reduction/control responsibilities, in accordance with the principles of the UNFCCC, while *also calling upon* developed countries to provide further support to developing nations;
13. *Calls upon* parliaments to secure national backing for the objective recommended by the international scientific community with regard to global warming, namely to limit to 2°C the rise in mean global temperatures compared with pre-industrial levels, and to take action towards attaining that objective, bearing in mind that a decrease in greenhouse gas emissions by a factor of two globally and by a factor of four for the industrialized countries is generally considered necessary for achieving that goal;
14. *Strongly urges* governments and parliaments to reverse the negative environmental developments in the Arctic region, particularly regarding the effects of climate change, and *warns against* the effects of the accumulation of persistent pollutants in regions which are particularly vulnerable to climate change;
15. *Calls upon* governments and public financial institutions to promote research, development and deployment of low-impact renewable energies, and to encourage the transfer to developing countries of technologies that are appropriate for the geographical and natural conditions of each region;

16. *Recalls* such international efforts as the Renewable Energy and Energy Efficiency Partnership (REEEP) and the role played by the International Energy Agency (IEA), as positive steps in the direction of improving energy efficiency and cooperation;
17. *Encourages* governments and parliaments to advocate environmental awareness and educate the public about coordinated action against environmental degradation;
18. *Supports* and *promotes* the development of a ten-year framework of programmes in support of regional and national initiatives to accelerate the shift towards sustainable consumption and production, and in this connection *calls for* the promotion of sustainable public procurement;
19. *Calls upon* parliaments fully to commit themselves to the challenges of climate change and its effects on the global environment and to take the necessary legislative action to mitigate the effects of the problem;
20. *Calls upon* governments and parliaments, with due regard for national circumstances, clearly to define corporate social responsibility in their domestic legislation, and to uphold the philosophy of the Ministerial Conference on the 3R initiative, in order to promote the development of a sound material-cycle society;
21. *Calls upon* parliaments to promote, within the context of the ratification of international conventions and treaties, the adoption of national plans on major environmental issues and sustainable development in which goals, including quantitative goals, are set;
22. *Calls upon* parliaments to promote legislation that stimulates the development of environmentally-friendly products, and to promote the use of green bonds and Clean Development Mechanisms;
23. *Encourages* governments and parliaments to ensure accession to and implementation of the United Nations Convention to Combat Desertification (1994), and *supports* the International Year of Deserts and Desertification (2006);
24. *Calls for* early ratification of the International Convention for the Control and Management of Ships' Ballast Water and Sediment (2004);
25. *Encourages* parliamentarians in all States to advance efforts towards education for sustainable development and to serve as role models for the global citizens who will be the foundation of a sustainable future, and *calls for* programmes specifically targeting women in order to strengthen their role as key managers of natural resources;
26. *Calls upon* parliaments to recognize that preservation and conservation of the hydrological cycle are key to maintaining the climatic and environmental cycles that serve to regenerate the water supplies needed to ensure social development and quality of life for the world's peoples, particularly in terms of health and food production, and to prevent desertification and deforestation;
27. *Calls upon* governments, in cooperation with international bodies dealing with environmental issues, businesses and civil society organizations, to put in place UNDES implementation schemes that include systems for periodic monitoring and assessment;
28. *Encourages* environmental bodies to develop sex-disaggregated indicators and data and to undertake systematic gender impact analysis assessments and research in order to evaluate the impact of environmental policies on both sexes;

29. *Calls upon* parliaments to promote greater technical and financial cooperation on renewable energies by encouraging transfers of technology and human, technical and institutional capacity-building between developed and less developed nations;
30. *Calls upon* governments and parliaments, in view of the climate stabilization clauses of the UNFCCC, to take action to greatly reduce greenhouse gas emissions, share best practices, and carry out applied studies and research, including using the back-casting approach;
31. *Calls upon* parliaments and governments to ensure that women have access to land ownership and are allowed to manage natural resources, as balanced ownership patterns are a principal requirement for avoiding environmental degradation;
32. *Urges* all countries to formulate a comprehensive environmental policy that can genuinely enhance and sustain economic growth without destructive consequences for our shared resources;
33. *Calls upon* governments and parliaments, in the light of the last WSSD, to pursue and support more efficient and coherent implementation of the Convention on Biological Diversity and its Cartagena Protocol on Biosafety, to achieve a significant reduction in the current rate of loss of biological diversity by 2010, which will require action at all levels, including the preparation and implementation of national biodiversity strategies and action plans;
34. *Acknowledges* the controversies which surround the nuclear option for energy production, together with the problems posed by decommissioning, storage of nuclear waste and accidental leakage, and, at the same time, *recognizes* the need to keep the option open and for increased research to overcome these problems;
35. *Encourages* parliaments to draw up the necessary legislation, to review a menu of policy options, including ecological tax reform, and to propose such policies to governments;
36. *Calls upon* parliaments and governments to ensure adequate funding for UNEP and sufficient financial backing for the implementation of environmental management legislation, and *encourages* the development of green budgeting based on the model of gender budgeting;
37. *Urges* parliamentarians, and more specifically women parliamentarians, to establish lobbying networks within parliaments to bring about changes in the management of natural resources;
38. *Also encourages* governments to include in their budgets clear indications of the financial and non-financial costs related to environmental degradation, and the benefits of ecosystem services;
39. *Encourages* all transnational companies to adopt and implement high environmental standards as part of their corporate social responsibility, in line with the cooperation provided for in the Global Compact;
40. *Encourages* parliaments and governments to give citizens access to information on the local environmental situation;
41. *Invites* parliaments to promote the development of new and broader tools and methods for measuring GDP and other standardized economic concepts, said tools and methods to take account of the value of natural resources, in order to enhance sustainable development;
42. *Encourages* parliaments to facilitate the participation of NGOs in strengthening popular support for environmental work, in particular to mitigate the effects of climate change.

HOW PARLIAMENTS CAN AND MUST PROMOTE EFFECTIVE WAYS OF COMBATING VIOLENCE AGAINST WOMEN IN ALL FIELDS

Resolution adopted by consensus by the 114th Assembly
(Nairobi, 12 May 2006)*

The 114th Assembly of the Inter-Parliamentary Union,

Reaffirming that violence against women constitutes a violation of women's human rights and fundamental freedoms,

Stressing that the causes and consequences of violence against women are intrinsically linked to longstanding gender inequalities and discrimination that restrict the full enjoyment by women of their human rights,

Recognizing that women belonging to minority and indigenous groups, refugee women, internally displaced women, migrant women, women living in rural or remote communities, destitute women, women in institutions or in detention, women with disabilities, elderly women, women in situations of armed conflict and in post-conflict situations and girl children are especially vulnerable to violence,

Alarmed by the perpetuation of violence against women throughout the world, both in the home and in the workplace, including trafficking in women and girls and forced prostitution, sexual violence within and outside marriage, and certain traditional practices that are harmful to women,

Aware that violence against women increases their vulnerability to HIV/AIDS and often impedes their access to prevention, care and treatment services, thus contributing to the conditions that foster the spread of HIV/AIDS,

Stressing that it is the responsibility of States to act with due diligence to prevent human rights violations, investigate acts of violence, punish their perpetrators and protect and provide reparation to victims of violence,

Noting that rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization and all other forms of sexual violence of comparable gravity are crimes under international law and should be repressed and punished as such,

Reaffirming that States are not justified in invoking any custom, tradition or religious consideration to avoid their obligations to eliminate violence against women,

Recalling the importance of the Convention on the Elimination of All Forms of Discrimination against Women (1979) and its Optional Protocol (1999), of the Declaration on the Elimination of Violence against Women (1993), and of the Beijing Declaration and Platform for Action (1995) as effective instruments to combat violence against women, and *noting* the existence of regional legal instruments on violence against women,

* Two of the four members of the delegation of Australia expressed reservations on the reference in operative paragraph 1 to the CEDAW Optional Protocol. The delegation of the Islamic Republic of Iran expressed reservations on preambular paragraph 8 and operative paragraph 12.

Noting all relevant resolutions adopted by United Nations bodies, including Commission on Human Rights resolution 1994/45 of 4 March 1994 appointing a Special Rapporteur on violence against women, its causes and consequences, and Security Council resolution 1325 (2000) on women and peace and security,

Recalling the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, adopted in Belém Do Pará in 1994,

Noting that violence against women hinders human development and the achievement of the Millennium Development Goals,

Stressing that the eradication of violence against women requires preventive and responsive policies and actions and the involvement of all members of society, including men,

Stressing that the newly established Human Rights Council and Peacebuilding Commission will be crucial to the promotion and protection of the rights of women,

Stressing the key role of parliaments and parliamentarians in preventing and eliminating violence against women, and the need for States to cooperate with and support organizations working to eliminate violence against women, especially women's organizations,

1. *Urges* governments and parliaments to ratify international and regional instruments pertaining to violence against women, such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its Optional Protocol, and to ensure full compliance with those instruments and with pertinent United Nations resolutions;
2. *Calls upon* parliaments to ensure that CEDAW country reports systematically include information on violence against women, in particular statistical data disaggregated by sex, on legislation, on support services to victims and on other measures adopted to eliminate violence against women;
3. *Urges* parliamentarians to refer to and make use of the IPU/UN *Handbook for Parliamentarians: The Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol*;
4. *Calls upon* governments and parliaments to give priority to and raise awareness about violence against women as both a cause and a consequence of rising HIV/AIDS and to include these considerations in the relevant national strategy;
5. *Calls upon* governments to implement United Nations General Assembly resolution 52/86 on Crime prevention and criminal justice measures to eliminate violence against women, and, in particular, to punish all acts of violence against women perpetrated by State or non-State actors in the public and the private spheres, to establish courts specialized in hearing cases of such violence, and to establish a governmental body promoting the prosecution of all acts of violence;
6. *Calls upon* governments, parliaments and non-governmental organizations to organize activities to promote public awareness of the problem of violence against women,

- including on the International Day for the Elimination of Violence Against Women, which is observed on 25 November each year;
7. *Encourages* governments to provide training to all relevant government agencies, especially the police forces and the judiciary, on ways to address gender-related violence;
 8. *Encourages* governments and parliaments to establish observatories on violence against women, and to develop indicators and compile data, disaggregated by sex, to monitor the effectiveness of policies for the elimination of such violence;
 9. *Encourages* the establishment of parliamentary bodies to monitor and evaluate all international and national measures designed to prevent and eradicate violence against women, and *suggests* that a rapporteur for these bodies submit an annual report to the Assembly for information, debate and public circulation;
 10. *Encourages* governments to collaborate with the Special Rapporteur on Violence Against Women on developing internationally agreed indicators and mechanisms to measure violence against women;
 11. *Calls upon* governments and parliaments to enact and enforce legislation against the perpetrators of violent practices and acts of violence against women and children, including tough and clear measures to combat recidivism;
 12. *Calls upon* parliaments to review legislation to detect practices and traditions that impede the attainment of equality between the sexes and to eliminate inequality in all spheres, in particular in education, health and access to property and land;
 13. *Calls* for the promotion of nationwide awareness and educational campaigns to encourage changes in social and cultural attitudes regarding gender roles and to eliminate patterns of behaviour that engender violence; to that end, *encourages* cooperation with the media;
 14. *Calls upon* governments and parliaments to ensure that information, education and training on gender-related violence are available to all public agents, including the judiciary, involved in the prevention and prosecution of violence against women and in the provision of health care and support services for victims;
 15. *Requests* parliaments to allocate sufficient budget resources to facilitate universal access to reproductive health information and services;
 16. *Calls upon* parliaments to ensure that sufficient resources are allocated and clearly earmarked in the national budget for plans and programmes to eradicate violence against women in all fields;
 17. *Calls upon* parliaments to denounce and combat the extreme forms of gender violence against women that are derived from the violation of their human rights and shaped by forms of misogynous conduct that may go unpunished, and which have culminated in homicide and other forms of violent death of women;
 18. *Urges* all States to cooperate with and support all women's and other organizations working to eliminate violence against women;

On domestic violence

19. *Calls upon* governments and parliaments, if they have not yet done so, to develop and implement specific legislation and/or strengthen appropriate mechanisms to handle criminal matters relating to all forms of domestic violence, including marital rape and sexual abuse of women and girls, and to ensure that such cases are brought to justice swiftly;
20. *Calls upon* governments and parliaments, if they have not yet done so, to develop and implement adequate legislation to combat domestic violence;
21. *Calls upon* governments and parliaments to develop national plans to combat domestic violence that include measures related to research, prevention, education, information and penalization, the prosecution and punishment of all acts of violence against women (including violence within marriage), social, financial and psychological support for victims (including children who have witnessed domestic violence against their mothers), special support for the most vulnerable groups and effective legal tools to protect victims;
22. *Calls upon* national legislators to make certain that legislation on violence against women precludes any kind of culture-related violence; also *calls upon* legislators to deny any form of undue mitigation of sentence for crimes committed in the name of culture;
23. *Calls upon* governments and parliaments to adopt measures to encourage adequate reporting of domestic violence and to combat recidivism;

On female genital mutilation/cutting

24. *Calls upon* parliaments to spare no effort to end female genital mutilation/cutting (FGM/C) within a generation;
25. *Recommends* that strategies for the abandonment of FGM/C be developed within the wider context of the promotion of all human rights, including the right to education, health and development and the reduction of poverty;
26. *Calls upon* parliaments to work with civil society, traditional chiefs and religious leaders, women's and youth movements and governments to ensure complementarity in working towards the abandonment of FGM/C; and together with governments, to take measures to raise awareness about the issue, placing particular emphasis on targeted training for health personnel;
27. *Calls upon* States that have not yet done so to adopt legislation outlawing FGM/C;
28. *Calls upon* parliaments to take note of the Final Declaration adopted by the African Parliamentary Conference on "Violence against Women, Abandoning female genital mutilation: the role of national parliaments", held in Dakar in December 2005, and to take all necessary measures for its dissemination and implementation;

At the workplace

29. *Calls upon* parliaments to ensure compliance with United Nations General Assembly resolutions on violence against women migrant workers and with General Recommendation No. 19 of the Committee on the Elimination of Discrimination against Women, as well as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, relevant International Labour Organization conventions and all other international instruments that contribute to the protection of migrant women, by increasing activities to prevent violence against migrant workers, by promoting and protecting their rights and by strengthening relations among countries of origin, transit and destination;
30. *Requests* parliaments to promote close cooperation between governments, employers and trade unions to achieve greater efficiency in preventing and eradicating all forms of violence against women in the workplace, including through the enactment of legislation that explicitly prohibits sexual harassment in the workplace where such legislation does not exist;

On sexual violence

31. *Calls upon* parliaments and governments to review the effectiveness, at the national and local levels, of legislation on sexual violence; *further calls* for the establishment of a policy exchange network to facilitate exchanges of policy options and experiences at the international level;
32. *Calls upon* parliaments and governments to make rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, and any other form of sexual violence of comparable gravity, crimes under their domestic legislation and to repress them as such;
33. *Encourages* parliaments to evaluate the adequacy of the penalties imposed for the aforementioned crimes and to make every effort to ensure that such penalties are enforced;
34. *Emphasizes* the value of effective legal and correctional programmes to prevent recidivism by perpetrators of sexual violence against women;
35. *Calls upon* parliaments, when debating methods for gathering evidence and devising measures to punish sex offenders, to give special attention to the fact that children and mentally disabled and other disabled women - who are especially vulnerable to sexual violence - find it difficult to testify in court;
36. *Calls upon* parliaments and governments to examine systems of investigation and prosecution and the way in which the media cover sexual violence, and to take appropriate measures in order to minimize further trauma to victims of sexual violence;

On human trafficking

37. *Urges* those States that have not yet done so to sign and ratify the United Nations Convention against Transnational Organized Crime along with its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;

38. *Recognizes* that globalization has aggravated and accelerated human trafficking, and *stresses* the need to build international and regional cooperation among countries of origin, transit and destination, through instruments such as memoranda of understanding, bilateral agreements and regional treaties such as the Council of Europe Convention on Action against Trafficking in Human Beings;
39. *Calls upon* governments to address all factors and root causes which foster demand for prostitution and make women and girls vulnerable to trafficking;
40. *Encourages* governments to establish legal mechanisms to protect the victims of trafficking, a considerable number of whom may be without legal status and who may not, as a result of this status, report to the authorities, and to ensure that they are not re-victimized by providing for the possibility, in accordance with the basic principles of the national legal system, of not imposing penalties on victims for their involvement in unlawful activities to the extent that they have participated under duress;
41. *Encourages* governments to adopt measures for the protection and rehabilitation of victims of human trafficking;
42. *Calls upon* States to conduct information and public awareness-raising campaigns to inform women about migration-related opportunities, limitations and rights, thus enabling them to take informed decisions on migration and preventing them from becoming victims of trafficking;

On violence in situations of armed conflict

43. *Invites States* that have not yet done so to become party to the Geneva Conventions on the protection of victims of armed conflicts (1949) and their Additional Protocols (1977), the Convention relating to the Status of Refugees (1951) and its Protocol (1967), the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Rome Statute of the International Criminal Court, to withdraw any existing reservations, and to ensure full compliance in law and in practice with these instruments;
44. *Calls upon* parliaments to intensify efforts, in cooperation with relevant international organizations such as the Office of the United Nations High Commissioner for Human Rights (UNHCHR), the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Development Fund for Women (UNIFEM), the United Nations Fund for Children (UNICEF), and the International Committee of the Red Cross (ICRC), to enforce the special procedures of the Human Rights Council, to improve systems to monitor and report violence against women and girls in armed conflict, to take the necessary steps against the perpetrators of such acts, and to provide assistance to victims;
45. *Calls upon* parliaments to promote full and effective implementation of Security Council resolution 1325 (2000), and to ensure that the elimination of violence against women in post-conflict societies is included in the mandate of the United Nations Peacebuilding Commission as part of the disarmament, demobilization and reintegration (DDR) processes;

46. *Requests* parliaments and governments to ensure a gender balance in military and peacekeeping operations, including the participation of women at the decision-making level in all peacekeeping and peace processes, and to provide training in gender equality issues;
47. *Requests* parliaments and governments to ensure that all peacekeeping troops receive training in the United Nations Code of Personal Conduct for Blue Helmets, international human rights law and international humanitarian law.

**THE NEED FOR URGENT FOOD RELIEF IN ORDER TO COMBAT DROUGHT-
INDUCED FAMINE AND POVERTY IN AFRICA, FOR THE WORLD'S MOST
INDUSTRIALIZED NATIONS TO SPEED UP AID TO THE CONTINENT AND FOR
PARTICULAR EFFORTS
TO BE MADE TO REACH DESPERATE AND POOR POPULATIONS**

*Resolution adopted unanimously by the 114th IPU Assembly
(Nairobi, 12 May 2006)*

The 114th Assembly of the Inter-Parliamentary Union,

Deeply concerned that intensive natural and human activity has continued to upset the environmental balance and thus erode the global environmental capital,

Noting that the negative effects of globalization, population growth and the exponential increase in demand for natural resources driven by consumerism pose far-reaching dangers to the ecosystem,

Further noting that Africa in particular is faced with the real challenge of high levels of poverty and environmental degradation, which compound the effects of floods, soil erosion and desertification, and that the consequent destruction of water catchment areas results in unreliable water supplies for domestic, industrial and agricultural purposes,

Aware that urgent food relief is needed in order to combat the drought-induced famine and poverty now pervading large areas of Africa,

Further aware that Africa needs sustainable development strategies to combat famine and poverty rather than relying on food relief every time natural disasters and calamities occur, and *recalling* in this regard the Millennium Development Goals, which aim inter alia to achieve a massive reduction in poverty,

Conscious of the need for a multisectoral approach to sustainable development that encompasses not only sustainable food production but also good governance, respect for human rights, eradication of corruption, development of infrastructure and provision of access to communities, and security for the population,

Recalling that the right to food is a basic human right and a binding obligation that is well established under international law and recognized in the Universal Declaration on Human Rights, the International Covenant on Economic, Social and Cultural Rights and a plethora of other instruments,

Recognizing that women in Africa play a key role, especially in the agricultural sector, and that their empowerment can therefore contribute significantly to improving food security,

Aware that the heavy external debts owed by most African States constitute a major hindrance to development and that debt relief, where provided, has released substantial additional resources to support food security and other programmes, such as education and health, in many countries in Africa,

Noting that the world's most industrialized countries are capable of speeding up aid to the continent for the immediate purpose of famine relief, and *recalling* the numerous commitments made by these countries in, inter alia, the Monterrey Consensus, the Millennium Development Goals and the New York Declaration on Action against Hunger and Poverty,

Recalling the numerous previous resolutions adopted by the Inter-Parliamentary Union on the many issues relevant to famine and poverty, in particular the resolution on the right to food adopted at the 96th IPU Conference in Beijing in 1996,

1. *Makes a pressing appeal for* increased supplies of emergency food assistance to be made available to drought-affected nations in Africa, and *calls on* governments collectively to meet the targets contained in the repeated appeals from international agencies, in particular the World Food Programme, for such assistance;
2. *Urges* the governments concerned to take every appropriate measure to facilitate access to the affected areas for the speedy delivery of food supplies and to provide security;
3. *Calls on* all parties to ensure that food relief programmes are not used for political ends and that food is distributed to those in need without political interference;
4. *Recommends* that parliaments in the affected countries monitor the delivery of food relief programmes, and *invites* them to report on their findings to the Inter-Parliamentary Union;
5. *Calls on* the governments of the countries concerned to make every effort to implement the Millennium Development Goals, in particular those relating to the reduction of poverty, and, to this end, to pursue sustainable development strategies;
6. *Affirms* that such medium- and long-term strategies must be comprehensive and aim to promote good governance and respect for human rights, eradication of corruption, sustainable food production, development of infrastructure and provision of access to communities, and, most importantly, security for the population;
7. *Calls on* all African countries to develop policies that facilitate the full and equal participation of women in political and economic life, so that they can contribute to and benefit from the development of their countries;
8. *Further calls on* African countries to take measures to promote and protect the security of land tenure, especially with respect to women and poor and underprivileged segments of society, through legislation and programmes that protect the full and equal right to own land and other property, including the right to inherit, in accordance with the Voluntary Guidelines to support the progressive realization of the right to adequate food adopted by the United Nations Food and Agriculture Organization in November 2004;
9. *Further calls on* the international community to support all efforts to improve access to education and vocational training for people in poverty-stricken regions, this being one of the most effective measures of reducing poverty in the long term;
10. *Further calls on* all governments to facilitate conflict resolution in affected areas in order to ensure human security;

11. *Urges* governments to encourage people in the affected areas to end certain practices that promote hostilities, including cattle rustling;
12. *Appeals* to the developed countries to respect the commitments they have made to provide assistance to developing countries and *calls on* them to accelerate implementation of the Millennium Development Goals and the New York Declaration on Action against Hunger and Poverty in this regard;
13. *Strongly urges* the developed countries substantially to increase their financial assistance, notably through innovative sources of financing for development, for the specific purpose of improving agricultural industry in affected countries with a view to boosting food production and thus ensuring food security;
14. *Calls on* the developed countries to extend and implement debt cancellation programmes in respect of all African countries affected by drought-induced famine;
15. *Invites* relevant international and multilateral institutions to review their policies and programmes to ensure that these do not in any way detract from or undermine policies pursued by countries to ensure food security;
16. *Calls on* the developed countries to phase out all forms of agricultural export subsidies, to reduce trade-distorting domestic support to agriculture, and to open their markets to the world's poorest countries;
17. *Calls on* the United Nations agencies, in particular the United Nations Environment Programme (UNEP), to increase funding and other measures to combat worsening environmental degradation in Africa, in particular in areas affected by drought and famine;
18. *Encourages* African parliaments to promote the socio-economic development of areas affected by drought and famine, which are also often marginalized, through a range of legislative and budgetary measures, including income-generating measures;
19. *Invites* the United Nations to give rapid effect to General Assembly resolution 57/265 on the Establishment of the World Solidarity Fund (and the eradication of poverty), in order to expedite the provision of financial resources, and *calls on* parliaments to adopt the requisite implementing legislation and to encourage their respective governments to contribute to those resources so as to enable African countries to become self-sufficient and ensure their food security.

Reports, Decisions, Resolutions and other texts

STATEMENT ON THE DROUGHT IN NORTH-EASTERN KENYA ENDORSED BY THE 114th ASSEMBLY

The North-Eastern areas of Kenya are suffering a drought which has had very severe consequences on the lives of the largely nomadic and pastoral populations living in the region. The crisis extends beyond the Kenyan borders to encompass a large part of the Horn of Africa.

We wish to reiterate the appeal already made by IPU President Casini to provide immediate and generous assistance to the populations concerned. Having witnessed for ourselves the distressing sight of people, and particularly women and their children, suffering the impact of malnutrition and the various diseases to which it exposes them, we believe that this appeal is more urgent than ever.

It is our intention to report to our parliaments and governments on what we have seen. We shall encourage them to consider their assistance to the drought-stricken areas and where appropriate take emergency steps to expedite relief. We shall also testify within our constituencies to the situation in the areas we visited.

The emergency item approved at this Assembly also draws attention to the need for urgent food relief in order to combat drought-induced famine and poverty in Africa. We call for rapid and substantive follow-up to the terms of this resolution. We also stress the need for sustainable solutions designed to reduce the likelihood of such disasters reoccurring.

We wish to thank UNICEF for organising this visit and believe that such on-site visits should become a more regular feature of the IPU Assemblies.

COOPERATION WITH THE UNITED NATIONS SYSTEM

Decision of the IPU Governing Council

(Nairobi, 12 May 2006)

1. The agenda of the 61st session of the United Nations General Assembly, which begins in September 2006, will include an item on cooperation between the United Nations and the Inter-Parliamentary Union.
2. This item provides an important opportunity to consolidate the relationship between the two world organizations, building on past resolutions of the UN General Assembly, the Declaration endorsed by the Second World Conference of Speakers of Parliaments, and paragraph 171 of the 2005 World Summit Outcome.
3. Under the item, the General Assembly will debate a resolution on cooperation between the UN and the IPU. Its approval will require the full support of Permanent Missions in New York, acting on instructions received from their Foreign Ministries.
4. The resolution should include the following key elements:
 - the development of the Annual Parliamentary Hearing at the United Nations as a joint UN-IPU event and an official part of the General Assembly agenda;

- the establishment of formal arrangements for consultation and coordination between the two organizations;
 - a call for close cooperation with the IPU in the work of the new United Nations bodies: the Human Rights Council, the Peace-Building Commission, and the UN Democracy Fund, all of which are based on the assumption that sustainable peace and development cannot be achieved without viable and effective representative institutions.
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COOPERATION WITH THE UNITED NATIONS SYSTEM

List of activities from 14 October 2005 to 8 May 2006

*Noted by the IPU Governing Council at its 178th session
(Nairobi, 12 May 2006)*

UNITED NATIONS

- Annual Parliamentary Hearing (31 October and 1 November) on UN reform, crisis management and peace building (“Our shared responsibility for a stronger United Nations to meet the challenges of the 21st century”). The report of the meeting was subsequently circulated in the General Assembly as an official UN document.
- Parliamentary panel on the occasion of the Second Phase of the World Summit on the Information Society (Tunis, 17 November). The theme of the parliamentary panel was the role of parliaments in building knowledge-based societies, with a particular focus on the question of access to information.
- Official statements delivered before the General Assembly or its subsidiary bodies on the following topics: non-proliferation and disarmament, the illicit trade in small arms and light weapons, new or resorted democracies, international migration and development, human rights instruments, political participation of women, information technologies. The IPU also addressed the open debate of the Security Council on “women, peace and security”.
- Circulation of resolutions from the 113th IPU Assembly to the General Assembly, in all six official languages of the United Nations (texts available on both the UN and IPU websites).
- Consultations on and initiation of preparations for future meetings in cooperation with the UN on the following subjects: New or Restored Democracies (International Conference in Doha, November 2006); HIV/AIDS (June 2006), Least Developed Countries (September 2006), Reinventing Government (World Forum, July 2007).
- Discussions under way with the President of the General Assembly and Co-chairs of the Working Group on Revitalization of the General Assembly (ambassadors of Latvia and Yemen) on a possible parliamentary contribution to that process.
- IPU joins the United Nations and a group of other prominent international organizations in endorsing the Principles for International Election Observation and the Code of Conduct for International Election Observers (New York, October 2005)

UNDAW (UN Division for the Advancement of Women)

- One-day information seminar entitled “Implementing the Convention on the Elimination of all Forms of Discrimination Against Women: the Role of Parliaments and their Members.” (Geneva, 20 October 2005).

- In preparation of the 50th session of the United Nations Commission on the Status of Women (CSW), which discussed "equal participation of men and women in decision-making processes at all levels", the IPU joined UNDAW to set up and contribute to an Expert Group Meeting on *Equal participation of women and men in decision-making processes, with particular emphasis on political participation and leadership*, which took place in Addis Ababa in October. The results of the meeting served as a reference document for the UN Secretary-General's report to the CSW. As a result, the IPU was extensively referred to and quoted in the report.
- Meeting of women Speakers of Parliament at UN Headquarters (27 February 2006), on the occasion of the 50th session of the CSW. The meeting of women Speakers discussed Gender equality on the legislative agenda: The role of women presiding over parliaments. Results of the meeting were presented to the IPU/UNDAW parliamentary event on 1 March 2006. Participants agreed to meet again on the occasion of the 51st session of the CSW in 2007.
- IPU participated in the CSW panel discussion on Equal participation of women and men in decision-making processes at all levels which took place on 28 February 2006. The IPU Secretary General presented an extensive report on the status of women in parliament and highlighted trends and upcoming challenges. The panel served to frame debates at the CSW on that particular theme.
- Parliamentary event in cooperation with the Division (1 March 2006) on the theme of the Commission on the Advancement of Women (CSW) "equal participation of women and men in decision-making processes at all levels." The parliamentary meeting was acknowledged for the first time in a decision of the CSW at the end of the session.
- The President of the IPU Coordinating Committee on Women made a statement before the CSW plenary meeting to report on the parliamentary meeting and on IPU activities in general. The Vice-President of the IPU Executive Committee joined the UN Secretary General at the special UN event in celebration of International Women's Day (8 March 2006);

Office of the UN High Representative for the Least Developed Countries

- Supported the UN mid-term review process for the Brussels Programme of Action for the Least Developed Countries by inviting national parliaments' participation in the national reporting exercise in view of the high-level meeting of the General Assembly (September 2006).
- The IPU became a consultant in the review of a major UN study on Governance in the Least Developed Countries, as well as a participant in a UN team of field experts on governance-related questions.

UNDP

- Cooperation in the context of projects of assistance to the parliaments of Afghanistan, Algeria, Iraq, Pakistan, Uruguay, Viet Nam.
- Continuation of the joint project to develop guidelines for assistance to parliaments in conflict and post-conflict situations. The guidelines will be adopted at a major conference scheduled in Brussels in April 2006.
- Designed and implemented a new project of assistance to the Parliament of Uruguay (also in cooperation with the Office of the High Commissioner for Human Rights). The project aimed to strengthen constitutional functions of the Parliament, especially its oversight function, as well as its administrative and human resources capacities. Human rights were a major area of focus. A second phase of the project is currently being designed and pending receipt of funds will be implemented during 2006 and 2007.

UNESCO

- Begun work on a handbook on education for all for the use of parliaments, state legislators and National Commissions for UNESCO. The handbook will explain in a concrete and practical manner what parliaments can do in terms of policy and planning, financing and budget, legislation, governance, monitoring and evaluation in order to contribute towards achieving the Education for All goals endorsed by the international community at the 2000 Dakar Framework for Action.

UNICEF

- The IPU and UNICEF supported the African Parliamentary Union Conference on *Violence against women, abandoning female genital mutilation: the role of national parliaments*. The event, hosted by the National Assembly of Senegal in December, took place in December 2005. The objective of the conference was to secure the political commitment of members of parliament in Africa to relinquishing FGM. At the close of two days of debate, the parliamentarians unanimously adopted a Final Declaration to end female genital mutilation and cutting. There will be sub-regional and national follow up activities in 2006.
- Regional (Asia-Pacific) Seminar for Legislators on Child Protection (15-17 February 2006), hosted by the National Assembly of Viet Nam and organized jointly by IPU and UNICEF.

UNIFEM

- In cooperation with UNIFEM, the IPU held a regional seminar on *Parliaments and the budgetary process, including from a gender perspective* for Latin American Parliaments, in September 2005. The National Assembly of El Salvador hosted the seminar, the sixth regional event in the series.
- The Spanish version of the Handbook for Parliamentarians entitled *Parliament, the Budget and Gender*, produced by the IPU, the United Nations Development Programme (UNDP), UNIFEM and the World Bank Institute, was also presented at the El Salvador seminar.

UNITAR

- Further to the joint programme inaugurated in April 2005 to strengthen the capacities of parliaments to interpret and implement international environmental agreements, a first workshop targeting Arab parliaments was held in Beirut, Lebanon in November 2005.
- Projects in the pipeline include: a second workshop for African parliaments (Yaoundé, Cameroon) in June 2006. The publication of a specialized handbook to assist parliamentarians in developing practical solutions to manage sustainable development.

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

- Produced and launched a major new Handbook for Parliamentarians on Human Rights. Authored by the United Nations Special Rapporteur on Torture, the handbook is an authoritative resource that will be used in the context of IPU seminars around the world. A first print of over 2000 copies (English, French and Spanish) was distributed to member parliaments.

UN High Commissioner for Refugees (UNHCR)

- Launch of the new IPU-UNHCR Handbook for parliamentarians on Statelessness and Nationality, in the presence of the UN High Commissioner, Mr. Antonio Guterres (Geneva, October 2005).

UNAIDS

- In September 2005, the IPU partnered with UNAIDS and UNDP in a discussion in New York on *The role of parliamentarians in national policy and the AIDS response*. Preparations are under way for a parliamentary event in New York to mark the occasion of the UN Review and High-Level meeting on HIV/AIDS at the end of May 2006.

UNV

- In 2005, The Guidance Note on Volunteerism and Legislation published by the United Nations Volunteers (UNV), the International Federation of the Red Cross and Red Crescent Societies (IFRC) and the IPU was produced in Arabic and Russian. The Guidance Note now exists in five languages.

World Trade Organization (WTO)

- Hong Kong session of the Parliamentary Conference on the WTO (12 and 15 December 2005) in cooperation with the European Parliament – held in conjunction with the Sixth Ministerial Conference of the WTO. The Declaration issued at the meeting was presented to the WTO Director-General.

THE NEED TO OBTAIN APPROPRIATE STATUS FOR MEMBERS OF PARLIAMENT AT WTO MINISTERIAL CONFERENCES

Resolution adopted by the IPU Governing Council at its 178th session (Nairobi, 12 May 2006)

The Governing Council of the Inter-Parliamentary Union,

- (1) *Recognizing* the unique character of the World Trade Organization (WTO) as an intergovernmental rules-setting body, whose importance extends beyond the sphere of international trade per se,
- (2) *Convinced* that the exceptional powers of the WTO should be matched by equally high standards in terms of its transparency and accountability, and that parliamentarians, as legitimate representatives of the people, are best placed to oversee government action in the field of multilateral trade negotiations,
- (3) *Expressing satisfaction* that, after a relatively short initial set-up period, the Parliamentary Conference on the WTO, driven jointly by the IPU and the European Parliament, acquired all the necessary requisites of a permanent and appropriately structured process that serves as a de facto parliamentary dimension of the WTO,
- (4) *Recognizing* at the same time that the Parliamentary Conference on the WTO operates in a juridical vacuum vis-à-vis the WTO, whose internal rules and regulations currently make no mention of parliaments and foresee no specific role for parliamentarians,
- (5) *Concerned* that some members of parliaments participating in sessions of the Parliamentary Conference on the WTO held in conjunction with WTO Ministerial Conferences have no access to the Ministerial Conference, which undermines their ability to oversee trade negotiations,
 1. *Urges* governments of all WTO Member States to include, as a matter of rule, parliamentarians specializing in questions of international trade in official national delegations to WTO Ministerial Conferences;

2. *Invites* the WTO General Council to consider adding "Parliamentary Conference on the WTO" (PC WTO) as a separate category of observers to Ministerial Conferences, it being understood that the overall number of persons falling into this category normally does not exceed 200 and that their rights of physical entry to the premises of Ministerial Conferences should be assimilated to those of NGOs;
 3. *Calls on* the WTO General Council to include in the internal WTO rules and regulations a reference to the Parliamentary Conference on the WTO as a permanent mechanism of parliamentary oversight of and interaction with the WTO.
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HONG KONG SESSION OF THE PARLIAMENTARY CONFERENCE ON THE WTO

(Hong Kong, China, 12 and 15 December 2005)

Organized jointly by the Inter-Parliamentary Union and the European Parliament

DECLARATION

*Adopted on 15 December 2005 by consensus**

1. We, parliamentarians assembled in Hong Kong for the session of the Parliamentary Conference on the WTO held in conjunction with the sixth WTO Ministerial Conference, take note with apprehension of the slow progress of the intergovernmental negotiations and urge ministers strongly to confirm their commitment to the conclusion of the Doha Development Round by the end of 2006.
2. The Doha Development Agenda is of concern to us all. Open, free, fair and growing trade reduces poverty and brings benefits to developing and developed countries alike. We therefore reiterate our call on heads of State and government, ministers and trade negotiators to show vision and leadership and pledge our full support for the multilateral trading system.
3. We welcome the growing involvement and effective participation of developing countries, through their respective groupings, including the G-4 of cotton-exporting developing countries, as well as the G-10, G-20, G-33 and G-90.
4. We are concerned not least by the insufficient progress made in dealing with all key sectors, especially the major development issues of utmost interest to developing countries and especially the least developed countries, and urge ministers to make substantial progress in Hong Kong in this regard. We urge WTO members to bear in mind that the very lives and livelihoods of literally hundreds of millions of persons depend on the achievement of balanced, fair and equitable results in multilateral negotiations. The attainment of the Millennium Development Goals, whose implementation is already at risk, would be further jeopardized by protracted blockage.
5. We are encouraged that there is still the commitment to complete the negotiations by the end of 2006, and support the calls for subsequent speedy implementation of their results in areas of priority interest to developing countries, as envisaged in the Doha Ministerial Declaration. Development issues are at the heart of the Doha Round. We welcome the agreement reached last week on the right to import drugs for national emergencies. The creation of a "Development Box" for the least developed countries, duty-free and quota-free access for their exports, and the agreement for special and differential treatment for developing countries, including recently-acceded developing countries, should be an integral part of the results at this stage of the negotiations. Without these measures, the Development Agenda agreed to at Doha will be another missed opportunity for spreading the benefits of trade liberalization on an equitable basis.

* After the adoption of the Declaration, the delegation of Australia expressed reservation about certain parts of the text, in particular the issue of geographic indications.

6. With regard to agriculture, from the standpoint of the contribution to the development of the poorest countries, we must see substantial improvements in market access and the phasing out in parallel by all countries, by the dates agreed by WTO members by the end of 2006, of all forms of agricultural export subsidies. Equally important is the reduction of trade-distorting domestic support to agriculture by developed countries, as well as the opening of their markets to the world's poorest countries. Special treatment should be provided for "sensitive" and "special products" in line with criteria yet to be agreed upon, while the permanent provision of duty-free and quota-free market access for products originating from the least developed countries should be offered. We recognize the need to develop appropriate modalities to address the erosion of longstanding preferences for such products. The issue of geographical indications should be taken into account in the talks on market access for agricultural products.

7. For the Doha Development Round to be a success, we consider it essential to make progress in solving the cotton issue, which is vital for a number of developing countries.

8. We recognize that agriculture is of concern to developed, developing, least developed, exporting and importing countries alike, and is key to the successful conclusion of trade negotiations. Agriculture is not just a sector of economy, but a basis for the very existence of hundreds of millions of people. In view of the heightened sensitivity in this sector as efforts to meet the Uruguay Round "reform" commitments proceed, we draw the attention of WTO members to the fact that producers, exporters and consumers in many developing countries, and especially in Africa, have strong claims for a fair outcome, in particular as regards a variety of important commodities that are of interest to them as exports. For those countries that may face adjustment costs, assistance must be assured.

9. At each step of the ongoing negotiations, the concerns of developing countries in respect of poverty reduction, food security and sustainable livelihoods must be kept at the forefront. The coexistence of diverse agricultural systems of various countries requires the non-trade concerns of agriculture - including food security, land conservation, revitalization of rural society and rural employment, as well as the issues of sustainable forestry, illegal logging and fisheries - to be addressed also in a satisfactory manner.

10. To achieve a balanced outcome of the Doha Round, substantial progress must take place in non-agricultural market access negotiations. The commitments sought by certain competitive developing countries to reduce high tariff levels on temperate agricultural products should include the reduction of tariff peaks on processed tropical commodities. We are convinced that market access commitments for services, agriculture and non-agricultural products must be balanced and we recognize at the same time the need to develop appropriate modalities to address the erosion of long-standing preferences for such products.

11. We recognize the special situation of recently acceded WTO Members who have undertaken extensive market access commitments at the time of their accession as recognized by paragraph 9 of the Doha Declaration. This situation should therefore be effectively addressed through specific flexibility provisions in the results of the Doha Round of negotiations.

12. We commend the renewed efforts to increase trade among developing countries (South-South trade) bilaterally, regionally and inter-regionally. Such efforts widen the arc of integration and cooperation of open economies across continents, thus improving general welfare. However, as lasting progress can only be achieved through binding commitments, it is important to ensure that such trade agreements conform to the overall framework of WTO multilateral rules.

13. In the field of trade in services, there is clearly a need for much greater effort on the part of all WTO members. We encourage as much transparency and flexibility as possible, and believe that trade in services can be an important way to transfer knowledge to developing countries. At the same time, the liberalization of public services should be approached with caution, specifically in such areas as those relating to health, education and the basic needs of the population. We note that improved and substantial offers regarding the movement of natural persons ("GATS Mode 4") would be of vital importance to developing countries in order to match the demand in improved capital- and technology-intensive sectors and also to promote their own development.

14. In the areas of trade facilitation, there is now apparently a better appreciation of the fact that both developed and developing countries stand to benefit from increased efficiency in trade. Enhanced efforts are therefore necessary to accelerate negotiations in this area, with a view to arriving at concrete and quantifiable programmes.

15. We underscore the vital need for an effective, sensible and prompt application of the commitments regarding Trade-Related Aspects of Intellectual Property Rights (TRIPS), including the protection of traditional knowledge, genetic resources and the particularity of agricultural products and call on ministers to pursue work on TRIPS issues, including the relationship between the TRIPS Agreement and the Convention on Biological Diversity.

16. Concrete results should be reached on stronger multilateral rules in the area of anti-dumping, subsidies and countervailing measures, taking into account the needs of developing and least-developed countries. There is a need to make progress in the area of TRIPs and to take action against counterfeiting and piracy. The fulfilment of these goals strengthen the multilateral trade system.

17. We emphasize the importance of environmental protection, call for WTO rule-making and goals to be coherent with the obligations undertaken under multilateral environmental agreements (MEAs), and also call for regular information exchange between WTO and MEA secretariats. We recognize the importance of the ongoing negotiations on environmental goods and services. The environmental legislation of WTO members should not be seen as a non-tariff barrier to trade. As the number of natural disasters increases on a global scale, we call for WTO negotiations on permitted subsidies to focus on those that are harmful to the environment.

18. Appropriate and effective technical assistance helps developing countries, especially the least developed countries, to meet their end of the bargain of mutual rights and obligations. Intensified and coordinated use of technologies, and know-how can do much to meet their capacity-building needs. At the same time, the commitments in the Doha Ministerial Declaration to provide technical assistance and capacity-building measures must be treated on equal footing with other commitments, and must play an important role in the negotiations.

19. We note the renewed emphasis on the need for greater coherence in institutional arrangements and policies among international economic actors, especially between the WTO, the World Bank and the International Monetary Fund. In order to avoid further exacerbating the adjustment costs faced by many developing, especially the least developed countries, due attention must be paid to systemic and institutional shortcomings. We support greater participatory involvement in the coordination of international capital flows, trade and rule-making by a wider number of countries at varying levels of economic development, and integration into the world economy. We recognize various initiatives to provide additional financial support to developing countries, including through the establishment of a tax on airline tickets to finance a fund to combat pandemics.

20. We underscore the importance of making the WTO a truly universal organization. We therefore express support to those countries that are now in the process of accession and call for a prompt conclusion of ongoing accession negotiations.

21. We note the assessment made by certain WTO members of the impact of trade liberalization on their economies. We call upon the WTO to carry out such assessments on a regular basis as integral parts of trade policy reviews - especially with regard to the impact of differential and more favourable treatment - on the prospects for poverty eradication, employment, enjoyment of social rights and the protection of the environment in developing countries.

22. The opportunities and challenges posed by greater trade liberalization should be addressed also through the appropriate reforms of the GATT/WTO system, in parallel with the ongoing multilateral negotiations. Institutional strengthening of the WTO includes making it more open, transparent and accountable and

ensuring the full involvement of all WTO members in the decision-making process. Contentious disputes about possible organizational changes must not distract attention from the underlying causes of the slow pace of multilateral negotiations and from the increased recourse to bilateral and regional trading arrangements which themselves should be consistent with the Doha Development Agenda.

23. We call for improved information to be provided to the public about global trade, trade liberalization, the working of the WTO and the contribution of the Doha Development Agenda to the realization of the Millennium Development Goals.

24. We advocate assigning trade issues to an existing committee or, when needed, establishing a special committee on the WTO in national parliaments, regional and global parliamentary organizations. These committees could monitor developments in multilateral trade, including capacity-building of parliaments and parliamentarians in multilateral trade, and offer parliamentary oversight.

25. We reiterate our view that the days when trade policy was the exclusive domain of the executive branch are over. As parliamentarians, we are resolved to play a far greater role in overseeing WTO activities and promoting the fairness of the trade liberalization process. Moreover, we are best placed to increase people's awareness of the potential of the multilateral trading system for development. With this in mind, we call on governments participating in the sixth WTO Ministerial Conference to add the following paragraph to its outcome document: "The transparency of the WTO should be enhanced by associating parliaments closely with its activities." We invite the Sixth WTO Ministerial Conference to take into consideration this declaration.

AFRICAN PARLIAMENTARY CONFERENCE ON VIOLENCE AGAINST WOMEN, ABANDONING FEMALE GENITAL MUTILATION: THE ROLE OF NATIONAL PARLIAMENTS

Dakar, Senegal, 4-5 December 2005

*Organized in cooperation with the Inter-Parliamentary Union (IPU)
and the United Nations Children's Fund (UNICEF)*

FINAL DECLARATION

Adopted unanimously on 5 December 2005

We, the Speakers and members of the national parliamentary assemblies of Algeria, Angola, Burkina Faso, Cameroon, the Comoros, Côte d'Ivoire, Djibouti, Ethiopia, Ghana, the Gambia, Kenya, Mali, Namibia, Nigeria, Senegal, Sierra Leone, South Africa, Switzerland, Sudan, Togo and the United Kingdom,

Having met at the invitation of the National Assembly of Senegal on 4 and 5 December 2005 in Dakar in a Conference entitled *Violence against women, abandoning female genital mutilation: The role of national parliaments*, organized by the African Parliamentary Union (APU) with the support of the United Nations Children's Fund (UNICEF) and the Inter-Parliamentary Union (IPU),

Pleased with the opportunity this Conference has provided to disseminate information and promote dialogue among the various stakeholders involved in efforts aimed at abandoning female genital mutilation and circumcision (FGM/C),

Convinced that culture is not immutable and that it is subject to perpetual change, adaptations and reforms, and **further convinced** that behaviour changes when the dangers of harmful practices are understood,

Convinced that the abandonment of FGM/C within one generation is an attainable goal,

Noting with concern, however, that FGM/C still today affects 3 million girls every year and that 100 to 140 million women and girls around the world have undergone some form of FGM/C,

Concerned about the harmful, irreversible and sometimes fatal consequences of FGM/C, whether physical, psychological or social,

Acknowledging that FGM/C affects African countries at different levels and also concerns other countries around the world, including some countries of immigration,

Recalling that FGM/C is a universal concern, that it is a violation of women's and children's human rights and of their physical integrity, and that it is an expression of structural inequality between men and women,

Recalling that FGM/C has been perpetuated from generation to generation through a social dynamic whereby decisions made in the family are contingent upon decisions made by others,

Aware of the relationship between levels of development and literacy and the practice of FGM/C,

Noting with satisfaction that the United Nations has designated 6 February as International Zero Tolerance to FGM Day,

Stressing that there is no religious justification for the practice of FGM/C, and that the practice is mainly rooted in ancestral traditions,

Welcoming the increased mobilization among African countries for the abandonment of FGM/C and the numerous regional initiatives aimed at the abandonment of this practice,

Welcoming the entry into force of the Maputo Protocol to the African Charter on Human and Peoples' Rights on the rights of women, which marks a significant milestone towards the abandonment of FGM/C,

Recalling that the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the United Nations Declaration on the Elimination of Violence against Women, the African Charter on the Rights and Welfare of the Child, the African Charter on Human and Peoples' Rights, the Programme of Action adopted by the United Nations International Conference on Population and Development in Cairo, the Beijing Platform for Action and all other relevant instruments provide an international and regional legal framework for the abandonment of FGM/C,

Acknowledging that the abandonment of FGM/C can be achieved only as a result of a comprehensive movement which involves all public and private stakeholders in society,

Determined to spare no effort to end FGM/C and to achieve the goal of abandoning this practice within a generation,

Hereby adopt the following recommendations and **commit ourselves** to their implementation:

Developing a multidisciplinary and comprehensive approach

1. FGM/C strikes at the heart of our societies and involves multiple issues; only through a multidisciplinary approach can efficient progress be achieved in abandoning FGM/C;
2. Parliaments should work in synergy with civil society, traditional chiefs and religious leaders, women's and youth movements and governments to ensure that their actions are complementary and coordinated;
3. Strategies for the abandonment of FGM/C must be developed in a framework of the promotion of human rights, the right to education, health, development and poverty reduction;

International and regional framework for the abandonment of FGM/C

4. Parliaments should oversee the actions of their governments and ensure the national implementation of international and regional commitments undertaken by their countries as States Parties or signatories of various international instruments protecting the fundamental rights and freedoms of women and children;
5. Parliaments should ensure that these international and regional instruments are translated into national languages and widely distributed to the population and the judiciary ;
6. Parliaments should also work to obtain the accession of their States to the Maputo Protocol to the African Charter on Human and Peoples' Rights on the rights of women, which furthers efforts aimed at abandoning FGM/C;

Development and enforcement of legislation for the abandonment of FGM/C

7. With respect to abandoning FGM/C, enacting legislation is an important, highly symbolic and necessary step, which has both a dissuasive and an educational impact; in such a context, it is necessary to promote sustained preventive action. Legislation must also provide assistance for women who have been subjected to FGM/C;
8. Legislation on FGM/C should always be drawn up in consultation with civil society, traditional chiefs and opinion leaders and in the context of a broader strategy aimed at abandoning the practice. It is important that all legislation be disseminated and explained. Communities and, more specifically, women should be informed of the contents of the law and their specific rights through awareness, communication and information campaigns;
9. The regional and international dimension should not be overlooked; it is important to harmonize domestic legislation and coordinate efforts at the regional and international levels to abandon FGM/C in order to prevent the sending of girls to neighbouring or other countries where FGM/C is practiced;
10. Providing training of judicial staff and law enforcement and security personnel should be an integral component of strategies for the implementation and enforcement of the law;
11. Parliaments should work with the medical profession to ensure that medical staff respects the law and to prevent their involvement in the practice. In addition, basic health-care services, especially sexual and reproductive health services, should be enhanced to ensure that women who have undergone FGM/C have access to all the care they may need. The conversion of excisers should also be taken into consideration by parliaments, within the framework of the general fight against poverty;
12. It is important for parliaments to regularly review and assess the enforcement of the law in order to correct for any potential negative effects and adapt the legislation to the evolution of society;

Development of national strategies

13. The drafting of national action plans for the abandonment of FGM/C makes it possible to identify the different roles and responsibilities of the actors involved, to ensure proper coordination and the complementarity of the efforts undertaken. The adoption of clear objectives with specific time frames also facilitates synergy among the various actors;

Adoption of adequate national budgets

14. Parliaments should ensure that national budgets allocate sufficient resources to the implementation of legislation and action plans aimed at abandoning FGM/C;
15. The development of gender sensitive national budgets would also help reduce the practice of FGM/C for example by promoting girls' education, literacy, women's and girls' empowerment and access to

health services. Parliaments should systematically analyse their national budgets from the perspective of gender equality with a view to correcting inequalities and discrimination;

Changing mentalities

16. Parliaments should also work on awareness and changing mentalities. Because of the social status incumbent upon their office, members of parliament are in a position to address sensitive issues and have an impact on public opinion and mentalities. In this regard, traditional chiefs are priceless allies. Awareness activities conducted jointly with traditional chiefs, religious leaders and women's and youth groups at the community level have a decisive impact;
17. Cooperation with the media is vital; modern and traditional media need to be involved in all strategies aimed at abandoning the practice, through awareness, communication and information campaigns;
18. It is crucial to ensure that the message sent out regarding abandonment of FGM/C is positive, non-judgemental and consistent. All the actors involved must speak with the same voice. In this context, each parliament is invited to establish a distinction to be awarded to individuals and organizations that make a significant contribution to the abandonment of FGM/C;
19. Education plays a fundamental role in the prevention of FGM/C. With this in mind, it is necessary to review school curricula at all levels, to sensitize teachers, and to keep girls in school up until they reach higher education in order to delay marriage and possibly avoid the genital mutilation that often precedes it;
20. Any action aimed at ensuring the abandonment of FGM/C must be coupled with initiatives for community development, in particular through the improvement of the living conditions of women and children, as part of the fight against poverty;

Strengthening parliament's role and enhancing its operations

21. In every country concerned by the practice, a parliamentary body should be mandated to follow up on the FGM/C issue, in particular on the implementation of national action plans for the abandonment of FGM/C;
22. Regular debates should be held in parliament to focus public attention on the issue and assess the progress achieved and the constraints met on the basis of clear and comparable indicators;
23. The representatives of national commissions on FGM/C should present annual reports on the issue, including to their parliaments;
24. Members of parliament should make use of all the parliamentary mechanisms at their disposal, including written and oral questions to the government;

International and regional cooperation

25. It is important to promote and enhance cooperation among African countries and other countries where FGM/C is practised, as well as countries of immigration. It is vital to promote the regular exchange of information and to coordinate strategies aimed at harmonizing approaches and initiatives;
26. The work of international organizations should be brought to the attention of parliaments on a regular basis in order to keep them abreast of the progress made and issues identified;
27. It is important to ensure national follow-up to the various studies and recommendations issued by international bodies. The UNICEF Innocenti Digest on FGM/C, a soon to be published report of the World Health Organization on the issue and the review of national strategies carried out by the United Nations Population Fund (UNFPA) should be presented and distributed to parliaments. Lastly, the findings of the studies carried out by the United Nations Secretary-General on violence against children

and on violence against women, which will be presented in 2006, should also be the focus of debate and follow-up in each parliament;

28. Parliaments should be associated in the preparation and celebration of International Zero Tolerance to FGM Day;
29. While appreciating the efforts made by the international community, development partners are requested to continue to mobilize sufficient resources and technical assistance to support States and their parliaments in their efforts to secure the abandonment of FGM/C.

Follow-up to the Conference

We hereby undertake to ensure rigorous follow-up to the outcome of the Conference. Accordingly, **we hereby commit ourselves** to ensuring the dissemination of the proceedings of the Dakar Conference within each of our parliaments;

We resolve to strengthen our cooperation with specialized international organizations in this area;

We undertake to report to the APU and the IPU on the progress achieved in the implementation of these recommendations;

We urge the organizers of this Conference to forward this Declaration to the African Union for information purposes and for its further distribution to the Conference of Heads of State and Government, which will meet in Khartoum in January 2006, the AU Executive Council and the Pan-African Parliament, and also to forward it to sub-regional parliamentary structures;

We further urge them to forward it to the competent bodies of the APU, the IPU, UNICEF, United Nations specialized agencies and other partners;

Lastly, we call upon the organizers as soon as possible to put in place an operational mechanism for follow-up on the proceedings of this Conference.

REGIONAL SEMINAR FOR PARLIAMENTS OF THE ASIA-PACIFIC REGION ON DEVELOPING A PROTECTIVE FRAMEWORK FOR CHILDREN

Hanoi, Viet Nam, 15 to 17 February 2006

organized by the Inter-Parliamentary Union (IPU) and the United Nations Children's Fund (UNICEF)

SUMMARY AND RECOMMENDATIONS PRESENTED BY THE RAPPORTEUR

***Noted by the IPU Governing Council at its 178th Session
(Nairobi, 12 May 2006)***

The regional seminar entitled *Developing a protective framework for children: The role of parliaments* met in Hanoi, for three days, at the invitation of the National Assembly of Viet Nam, the Inter-Parliamentary Union and UNICEF.

This regional seminar brought together members of parliament and parliamentary staff from Australia, Cambodia, Canada, China, India, Indonesia, Lao People's Democratic Republic, Malaysia, Mongolia, Republic of Korea, Sri Lanka, Thailand and Viet Nam, to discuss a theme of fundamental importance to their societies:

the protection of children. It provided participants with an opportunity to exchange views and experiences and to gain a deeper understanding of the tools at the disposal of legislators to develop a protective environment for children.

The seminar was opened by the President of the National Assembly, Mr. Nguyen Van An, in the presence of Mr. Vu Mao, President of the IPU National Group of Viet Nam, Mr. Anders B. Johnsson, IPU Secretary General, and Mr. Jesper Morch, UNICEF Resident Representative. It was chaired by Mr. Ngo Anh Dzung, member of the Vietnamese Parliament and Vice-Chairman of the Committee on Foreign Affairs.

Parliamentarians met here in Hanoi with one basic common understanding: that they have the obligation to ensure that all children live in safety and dignity, regardless of their sex, colour, age, ethnicity, nationality, language, and social status. They all have the obligation to provide children with a protective environment, which requires the cooperation of everyone, at all levels, from the family to the international community, including members of parliament.

The debates began with the discussion and analyses of what a protective environment means and what it requires. A protective environment is a safety net of interconnected elements designed to safeguard children from violence, exploitation and abuse. It requires a strong government commitment to fully protecting children's rights; the development of appropriate legislation and adequate enforcement; open debates and awareness-raising to break the silence around children's plight and to change attitudes, traditions and practices that can be harmful to children; enhanced community and family capacities; regular monitoring and reporting on measures taken to protect children; measures to facilitate the safe participation of children and providing assistance to child victims.

The participants then reviewed the various functions and roles of members of parliaments and how they contribute to the development of a protective environment for children. The participants discussed respect for international standards and the importance of parliamentarians making sure that their country is party to the main instruments of international law on the protection of children's rights. It is also important that they raise, on a regular basis, the question of the validity of reservations submitted upon ratification by some governments. Reservations should not compromise the implementation of a treaty. By definition, they are of a temporary nature, providing time for a country to fully meet the requirements of the international instrument to which it has adhered. They should eventually be removed. International instruments often require States to provide regular reports on implementation of the rights covered. These reports are analysed by United Nations committees, which deliver recommendations. Parliaments need to check the status and quality of these reports and also discuss follow-up to the recommendations made by the Committee on the Rights of the Child and hold their governments accountable in this respect.

Understandably, the main focus was on the legislative function of parliaments. Legislation is a first step in implementing international instruments and building a protective framework for children. Legal reform is designed to assess and eliminate provisions harmful to the child, and may lead to specific child protection bills.

There are three essential points that need to be taken into consideration when discussing child protection laws. First, there is no ready-made "formula" for law reform and for the nature and quality of the laws that are required. Of course there are standards, and good laws should be enacted, but nations make laws that target their specific needs. Second, while child protection legislation is critically important, it must be recognized that laws in other sectors also have an impact on children. In short, any law reform needs to be holistic. And third, thought and care must be given in enacting legislation to protect children, so that "no harm" is done. This highlights the importance of having a monitoring mechanism to determine how well the desired results are achieved, and to detect any unanticipated and undesirable side effects. Legislation is alive, and it requires constant review.

When drawing up legislation, members of parliament must keep in mind the need for coherence between local, provincial and national legislation and regulation. There is also a need to ensure that acts emanating from parliament and other non-parliamentary acts (decrees) do not contradict each other. Local authorities need to

assess regularly the implementation and relevance of local initiatives whereas parliamentarians need to stimulate national debate on issues and highlight existing gaps.

The same principle applies at the regional level. Particularly in the case of child protection issues of a multinational nature, it is important that laws in neighbouring countries set common standards in order to avoid loopholes that make national legislation less effective. Therefore, greater cooperation and coordination among countries when drawing up legislation is necessary, though not enough. Without implementation, legislation is merely a paper tiger: parliamentarians are not only responsible for the adoption of laws, but also for overseeing proper implementation. It is up to parliament to demand strict compliance with the law, oversee its observance and denounce all those who by their actions or omissions do not comply, including government.

For legislation to have teeth, many elements are required. Legislation needs to be known and understood so it can be enforced. Awareness-raising campaigns and training of enforcement agents (such as police and judges) are necessary to ensure that legislation makes a difference.

Another critical element in ensuring enforcement of legislation is providing and allocating adequate resources to this end. The experience of South Africa highlighted the importance of carrying out a cost-assessment exercise in parallel with the legislative process and the usefulness of that exercise in creating legislation that can be realistically implemented. It also demonstrated that providing more information to parliaments enhanced their oversight capacity. The exercise requires, however, a certain investment in terms of time, resources, expertise and a strong collaboration between the various governmental departments.

Parliamentary mechanisms and structures that address child protection issues was another topic on the agenda of the seminar. Participants discussed the importance of parliaments having the capacity and resources to address child protection issues. Some parliaments have specific committees on children. This is a mechanism that can generate regular parliamentary debate and that allows for a thorough focus on child protection issues, effective oversight and coordination of action. Other parliamentary initiatives were discussed: informal parliamentary forums, the example of parliamentary fronts in Brazil, and parliamentary investigative commissions that focus on particular themes, etc. There was a great deal of exchange of experiences, which could be collected into a comprehensive tool for parliamentarians.

The discussions then moved on to the role of independent mechanisms for child protection, such as the functions of ombudsperson and national commissions. These mechanisms are excellent complements to the work that should be carried out by parliaments. Establishing an ombudsperson's office safeguards the best interest of the child by monitoring legislation adopted in parliament. The independent annual reports produced by the ombudsperson are useful for parliament, as they include recommendations for action, and follows up on recommendation made by the Committee on the Rights of the Child. The ombudsperson's office is also an important institution for children and parents as they can turn to it to ensure respect for their rights. It is important that all these different structures cooperate and coordinate their work.

Two critical problems in the region, child trafficking and violence against children, were explored as a means to examine the role of and challenges faced by parliamentarians in the field of child protection.

Trafficking is a human rights violation and crime of control and exploitation, where freedom is exchanged for bonded and forced labour and services, through deception, coercion and violence. It is a highly lucrative crime that knows no physical or geographical boundaries and flourishes illicitly where there is weak and uneven enforcement of legislation, or lax or non-existent regulatory policies. We recognize that trafficking is often associated with poverty. Trafficking should be addressed within the context of poverty alleviation and the promotion of respect for human rights and gender equality.

The participants expressed their deep commitment, as parliamentarians, to combating child trafficking, pointing out that many of those present had already helped adopt laws in this regard. Those laws needed to be comprehensive, should criminalize abusers rather than not those who are trafficked, and should be adequately enforced with sufficient resources and clearly-identified stakeholders who are held accountable. Procedures and laws should be child-friendly so that children can speak up without fear of their exploiters and be dealt

within a manner that respects their human rights. It is also important that provisions be adopted for the protection of victims of trafficking, regardless of their immigration status. Birth registration and nationality issues of ethnic minorities and indigenous populations must be addressed as a mechanism to limit or prevent trafficking.

The participants recognized, through their personal experience, the importance of institutionalized mechanisms for extradition, as well as bilateral and multilateral agreements. The memorandums of understanding concluded between several countries of the region provided useful examples of successful cooperation mechanisms. Child trafficking highlighted the crosscutting nature of child protection, the effectiveness of cooperation and the holistic and comprehensive approach that needs to be developed in order to comply with United Nations conventions, protocols and guidelines.

The other topic on the agenda was violence against children, a very vast and complex subject. Violence occurs in many settings and in various forms. It has an impact on the health, growth and development of children, and can result in lifelong trauma, disability and behavioural problems. Violence against children is the subject of an ongoing United Nations study, and a report on this will be presented to the Secretary General of the United Nations this fall. It is important that parliamentarians take note of the results of this study, debate them at a national level and promote follow-up to the recommendations.

Discussions focused, however, more specifically on violence at school and violence in the home - two places that are supposed to be havens for children.

Violence at school can be perpetuated by formal practices or it can be latent; it can be physical or psychological (violent behaviour of teachers and among children, humiliation, bullying, beating, extortion, etc.). It is a challenge to address violence at school because this type of violence is not easily identifiable. A first step would be to break the silence in order to make violence visible. Awareness-raising efforts, including the use of media campaigns, are possible options. It is also important to ensure that the school environment is child-friendly, inclusive and rights-conscious, and actively promotes non-violence between and among children and their teachers. Corporal punishment should be prohibited in school, and teachers should be sanctioned for using violence as a disciplinary measure. Training of teachers in the use of non-violent disciplinary measures should be encouraged.

The issue of violence in the home suffers from the same lack of data and visibility as violence at school. In addition, the concept of family privacy often constitutes an additional impediment to breaking the silence. Domestic violence, including incest and molestation, is still today a difficult subject to address. In that regard, parliamentarians can act as catalysts by bringing the subject to the public arena and gradually enacting concrete legislative measures outlawing domestic violence and providing for strong prevention programmes.

Various crosscutting themes came up strongly during the debates. One was the need for a holistic approach to develop a child protective-environment. Any measure to ensure child protection needs to be placed within a larger human rights context and the socio-economic environment. Links with other major societal challenges, including poverty eradication, development, ensuring quality education, employment opportunities, cannot be ignored. The family and community, whose capacities need to be strengthened in order to protect children, remain the building blocks.

Child protection required the involvement of all stakeholders. Partnerships and cooperation are essential to any progress: there must be cooperation among parliamentarians and with governments, international organizations, NGOs, the private sector, civil society, families and children. It is necessary for parliamentarians to learn from each other, to share experiences and best practices, to coordinate efforts and to support one another at the regional if not the international level. Initiatives such as this seminar serve as a useful vehicle. Other initiatives such as bilateral meetings, regular exchanges, the setting of up regional research centres on child protection issues, virtual resources centres, access to comparative data, could be considered. All these aim at enhancing parliamentarians' capacities and strengthening a regional dynamic necessary to create a protective environment.

The presentations and the debates of the three-day seminar were rich and fruitful and participants spoke from the perspective of what they could do as parliamentarians to protect children, to ensure respect for their rights and to allow them to grow and develop free from fear, abuse and exploitation. International and regional parliamentary solidarity is essential in pursuing this goal.

The intense debates gave rise to concrete commitments and recommendations, as laid out in the following declaration adopted by the participants:

We, parliamentarians, commit ourselves to:

1. Doing everything in our power to protect children and ensure respect for their rights;
2. Making sure that our country is party to the main instruments of international law for the protection of children's rights;
3. Raising on a regular basis the question of the validity of reservations to the treaties that were submitted upon ratification by governments and which should not compromise the implementation of the treaty;
4. Checking the status and quality of reports submitted to the UN Committee on the Rights of the Child, providing input to these reports through public hearings and other parliamentary mechanisms, discussing follow-up to the recommendations made by the Committee and holding our governments accountable in this respect;
5. Developing an adequate legislative framework to meet internationally-agreed standards on children's rights. In so doing, we need to ensure harmonization of legislation at the national and also at the regional level: we also need to monitor on a regular basis the effectiveness and relevance of laws;
6. Ensuring proper enforcement of legislation by securing adequate resources for implementation, by carrying out information and raising awareness campaigns to educate people on their rights, and by training enforcement agents;
7. Advocating for child protection issues and using our role as leaders of public opinion to break the silence on taboos and to change attitudes, traditions and practices that can be harmful to children;
8. Developing child-friendly processes in our countries to ensure children's full participation with safety and dignity;
9. Developing within our parliaments specific mechanisms focusing on children's rights;
10. Strengthening cooperation between our parliaments, remaining in regular contact, exchanging information and best practices and supporting one another in our initiatives and action to promote children's rights;
11. Enhancing regional and international parliamentary cooperation in the field of children's rights;

In this regard,

We request:

12. Regional parliamentary structures, in particular the ASEAN Inter-Parliamentary Organization (AIPO), to play an active role in promoting implementation of children's rights, facilitating the harmonization of legislation between our countries and supporting concrete programmes in the field of child protection;

13. The Inter-Parliamentary Union to strengthen its cooperation with the United Nations and in particular UNICEF, with a view to facilitating an exchange of information and best practices, and developing capacity-building initiatives to enhance parliament's contribution to the achievement of children's rights.
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REGIONAL SEMINAR ON THE ROLE OF PARLIAMENTS IN THE NATIONAL RECONCILIATION PROCESS IN AFRICA

Burundi, 7 to 9 November 2005

*Organized jointly by the Parliament of Burundi, the Inter-Parliamentary Union (IPU) and
the International Institute for Democracy and Electoral Assistance (International IDEA)*

SUMMARY AND RECOMMENDATIONS PRESENTED BY THE RAPPORTEUR OF THE SEMINAR

*Noted by the Governing Council at its 178th session
(Nairobi, 12 May 2006)*

We have met here at the invitation of the Burundian parliament, the Inter-Parliamentary Union and the International Institute for Democracy and Electoral Assistance (International IDEA) to discuss a theme of fundamental importance to African societies.

We started with a simple question: Why do we need to address the scars of the past? As we heard, many African countries coming out of conflict are faced with a multitude of economic and social challenges. The fight against poverty and HIV/AIDS often feature prominently on the list. In the face of this reality, the authorities may be tempted to discard a serious consideration of the past. Some may even consider that by recalling it, old wounds will be reopened that would have otherwise faded away with time.

Why then, should we look back? One convincing response comes from Archbishop Desmond Tutu: "examining the painful past ... is the best way to guarantee that it does not - and cannot - happen again". Of course, this does not mean that we should stay and live in the past. Rather, by addressing its scars, we can move from a divided history to a shared future. It implies an active search for reconciliation. It also requires us to caution against interpreting the end of hostilities and the general sentiment of fatigue which dominates the population after a conflict as a sign of reconciliation. Instead, reconciliation is a goal which requires us to strive actively for a harmonious, reconciled society, in peace with itself and with its neighbours. The main question is how to make this a reality. Reconciliation as a process is highly complex and involves many different aspects, contexts, stages and actors. There is no one-size-fits all success model, nor a quick-fix solution. Instead, reconciliation is a time-consuming process which, as several participants have said, affects the lives of several generations. Perseverance is therefore essential.

On the first day of the seminar, the painful history of the Burundian people was shared with us, and the reconciliation process in Burundi became the point of departure for our discussion. Many of the public institutions broke down during the crises which have hit Burundi since independence. Nevertheless, we were told of the conducive role played by the Burundian parliament in unblocking the political stalemate which was triggered by the events of 1993. With a view to avoiding a repeat of the past, today's Burundian Constitution fixes a minimum and maximum number of seats in the National Assembly for Burundi's main ethnic groups. A Burundian Senate was created to give equal weight to the voices of the two dominant ethnicities. Some participants, who themselves have been confronted with ethnic strife in their countries, expressed reservations about the use of quotas based on ethnicity, arguing that they may exacerbate rather than reduce tension, and that parliamentarians should represent the entire people rather than an ethnic group. Others considered that such measures could be useful in helping ensure an environment of trust and stability, after which such quotas would no longer be needed.

Many of us highlighted the role of parliament in reconciliation processes. Parliament adopts legislation on reconciliation and oversees the executive branch when it comes to implementation. An effective parliament itself is a clear sign to the people that the democratic order which broke down during a conflict is being mended and that there is reason to place one's trust again in the country's public institutions. Though parliament itself often reflects the very divisions in society, its members, given the trust placed in them by the electorate, should act as role models in promoting the values of tolerance and advocating the resolution of conflict through peaceful means. Moreover, thanks to their direct contact with constituents, members of parliament, rather than the government, are ideally placed to initiate, lead and help implement the conclusions of a national debate on reconciliation.

All too often political leaders decide, without any further consultation, on the course and form of reconciliation through deals in which they are both judge and party. Clearly, such practices do not help to bring about any reconciliation in the population. One recurring theme of the seminar therefore centred on the need to involve all segments of society in any reconciliation process worthy of the name. It is essential that parliament work hand in hand with other actors, such as civil society organizations, community leaders, universities and churches, to create a culture of reconciliation which goes beyond the mere establishment of reconciliation mechanisms. The media has a special responsibility to be accurate and objective in its reporting and analysis of the process. It is crucial that all those concerned be part of the process from the very beginning and that grass-roots initiatives be strongly encouraged. For such wide-ranging consultation and cooperation to be effective, several conditions must be met. Firstly, all actors need to accept and recognize each other's roles in the reconciliation process. Moreover, they should support each other in playing that role, and look beyond the immediate interests of their groups. The debate on the law on the establishment of the truth and reconciliation commission in Burundi was mentioned as a good example of extensive and successful consultation.

We underlined that the inclusion of women in reconciliation processes is a must for at least three reasons. Firstly, any process that excludes half of the population lacks democratic credibility. Secondly, it is a woman's right to have a say in the future of her country. Lastly, the involvement of women is essential for reconciliation to "work". In this regard, women are often said to be particularly capable of building bridges, as they share concerns across communities. The first cross-party parliamentary caucus formed by women in Rwanda is a shining example.

Africa has been leading the way in designing and implementing women's involvement in post-conflict situations. Nevertheless, a number of barriers exist to women's inclusion in reconciliation efforts, such as their limited representation in parliament, courts and truth commissions, and the insufficient consideration of women's needs and conflict experiences. Often, crimes affecting women during and in the aftermath of conflict, in particular sexual violence, are not penalized, and little is done to tackle the stigma which they suffer when coming forward to denounce their plight. Parliament has a clear role to play in removing these barriers. Several participants highlighted, however, that the situation of women after conflict could not be easily separated from the day-to-day struggle of women in highly patriarchic societies. In contrast, it was mentioned that in times of conflict, women had often been successful in challenging deep-seated patterns of male dominance. It was important to sustain this momentum once the conflict was over.

We have spent a large part of the seminar discussing the use of transitional justice mechanisms. No doubt, a truth commission, as one such mechanism, can make an essential contribution to reconciliation. Nevertheless, the success of such commissions is certainly not guaranteed from the outset. There are many pitfalls on the way, and questions to be answered, the first of which concerns the timing for creating such a commission. Will it at present unify, or divide? Are the former oppressors capable of frustrating the entire exercise, including by putting those who choose to tell the truth at risk? Will the new authorities use the commission to take revenge? What kind of truth are we looking for? Which period of abuse should the commission look into?

The creation of a truth and reconciliation commission should be a nationwide endeavour. In this regard, the South African Truth and Reconciliation Commission's experience has shown the importance of ensuring an inclusive and consultative approach by allowing for all segments of society to take part in its work. Its

Commissioners, each from a different province, were in close contact with their "constituents", who were thus able to feed their observations into the overall process. The many thematic committees set up under the Commission ensured that its deliberations touched on a large number of issues affecting reconciliation. The impact of the Commission was greatly helped by the moral authority of its chairman, Archbishop Desmond Tutu, and of President Nelson Mandela. Nevertheless, even in the presence of such leading figures, it is important that the functioning of any truth and reconciliation commission itself be regularly monitored and assessed. Its work should be seen as a long-term process, all the more so given that its recommendations are often far-reaching. It is crucial that its recommendations be clear, that a time-line be in place for their implementation and that those responsible for implementing them be clearly identified.

We listened to the challenge of determining appropriate compensation for victims, and heard of interesting examples, such as those in Morocco and Uganda. Often, the challenge is one of sheer numbers: in the event of massive violations, how does the State provide redress, and how does it obtain the resources? Also the concept of redress requires a definition. Restitution of the victim's rights is possible in some cases, such as those involving the return of stolen land. Monetary compensation is a possibility when the damage is simply material in nature and is easily quantifiable. However, in situations where lives have been lost or bodies have been maimed, financial compensation will not undo the suffering. It can, however, help to alleviate the pain, together with other forms of assistance, such as the provision of medical care and counselling. We also heard of an interesting example in one of the rural areas in Burundi in which victims and perpetrators met face to face to discuss the issue of reparation.

It was mentioned that reparation should not only be provided to the direct victims or their families. When a country is in conflict, most of the population, if not all of it, is affected. It was also underlined that even when the State is not directly responsible for abuses, it has a moral responsibility to show solidarity with the victims. In this regard, reparation is also about making sure that the "memory" of the past stays alive, including by setting up memorials for victims and by ensuring adequate presentation of their suffering in educational tools. The goal is "to forgive, but not forget".

We have dealt substantively with the controversial issue of amnesties. Clearly, the quest for justice and the granting of amnesties are at odds. We heard about the opposing views on the purpose and effects of amnesties. Proponents invoke the argument that amnesties can help society to turn the page and bring people closer, and are simply the only realistic option when justice systems are unable to process large-scale abuses. Opponents claim that amnesties encourage a culture of impunity, revenge and undermine the rule of law. An international consensus has clearly developed in favour of the latter position in respect of genocide, crimes against humanity and war crimes. A number of international treaties stipulate that amnesties for such crimes are null and void. That being said, in practice, the question of amnesties is not clear-cut. The choice between pursuing justice and opting for the adoption of an amnesty depends heavily on the circumstances of each situation. When the perpetrators of the crimes of the past continue to hold power or are in a position to jeopardize the stability of the country, a provisional amnesty, though deeply regrettable from a moral point of view, may be the only realistic option. Another critical factor which comes into play when taking a decision on this question is the role of the international community. In the absence of any international involvement or pressure, the parties to the conflict are more likely to opt for an amnesty.

When a country does decide to prosecute the perpetrators of abuses, a number of challenges may arise. Sometimes, the magnitude of the violations makes it impossible for the ordinary justice system to respond. We have heard about the use of *gacaca* courts in Rwanda, which aim to provide an answer to this challenge. These courts also have the advantage of involving society in the administration of justice at the grass-roots level, and may thus help foster reconciliation. Moreover, convicts have the option to convert half of their prison sentence into community work, thereby helping to rebuild the fabric of society.

In post-conflict situations, the justice system is often poorly equipped to fulfil its role. All too often, judges are poorly trained, and corruption may thwart any prospect of true and impartial justice. A thorough reform of the justice system is therefore frequently one of the main priorities for post-conflict societies. Guarantees need to be in place to ensure the right of defence. Safeguards are needed to ensure that the courts are indeed

independent and that their composition and work leave no doubt about their impartiality: “Justice must not only be done: it must be seen to be done.”

The pursuit of justice also raises another important question. Where should it take place? Should prosecutions and trials be led by national courts, or should the International Criminal Court or a hybrid national-international tribunal be entrusted with this task? In principle, a justice system which is close to those whom it is meant to serve is preferable. This is not only a question of geographical distance, but also of cultural proximity to the context in which the violations took place. However, often the national justice system is very weak, and cannot live up to its responsibility to dispense justice. In such situations, involving the International Criminal Court may sometimes be an option, if the necessary admissibility criteria are met, though its handling of cases is often very expensive and slow. A mixed national-international court, if it takes in the advantages of both domestic and international justice mechanisms, can also be an interesting alternative.

Security-sector reform should be a key element of any reconciliation process. It is crucial to embed the security sector in a democratic structure and to provide it with a clear mission. Moreover, the army, police and other state forces need to be inclusive, and their membership needs to reflect the composition of society. It is equally important that security sector officers be inculcated with the principles of human rights. Parliament has a significant role to play in this regard in the areas of legislation, in particular in the adoption of the defence budget and in overseeing the government.

We ended our deliberations with an analysis of the role of the international community in national reconciliation processes. Most post-conflict societies lack the necessary resources to initiate substantive reconciliation efforts. Outside assistance can therefore be extremely useful as a source of finance and expertise in bringing local and regional actors together and in helping support reconciliation initiatives in the peace process. Yet it is important to highlight that the involvement of the international community is not without pitfalls. Countries that have come out of conflict are faced with a multitude of international actors that do not necessarily speak with one voice, and may even contradict one another. The international community's predominant focus on direct and concrete steps and results may fail to take account of the pace and direction which the people concerned want to give to their reconciliation process. Clearly, international actors should not be the ones to decide what is the right moment and which are the most appropriate mechanisms. If they do, they may not only harm any prospect of reconciliation, but may also put at risk the lives of those on the ground who commit themselves to the cause of truth and justice. Long-lasting reconciliation needs to be home-grown. It is absolutely essential that in all of its stages it reflect the will of those who are directly concerned. At the end of the seminar we learned about the AMANI Forum, which brings together parliamentarians from the countries of the Great Lakes region and which is an interesting example of a regional parliamentary initiative taken by those directly affected.

These are but some of the experiences and ideas that were presented in the last three days. Needless to say, it is impossible for me to do full justice to the richness of the presentations and debate.

There is one thing we should bear in mind. While many of the topics that we touched on concern society at large, we always spoke from the perspective of what we can do as parliamentarians to stay the course of reconciliation and help eliminate any obstacles to it. International parliamentary solidarity is essential in our pursuit of this goal. I hope that this seminar has been helpful in providing some answers to the challenges ahead, and that we will go back to our countries with a renewed sense of commitment to our own reconciliation processes.

REGULATIONS OF THE PENSION FUND FOR MEMBERS OF THE STAFF OF THE INTER-PARLIAMENTARY UNION

COMPLEMENTARY RULES

Approved by the Executive Committee at its 246th session

WHEREAS the Inter-Parliamentary Union established a Staff Pension Fund in 1972 in order to protect them from financial uncertainties due to ill health, old age and death, and in particular to ensure that its staff received an income when they had ceased to work upon retirement,

WHEREAS on 1 January 2005, the Inter-Parliamentary Union joined the United Nations Joint Staff Pension Fund (UNJSPF) and therefore transferred to it part of the assets of the Fund to pay for the entry of current staff members to that Fund; an amount was set aside for the payment of a "bridge pension" for two years for those active members who are entitled to retire at 60 years and who choose to do so, as the UNJSPF will pay their pensions only as of the age of 62; the balance will remain the Union's Staff Pension Fund to cover the pensions of the current retirees,

WHEREAS the present transitional rules have been enacted to regulate the functioning and funding of the Union's Staff Pension Fund as a "dying" fund, that is, one that will no longer receive contributions from active members, and the capital assets of which will be used to honour the obligations of the Union to the retirees,

RULE 1. The Inter-Parliamentary Union is fully responsible for meeting the benefits owed to the existing pensioners and their survivors in full and on time. To this end, the Union shall establish a separate reserve fund and make such payments into that fund as shall be necessary to meet its obligations towards the existing pensioners.

RULE 2. The Staff Pension Fund shall continue to be administered by a Management Board comprising the following five full members:

- A representative of the Executive Committee;
- The Secretary General of the Inter-Parliamentary Union;
- An expert in financial administration appointed by the Executive Committee;
- A staff member representing the staff of the Inter-Parliamentary Union; and
- A representative of the current retirees who are the beneficiaries of the Fund.

RULE 3. The representative of the Executive Committee shall be the President of the Management Board. The Board shall have the functions and powers laid down in rules 28 - 31 of the Fund's regulations. In particular, it shall on a regular basis determine the extent of any actuarial shortfall or surplus. It shall report annually on the actuarial liabilities of the Fund and shall make recommendations to the Executive Committee on the manner in which any shortfall should be met by the Union.

RULE 4. The Regulations of the Pension Fund for Members of the Staff of the Inter-Parliamentary Union, as amended at October 2004, shall remain in force wherever applicable.

FUTURE MEETINGS AND OTHER ACTIVITIES

*Approved by the IPU Governing Council at its 178th session
(Nairobi, 12 May 2006)*

Parliamentary Caucus on the occasion the UN High-Level Meeting on HIV/AIDS, organized jointly by IPU, UNAIDS and UNDP	NEW YORK 1 June 2006
Twelfth Session of the Steering Committee of the Parliamentary Conference on the WTO	GENEVA 22-23 June 2006
Regional Capacity-Building Seminar for African Parliaments on Sustainable Development	YAOUNDE (Cameroon) 26-28 June 2006
114 th Session of the Committee on the Human Rights of Parliamentarians	GENEVA (IPU Headquarters) 10-14 July 2006
Seventh Workshop of Parliamentary Scholars and Parliamentarians	OXFORDSHIRE (United Kingdom) 29-30 July 2006
Regional Conference for Women Parliamentarians in the Gulf Cooperation Council States	BAHRAIN July 2006
Regional Seminar for South-East Asia Parliaments on security sector reform in the national and regional context, organized jointly by the IPU and the Geneva Centre for Democratic Control of Armed Forces (DCAF)	PHUKET (Thailand) August/September 2006
Joint IPU-Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States (OHRLLS) event on the occasion of the 2006 Mid-term Review of the Brussels Programme of Action on LDCs	NEW YORK 15 September 2006
Meeting for members of parliamentary human rights bodies	GENEVA (IPU Headquarters) 25-27 September 2006
Thirteenth session of the Steering Committee of the Parliamentary Conference on the WTO	GENEVA Late September 2006
115 th Assembly and Related Meetings	GENEVA 16-18 October 2006
Conference on broadcasting of parliamentary business through dedicated TV channels and public broadcasting systems, organized jointly by the IPU, the ASGP and EBU	GENEVA 19 October 2006

Information seminar on Implementing the Convention on the Elimination of All Forms of Discrimination against Women: The role of parliaments and their members	GENEVA 19 October 2006
Parliamentary Forum on the occasion of the sixth International Conference of New or Restored Democracies	DOHA (Qatar) 29 October-1 November 2006
Annual Parliamentary Hearing at the United Nations	NEW YORK November 2006
Information seminar on the structure and functioning of the Inter-Parliamentary Union (for French-speaking participants)	GENEVA (IPU Headquarters) November 2006
Annual Session of the Parliamentary Conference on the WTO	GENEVA 1-2 December 2006
Meeting of parliamentary bodies dealing with the status of women and gender equality	GENEVA (IPU Headquarters) December 2006
116 th Assembly and Related Meetings	BANGKOK (Thailand) 29 April-4 May 2007

Meetings approved by the Governing Council, venue and dates to be determined

- Regional seminar on parliament, budget and gender (for Europe and Central Asia)
- Regional Seminar on the role of parliaments in the national reconciliation process in Latin America, in partnership with the International Institute for Democracy and Electoral Assistance (International IDEA)

Invitations received for future IPU Assemblies

CAPE TOWN (South Africa)

ADDIS ABABA (Ethiopia)

CARACAS (Venezuela)

AGENDA OF THE 115th ASSEMBLY AND SUBJECT ITEMS FOR THE 116th ASSEMBLY

*Adopted by the 114th IPU Assembly
(Nairobi, 12 May 2006)*

Agenda of the 115th Assembly (Geneva, 16-18 October 2006)

1. Election of the President and Vice-Presidents of the 115th Assembly
2. Consideration of possible requests for the inclusion of an emergency item in the Assembly agenda
3. Cooperation between parliaments and the United Nations in promoting world peace, particularly from the perspectives of the fight against terrorism and energy security
(Standing Committee on Peace and International Security)
4. The role of parliaments in overseeing the achievement of the Millennium Development Goals, in particular with regard to the problem of debt and the eradication of poverty and corruption
(Standing Committee on Sustainable Development, Finance and Trade)
5. Missing persons
(Standing Committee on Democracy and Human Rights)
6. Approval of the subject items for the 117th Assembly and appointment of the Rapporteurs

Subject items for the 116th Assembly (Bangkok, 29 April-4 May 2007)

1. Ensuring respect for and peaceful co-existence between all religious communities and beliefs in a globalized world
(Standing Committee on Peace and International Security)
2. Job creation and employment security in the era of globalization
(Standing Committee on Sustainable Development, Finance and Trade)
3. Promoting diversity and equal rights for all through universal democratic and electoral standards
(Standing Committee on Democracy and Human Rights)

**LIST OF INTERNATIONAL ORGANIZATIONS AND OTHER BODIES INVITED
TO FOLLOW THE WORK OF THE 115th ASSEMBLY AS OBSERVERS**

*Approved by the IPU Governing Council at its 178th session
(Nairobi, 12 May 2006)*

Palestine

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

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

ACP-EU Joint Parliamentary Assembly (JPA)
African Parliamentary Union (APU)
AMANI Forum - The Great Lakes Parliamentary Forum on Peace
Amazonian Parliament
Arab Inter-Parliamentary Union
ASEAN Inter-Parliamentary Organization (AIPO)
Assemblée parlementaire de la Francophonie
Assembly of the Western European Union (WEU)
Association of Asian Parliaments for Peace (AAPP)
Association of Senates Shoora and Equivalent Councils in Africa and the Arab World (ASSECAA)
Baltic Assembly
Commonwealth Parliamentary Association (CPA)
Confederation of Parliaments of the Americas (COPA)
European Parliamentarians for Africa (AWEPA)
Indigenous Parliament of the Americas
Inter-Parliamentary Assembly of the Eurasian Economic Community
Interparliamentary Assembly on Orthodoxy (IAO)
Inter-Parliamentary Commission of the Economic and Monetary Community of Central Africa (CEMAC)
Inter-Parliamentary Assembly of the Commonwealth of Independent States
Inter-Parliamentary Committee of the West African Economic and Monetary Union (WAEMU)
Inter-Parliamentary Council against Antisemitism
Maghreb Consultative Council
Nordic Council
Parliamentary Assembly of the Black Sea Economic Co-operation (PABSEC)
Parliamentary Assembly of the OSCE
Parliamentary Assembly of the Union of Belarus and the Russian Federation

Parliamentary Association for Euro-Arab Co-operation (PAEAC)
Parliamentary Union of the Organisation of the Islamic Conference Members (PUOICM)
Southern African Development Community Parliamentary Forum (SADC)
Amnesty International
International Committee of the Red Cross (ICRC)
International Federation of Red Cross and Red Crescent Societies (IFRC)
World Federation of United Nations Associations (WFUNA)

Resolutions Concerning the Human Rights of Parliamentarians

CASE No. BGL/14 - SHAH AMS KIBRIA - BANGLADESH

Resolution adopted by consensus by the IPU Governing Council at its 178th session (Nairobi, 12 May 2006)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Shah Ams Kibria, a member of the National Parliament of Bangladesh assassinated in January 2005, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/178/12(b)-R.1), and to the resolution adopted at its 177th session (October 2005),

Taking account of the information provided by members of the Bangladesh delegation at the hearing held with the Committee in Nairobi; also *taking account* of information provided by the sources on 23 March and 28 April 2006,

Recalling that on 27 January 2005, as Mr. Kibria was leaving a meeting in his constituency in north-eastern Bangladesh, grenades exploded which instantly killed three persons and injured many more. Mr. Kibria was severely injured and died on his way to hospital; two cases, a murder case under the Penal Code of Bangladesh and an explosives case under the Explosive Substance Act, were filed and in both cases the police investigation has been closed; in the latter case, an application for further investigation was dismissed and the case was sent to the competent tribunal for trial; in the murder case, on 19 April 2005 ten persons were charged, eight of whom were arrested, while two absconded; according to the charge sheet, the main accused, Mr. Abdul Quayum, had been assured by some powerful leaders that he would be nominated in the next election if he succeeded in killing Mr. Kibria,

Recalling further that on 30 April 2005 the lawyer for the family of Mr. Kibria (the informant) submitted an application for further investigation in the murder case as the family considered the investigation to be incomplete, particularly since it had failed to identify the source of the explosives used in the attack, to track the funding for the attack, to examine important witnesses, and to investigate who the powerful political leaders were who assured Mr. Quayum that he would be nominated for the election; the application was dismissed on 10 May 2005; an appeal against that decision was subsequently lodged in the High Court Division of the Supreme Court of Bangladesh, which on 21 November 2005 dismissed the appeal arguing that the proper course of action was to file an application for further investigation with the trial court, which was competent to rule such an order; *considering* that an appeal lodged against that ruling before the Appellate Division of the Supreme Court was likewise dismissed and that the case is now pending before the Speedy Trial Court, which is bound by law to complete proceedings within a maximum of 135 working days,

Considering that, on 26 January 2006, the High Court Division of the Supreme Court of Bangladesh heard writ petition No. 3201 of 2005 in which four of the suspects of Mr. Kibria's killing, namely Shahed Ali, Joynal Abedin, Amir Ali and Tajul Islam, applied to be allowed to retract their confessional statements as they had been obtained under torture; the High Court found no reason "not to give the accused a chance to retract their confession" and directed the lower court to allow them "to file application before the trial court for retraction of their confessions..."; *considering* also that, according to the source, the main defendant, Mr. Abdul Quayum, has also alleged that he was framed, ill-treated, and denied food and medical care, and that on 16 April 2005, when the police report was being heard by the magistrate, the police refused his request to make a voluntary confession under Article 164 of the Criminal Procedure Code before the magistrate; *noting* in this respect that, according to the documents provided by the source, the magistrate passed an order to allow him to "give a 164 confessional" but

that the order was then crossed out by someone and Mr. Quayum did not make a confessional statement,

Recalling further that in newspaper clippings concerning the killing of Mr. Kibria provided by the Speaker, the Prime Minister is reported as saying that the present duty was "to find out the perpetrators and ensure harsh legal punishment" and that she had directed all concerned agencies "to invest all their strength to identify the heinous criminals at any cost and take proper action against them"; another newspaper article reporting the reaction of the Secretary General of the Bangladesh Nationalist Party (BNP) to Mr. Kibria's murder is entitled "International probe, if needed, says Mannan Bhuiyan",

Recalling finally that, according to the sources, a discussion in the National Parliament about Mr. Kibria's murder was blocked by the parliamentary authorities, which reportedly prompted a temporary boycott of the parliament by the opposition; the sources also refer to press reports that, at a meeting of the parliamentary Standing Committee on the Home Ministry, Mr. Mohammed Nasim, M.P. asked that the report of the Judicial Inquiry Commission on the August 2004 attack on Sheik Hasina and documents relating to Mr. Kibria's murder be placed on the Committee's agenda; the request was refused by the Chairman, as a result of which Mr. Nasim walked out of the Committee in protest; *considering* that, according to the Bangladesh delegation, Parliament does not usually monitor investigation in such cases but offers its condolences, which it did in this case,

Noting lastly that according to the sources, and in stark contrast with the actions of the police in this case, the police investigating the spate of suicide bombings committed in August 2005 looked at telephone records to trace the militants' network and did indeed investigate the sources of the explosives, detonators and other triggering technology,

1. *Thanks* the delegation of Bangladesh for its cooperation;
2. *Reaffirms* that the authorities have a duty to conduct a thorough and independent investigation into Mr. Kibria's murder, as they did in the case of the August 2005 suicide bombings; and *notes* that the Prime Minister and other officials have called for such investigations, even indicating the possibility of involving international experts;
3. *Considers* that the investigation has omitted to examine questions which are essential for shedding full light on Mr. Kibria's murder, and that the fact alone that the lower court has been ordered to allow four witnesses to retract their statements obtained under duress, in addition to the doubts as to whether Mr. Quayum was allowed to make a confessional statement, warrants additional investigation;
4. *Expresses deep concern* in this respect at the ability of the Speedy Tribunal Court to order such investigation given the time limits within which it operates;
5. *Decides* to send an observer to the court proceedings, and *requests* the Secretary General to take the necessary steps to this end;
6. *Reaffirms* that the murder of a parliamentarian stands as a threat to all members of the parliament concerned and the institution of parliament as such, and ultimately to the people whom it represents, and that parliament therefore has a vested interest in ensuring that the competent authorities comply with their duty to conduct full and effective investigations in order to identify and prosecute those responsible, thus ensuring the due administration of justice and preventing a repetition of such crimes;
7. *Calls therefore* on the National Parliament to avail itself of its oversight function to this end and closely to follow the proceedings in the case of Mr. Kibria, and *would appreciate* receiving the observations of the parliamentary authorities on this point;

8. *Requests* the Secretary General to convey this resolution to the Speaker and to the sources;
9. *Requests* the Committee to continue examining this case and report to it at its next session, to be held during the 115th IPU Assembly (October 2006).

CASE No. BGL/15 - SHEIK HASINA - BANGLADESH

Resolution adopted by consensus by the IPU Governing Council at its 178th session (Nairobi, 12 May 2006)

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of Sheik Hasina, a member of the National Parliament of Bangladesh, which has been the subject of a study and report of the Committee on the Human Rights of Parliamentarians following the Procedure for the Treatment by the IPU of Communications concerning Violations of the Human Rights of Members of Parliament,

Taking note of the report of the Committee on the Human Rights of Parliamentarians, which contains a detailed outline of the case (CL/178/12(b)-R.1),

Taking account of the hearing held by the Committee with two members of the delegation of Bangladesh during 114th IPU Assembly in Nairobi,

Considering the following information on file:

- On 21 August 2004, shortly after she addressed a rally of the Awami League (AL) in the centre of Dhaka, grenades were thrown at Sheik Hasina, the Leader of the Opposition. The attack left her with a permanent hearing disability, killed 25 people and left hundreds maimed for life. Seven other members of parliament sustained injuries from grenade pellets. The attack reportedly involved the explosion of a dozen Arges grenades and occurred in broad daylight, in the presence of more than 300 policemen and scores of government intelligence and surveillance agents;
- According to the source, the crime scene was not protected, and evidence was allowed to be contaminated. Unexploded grenades were not preserved for forensic tests, but detonated instead. No punitive action was reportedly taken against any member of the security personnel for their lapses, and some have reportedly been promoted since.
- According to information provided by the Speaker in January 2004, the investigation has been greatly hampered by the refusal of the AL leadership and Sheik Hasina to have her bulletproof car examined by the investigators. To this, the source replied as follows: After the attack, Sheik Hasina's vehicle was examined on at least six occasions during the period from 24 August to 10 September 2004, and complete access to the bulletproof vehicle was given on demand to the investigators from the United States Federal Bureau of Investigation (FBI), Interpol and their Bangladesh counterparts. Full and unhindered access was reportedly given to the damaged vehicle each time a request was made by a Bangladesh government agency. A few weeks after this work had been completed, the Investigation Officer requested that the vehicle be handed over to the custody of the investigators. However, as it was imperative to repair the vehicle - the only bulletproof vehicle available to Sheik Hasina - and thus to make it roadworthy again, Sheik Hasina's office informed the authorities that, while they could continue to have access to the vehicle, it must

remain on Sheik Hasina's premises. The damaged parts of the vehicle were removed, and have since remained at the disposal of the investigating authorities;

- Despite requests of the AL to set up an international commission of inquiry, the Government established a one-member Judicial Inquiry Commission consisting of Justice Md. Joynul Abedin. He delivered a report which has so far not been made public. According to the Speaker, the AL obstructed the investigation by failing to cooperate with the Judicial Inquiry Commission. The source denies this, and affirms that the AL did not prevent any of its workers or activists from giving testimony to Justice Md. Joynul Abedin. Many AL members are said to have provided such testimony. With respect to the public release of the report, the delegation of Bangladesh stated that the evidence gathered would be disclosed during the trial;
- According to the delegation of Bangladesh, assistance has been sought from Interpol, the FBI was involved in the investigation and 20 persons have been arrested in relation with the attack; according to the source, no progress has been made in the investigation and the Awami League has neither been given any updates by government investigating agencies nor been informed of the arrests,

Considering that, according to the delegation of Bangladesh, the entire country was shocked at the grenade attack and the Prime Minister strongly condemned it, requesting harsh punishment for the culprits,

Considering that, with respect to parliamentary action, at a meeting of the parliamentary House Committee on 23 August 2004, members of the opposition party proposed the adoption of an all-party resolution condemning the attack, offering condolences to the survivors of the deceased and prayer for the recovery of the wounded; however, the Committee Chairperson reportedly ruled the resolution out of order; moreover, attempts to discuss the attack in the parliament through adjournment motions have reportedly proved vain,

Noting lastly that, according to the source, Sheik Hasina has been the target of 18 attempts on her life, none of which have reportedly been duly investigated,

Bearing in mind that Bangladesh, as a State party to the International Covenant on Civil and Political Rights, is bound to respect the right to life and to security, as guaranteed under Articles 6 and 9,

1. *Expresses dismay* at the grenade attack of 21 August 2004 targeting Sheik Hasina;
2. *Is concerned at* the discrepancy in the information provided by the parliament and by the sources regarding progress in the investigation, and *would appreciate* clarification in this respect;
3. *Welcomes* the fact that the Government has set up a Judicial Inquiry Commission; and *wishes to ascertain* what prospect there is that its report may, at least, be brought to the attention of the aggrieved parties;
4. *Recalls* that it is the duty of all States to provide justice and thus to conduct effective, independent and thorough investigations into any crime in order to identify the culprits and prosecute and punish them in accordance with the law;
5. *Also recalls* that impunity is a grave breach of human rights, undermines the rule of law and encourages the repetition of crime; and *affirms* therefore that parliament, as a guardian of human rights, should make every effort to combat and prevent impunity;
6. *Notes therefore with deep concern* the allegation that the matter of the attack, in which not only the leader of the opposition but also seven other parliamentarians were injured, has

not been raised in parliament; and *would appreciate receiving* the views of the parliamentary authorities in this respect;

7. *Affirms* that attempts on the life of a member of parliament stand as a threat to all members of that parliament and, ultimately, to the institution of parliament as such and to the people it represents; *considers* therefore that the parliament of Bangladesh has a vested interest in closely following the investigations into the grenade attack of 21 August 2004 in order to ensure due administration of justice; and *calls upon* it to do so;
8. *Requests* the Secretary General to convey this resolution to the Speaker of Parliament, inviting him to provide the requested information and his observations;
9. *Requests* the Committee to continue examining this case and report to it at its next session, to be held during the 115th IPU Assembly (October 2006).

CASE No. BLS/05 - VICTOR GONCHAR - BELARUS

Resolution adopted by consensus by the IPU Governing Council at its 178th session (Nairobi, 12 May 2006)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Victor Gonchar, a member of the Thirteenth Supreme Soviet of Belarus, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/178/12(b)-R.1), and to the resolution adopted at its 177th session (October 2005),

Taking account of the hearing the Committee held with a member of the Belarusian delegation during the 114th IPU Assembly,

Recalling that Mr. Gonchar disappeared together with his friend Anatoly Krasovsky on 16 September 1999 and has not reappeared since; an investigation was instituted and the parliamentary authorities have consistently reported that all available leads have been followed, even those suggested by newspaper reports and other sources; however, the authorities have rejected as totally unfounded the detailed information contained in the report on disappearances for allegedly political reasons in Belarus, published by the Parliamentary Assembly of the Council of Europe (PACE) in February 2004 and do not appear to have carried out any thorough investigation into the leads it contains,

Considering that, as to its requests for information about the role played by Colonel Pavlichenko referred to in the PACE report,³ the Belarusian delegate stated that two acquaintances of Mr. Pavlichenko were part of the gang and had provided his name; it was easy to establish his innocence and he was therefore released,

Recalling further that, at the hearing held in October 2005, the Deputy Chairman of the Committee on Legislation, Judicial and Legal Issues stated that economic motives may have prompted Mr. Gonchar's and Mr. Krasovsky's disappearance, as Mr. Gonchar was heavily indebted because of his business in the Russian Federation, and Mr. Krasovsky had been summoned to appear in court on a charge of tax evasion; *considering* that, according to Mr. Gonchar's wife, she had never heard that her husband had business interests and debts, and she had received an official paper from the Procurator's Office stating that her husband's abduction was in no way connected with a criminal case; at the hearing

³ According to the PACE report, Colonel Pavlichenko was arrested on 22 November 2000 on the orders of the then director of the Belarusian Committee on State Security (KGB) and the Prosecutor General on suspicion of being the head of a gang involved in kidnapping and murder. The arrest warrant ordered 30 days of detention, but he was released shortly after his arrest. According to the PACE report, there are serious indications that he may be the person responsible for abducting and eliminating Mr. Gonchar and Mr. Krasovsky.

held in Nairobi (May 2006), the Belarusian delegate reiterated the allegation of economic motives, this time alleging that Mr. Krasovsky was a noted businessman, but highly indebted, and that Mr. Gonchar was involved in his business; he alleged further that Mrs. Krasovsky, who is now living in the United States, has refused to testify and provide information to the Belarusian authorities,

Considering that, according to the information provided to the Committee at the hearing held in Nairobi, the investigation into this case has been reopened seven times and is now temporarily closed since no new evidence has come up for the last three months, but it is to be reopened and the Prosecutor General is “keeping it under control” and seeking new evidence; likewise, the parliament is following it and being kept informed by the Prosecutor General,

Recalling that in its report on disappearances for allegedly political reasons in Belarus, issued in February 2004, the PACE concluded that no proper investigation had been carried out and that senior state officials might have been involved in the disappearance of several opposition figures, including Mr. Gonchar, and that it has consequently urged President Lukashenko and the Belarusian authorities to conduct an independent investigation into the fate of disappeared persons, most recently in its Resolution 1482 of 26 January 2006,

1. *Thanks* the Belarusian delegation for its cooperation;
2. *Deplores* the absence of any progress in the investigation; and *can only reaffirm* that, so long as the Belarusian authorities do not fully investigate the evidence revealed in the PACE report or adduce other convincing evidence which they say may exist, the suspicion expressed in the PACE report as to the possible role of state officials in Mr. Gonchar's disappearance will remain fully justified, and thus the suspicion that Mr. Gonchar was the victim of a “forced disappearance”;
3. *Recalls* that forced disappearances are a serious violation of human rights, and recalls Article 1 of the “Declaration on the Protection of All Persons from Enforced Disappearance”, adopted by the United Nations General Assembly in 1992, which states that: “Any act of enforced disappearance is an offence to human dignity. It is condemned as a denial of the purposes of the Charter of the United Nations and as a grave and flagrant violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights ...”;
4. *Recalls* also that Belarus is a party to the International Covenant on Civil and Political Rights and thus bound to respect the right to life, which comprises the duty of States to investigate thoroughly cases of persons who have disappeared in circumstances possibly involving a violation of the right to life;
5. *Calls once again* on the authorities and in particular the Belarusian parliament to ensure that a thorough and independent investigation is conducted, and *wishes* to be kept informed of any progress made;
6. *Requests* the Secretary General to convey this resolution to the sources and to the competent authorities;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held during the 115th IPU Assembly (October 2006).

BURUNDI

CASE No. BDI/01 - S. MFAYOKURERA
CASE No. BDI/05 - I. NDIKUMANA
CASE No. BDI/06 - G. GAHUNGU

CASE No. BDI/07 - L. NTAMUTUMBA
CASE No. BDI/29 - P. SIRAHENDA
CASE No. BDI/35 - G. GISABWAMANA

***Resolution adopted by consensus by the IPU Governing Council at its 178th session
(Nairobi, 12 May 2006)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of the murder of the above Burundian parliamentarians, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/178/12(b)-R.1), and to the resolution adopted at its 177th session (October 2005),

Taking account of the information provided by the Speaker of the National Assembly at the hearing held on the occasion of the 114th Assembly,

Recalling that in 2003 the then Transitional National Assembly set up a small parliamentary working group to look into the cases of the parliamentarians concerned, and also into ways and means of reactivating the investigations into their cases; that one of the suspects in the murder of Mr. Mfayokurera was apprehended, albeit in connection with another crime; that arrest warrants were issued for two people suspected of the murder of Mr. Ndikumana; *recalling also* that, in the case of Mr. Sirahenda, there were witnesses of his abduction in a jeep from Makamba military camp and of his killing,

Considering the following information provided by the Speaker of the National Assembly:

- The National Assembly elected in July 2005 has examined these cases from the start and intends to contact the victims' families shortly for the purpose of collecting as much information as possible before deciding whether or not to set up a follow-up working group; it had nevertheless found no trace in the parliamentary records of any report(s) by the parliamentary group set up under the previous legislature or of any other relevant investigative reports; similarly, a search in the Attorney General's office had yielded nothing;
 - Discussions on determining the working methods and composition of the Joint Truth and Reconciliation Commission, which will be composed of foreign and Burundian members, are well under way; the parliament is actively involved in raising awareness among the Burundian population about the Commission, which should soon start its work and will focus on establishing the truth and on promoting forgiveness; however, should victims of human rights violations, or their families, not wish to pardon the perpetrators, they can resort to the courts; if the Truth and Reconciliation Commission concludes that genocide and crimes against humanity have taken place, such cases will be brought before a criminal court chamber to be constituted in such an event,
1. *Thanks* the President of the National Assembly for her cooperation and the valuable information she has provided;
 2. *Acknowledges* the challenges that the present Burundian authorities, including the parliament, face in fostering reconciliation and their express commitment to firmly basing their efforts in this regard on the principles of truth and justice;
 3. *Is hopeful* that the parliament's suggested course of action will help shed light on these murders; *trusts* that the necessary arrangements will be made to ensure that the results of the former parliamentary working group are taken into account by the current parliamentary authorities; *requests* in this regard the Secretary General to share the information on file with the Parliament and the Attorney General;
 4. *Recalls* that clear leads exist in the cases of Mr. Mfayokurera, Mr. Ndikumana and Mr. Sirahenda which should allow the authorities to make progress in elucidating these

murders and bringing the culprits to justice; *would therefore particularly appreciate* learning of any steps taken in this respect;

5. *Reaffirms* that the National Truth and Reconciliation Commission, and subsequently the special court chamber, can play an important role in helping shed light on these crimes and providing fresh impetus towards holding the perpetrators to account; *sincerely hopes* that the Commission will start its work shortly; *and would appreciate* being kept informed in this regard;
6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held during the 115th IPU Assembly (October 2006).

CASE No. BDI/02 - NORBERT NDIHOKUBWAYO - BURUNDI

Resolution adopted by consensus by the IPU Governing Council at its 178th session (Nairobi, 12 May 2006)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Norbert Ndiwokubwayo, a member of the parliament of Burundi, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/178/12(b)-R.1), and to the resolution adopted at its 177th session (October 2005),

Taking account of the information provided by the Speaker of the National Assembly at the hearing held on the occasion of the 114th IPU Assembly,

Recalling that in 2003 the then Transitional National Assembly had set up a small parliamentary working group to examine, together with the competent authorities, how to reactivate the investigation into the attempts on Mr. Ndiwokubwayo's life perpetrated in September 1994 and again in December 1995, and that one of the persons suspected of perpetrating the attempt on his life in September 1994, which left him severely injured, has since been apprehended, albeit in connection with another crime,

Considering that, according to the Speaker of the National Assembly, it has so far not been possible either to establish what the results of the work of the former parliamentary group were on this case or to trace any file on it in the Attorney General's office,

Considering further that, with respect to the reconciliation process under way in Burundi, the Speaker stated that discussions on determining the working methods and composition of the Joint Truth and Reconciliation Commission were progressing well and that the parliament was actively involved in raising awareness among the Burundian population about the Commission, which should soon start its work and would focus on establishing the truth and promoting forgiveness; however, should victims of human rights violations, or their families, not wish to pardon the perpetrators, they can resort to the courts; in the event that the Truth and Reconciliation Commission concludes that genocide and crimes against humanity have taken place, such cases will be brought before a criminal court chamber to be constituted in such an event,

1. *Thanks* the President of the National Assembly for her cooperation and the valuable information she has provided;
2. *Acknowledges* the challenges that the present Burundian authorities, including the parliament, face in fostering reconciliation and their express commitment to firmly basing their efforts in this regard on the principles of truth and justice;

3. *Is hopeful* therefore that the attempts on Mr. Ndiokubwayo's life will not go unpunished; *trusts* that the necessary arrangements will be made to ensure that the results of the former parliamentary working group are taken into account by the current parliamentary authorities and that, as a first step, effective and swift action will be taken with respect to the one suspect who is currently in the hands of the authorities; and *would greatly appreciate* receiving further details in this regard;
 4. *Reaffirms* that the Truth and Reconciliation Commission and subsequently the special court chamber can play an important role in shedding light on the attempts on the life of Mr. Ndiokubwayo and can provide fresh impetus in the matter of holding the perpetrators to account; *sincerely hopes* that the Commission will start its work shortly; and *would appreciate* being kept informed in this regard;
 5. *Requests* the Committee to continue examining this case and report to it at its next session, to be held during the 115th IPU Assembly (October 2006).
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CASE No. CMBD/14 - CHEAM CHANNY - CAMBODIA

*Resolution adopted by consensus by the IPU Governing Council at its 178th session
(Nairobi, 12 May 2006)*

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Cheam Channy, a member of the National Assembly of Cambodia, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/178/12(b)-R.1), and to the resolution adopted at its 177th session (October 2005),

Taking account of the information provided by the sources on 8 February and 25 April 2006,

Recalling that Mr. Cheam Channy, a member of the National Assembly of Cambodia, was arrested on 3 February 2005 on charges of "creating an illegal military force" after the National Assembly had lifted his parliamentary immunity without his having been heard; on 9 August 2005, at the close of a trial which the Special Representative of the United Nations Secretary-General for human rights in Cambodia described as a grave injustice, a military court found him guilty and sentenced him to seven years' imprisonment; *recalling* also the serious concerns it had expressed previously at the lifting of Mr. Cheam Channy's immunity, at the issue of respect for fair trial guarantees and at his conditions of detention, all of which had led it to call for his immediate release,

Considering that, on 5 February 2005, King Baromneath Norodom Sihamoni pardoned Mr. Cheam Channy at the Prime Minister's request and that he has since resumed his seat in parliament and is fully exercising his parliamentary mandate,

1. *Welcomes* the release of Mr. Cheam Channy and his return to parliament; and consequently *decides* to close this case;
 2. *Nevertheless regrets* his arrest, sentencing and detention, which not only deprived him of his right to exercise his parliamentary mandate but also deprived his electorate of representation in parliament.
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CASE No. CMBD/18 - CHHANG SONG) CAMBODIA
CASE No. CMBD/19 - SIPHAN PHAY)
CASE No. CMBD/20 - SAVATH POU)

***Resolution adopted by consensus by the IPU Governing Council at its 178th session
(Nairobi, 12 May 2006)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Chhang Song, Mr. Siphon Phay and Mr. Savath Pou, members (expelled) of the Senate of Cambodia, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/178/12(b)-R.1), and to the resolution adopted at its 177th session (October 2005),

Recalling the following: the Senators concerned were expelled from their party, the Cambodian People's Party (CPP), on 6 December 2001 following statements they made in the Senate critical of the Criminal Procedure Code bill; they were dismissed from parliament a few days later despite the absence of any provisions either in the Constitution or in the Standing Orders prescribing forfeiture of the parliamentary mandate in the event of expulsion from a political party; the Senate President has, however, affirmed that by virtue of Article 157 of the Constitution⁴ the party was entitled to revoke their mandate,

Recalling further that, in an effort to prevent the recurrence of similar cases, an expert from the French Senate provided assistance in April 2003 for the drafting of revised Standing Orders; he advised, in keeping with IPU views, that no provision should be made prescribing forfeiture of the parliamentary mandate in the event of expulsion from a political party; indeed, the amended Standing Orders as conveyed to the Committee in August 2003 did not stipulate such forfeiture among the grounds leading to loss of the mandate,

Considering, however, in this respect that Article 31 of Chapter 9 of the Senate election law promulgated on 20 June 2005 stipulates, inter alia, that a senator shall lose membership in the Senate if he or she has lost his or her party membership, and that, according to the Senate President, the Senate's draft Standing Orders to be adopted by the new Senate contain a similar provision,

Considering finally that the first Senate elections were held on 22 January 2006, and that the newly elected Senate has taken up its term,

1. *Deeply regrets* that the IPU's views and recommendations regarding loss of the parliamentary mandate have gone unheeded, since Article 31 of the Senate Electoral Law opens the door for political parties to revoke the mandate of Senators; *wishes to ascertain* the circumstances and procedural provisions that have been put in place in this respect, and *reiterates its wish* to receive a copy of the Standing Orders as adopted by the new Senate;
2. *Requests* the Secretary General to seek this information from the new Senate authorities, and *requests* the Committee to report to it at its next session, to be held during the 115th IPU Assembly (October 2006).

CASE No. CO/01 - PEDRO NEL JIMENEZ OBANDO) COLOMBIA
CASE No. CO/02 - LEONARDO POSADA PEDRAZA)

⁴ The text of this Article is as follows: "... In its first legislative term, the Senate shall have 61 senators in all. The King appoints two of the senators and the President, the First Vice-President and the Second Vice-President of the Senate. Other senators shall be appointed by the King at the request of the President of the Senate and the President of the National Assembly from among the members of the political parties having seats in the National Assembly (...)."

CASE No. CO/03 - OCTAVIO VARGAS CUELLAR)
CASE No. CO/04 - PEDRO LUIS VALENCIA GIRALDO)
CASE No. CO/06 - BERNARDO JARAMILLO OSSA)
CASE No. CO/08 - MANUEL CEPEDA VARGAS)
CASE No. CO/139 - OCTAVIO SARMIENTO BOHORQUEZ)

***Resolution adopted by consensus by the IPU Governing Council at its 178th session
(Nairobi, 12 May 2006)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case concerning the murders of Mr. Pedro Nel Jiménez Obando, Mr. Leonardo Posada Pedraza, Mr. Octavio Vargas Cuéllar, Mr. Pedro Luis Valencia Giraldo, Mr. Bernardo Jaramillo Ossa, Mr. Manuel Cepeda Vargas and Mr. Octavio Sarmiento Bohórquez, all of whom were members of the parliament of Colombia, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/178/12(b)-R.1), and to the resolution adopted at its 177th session (October 2005),

Taking account of the communication of 16 March 2006 from the Director of the Presidential Programme on Human Rights and International Humanitarian Law whereby he forwards a copy of a report from the Attorney General's Office,

Further taking account of information provided by one of the sources on 3 April and on 3 May 2006,

Recalling that, in January 2001, the Appeal Court upheld a judgement handed down at first instance against two non-commissioned officers for the murder of Senator Cepeda, and sentenced each to 43 years' imprisonment; subsequently paramilitary group leader Mr. Carlos Castaño Gil was not convicted for his role in the murder of Mr. Cepeda, despite unambiguous acknowledgments of his responsibility in the book *My Confession* and in live radio and written press interviews; Mr. Castaño was sentenced in absentia in November 2001 for the murder of Mr. Jaramillo, but was never arrested for this crime, and subsequently disappeared in April 2004; no investigation seems to be under way to establish his fate,

Considering that, according to the latest report of the Attorney General's Office, Mr. Jesús Emiro Pereira Rivera was, after having been acquitted at first instance, convicted on appeal for the murder of Mr. Sarmiento and sentenced to a 40-year prison term; the same report confirms that the investigations in the cases of Mr. Jiménez, Mr. Posada and Mr. Valencia have been abandoned and that, in the case of Mr. Valencia, although the investigation is at the preliminary stage, all the evidence that might help to identify the culprits has been examined, but to no avail,

Recalling that since 1999 a friendly settlement procedure has been under way before the Inter-American Commission on Human Rights regarding a petition lodged in March 1997 pertaining to the persecution of the *Unión Patriótica* (Patriotic Union) political party, to which all the above parliamentarians except Mr. Sarmiento belonged, and that several working groups were set up to examine human rights violations perpetrated against members of that party,

Considering the open letter of 3 May 2006 from two Colombian non-governmental human rights organizations, both petitioners in the *Unión Patriótica* case, addressed to the current President of Colombia, in which they emphasize that, despite the latter's express acknowledgement of the persecution of the *Unión Patriótica* and commitment to put in place safeguards to avoid a repeat of these violations, there has been no effective official action in response to the continuing assassinations, attacks and harassment suffered by *Unión Patriótica* members and survivors, and that reportedly one of the

campaign spots in the current President's re-election campaign spreads unfounded accusations against the *Unión Patriótica*,

Considering that, following Mr. Castaño's acquittal, Mr. Cepeda's family lodged a case with the Inter-American Commission on Human Rights, which in December 2005 agreed to separate Senator Cepeda's case from the existing *Unión Patriótica* case and to deal with its merits forthwith; on 3 May 2006, the source affirmed that the Commission had also undertaken an in-depth examination of the overall *Unión Patriótica* case and had expressed willingness to review its substance,

1. *Thanks* the Director of the Presidential Programme on Human Rights and International Humanitarian Law for the information provided;
2. *Notes with satisfaction* that Mr. Sarmiento's murder has not gone unpunished; *wishes to know* whether Mr. Pereira is currently serving his sentence;
3. *Is deeply concerned* at the failure of the authorities to honour the commitments they assumed in the framework of the friendly settlement procedure, which could have provided non-judicial redress in the cases in question, and at their failure to end the persecution of members of that party and the families of those assassinated;
4. *Strongly urges* the State of Colombia to comply with its duty under international human rights law and the American Convention on Human Rights, which entails its obligation to ensure that justice is done and remedy provided for past abuses;
5. *Notes* that a new stage has been reached in consideration of the *Unión Patriótica* case by the Inter-American Commission, and *requests* the Secretary General to seek more detailed information in this respect;
6. *Requests* the Secretary General to convey this resolution to the competent authorities and to the sources;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held during the 115th IPU Assembly (October 2006).

CASE No. CO/09 - HERNÁN MOTTA MOTTA - COLOMBIA

Resolution adopted by consensus by the IPU Governing Council at its 178th session (Nairobi, 12 May 2006)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Senator Hernán Motta Motta of Colombia, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/178/12(b)-R.1), and to the resolution adopted at its 177th session (October 2005),

Taking account of the communication of 16 March 2006 from the Director of the Presidential Programme on Human Rights and International Humanitarian Law whereby he forwards a copy of a report from the Attorney General's Office,

Recalling that the name of Mr. Motta, a member of the Patriotic Union (*Unión Patriótica*), was on a hit list drawn up by the paramilitary group led by Mr. Carlos Castaño Gil and that Mr. Motta received death threats which forced him into exile in October 1997,

Considering the latest report from the Attorney General's Office, according to which by decision dated 23 June 2001 the investigation into the threats was discontinued (resolución inhibitoria), while stressing that Mr. Motta had failed to appear for the purpose of amplifying the complaint or to justify his absence despite a number of requests by the judicial authorities,

Recalling that since 1999 a friendly settlement procedure has been under way before the Inter-American Commission on Human Rights, following a petition lodged in March 1997 pertaining to the persecution of the *Unión Patriótica* political party, and that several working groups have been set up in that connection to examine human rights violations perpetrated against that party's members,

Considering the open letter of 3 May 2006 from two Colombian non-governmental human rights organizations, both petitioners in the *Unión Patriótica* case, addressed to the current President of Colombia, in which they emphasize that, despite the latter's express acknowledgement of the persecution of the *Unión Patriótica* and commitment to putting in place safeguards to avoid a repeat of these violations, there has been no effective official action in response to the continuing assassinations, attacks and harassment suffered by *Unión Patriótica* members and survivors, and that reportedly one of the campaign spots in the current President's re-election campaign spreads unfounded accusations against the *Unión Patriótica*,

Considering that, on 3 May 2006, the source affirmed that the Commission had undertaken an in-depth examination of the overall *Unión Patriótica* case and had expressed willingness to review its substance,

1. *Thanks* the Director of the Presidential Programme on Human Rights and International Humanitarian Law for the information provided;
 2. *Is perplexed* by the contention that the investigation into the death threats may have been abandoned owing to a lack of full cooperation from Mr. Motta; *recalls* that before going into exile he provided substantive leads to the investigation and has since been available from his new country of residence to provide additional details to help advance the inquiry, the successful outcome of which can only be considered to be in his full interest;
 3. *Is deeply concerned* at the failure of the authorities to honour the commitments they assumed in the framework of the friendly settlement procedure, which could have provided non-judicial redress to Mr. Motta and his family;
 4. *Strongly urges* the State of Colombia to comply with its duty under international human rights law and the American Convention on Human Rights, which entails its obligation to ensure that justice is done and remedy provided for past abuses;
 5. *Notes* that a new stage has been reached in the consideration of the *Unión Patriótica* case by the Inter-American Commission, and *requests* the Secretary General to seek further particulars in this respect;
 6. *Requests* the Secretary General to convey this resolution to the competent authorities and to the sources;
 7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held during the 115th IPU Assembly (October 2006).
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CASE No. CO/121 - PIEDAD CÓRDOBA - COLOMBIA

Resolution adopted by consensus by the IPU Governing Council at its 178th session (Nairobi, 12 May 2006)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Ms. Piedad Córdoba of Colombia, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/178/12(b)-R.1), and to the resolution adopted at its 177th session (October 2005),

Taking account of the communication of 16 March 2006 from the Director of the Presidential Programme on Human Rights and International Humanitarian Law forwarding a copy of a report from the Attorney General's Office,

Recalling that Ms. Córdoba, was kidnapped and held by the *Autodefensas Unidas de Colombia* (AUC) paramilitary group between 21 May and 4 June 1999, that its then leader, Mr. Carlos Castaño Gil, who disappeared in April 2004, was formally indicted as the instigator of the kidnapping on 9 November 2004, and that on 26 June 2002 an arrest warrant was issued for Mr. Iván Roberto Duque Gaviria, who was declared absent by the Court on 27 August 2002,

Recalling that Ms. Córdoba was the target of an attempt on her life in January 2003, and that a preliminary investigation on 18 September 2003 found four detained persons to be involved in the attack; *considering* nevertheless that, according to the latest report of the Attorney General's Office, on 14 March 2005 the Third Criminal Court of the Medellín Circuit acquitted three of the accused, while the fourth one, the same Mr. Ivan Roberto Duque who is allegedly involved in the above-mentioned kidnapping, was declared absent,

Considering that congressional elections were held in March 2006, in which Ms. Córdoba was re-elected to the Senate,

Noting that Mr. Jaime Gomez, a close adviser to Senator Córdoba, recently disappeared and that his completely decomposed body was found at the end of April 2006 in the vicinity of the National Park in Bogotá,

1. *Thanks* the Director of the Presidential Programme on Human Rights and International Humanitarian Law for the information provided;
2. *Is shocked* at the killing of Ms. Córdoba's close adviser, which goes to show that, without rigorous action to prevent and punish human rights violations, the lives of Ms. Córdoba and her entourage will continue to be at great risk;
3. *Expresses deep concern* that, after almost seven years since Ms. Córdoba was kidnapped and more than three years since she faced an attempt on her life, the culprits have yet to be brought to trial; *regrets* in this regard that no information has been forthcoming about efforts made to shed light on the fate of Mr. Castaño and Mr. Duque;
4. *Recalls* that, under its international law obligations, the Colombian State is obliged to combat impunity effectively by apprehending and punishing human rights offenders, providing effective redress to their victims, and taking effective action to ensure that such offences do not recur;
5. *Calls on* the authorities to take all possible steps to ensure that the crimes against Ms. Córdoba's life and the murder of her adviser do not go unpunished, including by establishing the whereabouts of Mr. Castaño and Mr. Duque and, if they are still alive, to apprehend them and bring them to trial;

6. *Calls* in particular on the newly elected Congress to carry out its oversight function in order to ensure that justice is done and that Senator Córdoba and her staff enjoy the necessary protection; *would greatly appreciate* hearing about any action taken in this regard;
7. *Requests* the Secretary General to convey this resolution and its requests for information to the competent authorities and to the source;
8. *Requests* the Committee to continue examining this case and report to it at its next session, to be held during the 115th IPU Assembly (October 2006).

CASE No. CO/122 - OSCAR LIZCANO)	COLOMBIA
CASE No. CO/132 - JORGE EDUARDO GECHEN TURBAY)	
CASE No. CO/133 - LUIS ELADIO PÉREZ BONILLA)	
CASE No. CO/134 - ORLANDO BELTRÁN CUÉLLAR)	
CASE No. CO/135 - GLORIA POLANCO DE LOZADA)	
CASE No. CO/136 - CONSUELO GONZÁLEZ DE PERDOMO)	

***Resolution adopted by consensus by the IPU Governing Council at its 178th session
(Nairobi, 12 May 2006)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Oscar Lizcano, Mr. Jorge Eduardo Gechen Turbay, Mr. Luis Eladio Pérez Bonilla, Mr. Orlando Beltrán Cuéllar, Ms. Gloria Polanco de Lozada and Ms. Consuelo González de Perdomo, all former members of the Colombian Congress, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/178/12(b)-R.1), and to the resolution adopted at its 177th session (October 2005),

Recalling that these six persons were kidnapped by the Revolutionary Armed Forces of Colombia (FARC) between 5 August 2000 and 23 February 2002, and are still in their hands,

Taking account of the communication of 16 March 2006 from the Director of the Presidential Programme on Human Rights and International Humanitarian Law forwarding a copy of a report from the Attorney General's Office, according to which two persons were found guilty and are serving their sentence for their involvement in the kidnapping of Mr. Lizcano and of Ms. González de Perdomo, and of the fact that charges or precautionary measures are pending against the leadership of FARC and others in all six cases,

Considering that, despite a number of promising openings towards the conclusion of a humanitarian agreement between the Colombian Government and FARC, such an accord has yet to be reached,

Considering that presidential elections will be held on 28 May 2006 and that congressional elections were held in March 2006,

1. *Thanks* the Director of the Presidential Programme on Human Rights and International Humanitarian Law for the information provided; and *notes* that some progress has been made towards holding those responsible for the kidnappings to account;
2. *Is nevertheless disappointed* that all efforts made thus far to reach a humanitarian agreement have been inconclusive;

3. *Strongly urges once again* the Colombian Government and FARC to act with the necessary resolve to conclude a humanitarian agreement as soon as possible, particularly in view of the precarious health of several of those held hostage by FARC;
4. *Calls upon* the new Congress to take the necessary action to fulfil its important role in promoting the conclusion of such an agreement and in monitoring any consultations to this end, in particular by putting in place a parliamentary body for this purpose with an effective mandate and adequate resources; and *would greatly appreciate* receiving information in this regard;
5. *Recalls* that the taking of hostages among persons playing no active part in hostilities is explicitly prohibited under international humanitarian law, and that FARC is consequently under an obligation to release the civilian hostages forthwith;
6. *Requests* the Secretary General to convey this resolution to the competent authorities, the sources and other interested parties;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held during the 115th IPU Assembly (October 2006).

CASE No. CO/130 - JORGE TADEO LOZANO OSORIO - COLOMBIA

Resolution adopted by consensus by the IPU Governing Council at its 178th session (Nairobi, 12 May 2006)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Jorge Tadeo Lozano Osorio, a former member of the Colombian Congress, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/178/12(b)-R.1), and to the resolution adopted at its 177th session (October 2005),

Recalling the following:

- In May 1990, when Mr. Tadeo Lozano was a congressman, an investigation was launched on the basis of his alleged illicit enrichment. In September 1992, the Supreme Court of Justice ruled that there were no grounds for prosecuting Mr. Lozano. The prosecutor appealed against that decision, which was upheld on appeal. Mr. Lozano submitted a request for reparation for the damages incurred. The prosecutor subsequently filed, on the basis of the same evidence, two complaints against Mr. Lozano accusing him of malicious use of legal process. He was cleared on both counts. The prosecutor then used the same evidence to bring a new charge against Mr. Lozano of embezzlement, alleging that he had unlawfully granted subsidies in 1990. An investigation was formally launched in March 1994, and closed on 17 February 1997. The prosecutor had meanwhile become a member of the Supreme Court, which on 17 August 2000 found Mr. Lozano guilty of the charge and sentenced him to 12 years' imprisonment. Mr. Lozano was released on parole in January 2005;
- By virtue of Article 186 of the 1991 Constitution in force at the time of his conviction, Mr. Lozano did not enjoy the right to appeal as members of Congress were investigated and judged by the Supreme Court at first and last instance: Mr. Lozano was reportedly denied access to the file for more than four years; during the investigation phase and the trial itself, he was reportedly denied the right to present evidence and witnesses and to have prosecution witnesses cross-examined, and legal deadlines were extensively exceeded;

- Mr. Lozano brought his case before the Inter-American Commission on Human Rights; the case was first declared inadmissible; in August 2002, however, the Executive Secretary of the Inter-American Commission stated that the question of admissibility of the case would be re-examined in the light of the Inter-American Commission's jurisprudence; such action has nevertheless not yet been taken,

Considering that the Commission's next session will be held in June 2006 in Guatemala and that the Committee has received assurances that the case of Mr. Lozano will be raised on that occasion,

1. *Remains concerned* that Mr. Lozano was convicted and given a heavy prison sentence as a result of fundamentally flawed proceedings without being afforded the possibility of challenging them on appeal;
2. *Firmly believes* that full and swift consideration of his case by the Inter-American Commission is crucial to helping effectively address the prejudice which Mr. Lozano has suffered and to increasing the likelihood of his being afforded appropriate reparation by the Colombian authorities;
3. *Is therefore pleased* at the prospect that his case will be raised at the Commission's next session; and *sincerely hopes* that the Commission will pronounce on the admissibility and rule on the merits of the case as early as possible;
4. *Requests* the Secretary General to inform the Inter-American Commission on Human Rights, the competent Colombian authorities, and Mr. Lozano accordingly;
5. *Requests* the Committee to continue examining this case and report to it at its next session, to be held during the 115th IPU Assembly (October 2006).

CASE No. CO/138 - GUSTAVO PETRO URREGO - COLOMBIA

***Resolution adopted by consensus by the IPU Governing Council at its 178th session
(Nairobi, 12 May 2006)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Gustavo Petro Urrego, a member of the Colombian House of Representatives, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/178/12(b)-R.1), and to the resolution adopted at its 177th session (October 2005),

Taking account of the communication of 16 March 2006 of the Director of the Presidential Programme on Human Rights and International Humanitarian Law, forwarding a copy of a report from the Attorney General's Office, and of a communication of 30 March 2006 of the Prosecutor General,

Recalling that Mr. Petro has regularly received death threats from paramilitary groups,

Recalling that two house searches by the Attorney General's Office on 25 August 2004 appeared to reveal the involvement of members of the Colombian army and other state authorities in an operation (*Operación Dragón*) to collect sensitive information on the movements, activities and habits of specific individuals, including, according to the source, Mr. Petro, all of whom were considered in this material to be supporters of the insurgency by the Revolutionary Armed Forces of Colombia (FARC), and that this matter was raised in Congress but reportedly did not prompt any parliamentary action,

Considering that, according to reports of the judicial authorities, on 11 August 2005, the Prosecutor General's Office ordered a disciplinary investigation into *Operación Dragón* with respect to certain agents attached to various State agencies and State-run enterprises and is now in the process of determining whether or not disciplinary charges can be brought under Article 161 of Law 734 of 2002; that, according to information provided by the Attorney General's Office, Mr. Petro is not mentioned as a victim in the investigation,

Considering that, in October 2005, intelligence operations revealed information suggesting that illegal armed groups were planning to assassinate Mr. Petro, and that the Deputy Attorney General subsequently wrote to the Head of the Administrative Department of Security, the Interior and Justice Minister, the Human Rights Director of that Ministry, and the Director General of the Police requesting them to provide Mr. Petro with all necessary protection,

Considering that congressional elections were held in Colombia in March 2006,

1. *Thanks* the Prosecutor General and the Director of the Presidential Programme on Human Rights and International Humanitarian Law for the extensive information provided;
 2. *Expresses deep concern* at the latest serious threats to Mr. Petro's life;
 3. *Affirms* that these new threats clearly demonstrate that impunity leads only to the repetition of crimes and that any security arrangement is ultimately bound to fail without rigorous action to punish those making such threats; *regrets* in this regard that no information has been forthcoming regarding steps taken to investigate the new and previous threats;
 4. *Calls* on the authorities to do everything in their power to identify and bring those responsible to trial and to ensure that, as requested, Mr. Petro is given the security detail that his situation warrants; *would greatly appreciate* receiving information in this respect;
 5. *Is surprised* to learn that Mr. Petro is not included in the investigation into *Operación Dragón* given that his name reportedly came up in reports wrongly linking him to FARC, which could seriously compromise his security; *would greatly appreciate* receiving clarification on this point;
 6. *Reaffirms* that the Colombian Congress has a special responsibility to ensure that its members can exercise their parliamentary mandate free of any threat or intimidation; and therefore *calls upon* the newly elected Congress to do everything in its power to ensure the effective administration of justice in this case, and the provision of appropriate security arrangements for Mr. Petro;
 7. *Requests* the Secretary General to convey this resolution to the competent authorities and to the source;
 8. *Requests* the Committee to continue examining this case and report to it at its next session, to be held during the 115th IPU Assembly (October 2006).
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CASE No. EC/02 - JAIME RICAURTE HURTADO GONZÁLEZ) ECUADOR
CASE No. EC/03 - PABLO VICENTE TAPIA FARINANGO)

***Resolution adopted by consensus by the IPU Governing Council at its 178th session
(Nairobi, 12 May 2006)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Jaime Ricaurte Hurtado González and Mr. Pablo Vicente Tapia Farinango, a member and substitute member, respectively, of the National Congress of Ecuador who were murdered on 17 February 1999, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/178/12(b)-R.1), and to the resolution adopted at its 177th session (October 2005),

Taking account of the information provided by the Permanent Delegate of the National Congress of Ecuador to the Inter-Parliamentary Union and by the Attorney General's Office on 22 February and 5 May 2006, respectively,

Recalling the following: after protracted judicial proceedings, in July 2002 the prosecution summed up the results of its investigation charging two persons, Mr. Aguirre and Mr. Ponce, with the murder and another one, Mr. Merino, with being an accessory to the crime; the three men had been arrested immediately after the murder and in August 2000 sentenced to six years' imprisonment for their involvement as accessories in the crime; however, in early 2001 they had all been granted early release; the result of the investigation was heavily criticized by the Special Commission of Inquiry (CEI) set up by the Government to monitor the investigation and, in September 2002, the investigating judge ordered additional evidence taking; in October 2003 this led to amendment of the indictment: in addition to Mr. Aguirre and Mr. Ponce, charged with instigating and perpetrating the murder, three other persons were charged with the same crime, two of whom have remained unidentified (only their "aliases" are known); only the third, Mr. Freddy Contreras Luna, is at present in detention since Mr. Aguirre, Mr. Ponce and Mr. Merino have absconded since their release in 2001; arrest warrants were issued against them; moreover, a stay of proceedings in favour of three persons and the dismissal of proceedings against 18 other accused, mainly police officers, was ordered; on 20 December 2004, the indictment was once again amended to the effect that Mr. Merino was charged with being an accomplice and the proceedings against the suspected police officers were not dismissed but stayed,

Considering that, on 20 December 2005, the President of Quito High Court sentenced Mr. Contreras Luna to 16 years' imprisonment for the crime of murder, and suspended the case for the other accused because they are still at large; Mr. Contreras filed an appeal against the judgement, which is pending before the First Criminal Chamber of the High Court,

Recalling finally that on 22 February 2002, the day after its adviser, Mr. Andocilla, submitted the report of the Special Commission of Inquiry to Congress, he was kidnapped, beaten up and left unconscious, and an investigation was subsequently initiated into that attack,

1. *Thanks* the authorities for their cooperation and for the information provided;
2. *Notes with satisfaction* that a judgement has been handed down; and *would appreciate* receiving a copy of it;
3. *Notes*, however, that the full truth has not as yet been established since three persons indicted as instigators and perpetrators and one as accomplice are still at large and the proceedings regarding them have been suspended; *reiterates its wish* to ascertain the measures taken to apprehend them;

4. *Wishes to ascertain* whether the Ecuadorian Criminal Procedure Code provides for the conviction of suspects in absentia;
5. *Also reiterates its wish* to ascertain the current stage in the investigation concerning the attack on Mr. Andocilla;
6. *Requests* the Secretary General to convey this resolution to the authorities and to the CEI, inviting them to provide the requested information;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held during the 115th IPU Assembly (October 2006).

ERITREA

CASE No. ERI/01 - OGBE ABRAHA

CASE No. ERI/02 - ASTER FISSEHATSION

CASE No. ERI/03 - BERHANE GEBREGZIABEHER

CASE No. ERI/04 - BERAKI GEBRESELASSIE

CASE No. ERI/05 - HAMAD HAMID HAMAD

CASE No. ERI/06 - SALEH KEKIYA

CASE No. ERI/07 - GERMANO NATI

CASE No. ERI/08 - ESTIFANOS SEYOUM

CASE No. ERI/09 - MAHMOUD AHMED SHERIFFO

CASE No. ERI/10 - PETROS SOLOMON

CASE No. ERI/11 - HAILE WOLDETENSAE

***Resolution adopted by consensus by the IPU Governing Council at its 178th session
(Nairobi, 12 May 2006)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of the parliamentarians listed above, former members of the parliament of Eritrea, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/178/12(b)-R.1), and to the resolution adopted at its 177th session (October 2005),

Recalling the following information on file:

- The former parliamentarians concerned, all of whom are also former senior government officials, have been held incommunicado since their arrest on 18 September 2001 and have been neither officially charged nor brought before a judge. Their arrest followed the publication of an open letter in which they called for democratic reforms;
- The African Commission on Human and Peoples' Rights (ACHPR), at its thirty-fourth session (November 2003), adopted a decision on this case and found the State of Eritrea to be in breach of Articles 2 (entitlement without discrimination to the enjoyment of human rights enshrined in the Charter), 6 (right to liberty and security of person), 7(1) (right to fair trial) and 9(2) (right to freedom of expression) of the African Charter on Human and Peoples' Rights. The ACHPR urged the Government of Eritrea to order the immediate release of the 11 detainees and recommended that they be granted compensation; as part of the ACHPR 17th annual activity report, the decision was endorsed by the Assembly of the Heads of State and Government of the African Union at the Abuja summit in January 2005;
- In their submissions to the African Commission, the Eritrean Government stated that it "did not throw away or stash the matter indefinitely", and that the authorities had been unable to bring the 11 detainees before a court of law owing to the deficiency of the criminal justice system in Eritrea, which was overburdened and difficult to manage. However, the Ambassador of Eritrea to the European Union, Belgium, Luxembourg, Portugal and Spain, in his communications with the IPU, stated several

times that the question of whether to start trial proceedings “must be considered in conjunction with progress in the peace process, as the case entails extremely sensitive aspects pertaining to the implication of third countries and a possible adverse impact on the peace process”, and that it was therefore correct to assume that the cases would be brought before a court upon completion of the peace process,

Bearing in mind that Article 17, paragraph 2, of the Constitution of Eritrea (1997) provides that every person held in detention must be brought before a court of law within 48 hours of his or her arrest, and that no person may be held in custody beyond such period without the authority of the court,

1. *Deeply regrets* the absence of any reply from the authorities;
2. *Condemns* the continuing incommunicado detention of the former parliamentarians concerned as it constitutes a gross violation of their fundamental rights under the Constitution of Eritrea and under the African Charter of Human and Peoples’ Rights, to which Eritrea is a party;
3. *Reaffirms* that no argument whatsoever can justify such violations; and *urges* the authorities to release the former parliamentarians concerned forthwith in keeping with the decision of the African Commission on Human and Peoples’ Rights;
4. *Appeals to* the authorities of the African Union and to the African Parliamentary Union to do everything in their power to ensure compliance with the decision of the ACHRP in this case;
5. *Reiterates its wish* to conduct an on-site visit since it remains convinced that such a visit would contribute to settlement of this case; and *requests* the Secretary General to continue his steps to this end;
6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held during the 115th IPU Assembly (October 2006).

CASE No. HOND/02 - MIGUEL ANGEL PAVÓN SALAZAR - HONDURAS

Resolution adopted by consensus by the IPU Governing Council at its 178th session (Nairobi, 12 May 2006)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Miguel Angel Pavón Salazar of Honduras, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/178/12(b)-R.1), and to the resolution adopted at its 177th session (October 2005),

Recalling the following: After the investigation into Mr. Pavón's murder in January 1988 had come to a standstill, the investigation was reopened in 1996, and led to the identification of two suspects, both military officers. While one of the suspects died during Hurricane Mitch in 1998, the second, Mr. Jaime Rosales, was apprehended in the United States of America and extradited to Honduras, where he stood trial and was acquitted on 22 March 2004. The Attorney General's Office appealed against that decision, and the Court of Appeal quashed the acquittal of Mr. Rosales on 25 February 2005, referring the case back to the court of first instance. At his retrial on 11 April 2005, the court of first instance once again acquitted Mr. Rosales. The Attorney General's Office lodged an appeal and, on 23 May 2005, presented its arguments before the court of appeal,

1. *Notes* that no information about the outcome of the prosecution's appeal has been forwarded;
2. *Requests* the Secretary General to continue seeking this information from the authorities and the sources, and *requests* the Committee to report to it at its next session, to be held during the 115th IPU Assembly (October 2006).

CASE No. IDS/13 - TENGKU NASHIRUDDIN DAUD - INDONESIA

Resolution adopted by consensus by the IPU Governing Council at its 178th session (Nairobi, 12 May 2006)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Tengku Nashiruddin Daud, a member of the parliament of Indonesia killed in January 2000, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/178/12(b)-R.1), and to the resolution adopted at its 177th session (October 2005),

Taking account of the observations provided by the Indonesian delegation to the 114th Assembly at the hearing held with the Committee,

Recalling that Mr. Tengku Nashiruddin Daud, an outspoken critic of the activity of the military in Aceh while it was a military operational zone, disappeared on 24 January 2000 and was found dead a day later; that police investigations are under way and reports thereon have been submitted to the House of Representatives,

Considering that further information is needed to proceed with the examination of this case and that, according to the parliamentary authorities, this information may be gathered more easily if the case remains confidential,

1. *Thanks* the Indonesian delegation for its cooperation;
 2. *Authorizes* the Committee to continue examining Mr. Daud's case under its confidential procedure;
 3. *Nevertheless remains deeply concerned* at the fact that justice has not been done in this case and that the investigation may possibly not be conducted with the necessary thoroughness and diligence;
 4. *Reaffirms* that impunity is a grave threat to respect for human rights as it only encourages the repetition of crime; and therefore *calls on* the Indonesian parliament to continue its monitoring of the investigation in this case;
 5. *Requests* the Committee to report to it again at the appropriate time in the light of such information as it may have gathered, and *requests* the Secretary General to inform the authorities and the sources accordingly.
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CASE No. LEB/01 - GIBRAN TUENI - LEBANON

Resolution adopted by consensus by the IPU Governing Council at its 178th session (Nairobi, 12 May 2006)

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of Mr. Gibran Tueni, a member of the National Assembly of Lebanon assassinated on 12 December 2005, which has been the subject of a study and report of the Committee on the Human Rights of Parliamentarians following the Procedure for the Treatment by the IPU of Communications concerning Violations of the Human Rights of Members of Parliament,

Taking note of the report of the Committee on the Human Rights of Parliamentarians, which contains a detailed outline of the case (CL/178/12(b)-R.1),

Taking account of the information provided by the member of Parliament of the Lebanese delegation at the hearing held on the occasion of the 114th IPU Assembly in Nairobi,

Considering the following information on file:

- Mr. Tueni was killed in a car bomb explosion in Beirut's Mkalles suburb on 12 December 2005, together with his driver and a security escort. Mr. Tueni's assassination took place one day after his return from Paris, where he had stayed in exile owing to threats against his life. Following the assassination, a Muslim fundamentalist group, called "The fighters for the unity and freedom of Bilad El-Cham" sent a fax to a London-based newspaper claiming responsibility for the crime;
- Mr. Tueni was the managing editor of *an-Nahar* newspaper and an outspoken critic of the Syrian Arab Republic's activities in Lebanon, and had most recently accused the Syrian Arab Republic of being responsible for the assassination of former Lebanese Prime Minister Rafiq al-Hariri in February 2005. Moreover, on 6 December 2005 Mr. Tueni had called publicly for Lebanese President Emile Lahoud to be questioned about a mass grave that was discovered at the Ministry of Defence in al-Yarze, on the grounds that Mr. Lahoud had been Lebanon's military commander in 1990, the date when the bodies were apparently buried there. He also called for an inquiry into the al-Yarze mass grave and another uncovered grave at Anjar, to be carried out jointly by Lebanese and international experts;
- In its resolution 1644 (2005), the United Nations Security Council authorized the International Independent Investigation Commission entrusted with the investigation of Mr. Hariri's murder to direct part of its capacity to the task of extending technical assistance to the Lebanese authorities with regard to 14 cases of assassination attempts, assassinations, and explosions perpetrated in Lebanon since 1 October 2004, including the murder of Mr. Tueni. This assistance also aims to examine potential linkages between these cases or with the Hariri investigation. On 16 May 2006, the Commission is due to present its next report to the Security Council;
- The Lebanese "Haute Cour de Magistrature" has thus far not designated an investigating judge in the case of Mr. Tueni,

Bearing in mind that Lebanon is a party to the International Covenant on Civil and Political Rights and thus bound to guarantee the right to life, which entails the obligation for States to identify and prosecute those responsible for murder,

1. *Thanks* the Lebanese member of parliament for the information he provided;

2. *Is shocked* by the murder of Mr. Tueni, which it *firmly condemns*;
3. *Is alarmed* that, six months after the murder, an essential procedural step to set off the judicial inquiry has yet to be taken; *calls on* the authorities to designate an investigating judge as a matter of urgency so as to ensure, as is their duty, that a thorough and effective investigation to identify and bring the culprits to justice can be carried out; and *would greatly appreciate* receiving information on this point;
4. *Is deeply concerned* at the consequences that the murder of Mr. Tueni may have at this important juncture in Lebanon on the exercise of freedom of expression in the parliament, as it may deter other parliamentarians from speaking out on critical issues;
5. *Calls on* the parliament to avail itself of its oversight function to ensure that full light is shed on this murder and that those responsible, including the instigators, are brought to justice, and so help prevent any repetition of such crimes; and *wishes to ascertain* what steps the National Assembly may have taken in this regard;
6. *Requests* the Secretary General to convey this resolution to the Speaker of the National Assembly of Lebanon, inviting him to provide the requested information;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held during the 115th IPU Assembly (October 2006).

CASE No. MAL/15 - ANWAR IBRAHIM - MALAYSIA

Resolution adopted by consensus by the IPU Governing Council at its 178th session (Nairobi, 12 May 2006)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Anwar Ibrahim, a member of the House of Representatives of Malaysia at the time of submission of the complaint, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/178/12(b)-R.1), and to the resolution adopted at its 177th session (October 2005),

Recalling the following: Mr. Anwar Ibrahim, former Deputy Prime Minister of Malaysia and Finance Minister, was found guilty in April 1999 and August 2000 on charges of corrupt practices (directing two senior police officers to obtain retractions of allegations of sexual misconduct made by two persons against him) and sodomy, respectively; in September 2004, the Federal Court quashed the conviction in the sodomy case and ordered Mr. Ibrahim's release; however, as a result of the conviction in the "corrupt practices" case, he will remain debarred from holding office in political parties and standing for election until April 2008,

Recalling further that in May 2005 a group of Malaysian citizens submitted to the King of Malaysia a petition for a Royal Pardon of Mr. Anwar Ibrahim, setting out the following rationale: (i) Mr. Ibrahim has served his prison sentence for a longer period than is normal practice, (ii) he has suffered injuries while in police custody as a result of being assaulted by the former Inspector General of Police, (iii) the court's decision on the first charge (corrupt practices) became irrelevant when the court's decision on the second charge (sexual misconduct) was set aside on appeal to the Federal Court since the two charges were interrelated, and (iv) that a precedent has been set in granting royal pardons; *considering*, however, that the petition has so far remained unanswered,

Recalling lastly that Article 42 of the Federal Constitution of Malaysia, which deals with the power to pardon, stipulates that the King is empowered to grant pardons on the recommendation of the Prime Minister,

1. *Deeply regrets* that Mr. Anwar Ibrahim has not been granted a pardon to date and, as a consequence, remains debarred from exercising his political rights in his country;
2. *Reaffirms* its full support for the granting of a royal pardon to Mr. Anwar Ibrahim;
3. *Calls once again* on the Prime Minister of Malaysia to exercise his powers under Article 42 of the Federal Constitution of Malaysia in order to allow the pardon petition to be considered;
4. *Requests* the Secretary General to inform the King of Malaysia, the Prime Minister and the parliamentary authorities of its continuing full support for a royal pardon;
5. *Requests* the Committee to continue examining this case and report to it at its next session, to be held during the 115th IPU Assembly (October 2006).

CASE No. MON/01 - ZORIG SANJASUUREN - MONGOLIA

***Resolution adopted by consensus by the IPU Governing Council at its 178th session
(Nairobi, 12 May 2006)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Zorig Sanjasuuren, a member of the parliament of Mongolia who was murdered in October 1998, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/178/12(b)-R.1), and to the resolution adopted at its 177th session (October 2005),

Taking account of a letter from the Acting Prime Minister of Mongolia dated 16 January 2006, together with the information provided by the Deputy Speaker of the State Great Hural of Mongolia at the hearing held with the Committee during 114th IPU Assembly in Nairobi,

Recalling that it has consistently invited the Mongolian parliament to monitor the investigation into the murder of Mr. Zorig and, following a suggestion made during the Committee's on-site visit (August 2001), offered the assistance of the IPU in identifying foreign criminologists able to assist the investigation; *recalling further* that, in his letter of 28 September 2004, the then Prime Minister stated that he had formally requested the Speaker of the State Great Hural to involve the parliament's Special Oversight Subcommittee in overseeing the investigation into Mr. Zorig's murder,

Considering that, according to the Deputy Speaker, the Special Oversight Committee suggested to set up a parliamentary working group on this case to be composed of five members of parliament belonging to different political parties; the Deputy Speaker was confident that the group would be established soon by a resolution of the Speaker of the State Great Hural,

Considering that the Deputy Speaker stressed that the group set up by the investigative authorities was working very hard, professionally and free of any outside influence; the Special Oversight Committee alone was entitled to request information from them,

Noting lastly that the majority of parliaments that were contacted with a view to provision of the necessary criminal expertise to advance the investigation have responded favourably,

1. *Thanks* the Deputy Speaker and the Speaker of the State Great Hural for their cooperation;
2. *Is gratified* that a special working group will be set up for the purpose of following the investigation into Mr. Zorig's murder, and *is confident* that it will be afforded the requisite powers to fulfil this mandate;
3. *Thanks* the parliaments that have already agreed to provide assistance for their cooperation in this matter, and *requests* the Committee to pursue its efforts in this respect to ensure that such assistance is provided as early as possible;
4. *Requests* the Committee to continue examining this case and report to it at its next session, to be held during the 115th IPU Assembly (October 2006).

MYANMAR

Parliamentarians reportedly still serving their sentences:

CASE No. MYN/04 - KHIN MAUNG SWE	CASE No. MYN/215 - AUNG SOE MYINT
CASE No. MYN/13 - SAW NAING NAING	CASE No. MYN/234 - THAN HTAY
CASE No. MYN/35 - SAW HLAING	CASE No. MYN/236 - KHUN TUN OO
CASE No. MYN/60 - ZAW MYINT MAUNG	CASE No. MYN/237 - KYAW SAN
CASE No. MYN/104 - KYAW KHIN	CASE No. MYN/238 - KYAW MIN
CASE No. MYN/118 - THAN NYEIN	CASE No. MYN/239 - SAN HLA BAW
CASE No. MYN/119 - MAY WIN MYINT	CASE No. MYN/240 - SAI SAUNG SI
CASE No. MYN/133 - YAW HIS	

Parliamentarians who died in custody:

CASE No. MYN/53 - HLA THAN	CASE No. MYN/83 - KYAW MIN
CASE No. MYN/55 - TIN MAUNG WIN	CASE No. MYN/131 - HLA KHIN
CASE No. MYN/72 - SAW WIN	CASE No. MYN/132 - AUN MIN

Parliamentarians who were assassinated:

CASE No. MYN/66 - WIN KO
CASE No. MYN/67 - HLA PE

*Resolution adopted by consensus by the IPU Governing Council at its 178th session
(Nairobi, 12 May 2006)*

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of the above-mentioned members-elect of the Pyithu Hluttaw (People's Assembly) of the Union of Myanmar, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/178/12(b)-R.1), and to the resolution adopted at its 177th session (October 2005),

Recalling that not only have the results of the election of 27 May 1990, in which the National League for Democracy (NLD) won 392 of the 485 seats, not been respected, but also many parliamentarians-elect have been arbitrarily eliminated from the political process through various means, including arbitrary arrest, detention and sentencing under laws infringing basic international human rights standards and pressure to resign from the NLD and so relinquish their status as elected members of

parliament; the health of several of the parliamentarians-elect who remain in detention are said to be in very poor health,

Considering the following new reports of arbitrary detention, unfair trial and harassment:

- On 3 November 2005, following charges of conspiracy against the State, parliamentarian-elect Khun Tun Oo was sentenced to a 90-year prison term after a closed-door trial was held in Insein Jail;
- On 11 and 13 February 2006, the prison terms of parliamentarians-elect Than Nyein and May Win Myint were again extended for a further year under the 1975 State Protection Law whereby persons can be detained for up to five years without charge or trial, should the authorities deem them to constitute a "danger to the State";
- On 1 May 2006, MPs-elect San Hla Baw, a member of the NLD, and Sai Saung Si Aka Nelson, a member of "Shan Nationalities League for Democracy", resigned in April 2006 on being pressured into doing so by the authorities,

Considering that, in his report E/CN.4/2006/34, the Special Rapporteur of the United Nations Commission on Human Rights stated that "no transition process is worthy of the name so long as fundamental freedom of assembly, expression and association are denied, and human rights defenders are criminalized",

Considering also that, with respect to the one-off informal briefing on the situation in Myanmar before the United Nations Security Council in December 2005, the Special Rapporteur believed that "it provided an opportunity to build a constructive and coordinated strategy towards Myanmar... and that such a positive step represents the beginning of a new momentum internationally, to proactively facilitate the long overdue transition from authoritarian to democratic rule in Myanmar; in this connection, the Special Rapporteur considers that "the instrumental role of Association of Southeast Asian Nations (ASEAN) and of neighbouring countries in promoting the rights and fundamental freedoms of Myanmar is of key importance in carrying this momentum forward",

Considering further that, in February 2006, the NLD called for the authorities to convene the parliament on the basis of the 1990 election results in order that, in turn, it could declare the current authorities to be the legitimate transitional government pending new elections and the establishment of a democratic government; the appeal includes a call for the release of Aung San Suu Kyi and her inclusion in the negotiations and suggests a mediator's role for a prominent leader from ASEAN; the appeal has remained unanswered by the authorities,

Recalling the many parliamentary initiatives throughout the world in favour of the parliamentarians-elect and the promotion of democracy in Myanmar in general, and in particular the work of the Inter-Parliamentary Caucus on Myanmar of the Association of Southeast Asian Nations (ASEAN),

1. *Condemns* the continuation of the deliberate policy of the authorities of Myanmar to deprive the people of Myanmar of their right to be represented by persons of their own choosing, as guaranteed under Article 21 of the Universal Declaration of Human Rights and in open defiance of the democratic values to which they aspire;
2. *Renews* its call on the Member Parliaments of the IPU, in particular China, Thailand and India as neighbouring countries to continue and to strengthen their national, regional and international initiatives in favour of the parliamentarians-elect and in support of respect for democratic principles in Myanmar; *strongly encourages* the ASEAN Inter-Parliamentary Caucus on Myanmar to continue its important work;

3. *Also calls on* the parliaments of the countries which are members of the Security Council to press their governments to ensure the continuing consideration of the situation in Myanmar in the Security Council;
4. *Condemns* the harsh prison sentence handed down on parliamentarian-elect Khun Tun Oo in an unfair trial and at the extended prison terms of Dr. Than Nyein and May Win Myint on the basis of legal provisions running counter to basic international human rights standards;
5. *Urges* the authorities to release them forthwith, together with the other 10 imprisoned parliamentarians-elect, and to engage in a genuine dialogue with those who were elected in the 1990 elections and can claim to represent the people;
6. *Expresses its support* for the proposal made by the NLD in February 2006, and *calls on* the authorities to take it into serious consideration;
7. *Requests* the Secretary General to convey this resolution to the authorities and the parties concerned;
8. *Requests* the Committee to continue examining this case and report to it at its next session, to be held during the 115th IPU Assembly (October 2006).

CASE NO. PAK/08 - ASIF ALI ZARDARI - PAKISTAN

***Resolution adopted by consensus by the IPU Governing Council at its 178th session
(Nairobi, 12 May 2006)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Senator Asif Ali Zardari of Pakistan, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/178/12(b)-R.1), and to the resolution adopted at its 177th session (October 2005),

Taking account of the information provided by the source on 14 January and 2 May 2006,

Recalling that Mr. Zardari was first arrested in November 1996, that a series of criminal cases and accountability cases have been brought against him, some of which have remained at a standstill, that Mr. Zardari was tortured in detention on 17 and 19 May 1999, as established by a judicial inquiry on 16 September 1999, and that on 22 November 2004 Mr. Zardari was released on bail, and has since been free to travel abroad,

Considering that according to the source, in June 2005, Mr. Zardari suffered a heart attack and thereafter had to undergo emergency medical treatment in New York. In the meantime, despite his lawyers' submission of medical certificates attesting to his medical situation and the need for rest, non-bailable arrest warrants were issued for him by the very court which on 30 June 2005 had exempted Mr. Zardari from appearance, and he was officially declared an absconder by the court in three cases in November 2005; the source stresses that, under Pakistani law and jurisprudence, Mr. Zardari cannot be considered an absconder given that by then he had already left Pakistan, that his absence before court is neither wilful nor voluntary and that his counsel represents him at each and every hearing; Mr. Zardari's counsel therefore appealed to the High Court, which, at the beginning of April 2006, considered it appropriate to issue notice to the Deputy Prosecutor General, Accountability, to appear and assist the Court on the next date of hearing and ordered that meanwhile "no further order prejudicing the rights of the petitioner shall be passed".

1. *Remains deeply concerned* that, after more than six years, the authorities have completely ignored judicial findings which conclusively state that Mr. Zardari was tortured, and in particular that they have failed to take even the most basic steps, such as an examination of the register with the names of the officers on duty at the time and place of the torture, to identify the culprits and bring them to trial;
2. *Can only consider* this state of affairs to lend serious weight to the longstanding contention by the source that the authorities are deliberately shielding the presumed perpetrators from prosecution;
3. *Urges* the authorities once again, as their duty requires, to conduct an investigation into the substantive leads in this case without further delay in order to prosecute and punish the culprits;
4. *Regrets* the continuous lack of information regarding the current stage of the criminal and accountability cases pending against Mr. Zardari; and *reiterates* its wish to receive detailed information on this point, including whether a timetable is in place for completion of the proceedings;
5. *Is concerned* that Mr. Zardari may have been declared an absconder in the absence of any legal basis; *notes* that the matter is pending before the High Court; and *would greatly appreciate* being kept informed of the outcome of the appeal;
6. *Requests* the Secretary General to convey this resolution to the competent executive, parliamentary and judicial authorities and to the sources;
7. *Desires* that, during the on-site mission it has decided to carry out in the case of Mr. Hashmi, pending the agreement of the authorities, the case of Mr. Zardari should also be raised;
8. *Requests* the Committee to continue examining this case and report to it at its next session, to be held during the 115th IPU Assembly (October 2006).

CASE No. PAK/16 - MAKHDOOM JAVED HASHMI - PAKISTAN

***Resolution adopted by consensus by the IPU Governing Council at its 178th session
(Nairobi, 12 May 2006)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Makhdoom Javed Hashmi, a member of the National Assembly of Pakistan, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/178/12(b)-R.1), and to the resolution adopted at its 177th session (October 2005),

Taking account of the information provided by a member of the Pakistani delegation at the hearing with the Committee on the occasion of the 114th IPU Assembly in Nairobi; also *taking account* of the information provided by one of the sources on 8 May 2006,

Recalling the following information:

- Mr. Hashmi, leader of the Alliance for the Restoration of Democracy was arrested on 29 October 2003 on the grounds that he had circulated an allegedly forged letter written in the name of Pakistani army officers, which criticized the army and its

leadership; at the close of a trial which was held in camera and did not respect the rights of the defence, he was found guilty on all charges (defaming the Government and the army, forgery and incitement to forgery) and sentenced on 12 April 2004 to a 23-year prison term which, as the sentences run concurrently, amounts to seven years of imprisonment (six years according to the source);

- Mr. Hashmi lodged an appeal against the conduct of the trial in camera; however, that appeal has become irrelevant as it has never been heard; following his sentencing, Mr. Hashmi filed an application for bail, which was dismissed on 24 February 2005; he subsequently lodged an application for suspension of sentence with the Supreme Court; it was scheduled for hearing before the Supreme Court on 27 June 2005 but was postponed because the senior judge did not attend and the other two judges on the bench felt that they could not take any decision without him,

Considering the following:

- Despite repeated applications by Mr. Hashmi's defence counsel, no other hearing has as yet been scheduled although, according to the source, over 250 requests in other cases for suspension of sentence have meanwhile been filed and adjudicated; likewise to date, no hearing has been scheduled regarding Mr. Hashmi's appeal against his conviction and sentence, which he filed on 25 April 2004 in the Lahore High Court; according to the source, Mr. Hashmi should have already been released on the basis of entitlement to remissions under Article 45 of the Pakistani Constitution and under the existing Pakistani Prison Rules;
- According to the member of the Pakistani delegation, an appeal by the prosecution to increase the sentence handed down on Mr. Hashmi has also been filed and the court directed that both appeals be heard together; however, he was unable to state how long it would take for the appeals to be heard, and stated that relevant proceedings usually took quite some time as there was a general practice of delays and that Mr. Hashmi might well remain imprisoned for more than seven years; furthermore, he reported that several charges under the Accountability Act were pending against Mr. Hashmi before the Lahore Accountability Court,

Recalling that, whereas the authorities affirm that Mr. Hashmi has been provided with class A prison facilities, has a separate kitchen and a servant and was provided with the necessary medical treatment such as specialist treatment for his teeth and shoulder, the source stated in January 2006 that Mr. Hashmi had recently been transferred to a prison outside Lahore where he is held in solitary confinement, with limited visiting rights, and that, although he had recently been receiving emergency medical treatment, he has not - despite a doctor's recommendations - been provided with adequate health treatment during his imprisonment,

Noting lastly that, according to the member of the Pakistani delegation, parliament did not monitor the situation of members of parliament in prison, but had recently provided additional funding to increase the number of judges,

1. *Thanks* the Pakistani delegation for its cooperation;
2. *Is deeply concerned* that, in contrast with the swiftness of the proceedings at first instance, which were completed in under six months, there has not been a single court action in the 21 months since Mr. Hashmi filed his appeal against his conviction and sentence;
3. *Observes* that delaying hearings and a decision on Mr. Hashmi's appeal on and his request for suspension of sentence may render these judicial redress mechanisms totally ineffective, and *affirms* that such delays infringe his fundamental right to be tried without undue delay;

4. *Consequently urges* the authorities to ensure that both appeals are heard without any further delay, or otherwise to release Mr. Hashmi forthwith;
5. *Notes* that, according to the source, on the basis of his entitlements to remissions, Mr. Hashmi should have already been released, and that the authorities have provided no observations on this point;
6. *Remains concerned* at the divergent views of the authorities and the source regarding Mr. Hashmi's conditions of detention;
7. *Considers* that this case warrants an on-site mission, and consequently *requests* the Committee to carry out a mission to gather as detailed information as possible from the competent governmental, judicial and administrative authorities and the parliamentary authorities, as well as from Mr. Hashmi himself, his family and his lawyer, and from competent human rights organizations;
8. *Requests* the Secretary General to take the necessary steps to organize the mission and to seek the agreement of the authorities;
9. *Requests* the Committee to continue examining this case and report to it at its next session, to be held during the 115th IPU Assembly (October 2006), in the light of the information gathered by the mission.

CASE No. PAL/02 - MARWAN BARGHOUTI - PALESTINE / ISRAEL

Resolution adopted by consensus by the IPU Governing Council at its 178th session (Nairobi, 12 May 2006)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Marwan Barghouti, an incumbent member of the Palestinian Legislative Council, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/178/12(b)-R.1), and to the resolution adopted at its 177th session (October 2005),

Recalling that Mr. Marwan Barghouti was sentenced on 6 June 2004 by the Tel Aviv District Court, whose jurisdiction he did not recognize, to five life sentences and two 20-year prison terms, which he is currently serving in an Israeli prison, and *referring* to the expert report on Mr. Barghouti's trial by Mr. Simon Foreman, submitted to it at its 174th session (April 2004),

Considering that Mr. Barghouti was re-elected on 25 January 2006 to the Palestinian Legislative Council,

1. *Can only reaffirm*, in the light of the stringent legal arguments put forward in the report of the IPU trial observer, Mr. Simon Foreman, on which the Israeli authorities have not yet provided observations, that Mr. Barghouti's trial did not meet the standards of fair trial which Israel, as a party to the International Covenant on Civil and Political Rights, is bound to respect;
2. *Reaffirms further*, in the light of the report, that Mr. Barghouti's transfer to Israel was in breach of the Fourth Geneva Convention and the Oslo Accords; and consequently *urges* the

Israeli authorities once again to transfer Mr. Barghouti to the custody of the Palestinian authorities;

3. *Reiterates its wish* for a Committee member to pay a private visit on Mr. Barghouti; and *requests* the Secretary General to raise this matter once again with the Israeli authorities;
4. *Requests* the Committee to continue examining this case and report to it at its next session, to be held during the 115th IPU Assembly (October 2006).

CASE No. PAL/04 - HUSSAM KHADER - PALESTINE / ISRAEL

Resolution adopted by consensus by the IPU Governing Council at its 178th session (Nairobi, 12 May 2006)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Hussam Khader, an incumbent member of the Palestinian Legislative Council, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/178/12(b)-R.1), and to the resolution adopted at its 177th session (October 2005),

Referring also the report of the IPU trial observer, Mr. Simon Foreman,

Taking account of the letter from the Diplomatic Advisor to the Speaker of the Knesset dated 27 April 2006 and to information provided by one of the sources on 8 May 2006,

Recalling the following: Mr. Khader was arrested on 17 March 2003 in Balata refugee camp by the Israel Defense Forces and transferred to Israeli territory; his trial opened in July 2003; at the hearing of 4 September 2005, Mr. Khader accepted a plea bargain in which it was agreed that two of the five counts held against him would be deleted and that one count would be amended; on the basis of the amended charges no longer accusing him of personal responsibility for acts of violence, Mr. Khader admitted to providing a service to an illegal association, provision of resources for the performance of a felony, and failure to prevent an offence; a plea bargain was also reached on the sentence and, on 27 November 2005, Mr. Khader was sentenced to seven years' imprisonment, starting from the day of his detention, and a period of parole of five years, with 12 months' imprisonment if he breaks his parole, starting from the day of his release,

Recalling that in his report Mr. Foreman concluded that "Mr. Khader has not, since his arrest two and a half years ago, had the benefit of compliance with the international rules of fair trial", and stated that "these shortcomings give the impression that Israel has, for the sake of combating terrorism, abandoned the idea of ensuring absolute respect in all circumstances for the physical and mental integrity of prisoners, which nonetheless is an overriding obligation, from which no exceptional circumstance allows any derogation",

Considering that, in his letter of 27 April 2006, the Diplomatic Advisor to the Speaker of the Knesset expressed the reservation of the Israeli authorities to the report and emphasized the following points: (i) Mr. Khader was convicted on the basis of his own admission of guilt; (ii) information about Mr. Khader's whereabouts during his preventive detention could be obtained from the detention operations centre of the Israel Defense Forces (IDF); (iii) given the especially grave security situation at the time in question, Israeli law allowed as a temporary measure extension of the period of detention before being brought before a judge from 8 to 12 days after arrest and Mr. Khader was brought before the judge 10 days after his arrest, i.e. within the legally permitted time limit; (iv) most legal systems seeking to confront terrorism provide for some measure of incommunicado detention; (v) Mr. Khader

made no claim of “cruel, inhuman, or degrading treatment” during the entire judicial process; (vi) the military court system established by Israel in the occupied territories is that envisaged by Article 66 of the Fourth Geneva Convention, and the continued application of the current legal system was part of the agreed arrangements in the legal annex to the Israeli-Palestinian Interim Agreement; and (vii) in every legal system it is possible, within the statutory limit, to prevent the introduction and use of certain confidential material,

1. *Thanks* the Diplomatic Advisor for the comments provided;
2. *Requests* the Committee to share its observations on these comments with the Israeli authorities and to report to it in this respect at its next session, to be held during the 115th IPU Assembly (October 2006);
3. *Reiterates its wish* for a Committee member to pay a private visit on Mr. Khader in prison, and *requests* the Secretary General to contact the new Israeli parliamentary authorities in this respect.

CASE N° PHI/01 - CRISPIN BELTRÁN - PHILIPPINES

Resolution adopted by consensus by the IPU Governing Council at its 178th session (Nairobi, 12 May 2006)

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of Mr. Crispin Beltrán, a member of the House of Representatives of the Philippines belonging to the Anakpawis party, which has been the subject of a study and report of the Committee on the Human Rights of Parliamentarians following the Procedure for the Treatment by the Inter-Parliamentary Union of Communications concerning Violations of the Human Rights of Members of Parliament,

Taking note of the report of the Committee on the Human Rights of Parliamentarians, which contains a detailed outline of the case (CL/178/12(b)-R.1),

Taking account of the communication from the Secretary of Justice dated 26 April 2006,

Also taking account of the information provided by a member of the Philippines delegation on the occasion of the 114th IPU Assembly held in Nairobi,

Considering the following information on file:

- On 25 February 2006, Mr. Crispin Beltrán, a well-known and outspoken opposition member of the House of Representatives, “was invited” for questioning by police belonging to the Criminal Investigation and Detection Group (CIDG); at the CIDG, he was shown an arrest warrant on a rebellion charge dating back to 1985; although the police were told by his lawyer that the warrant, which stemmed from an inciting-to-rebellion case filed by the Marcos regime, had long been quashed, the police refused to release him; later that day, a case was filed against him for allegedly inciting to rebellion at a rally held on 24 February 2006 in commemoration of the ousting of the Marcos regime; counter-affidavits were issued stating that this was untrue and that Mr. Beltrán had never given any such speech; on 27 February and 4 March 2006, two new charges of rebellion were brought against him, one of conspiring with an army officer involved in a coup d’état attempt in 2003 and another one linking him with the Communist Party of the Philippines; on 23 March

2006, the Quezon City Metropolitan Court, which was handling the inciting-to-sedition case, ordered his release;

- On 3 April 2006, Mr. Beltrán and his counsel filed a motion for quashing the inciting-to-sedition charge, and the relevant hearing is reportedly set for 29 May 2006; with regard to the rebellion charges, in response to the judge's decision to resolve within 30 days the motion for the judicial determination of probable cause and urgent motion to release Mr. Beltrán or alternatively allow him to attend parliamentary sessions, Mr. Beltrán and his counsel have filed a motion to set for hearing and/or resolve the pending urgent motion and to allow the accused to be transferred to a hospital with adequate facilities; however, no decision appears so far to have been taken in this respect and Mr. Beltrán remains in detention without a valid arrest warrant,

Considering that Mr. Beltrán, who is 73 years old, suffers from high blood pressure and had a stroke in July 2005; owing to the proceedings launched against him, his blood pressure rose considerably and he was transferred to the National Hospital of the National Police Headquarters, where he is currently detained; he has been denied his request to be transferred to a hospital of his own choice and to be treated by doctors of his choosing,

Noting that, in his letter of 26 April 2006, the Secretary of Justice assured that the rights of Mr. Beltrán were not being violated, that he had been formally charged in court for breaking certain laws which affect national security, and that his current status was in accordance with the Rules of Procedure,

Considering that Mr. Beltrán's arrest occurred in the following context: in the early morning of 24 February 2006, the military announced that it had foiled a plot to unseat President Gloria Macapagal Arroyo; before noon of the same day, President Arroyo issued Presidential Proclamation 1017 placing the country under a state of national emergency and issued General Order 5 entitled "Directing the Armed Forces of the Philippines in the face of national emergency, to maintain public peace, order and safety and to prevent and suppress lawless violence". As a consequence, all rally permits issued to various groups by the Mayor of Manila were revoked; and the rallies of several groups, including that in which Mr. Beltrán participated, were indeed dispersed; on 3 March 2006, the widely criticized state of emergency was lifted; Order No. 5 has meanwhile been declared unconstitutional by the Supreme Court,

Bearing in mind that Article III of the Constitution of the Philippines contains a Bill of Rights which in its Sections 12 to 19 enshrines extensive fair trial guarantees, and that the Philippines is a party to the International Covenant on Civil and Political Rights and thus bound to respect the right to liberty and to fair trial, as enshrined in its Articles 9 and 14,

1. *Thanks* the Secretary of Justice for his letter; but *notes* that it does not address the particular issues raised in this case;
2. *Expresses deep concern* at the arrest and continuing detention of Mr. Beltrán, as well as at the charges brought against him, and *observes* the following in this respect:
 - Mr. Beltrán was arrested on the basis of a legally invalid arrest warrant; only later in the day of his arrest were inciting-to-sedition charges brought against him, and that only two and eight days, respectively, after his arrest were two charges of rebellion brought against him;
3. *Fears* that this sequence of events suggests that there is little evidence against him;
4. *Notes* further that no arrest warrants have reportedly been issued against Mr. Beltrán, and *wishes to ascertain* on the basis of what legal provisions he is at present detained;

5. *Recalls* the principle of presumption of innocence, which implies that pre-trial detention should be the exception and as short as possible; *consequently urges* the authorities to release him forthwith, particularly in view of his state of health and the fact that the court in the inciting-to-sedition case ordered his release in March 2006;
6. *Would appreciate* receiving a copy of the indictments issued against Mr. Beltrán;
7. *Wishes to ascertain* any steps the House of Representatives may have taken to ensure respect for the constitutionally enshrined procedural guarantees in Mr. Beltrán's case;
8. *Requests* the Secretary General to convey this resolution to the parliamentary and other competent authorities, inviting them to provide the requested information;
9. *Requests* the Committee to continue examining this case and report to it at its next session, to be held during the 115th IPU Assembly (October 2006).

CASE No. RW/06 - LEONARD HITIMANA - RWANDA

Resolution adopted by consensus by the IPU Governing Council at its 178th session (Nairobi, 12 May 2006)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Leonard Hitimana, a member of the Transitional National Assembly of Rwanda that was dissolved on 22 August 2003, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/178/12(b)-R.1), and to the resolution adopted at its 177th session (October 2005),

Taking account of the letter from the Chairperson of the National Human Rights Commission, dated 3 April 2006, of the letter from the President of the National Assembly dated 4 May 2006, and of the information he provided at the hearing with the Committee held during the 114th Assembly; *also taking account* of the information provided by the sources on 24 and 26 October and 23 and 26 January 2006,

Recalling the following: Mr. Leonard Hitimana disappeared during the night of 7 to 8 April 2003; on 21 September 2004, the investigative authorities reported to the parliamentary Commission on Human Rights and National Unity that there was every indication that Mr. Hitimana was in Uganda or the Democratic Republic of the Congo, and that the investigation was continuing to support that assumption,

Considering that in October 2005 the Parliament referred the case of Mr. Hitimana to the National Commission for Human Rights, which had already assumed jurisdiction in this case; in her letter of 3 April 2006, the President of the Commission stated that the Commission's investigations were for the time being confidential, and partial or final results would be released in due course; *considering* also that, according to the President of the National Assembly, the Assembly is normally informed of the Commission's activities in the annual report it submits to the Assembly but that consideration might be given to setting a time limit for submission of its report on Mr. Hitimana's disappearance; moreover, he stated that the police were also continuing their investigative work,

Recalling, with respect to the possible motives for Mr. Hitimana's disappearance, the following: the sources have expressed the fear that Mr. Hitimana may have been extrajudicially executed since his name was mentioned in a parliamentary report published in March 2003 on his political party,

the *Mouvement démocratique républicain* (MDR, Republican Democratic Movement) as belonging to a group of persons whose aim was to disseminate the ideology of divisive ethnic discrimination; however, the authorities have always expressed strong doubts about any link between Mr. Hitimana's disappearance and the report since several other, more prominent persons were accused together with him and nothing had happened to them; according to the authorities, Mr. Hitimana was not a key political figure and it was therefore most unlikely that he would have been targeted for a forced disappearance,

Considering in this respect the following new information: on 7 April 2003, at 6 p.m., Mr. Hitimana met with two other MDR leaders to discuss the party's response to the above-mentioned parliamentary committee's report, which was due to be discussed the following day in parliament and which proposed the dissolution of the MDR; they agreed that Mr. Hitimana, who had saved the lives of many persons when working as a doctor at the time of the genocide, would take the floor in parliament to counter the allegations made in the report; after the three MDR members agreed on the strategy, Mr. Hitimana called another member of the MDR Bureau to announce that he would stop by to brief him and discuss the situation with him; however, Mr. Hitimana never arrived and could also no longer be contacted on his mobile telephone; the following day, in the absence of Mr. Hitimana, no one in parliament dared to challenge the report and the recommendations of the parliamentary committee, which were subsequently adopted, *Recalling* further that Mr. Hitimana's family and children have reportedly been subjected to threats and intimidation, that in response to these allegations a parliamentary delegation visited Mr. Hitimana's family from 14 to 16 March 2005 and reported that they all lived quietly and were not the object of any threats; and *considering* that this information, contested by one of the sources, has been confirmed by the National Human Rights Commission, which has carried out its own investigation,

Considering lastly that the Commission on Human Rights has also investigated the alleged harassment of the family of one of the sources in this case, the former President of the Rwandan League for the Promotion and Defence of Human Rights, now living abroad, and has found them to be wholly groundless,

1. *Thanks* the President of the National Assembly for his cooperation; *also thanks* the National Human Rights Commission for its work in relation with this case and the information provided;
 2. *Notes with satisfaction* that neither Mr. Hitimana's family nor that of one of the sources in this case faces any harassment;
 3. *Nevertheless remains deeply concerned* that, three years after Mr. Hitimana's disappearance, the investigations have as yet been unavailing;
 4. *Reaffirms* that, so long as Mr. Hitimana's whereabouts have not been established, there remains the suspicion of a forced disappearance, and *recalls* that forced disappearances are a serious violation of human rights;
 5. *Calls therefore on* the National Human Rights Commission to make every effort to elucidate Mr. Hitimana's fate as soon as possible, and *calls on* the parliament to provide it with any assistance it may require in this respect;
 6. *Requests* the Secretary General to convey this resolution to the authorities, to the National Human Rights Commission and to the sources in the case;
 7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held during the 115th IPU Assembly (October 2006).
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CASE NO. SRI/48 - D.M.S.B. DISSANAYAKE - SRI LANKA

Resolution adopted by consensus by the IPU Governing Council at its 178th session (Nairobi, 12 May 2006)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. D.M.S.B. Dissanayake, a member of the Parliament of Sri Lanka at the time of the events, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/178/12(b)-R.1), and to the resolution adopted at its 177th session (October 2005),

Taking account of the information provided by a member of the Sri Lankan delegation at the hearing held on the occasion of the 114th IPU Assembly in Nairobi,

Recalling the following information on file:

- On 3 November 2003, at a time of political crisis in Sri Lanka, Mr. Dissanayake made a speech in which he stated, in reference to the President of Sri Lanka: "Now she is asking the court whether the office of Defence Minister belongs to that Defence Minister, whether the power to issue directions to the armed forces belongs to her. Whatever decision is given by the Supreme Court... I would like to tell the Supreme Court that the Government of the United National Party does not even accept that that is a question that can be referred to the Supreme Court. We say that we do not accept any shameful decision that it gives. Therefore our Minister of Defence should remain where he is."
- On 4 November 2003 the government parliamentary group presented the Speaker with a motion signed by over 100 members of parliament, including Mr. Dissanayake, for the removal of the Chief Justice on 14 grounds of misbehaviour;
- On 7 December 2004 the Supreme Court, on which the Chief Justice sat as a member, sentenced Mr. Dissanayake in connection with his speech to two years' rigorous imprisonment for contempt of court, a sentence not open to judicial review,

Considering that in early February 2006 President Rajapakse remitted the remainder of Mr. Dissanayake's sentence, with the result that he was released from Welikada Prison on 17 February 2006, six to eight weeks before he would normally have been entitled to release for good conduct,

Considering that, according to the source, shortly before Mr. Dissanayake's release, the parliamentary authorities informed the Commissioner of Elections that, by failing to attend Parliament for the prescribed minimum period, Mr. Dissanayake had forfeited his seat; in accordance with the Constitution, the candidate receiving the most votes in Mr. Dissanayake's constituency was subsequently declared to be elected to take his seat; Mr. Dissanayake's subsequent petition challenging the revocation of his parliamentary mandate was dismissed by the Supreme Court, reportedly without a hearing,

Bearing in mind that Sri Lanka is a party to the International Covenant on Civil and Political Rights and thus bound to respect the principle of non-discrimination and the right to fair trial, which includes the right of appeal, enshrined in Articles 26 and 14, respectively,

1. *Notes* the release of Mr. Dissanayake; *trusts* that he has meanwhile recovered all his rights; and *would greatly appreciate* confirmation of this;
2. *Is nonetheless disturbed* that Mr. Dissanayake lost his seat in parliament apparently on the ground that he had failed to attend parliament; *is particularly concerned* at the allegation

that the request for the revocation of his mandate was made when it became clear that Mr. Dissanayake would soon be in a position again fully to assume his parliamentary duties; and *would greatly appreciate* receiving the observations of the authorities;

3. *Reaffirms its conviction* that in highlighting his disagreement with the invoking, for the first time ever, of the consultative jurisdiction of the Supreme Court, Mr. Dissanayake merely exercised his right to freedom of speech to criticize what, after all, was a highly unusual situation in Sri Lanka;
4. *Remains therefore deeply concerned* that Mr. Dissanayake was sentenced to a harsh prison term for making these remarks and was deprived of his freedom for more than a year; and *considers* this situation to be particularly alarming given the serious doubts about the impartiality of the court in the case and the fact that the sentence cannot be challenged;
5. *Requests* the Secretary General to convey this resolution to the parliamentary and other competent authorities;
6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held during the 115th IPU Assembly (October 2006).

CASE No. SRI/49 - JOSEPH PARARAJASINGHAM - SRI LANKA

***Resolution adopted by consensus by the IPU Governing Council at its 178th session
(Nairobi, 12 May 2006)***

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of Mr. Joseph Pararajasingham, assassinated on 24 December 2005, which has been the subject of a study and report of the Committee on the Human Rights of Parliamentarians following the Procedure for the Treatment by the Inter-Parliamentary Union of Communications concerning Violations of the Human Rights of Members of Parliament,

Taking note of the report of the Committee on the Human Rights of Parliamentarians, which contains a detailed outline of the case (CL/178/12(b)-R.1),

Considering that Mr. Pararajasingham, killed at the age of 71, was a member of parliament for Batticaloa district, the leader in Parliament of the Tamil National Alliance (TNA) and executive member of the Commonwealth and the South Asia Association for Regional Cooperation (SAARC) Parliamentary Association, that he was a well-known human rights advocate, documenting and exposing human rights violations in the north-eastern part of Sri Lanka in national and international forums, and that he was dedicated to a peaceful negotiated settlement of the longstanding ethnic conflict in Sri Lanka,

Considering the following evidence on file concerning the circumstances of and the investigation into Mr. Pararajasingham's murder:

- At a meeting of TNA parliamentarians with President Mahinda Rajapakse and top military leaders on 21 December 2005, Mr. Pararajasingham, who, owing to the many threats he had received, was living in Colombo, was encouraged to visit his home town of Batticaloa;
- On 24 December 2005, Mr. Pararajasingham and his wife attended the Christmas Eve midnight mass in St. Mary's Cathedral in Batticaloa. After receiving communion,

Mr. Pararajasingham was shot dead by gunmen inside the Cathedral, in the presence of some 300 persons. His wife was also struck by two bullets and taken to hospital in critical condition. According to the sources, because of the nearby military camp, St. Mary's Cathedral is located in a high-security zone, between two military checkpoints. At the time of the murder, additional security forces were on duty and the Cathedral was reportedly surrounded by military personnel, which means that the culprits could only have escaped with the complicity of the security forces;

- The Government reportedly stated the following day that the murder had been committed by Tamils. The Central Investigation Department has initiated an inquiry which has revealed that the two assailants used automatic weapons. The empty casings were sent to the Government Analyst for examination. One eyewitness has been traced who gave a detailed description of a suspect responsible for the shooting. According to the authorities, his image was subsequently published in the form of an identikit likeness in all newspapers, requesting the public's assistance. The authorities affirm that inquiries in this connection are in progress. According to the source, the image in question, a hand-drawn sketch by the eyewitness, only appeared in one Colombo newspaper, namely *The Island*, reportedly well known for its racist views. According to the source, soon after the assassination, Mr. Pararajasingham's family and other TNA parliamentarians handed over to President Rajapakse the names of three suspects. No action has been taken against these persons, who are reportedly still moving freely around the Batticaloa area,

Considering that in an article published on 22 January 2006 in the Sri Lankan *Sunday Leader*, President Rajapakse was quoted as having told TNA parliamentarians that Mr. Pararajasingham could not have been assassinated without the complicity of the security forces,

Considering further that on 7 April 2006 Mr. Vanniasingam Vigneswaran, the person who was intended to replace Mr. Pararajasingham as member of parliament, was also assassinated; moreover, in recent years many human rights advocates have been killed in Sri Lanka and those killings have remained unpunished to date; and *noting also* that, following Mr. Pararajasingham's murder, three TNA members of parliament have reportedly left the country,

Bearing in mind that Sri Lanka is a party to the International Covenant on Civil and Political Rights and is thus bound to guarantee the right to life, which entails the obligation for the State to conduct a diligent, effective and thorough investigation into any murder in order to identify the culprits and bring them to justice,

1. *Is shocked* at the murder of Mr. Joseph Pararajasingham, which it strongly condemns;
2. *Is alarmed* that such a crime could be committed in a high-security zone with the abundant presence of security forces;
3. *Consequently expresses concern* that, four months after the murder, scant progress has been made in the investigation, particularly since the murder was committed in the presence of more than 300 persons and information which might lead to the identification of Mr. Pararajasingham's murderers exists and has been provided to the authorities;
4. *Stresses* that the authorities have a duty to conduct a prompt, thorough and independent investigation into Mr. Pararajasingham's murder in order to identify those responsible for this crime and to punish them in accordance with the law; and *wishes* to be kept informed of progress made in the investigation;
5. *Recalls* that impunity is a grave breach of human rights and of the rule of law, since it encourages the repetition of crime, as amply demonstrated by the situation in Sri Lanka; and

- affirms* that strong action to combat impunity is a prerequisite for lasting peace and reconciliation;
6. *Is deeply concerned* at the potential effect of the murder of Mr. Pararajasingham on the exercise of freedom of expression in parliament, as it may deter any parliamentarian from speaking out on human rights violations and from defending minority rights; and *wishes to ascertain* what measures have been taken to guarantee that they may express themselves freely and without fear;
 7. *Affirms* that the murder of a parliamentarian stands as a threat to all members of the parliament in question and to the institution of parliament, and ultimately to the people whom it represents; and that Parliament should therefore avail itself of its oversight function to ensure that the competent authorities comply with their duty to conduct full and effective investigations to identify and prosecute those responsible for Mr. Pararajasingham's murder, and thus to prevent any repetition of such crimes; and *would appreciate* receiving information on any steps taken in this regard;
 8. *Requests* the Secretary General to convey this resolution to President Rajapakse, to the parliamentary and competent authorities, and to the source;
 9. *Requests* the Committee to continue examining this case and report to it at its next session, to be held during the 115th IPU Assembly (October 2006).

CASE No. SYR/02 - MAMOUN AL-HOMSI - SYRIAN ARAB REPUBLIC

Resolution adopted by consensus by the IPU Governing Council at its 178th session (Nairobi, 12 May 2006)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Mamoun Al-Homsy, a former member of the People's Assembly of the Syrian Arab Republic, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/178/12(b)-R.1), and to the resolution adopted at its 177th session (October 2005),

Referring also to the report of its on-site mission, carried out from 11 to 14 May 2002 (CL/173/11(b)-R.4),

Recalling that Mr. Al-Homsy was arrested on 8 August 2001 following the publication of an open letter calling in particular for observance of the Constitution, the lifting of the state of emergency, a halt to the intrusions of the intelligence services into daily life, and the establishment of a parliamentary human rights committee; he was charged inter alia with "defaming the Constitution and displaying a hostile attitude towards the Government"; having been found guilty on 20 March 2002, he was sentenced to five years' imprisonment; on 24 June 2002 the judgement was upheld on appeal and, on 26 July 2005, the Cassation Court dismissed Mr. Al-Homsy's application for early release (suspension of sentence),

Taking account of the communication from the Speaker of the People's Assembly of the Syrian Arab Republic dated 22 March 2006, confirming Mr. Al-Homsy's release on 18 January 2006,

1. *Notes* that Mr. Al-Homsy has finally been released and *decides* to close his case;

2. *Reaffirms* nevertheless its conclusion, reached in the light of the documents and information gathered by its on-site mission, that Mr. Al-Homsi was arrested, detained, prosecuted and sentenced merely for having exercised his freedom of expression guaranteed under the Constitution of the Syrian Arab Republic and the International Covenant on Civil and Political Rights, to which the Syrian Arab Republic is a party; and *deeply regrets* that its consistent calls on the President of the Republic and the parliamentary authorities to grant Mr. Al-Homsi a pardon or to include him in an amnesty law have not been heeded, while other prisoners have been granted presidential pardons during the period in question;
 3. *Requests* the Secretary General to inform the parliamentary authorities and the sources accordingly.
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CASE No. SYR/03 - RIAD SEEF - SYRIAN ARAB REPUBLIC

Resolution adopted by consensus by the IPU Governing Council at its 178th session (Nairobi, 12 May 2006)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Riad Seef, a former member of the People's Assembly of the Syrian Arab Republic, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/178/12(b)-R.1), and to the resolution adopted at its 177th session (October 2005),

Referring also to the report of its on-site mission carried out from 11 to 14 May 2002 (CL/173/11(b)-R.4),

Recalling that Mr. Seef was arrested on 6 September 2001 and charged with "defamation of the Constitution, unlawful activities and hostility towards the regime" because he had organized discussion forums at which, inter alia, political questions were raised; on 4 April 2002, he was found guilty of attempting to change the Constitution by unlawful means, setting up a clandestine organization and organizing unauthorized meetings, and he was sentenced to five years' imprisonment; the judgement was upheld on appeal on 24 June 2002, and an application for early release was dismissed in July 2005,

Taking account of the communication from the Speaker of the People's Assembly of the Syrian Arab Republic dated 22 March 2006, confirming Mr. Seef's release on 18 January 2006,

1. *Notes that* Mr. Seef has finally been released and *decides* to close his case;
 2. *Reaffirms* nevertheless its conclusion, reached in the light of the documents and information gathered by its on-site mission, that Mr. Riad Seef was arrested, detained, prosecuted and sentenced merely for having exercised his freedom of expression guaranteed under the Constitution of the Syrian Arab Republic and the International Covenant on Civil and Political Rights, to which the Syrian Arab Republic is a party; and *deeply regrets* that its consistent calls on the President of the Republic and the parliamentary authorities to grant Mr. Seef a pardon or to include him in an amnesty law have not been heeded, while other prisoners have been granted presidential pardons during the period in question;
 3. *Requests* the Secretary General to inform the authorities and the sources accordingly.
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TURKEY

CASE No. TK/39 - LEYLA ZANA
CASE No. TK/41 - HATIP DICLE
CASE No. TK/42 - ZÜBEYİR AYDAR
CASE No. TK/51 - ORHAN DOĞAN
CASE No. TK/52 - SELİM SADAK

CASE No. TK/53 - NİZAMETTİN TOĞUÇ
CASE No. TK/55 - MEHMET SİNÇAR
CASE No. TK/57 - MAHMUT KİLİNÇ
CASE No. TK/59 - ALİ YİĞİT
CASE No. TK/62 - REMZİ KARTAL

*Resolution adopted by consensus by the IPU Governing Council at its 178th session
(Nairobi, 12 May 2006)*

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of the parliamentarians listed above, former members of the Turkish Grand National Assembly, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/178/12(b)-R.1), and to the resolution adopted at its 177th session (October 2005),

Taking account of the information provided by the President of the Turkish Inter-Parliamentary Group in his letter of 27 April 2006,

Recalling the following:

- Mr. Sinçar was killed in September 1993; in his letter of 24 March 2005, the President of the Turkish Inter-Parliamentary Group stated that several persons had been brought to justice and that proceedings were under way; no details of these proceedings have so far been provided;
- The other former parliamentarians concerned lost their parliamentary mandates owing to the dissolution of their party by the Constitutional Court in June 1994; while Ms. Zana, Mr. Dicle, Mr. Sadak and Mr. Dogan were arrested and charged with membership in a terrorist organization, the other persons concerned left Turkey and are living in exile; they would reportedly be charged with separatism if they returned to Turkey;
- In October 1995, Ms. Zana, Mr. Dicle, Mr. Sadak and Mr. Dogan were found guilty at final instance of membership in an armed organization and sentenced to 15 years' imprisonment; following the ruling, on 26 June 2001, by the European Court of Human Rights that their right to fair trial had been violated, they were retried by the Ankara State Security Court, which upheld the original judgement; in August 2004 the Cassation Court (Yargıtay) ruled that the retrial had been unfair and ordered their release and further retrial,

Considering that the second retrial of Ms. Zana, Mr. Dicle, Mr. Dogan and Mr. Sadak started in February 2005, and that the next hearing has been set for 12 May 2006,

1. *Thanks* the President of the Turkish Inter-Parliamentary Group for the information provided; *notes*, however, that his letter did not respond to the following requests for information which it has consistently been reiterating, namely to ascertain:
 - (i) the grounds for and the facts supporting the separatism charges pending against Mr. Aydar, Mr. Toğuç, Mr. Kiliñç, Mr. Yigit and Mr. Kartal;
 - (ii) whether, in keeping with the principle of the presumption of innocence, Ms. Zana, Mr. Dicle, Mr. Sadak and Mr. Dogan have recovered their civil and political rights pending the outcome of their retrial;
 - (iii) the stage of the proceedings brought against those suspected of Mr. Sinçar's murder;
2. *Notes* that the second retrial of Ms. Zana, Mr. Dicle, Mr. Dogan and Mr. Sadak is under way and *would appreciate* being informed of the outcome of the trial hearing of 12 May 2006;

3. *Requests* the Secretary General to convey this resolution to the parliamentary authorities and the sources, inviting them to provide the requested information;
4. *Requests* the Committee to continue examining this case and report to it at its next session, to be held during the 115th IPU Assembly (October 2006).

ZIMBABWE

CASE N° ZBW/12 - JUSTIN MUTENDADZAMERA	CASE N° ZBW/28 - GILES MUTSEKWA
CASE N° ZBW/14 - DAVID MPALA	CASE N° ZBW/29 - A. MPANDAWANA
CASE N° ZBW/15 - ABEDNICO BHEBHE	CASE N° ZBW/31 - MILTON GWETU
CASE N° ZBW/16 - PETER NYONI	CASE N° ZBW/33 - E. MUSHORIWA
CASE N° ZBW/18 - MOSES MZILA NDLOVU	CASE N° ZBW/34 - THOKOZANI KHUPE
CASE N° ZBW/19 - ROY BENNETT	CASE N° ZBW/35 - WILLIAS MADZIMURE
CASE N° ZBW/20 - JOB SIKHALA	CASE N° ZBW/36 - FIDELIS MHASHU
CASE N° ZBW/21 - TICHAONA MUNYANYI	CASE N° ZBW/37 - TUMBARE MUTASA
CASE N° ZBW/22 - PAULINE MPARIWA	CASE N° ZBW/38 - GILBERT SHOKO
CASE N° ZBW/24 - EVELYN MASAITI	CASE N° ZBW/39 - JELOUS SANSOLE
CASE N° ZBW/25 - TENDAI BITI	CASE N° ZBW/40 - EDWARD MKHOSI
CASE N° ZBW/26 - GABRIEL CHAIBVA	CASE N° ZBW/43 - BLESSING CHEBUNDO
CASE N° ZBW/27 - PAUL MADZORE	CASE N° ZBW/44 - NELSON CHAMISA

Resolution adopted by vote in the IPU Governing Council at its 178th session
(Nairobi, 12 May 2006)*

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of the above-mentioned Zimbabwean parliamentarians, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/178/12(b)-R.1), and to the resolution adopted at its 177th session (October 2005),

Referring also to the Committee's report on its on-site mission to Zimbabwe (CL/175/11(a)-R.2) carried out from 24 March to 2 April 2004,

Taking account of the hearing the Committee held with the Deputy Speaker and the Clerk of the National Assembly in Nairobi,

Recalling that the concerns in this case relate to the arrest and detention, mostly on charges brought under the Public Order and Security Act (POSA), of the former and incumbent members of parliament concerned, the torture and ill-treatment of some of them while in detention, and attacks against them or their property; *recalling* also that most of these incidents occurred in the context of the 2000 parliamentary elections, the presidential elections of March 2002 and a mass stay-away organized by the opposition Movement for Democratic Change in March and June 2003,

Considering that legislative elections took place in March 2005 and that the MDC split over whether or not to participate in the Senate elections of November 2005,

Noting the following:

- judicial proceedings are reportedly still pending against Mr. Mutendadzamera, Mr. Ndlovu, Mr. Munyanyi, Mr. Madzore, Mr. Mutsekwa, Mr. Gwetu, Mr. Mangono, Mr. Mushoriwa, Mr. Madzimumure and Ms. Thokozani Khupe;
- with respect to the attacks on the person or property as reported in the cases of Mr. Mhashu, Mr. Mutasa, Mr. Sansole and his family, Ms. Mpariwa, Mr. Chaibva and his father, and Mr. Chebundo, suspects were arrested in the case of Mr. Sansole and

* Resolution adopted by 105 votes to one, with three abstentions.

acquitted in court; no remedy seems to have been provided in the other cases, and cases were dismissed despite compelling evidence;

- with respect to the attacks by members of the police or military and/or the alleged ill-treatment in detention as reported in the cases of Mr. Mpandawana (who died in July 2003), Mr. Mutendadzamera, Mr. Mutasa, Mr. Ndlovu, Mr. Munyanyi, Mr. Mushoriwa, Mr. Madzore, Ms. Mpariwa and Ms. Masaiti, either no complaint has been lodged or the police stated that they had received no complaint, or again cases were closed for lack of evidence,

Recalling more particularly that:

- in February 2002, Mr. David Mpala was attacked by a group of about 18 men and severely injured; he died in February 2004; according to the police, six persons were arrested and charged with attempted murder, kidnapping and theft and five suspects were remanded to 30 March 2004 on charges of assault with intent to cause grievous bodily harm, kidnapping and theft, pending the setting of a trial date;
- on 21 May 2001, after attending a constituency meeting, Mr. Bhebhe was approached by a group of war veterans and ZANU-PF youths; they hit him on the head and when he fell to the ground they beat him all over his body, leaving him for dead; he reported the incident, giving the names of the perpetrators and a police report was drawn up; on 20 January 2005, however, when a court hearing was held, the case file reportedly turned out to have been lost;
- Mr. Mushoriwa was reportedly beaten up by about 20 soldiers in June 2000; he has lodged an official complaint but apparently no action has been taken;
- Mr. Munyanyi was arrested in September 2002 and charged with a murder, the charge being later dismissed; he was ill-treated while in detention and there are medical certificates attesting to the injuries he sustained;
- in August 2003, Mr. Mutasa brought a lawsuit against the authorities for the injuries he suffered during a reported assault on him by riot police in March 2003;
- Mr. Biti was arrested on 8 February 2003 when about to address a rally, and a case under POSA was brought against him; on 2 June 2003 he was rearrested and released on bail two days later, and treason charges were reportedly brought against him,

Recalling that Mr. Sikhala was tortured while in detention from 14 to 16 January 2003 on a charge of attempting to subvert a constitutionally elected government, the charge being dismissed in court; he gave a detailed testimony in court of his ordeal which was widely reported in the Zimbabwean media; investigations into his torture were opened upon Mr. Sikhala's complaint, in which he provided the names of suspects and a medical certificate; in their memorandum of 20 April 2004, the police stated that "although there has been a lot of hype which has tended to impair investigations in connection with this case, progress has been made in the investigations"; however, in their memorandum of 14 October 2005, the police stated that "the complainant has not been able to positively identify the accused persons and it has been difficult to finalize this case"; considering that in their memorandum of March 2006, the police stated that no progress had been made owing to Mr. Sikhala's lack of cooperation; at the hearing, the delegation insisted that unless Mr. Sikhala identified the culprits, no results could be obtained,

Recalling lastly that Mr. Roy Bennett was the target of consistent harassment and abuse; his farm has been seized and occupied; six court rulings have been issued ordering the vacating of his farm but have not been executed to date; on 28 October 2004, the parliament sentenced him to an unsuspended one-year prison term for contempt of parliament; and he served the sentence until his release for good conduct on 28 June 2005; Mr. Bennett has sought legal redress against the parliament's proceedings and filed a constitutional challenge in the Supreme Court; in the hearing held on this matter on 23 May 2005, the Attorney General (Intervenor) submitted that the impugned proceedings should be declared null as far as the sentence was concerned; considering that in March 2006 the Supreme Court

ruled against Mr. Bennett; *noting* also that Mr. Bennett was reportedly sought in connection with an alleged plot to kill President Mugabe, and that he has since requested asylum abroad,

Bearing in mind that, in the resolution on Zimbabwe it adopted at its 38th Ordinary Session (21 November - 5 December 2005), the African Commission on Human and Peoples' Rights expressed concern at, inter alia, "... the lack of the rule of law and the growing culture of impunity" in Zimbabwe and urged the Government of Zimbabwe to respect fundamental rights and the freedoms of expression, association and assembly by repealing or amending repressive legislation, including POSA,

1. *Thanks* the Deputy Speaker and the Clerk of the National Assembly for their observations;
2. *Is deeply concerned* at the lack of any result in the investigation regarding Mr. Sikhala's torture; considers that the authorities cannot properly argue that this is due to Mr. Sikhala's failure to cooperate when in fact he has given a detailed testimony which, provided they have the will, would enable the authorities rapidly to identify the culprits; *points out* in this respect that in their first report on the investigation, the police stated that they were making progress;
3. *Consequently urges* the police to investigate this crime with due diligence and thoroughness, as their duty requires;
4. *Recalls* that the prohibition of torture is a norm of international law to which no exception can be made under any circumstances and that, according to the United Nations Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, "wherever there is reasonable ground to believe that an act of torture ... has been committed, the competent authorities of the State concerned shall promptly proceed to an impartial investigation ...";
5. *Wishes to ascertain* (i) the stage reached in the judicial proceedings brought against the persons suspected of the attack on Mr. Mpala and their result, if any; (ii) any action meanwhile taken on the complaints of Mr. Mutasa, Mr. Munyanyi and Mr. Mushoriwa; (iii) whether any proceedings are still under way against Mr. Biti; and (iv) official information on the current status of the other cases referred to in the sixth preambular paragraph;
6. *Is deeply concerned* that the court file concerning the attack perpetrated in May 2001 against Mr. Bhebhe has been lost, and *wishes to ascertain* whether in the meantime it has been found and justice is taking its due course;
7. *Recalls* that impunity, a human rights violation in itself, undermines the rule of law and encourages the repetition of crime; and *reaffirms* that parliaments must make every effort to prevent it;
8. *Would appreciate* receiving a copy of the Supreme Court ruling given on Mr. Bennett's application to declare section 16 of the Privileges, Powers and Immunities Act unconstitutional and to declare null and void the contempt of parliament proceedings against him;
9. *Points out once again* that several court decisions ordering the vacation of Mr. Bennett's farm have been given and not so far implemented; *stresses* that this is contempt of court, and *would like to receive* the observations of the authorities in this regard;
10. *Requests* the Secretary General to convey this resolution to the competent authorities, the parliamentarians concerned and the sources, inviting them to provide the requested information;
11. *Requests* the Committee to continue examining this case and report to it at its next session, to be held during the 115th IPU Assembly (October 2006).