



Inter-Parliamentary Union
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130th Assembly of the Inter-Parliamentary Union

1. Opening of the Assembly

The 130th Assembly opened at the *Centre international de Conférences de Genève* (CICG) on the morning of Monday, 17 March 2014. The President of the IPU, Mr. Abdelwahad Radi, welcomed the participants and declared the Assembly officially open. He then chaired the Assembly's deliberations.

In his opening statement, the President underscored the fact that the Assembly was a particularly special one, as it was marking the 125th anniversary of the IPU. It was therefore only appropriate that the General Debate running throughout the Assembly would focus on the theme of ***The IPU at 125: Renewing our commitment to peace and democracy***. The President recalled that the IPU, founded on the fundamental precept that peace could only be achieved through dialogue, negotiation and international arbitration, had laid the groundwork for today's institutionalized multilateral cooperation. It had advocated the establishment of corresponding institutions at the intergovernmental level, which had eventually led to the creation of the United Nations, had engaged as a neutral facilitator of parliamentary diplomacy, and had helped to bridge the democracy gap in international relations.

Referring to the role of parliament in promoting peace and democracy in the world, the President stressed: "What our Founding Fathers had envisioned over a hundred years ago is still as valid and true today as ever before. History has taught us many important lessons over the years, not least that lasting peace and security can only be achieved through inclusive and participatory processes embodied in a representative and elected parliament. From the French Revolution to the Arab Spring, whose aftershocks can still be felt today, there are valuable lessons to be learned about people power".

Turning to the main issues on the Assembly agenda, the President underscored the crucial importance of parliamentary action in pursuit of a world free of nuclear weapons. There was also a need for parliamentary action in the area of risk-resilient development, linked to demographic trends and natural constraints, as well as in protecting children's rights - especially the rights

of unaccompanied migrant children - and preventing their exploitation in situations of armed conflict. The world was rife with multiple conflicts, as in the Central African Republic, Syrian Arab Republic and Ukraine, which also needed to be addressed as a matter of urgency.

President Radi welcomed the participation at the inaugural ceremony of Mr. Michael Møller, Acting Director-General of the United Nations Office at Geneva. It was only natural for the United Nations to join the IPU on such an auspicious occasion, given the growing strategic partnership between the two organizations in the key areas of peace, development, democracy and human rights. Mr. Møller, in turn, said: "We continue to see on a daily basis the critical role that parliaments play in promoting a better world for all. You are the voice of your constituents; you translate their needs into action. We also continue to see a lack of trust in governance structures and traditional ways of doing business. This lack of trust has manifested itself in protests across the world, in some countries even in conflict and violence. The message is clear: people want responsive governments and institutions, and accountable leaders. I am sure that in the next few days, this challenge will feature prominently in your discussions." Mr. Møller welcomed the IPU's promotion of greater international involvement of parliaments and paid tribute to the contribution made by the outgoing Secretary General of the IPU, Mr. Anders B. Johnsson, to that process.

President Radi paid a formal tribute to the outgoing Secretary General, enumerating his long list of accomplishments and lauding Mr. Johnsson's dedication and commitment to the IPU. He presented him with a token of appreciation in the form of a painting of the House of Parliaments, which was very much Mr. Johnsson's brainchild. "This House of stone and stained glass", he said, "will stand as a lasting reminder of the tremendous legacy you bequeath to this organization".

The leaders of the six geopolitical groups of the IPU then took the floor: Ms. M. Nasha (Botswana) on behalf of the African Group, Mr. M. Al-Ghanim (Kuwait) on behalf of the Arab Group, Ms. B. Boupha (Lao People's Democratic Republic) on behalf of the Asia-Pacific Group, Ms. V. Petrenko (Russian Federation) on behalf

of the Eurasia Group, Mr. D. Vivas Velasco (Venezuela) on behalf of the Group of Latin America and the Caribbean, and Mr. R. del Picchia (France) on behalf of the Twelve Plus Group. All expressed their gratitude and deep appreciation for the tireless efforts and remarkable achievements of Mr. Johnsson during his tenure as IPU Secretary General. Those included: developing an effective IPU programme for building strong democratic parliaments; transforming the IPU into a truly gender-sensitive organization; promoting the IPU's flagship gender equality programme; as well as formulating the IPU's first Strategy and shaping the parliamentary dimension which the IPU currently brought to international cooperation and to the work of the United Nations.

2. Participation

Delegations from the parliaments of the following 145 countries took part in the work of the Assembly:¹

Afghanistan, Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Canada, Chad, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libya, Liechtenstein, Lithuania, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Morocco, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Palau, Palestine, Papua New Guinea, 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, Seychelles, Singapore, Slovakia, Slovenia, Somalia, South Africa, South Sudan, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Uganda,

Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia and Zimbabwe.

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

Observers comprised representatives of: (i) the United Nations system: United Nations, Food and Agriculture Organization of the United Nations (FAO), International Labour Office (ILO), United Nations Children's Fund (UNICEF), Joint United Nations Programme on HIV/AIDS (UNAIDS), United Nations Development Programme (UNDP), United Nations Office for Disaster Risk Reduction (UNISDR), World Health Organization (WHO), World Bank, Organization for the Prohibition of Chemical Weapons (OPCW), Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO), World Trade Organization (WTO); (ii) International Organization for Migration (IOM); (iii) African Parliamentary Union (APU), Arab Inter-Parliamentary Union (AIPU), Asian Parliamentary Assembly (APA), Global Organization of Parliamentarians Against Corruption (GOPAC), Inter-Parliamentary Union of the Intergovernmental Authority on Development (IPU-IGAD), Maghreb Consultative Council, Parliamentary Assembly of the Black Sea Economic Cooperation (PABSEC), Parliamentary Assembly of the Mediterranean (PAM), Parliamentary Assembly of the Organization for Security and Co-operation in Europe (OSCE PA), Parliamentary Assembly of the Turkic-Speaking Countries (TURKPA), Parliamentary Assembly of the Union of Belarus and Russia, Confederation of Parliaments of the Americas (COPA), Parliamentary Union of the OIC Member States (PUIC); (iv) Socialist International; (v) Association for the Prevention of Torture (APT), Geneva Centre for the Democratic Control of Armed Forces (DCAF), Global Fund to Fight AIDS, Tuberculosis and Malaria; International Committee of the Red Cross (ICRC), Partnership for Maternal, Newborn and Child Health (PMNCH), World Future Council and Parliamentarians for Nuclear Non-proliferation and Disarmament (PNND).

¹ For the complete list of IPU Members, see page 25

Of the 1,349 delegates who attended the Assembly, 705 were members of national parliaments. The parliamentarians included 47 presiding officers, 34 deputy presiding officers and 214 women (30.4%).

3. Choice of an emergency item

On 17 March, the President informed the Assembly that the following four requests had been received for the inclusion of an emergency item:

- *The role of parliaments and the IPU in fighting terrorism and achieving international peace and security through a peaceful political solution to the situation in Syria and respect for resolutions with international legitimacy and the principles of sovereignty and non-interference in the internal affairs of other States*, proposed by the Syrian Arab Republic;
- *Helping to restore peace and security and consolidate democracy in the Central African Republic: The contribution of the IPU*, proposed by Morocco;
- *Russian Federation aggression against Ukraine*, proposed by Ukraine; and
- *The crisis in Ukraine*, proposed by Canada.

Canada's initial proposal, *The crisis in Ukraine*, had been revised to *Aggression against Ukraine* following consultations with Ukraine. An emergency item previously proposed by the delegation of Uruguay on cyber warfare was withdrawn and re-submitted as a proposal for a subject item to be taken up by the Standing Committee on Peace and International Security.

After taking the floor, the delegation of Ukraine decided to withdraw its proposal in favour of the revised proposal from Canada. Following a roll-call vote (see pages 46 to 48), the proposal put forward by Morocco was adopted and added to the agenda as Item 9.

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

(a) General Debate on *The IPU at 125: Renewing our commitment to peace and democracy*

Over three days, representatives of 97 Member Parliaments, including 34 Speakers of Parliament, and nine regional parliamentary assemblies and Observer delegations, took the floor to address the anniversary theme of the General Debate. The debate was particularly rich and substantive, concluding with a **Summary by the Chair**, endorsed by the membership at the last sitting of the Assembly (see page 27 for the full text of the Summary).

In the afternoon of 17 March, the Speaker of the National Constituent Assembly of Tunisia, Mr. Mustafa Ben Jaafar, addressed the Assembly. It was in Tunisia that the Arab Spring had begun, and today Tunisia was succeeding in the transition to democracy. After the fall of the old regime, parliament had played a key role in leading the country out of crisis. It was parliament – the first legitimate institution – that had elected the President of the Republic, established the government, and drafted and adopted the new Constitution. That was tangible proof of the important and strategic role of parliaments in all societies aspiring to democracy and peace.

Tunisia's new Constitution, adopted by an overwhelming majority in January 2014, was one of consensus. It took account of the various groups and wide range of beliefs in Tunisian society. It met the needs of the Tunisian people and guaranteed fundamental individual and collective rights. It also guaranteed freedom of conscience and gender equality. The Constitution contained a provision guaranteeing equal representation of men and women in parliament and other elected bodies. The example set by Tunisia, in both form and substance, could well serve as an inspiration to other countries affected by the Arab Spring in their efforts to overcome the difficulties they faced.

In the morning of 18 March, IOM Director General, Mr. William Lacy Swing, addressed the Assembly as part of the series of open debates organized by the IPU with heads of UN specialized agencies and other international organizations. Mr. Swing delivered a passionate and compelling presentation on why migration was inevitable, necessary and – if managed well – desirable. He underscored how migration, historically, had been an overwhelmingly positive process: providing an engine for growth in the ageing societies of the North, ensuring an essential inflow of money in the form of remittances for the countries in the South, and generally becoming an undeniable trend of the 21st century. Mr. Swing gave a frank account of the challenges that needed to be addressed: the forced migration from areas of conflict such as the Central African Republic, South Sudan and Syria, or from countries struck by major natural disasters, such as Haiti and the Philippines, the danger faced by migrants in their journey to new destinations, and the rise in anti-immigration sentiment in many countries, fostered by an appalling lack of political leadership. Mr. Swing then engaged in an interactive debate with participants, focusing on what parliamentarians could do to better address the inevitable reality of migration.

(b) Standing Committee on International Peace and Security(i) *Towards a nuclear-weapon-free world: The contribution of parliaments* (Item 4)

The Committee held two sittings, on 17 and 18 March, with its President, Mr. S.H. Chowdhury (Bangladesh), in the Chair. Along with the explanatory memorandum and draft resolution prepared by the co-Rapporteurs, Ms. Y. Ferrer Gómez (Cuba) and Mr. B. Calkins (Canada), the Committee had before it amendments to the draft resolution submitted by the following delegations: Canada, China, Cuba, France, Hungary, India, Iran (Islamic Republic of), Mongolia, Russian Federation, Switzerland, Turkey, Venezuela and Senator María de los Angeles Higonet of Argentina.

At the beginning of the first sitting, the two co-Rapporteurs presented the explanatory memorandum and the draft resolution, which they had jointly prepared. The Committee heard a presentation by the Executive Secretary of the CTBTO Preparatory Commission, Mr. L. Zerbo. A total of 29 speakers from various parliaments took the floor during the discussion, after which the Committee appointed a drafting committee comprising representatives of the following countries: Bahrain, Canada, Cuba, France, Iran (Islamic Republic of), Jordan, Mali, New Zealand, Pakistan, Russian Federation, South Africa, Venezuela and Zambia. The co-Rapporteurs participated in the work of the drafting committee in an advisory capacity.

The drafting committee met in the afternoon of 17 March and the morning of 18 March. It appointed Mr. K. Graham (New Zealand) as chairperson and Ms. C. Guittet (France) as rapporteur. It considered 77 amendments, some of which it adopted.

The Standing Committee considered the consolidated draft at its afternoon sitting on 18 March. Several delegations took the floor to express their support for the text and to propose that it be adopted by acclamation, which the Committee followed. Reservations were expressed at that stage by the delegations of Cuba, India, Islamic Republic of Iran and Pakistan. The Committee also agreed to the proposal that the rapporteur of the drafting committee present the draft resolution to the Assembly.

The draft resolution was submitted to the Assembly at its plenary sitting in the afternoon of 20 March, and adopted by consensus. Reservations were expressed by the delegations of India, Islamic Republic of Iran, Pakistan and the Russian Federation.

(ii) *Election of the Bureau, work plan for the 131st Assembly and subject item for the 132nd Assembly*

Furthermore, in line with the new Rules of the Standing Committees, the 18 members of the Bureau of the Standing Committee on International Peace and Security were elected at the sitting on 17 March 2014. The Bureau met on 18 March to choose the Committee's next subject item and discuss its work plan. It had before it a document on the activities which the Committee was proposing to carry out during Assemblies at which no resolution was adopted. Of the four proposed subject items before it, the Bureau chose *Cyber warfare – A serious threat to peace and global security*. This proposal was subsequently approved by the Standing Committee as a whole and by the Assembly.

With regard to the Standing Committee's work plan, the Bureau decided to devote three hours during the 131st IPU Assembly to an interactive panel discussion on cyber warfare. However, it preferred to defer its decision on which activities to organize during the remaining time of three hours.

Lastly, the Bureau discussed the election of the President and the Vice-President of the Committee. Mr. G. Schneeman (South Africa) was appointed President, with the vice-presidency being held by the Arab Group. The Standing Committee on International Peace and Security approved the Bureau's proposals.

(c) Standing Committee on Sustainable Development, Finance and Trade(i) *Towards risk resilient development: Taking into consideration demographic change and natural constraints* (Item 5)

The Committee held sittings on 18, 19 and 20 March with its Vice-President, Mr. F.-X. de Donnea (Belgium), in the chair. On 18 March, the Committee elected the new Bureau, which consisted of 16 members. Two positions remained vacant, for the Eurasia (a woman member) and Asia-Pacific Groups. On the same day, 31 speakers took the floor in the plenary debate on the subject item. The Committee also heard a presentation by Ms. M. Wahlström, UN Special Representative of the Secretary-General for Disaster Risk Reduction, about preparations for the post-2015 framework for disaster risk reduction.

The Committee started its deliberations on the draft resolution on 19 March. In addition to the explanatory memorandum and the draft resolution prepared by the co-Rapporteurs,

Mr. S.H. Chowdhury (Bangladesh) and Mr. P. Mahoux (Belgium), the Committee had before it 42 amendments to the draft resolution submitted by Bahrain, Canada, China, Finland, France, Germany, India, Jordan, Spain, Sweden and Switzerland, and five amendments proposed by the Meeting of Women Parliamentarians. It adopted about two thirds of the amendments either in full or in part.

The Committee examined the consolidated draft resolution and adopted the text as a whole on the morning of 20 March. In the afternoon of the same day, the draft resolution was submitted to the Assembly, which adopted it unanimously.

(ii) *Election of the Bureau, work plan for the 131st Assembly and subject item for the 132nd Assembly*

The Bureau of the Committee met on 20 March. It proposed that the current President, Mr. R. León (Chile), continue to serve in that position and that Mr. O. Hav (Denmark) become the new Vice-President. The Bureau's recommendation was subsequently approved by the full Committee.

The Bureau also examined the proposals submitted for the item to be debated by the Committee at the 132nd Assembly. It proposed the subject item *Shaping a new system of water governance: Promoting parliamentary action on water*, which was subsequently approved by the plenary Committee and the Assembly for inclusion in the agenda of the 132nd Assembly. The Assembly appointed one co-Rapporteur, Mr. J. Mwiimbu (Zambia), and asked the Secretariat to hold consultations with the members in order to identify the second, possibly from the North.

The Bureau proposed, and the full Committee agreed, that part of the Committee's work at the 131st Assembly be linked to the World Investment Forum, which would be convened by the United Nations Conference on Trade and Development (UNCTAD) in Geneva at the same time. The Secretariat was asked to start preparations to that end in cooperation with UNCTAD.

(d) Standing Committee on Democracy and Human Rights

(i) *The role of parliaments in protecting the rights of children, in particular unaccompanied migrant children, and in preventing their exploitation in situations of armed conflict* (Item 6)

The Committee held sittings on 17, 18 and 19 March with its President, Mr. O. Kyei-Mensah-Bonsu (Ghana), in the chair. At its first sitting, the draft resolution on *The role of parliaments in*

protecting the rights of children, in particular unaccompanied migrant children, and in preventing their exploitation in situations of war and conflict was presented to the Committee by the co-Rapporteurs, Ms. J. Nassif (Bahrain) and Ms. G. Cuevas Barrón (Mexico). In the ensuing debate, 34 speakers took the floor, of whom 14 (41%) were women.

The Committee started its deliberations on the text of the draft resolution on 18 March. It had before it 62 amendments submitted by seven parliaments (Argentina, Canada, Finland, France, Spain, Sweden and Switzerland), and six amendments proposed by the Meeting of Women Parliamentarians. It adopted a significant proportion of the amendments and made further sub-amendments during the drafting process. Among the amendments adopted by the Committee was a proposal to modify the title of the resolution, by replacing the words "in situations of war and conflict" by "in situations of armed conflict".

The Committee examined the revised draft resolution and adopted the text by consensus at its final sitting on 19 March.

The revised draft resolution was presented to the Assembly on 20 March by the Committee's Rapporteur, Ms. J. Nassif (Bahrain). The Assembly unanimously adopted the resolution, including the modification to the title.

(ii) *Election of the Bureau and subject item for the 131st Assembly*

At its first sitting on 17 March, the Committee elected the members of its Bureau for a two-year term, based on the nominations provided by the geopolitical groups. The new Bureau consisted of 17 members: nine women and eight men. The position for a male member from the Eurasia Group remained vacant.

The newly elected Bureau met in the morning of 19 March to consider nominations for the President and Vice-President of the Committee, and proposals for the subject item for the 131st Assembly.

The Bureau nominated Ms. F. Naderi (Afghanistan) as President of the Committee and Mr. J. Galán Pachón (Colombia) as Vice-President. The nominations were unanimously approved by the Committee at its final sitting in the afternoon of 19 March.

The Bureau proposed three subject items for the 131st Assembly to the Committee at its last sitting. The Committee voted to adopt the proposal made by the United Arab Emirates, on *International law as it relates to national*

sovereignty, non-intervention in the internal affairs of States and human rights, and to appoint Mr. A.J. Ahmad (United Arab Emirates) as co-Rapporteur.

The Assembly confirmed the Committee's choice of subject item, and appointed Mr. P. Mahoux (Belgium) as the second co-Rapporteur.

(e) Committee on United Nations Affairs

The Committee met in plenary session in the morning of 19 March under the chairmanship of its outgoing President, Mr. M. Traoré (Burkina Faso). It elected its new Bureau from among the candidatures submitted by the geopolitical groups. The Bureau later elected Ms. D.-T. Avgerinopoulou (Greece) as the Committee President and Mr. M. El Hassan El Amin (Sudan) as Vice-President.

The Committee commenced its session with a keynote address by Mr. M. Møller, Acting Director-General of the United Nations Office at Geneva, on cooperation between the United Nations, national parliaments and the IPU. In the ensuing interactive debate, the participants highlighted the good practices developed thus far and the opportunities to further strengthen the partnership between the two organizations.

The Committee also examined the relationship between parliaments and UN Country Teams at the national level. It heard a presentation by the Committee President and the Speaker of the Haitian Senate, Mr. S. Desras, of the main findings of a field mission to Haiti recently undertaken by the Committee Advisory Group. The recommendations formulated as a result had highlighted the specific needs for political dialogue and a fully functional institution of parliament in the country. The mission report would be shared with the Government of Haiti and the UN Stabilization Mission in Haiti (MINUSTAH), and the IPU would continue to examine how best to support the parliament of Haiti during the process ahead.

The Committee next examined the draft UN General Assembly resolution on interaction between the United Nations, national parliaments and the IPU, a stand-alone agenda item to be taken up by the UN General Assembly during its current session. The draft would serve as a basis for the intergovernmental consultations convened at UN Headquarters in New York by the Permanent Mission of Morocco, as the country holding the IPU Presidency. The Committee proposed a few further improvements to the text and encouraged all Member Parliaments to actively engage with their Foreign Ministries and Permanent Missions to the United Nations, so as to secure the broadest possible support for a strong consensus on the resolution in May.

Lastly, the Committee discussed the parliamentary contribution to the UN process of devising the next generation of development goals. The topic was introduced by Mr. F. Bustamante (Ecuador), Mr. D. McGuinty (Canada) and Mr. C. Chauvel (UNDP) and sparked a robust debate among Committee members.

The Report of the Committee was presented by Mr. M. Traoré to the Assembly at its last sitting in the afternoon of 20 March. The full text of the Report and the draft General Assembly resolution on interaction between the United Nations, national parliaments and the IPU are available on page 43.

(f) Emergency item

Helping to restore peace and security and consolidate democracy in the Central African Republic: The contribution of the IPU (Item 9)

The debate on the emergency item was held in the afternoon of Tuesday, 18 March, with the President of the 130th Assembly and of the IPU, Mr. A. Radi, in the Chair. Mr. T.-B. Gurirab (Namibia), former President of the IPU, replaced him in the middle of the debate.

Ten speakers took the floor during the debate. They voiced deep concern about the major humanitarian crisis in the Central African Republic and deplored the horrific violence being inflicted on civilians, in particular children, the elderly and women. That violence took the form of shameful and unacceptable ethnic and religious cleansing. The situation was desperate and risked spreading to neighbouring countries, or even the entire region.

Calling for the immediate cessation of the hostilities, the speakers deplored the fact that cruelty was supplanting humanity and emphasized the urgent need to ensure that all people had a place where they could live in peace.

They also deplored the fact that too few peacekeepers had been deployed too late to resolve the crisis and called for more peacekeeping troops to be committed to the military operation. The international troops on the ground had to remain neutral, however. Another, equally important priority was the provision of basic necessities, such as food, shelter and security. The African Union and the international community had to mobilize adequate funds in support of the Central African Republic; at present, only 50 per cent of the resources pledged had been made available.

Some of the participants shared long borders with the Central African Republic. They emphasized that the flood of refugees was affecting neighbouring countries as well and that the ensuing crisis might destabilize the entire region. Others said that they did not have means to assist the refugees without international support.

The delegation of Morocco, which had submitted the draft resolution, then took the floor. It echoed the concerns expressed and urged parliamentarians to think about what they could do to help the Central African Republic restore normality and bring the refugees home. It warned that the situation was barbarous beyond description, on a par with the ethnic cleansing in Rwanda, and appealed to the international community, including the United Nations and the European Union, to free up funds in support of the Central African Republic and help it organize free and fair elections with a view to restoring democracy.

The Assembly referred the emergency item to a drafting committee made up of representatives of Cambodia, Chad, Finland, France, Germany, the Islamic Republic of Iran, Japan, Mexico, Morocco, Namibia, Senegal, Sudan, Uruguay and Zimbabwe.

The drafting committee appointed Ms. T. Mushelenga (Namibia) as its chair and rapporteur. It met on 19 March to finalize the draft resolution.

At its last sitting, on 20 March, the Assembly unanimously adopted the resolution.

5. Concluding session

At the closure of the Assembly, representatives of all the geopolitical groups took the floor to reiterate their support for and commitment to the IPU. They underscored the important work that the IPU carried out both at the national level - in support of parliaments and in developing standards for democratic practice - and at the international level, bringing the voice of parliaments and parliamentarians to major processes such as the negotiations on the next generation of development goals. They also congratulated Mr. Martin Chungong on his election as Secretary General of the IPU, and expressed their confidence in his ability to build on the excellent work of his predecessor and take the IPU to new heights.

President Radi, in turn, thanked all the Members for their hard work during what was undeniably a very successful Assembly. A new President of the IPU would be elected at the 131st Assembly in October 2014, but in the meantime, he was looking forward to working closely with both the outgoing and incoming Secretary General and securing a smooth transition process.

194th session of the Governing Council

1. Membership of the Inter-Parliamentary Union

At its sitting on 17 March, the Governing Council approved a request for affiliation from the Parliament of Tonga. At its sitting on 20 March, it approved a request for observer status submitted by the International Organization of Supreme Audit Institutions (INTOSAI).

2. Election of the Secretary General

At its sitting on 20 March, the Council heard a brief presentation by the following three candidates for the post of Secretary General of the IPU proposed by the Executive Committee: Mr. Martin Chungong (IPU Deputy Secretary General), Ms. Shazia Rafi (Pakistan) and Mr. Geert Versnick (Belgium). A vote was held by secret ballot, with the following results:

Total number of ballots: 352
Blank or void ballots: 0
Valid ballots: 352
Absolute majority: 177

Votes obtained:
Mr. Martin Chungong: 199
Ms. Shazia Rafi: 79
Mr. Geert Versnick: 74.

Mr. Martin Chungong was accordingly elected Secretary General of the Inter-Parliamentary Union for a period of four years (1 July 2014 to 30 June 2018).

3. Financial results for 2013

The Governing Council considered the Financial Report and Audited Financial Statements for 2013. For the second year running, the Financial Statements had been prepared in full compliance with the International Public Sector

Accounting Standards (IPSAS). The accounts of the IPU and the accounts of the closed Pension Fund had once again been consolidated into a single set of financial statements.

In addition to the IPSAS adjustments made in 2012, three new standards had been adopted in 2013 that affected the accounting treatment of financial instruments. The interest-free loan from the Swiss Confederation had been amortized over its 50-year duration, which had required the restatement of the 2012 balance sheet.

The final results for 2013 showed that the IPU had posted a total operating surplus of CHF 571,905. Savings of CHF 194,000 had been made in staffing and administrative costs, and IPSAS adjustments required for the closed Pension Fund and reserves had increased the surplus by a further CHF 378,000. As a result, the balance of the Working Capital Fund had increased to CHF 8,414,638 at year-end, of which CHF 6.1 million represented available funds and the balance represented IPSAS accounting adjustments.

The Council noted that expenditure in respect of strategic directions 1, 2 and 3 under the IPU's Strategy for 2012–2017 represented 35%, 10% and 38% of total expenditure, respectively, with the balance of 17% spent on support services.

The Internal Auditors, Mr. D. Pacheco (Portugal) and Mr. H.R. Mohamed (United Republic of Tanzania), presented their report. They noted that the financial situation of the IPU was sound and the results positive, and that the Working Capital Fund had increased in 2013. In their opinion, the accounts accurately reflected the financial situation of the IPU and complied with all current legal rules. The External Auditor had expressed no reservations on the Financial Statements and was satisfied that the IPU had implemented all previous recommendations. There was room, however, for further improvement of the internal controls system. The actuarial position of the United Nations Joint Staff Pension Fund did not need to be reflected in the Financial Statements but might potentially represent a risk in future.

The Internal Auditors noted that the IPU's revenues had increased by 3% thanks to a significant increase in voluntary funding. The additional revenue had enabled increased programme activities, which had in turn had generated higher expenditure compared to 2012, including on staffing and outsourced services. Efforts should continue to be made to make maximum use of all available funding. One delegation observed that the IPU's founders had had the issue of funding in mind already at the outset, 125 years earlier. Since then, the IPU had

accomplished great things, and it was appreciated that the IPU was funded not only by Members but also by external partners who gave the organization their seal of approval.

On the recommendation of the Internal Auditors, the Governing Council approved the Secretary General's financial administration of the IPU and the financial results for 2013.

4. Financial situation

The Governing Council received an overview of the IPU's financial situation at 31 January 2014 and noted that the financial position remained sound. The overall level of expenditure was on track at 97% of the year-to-date budget. Arrears in assessed contributions amounted to only CHF 376,000, the lowest for many years, with very few Members having overdue accounts.

5. Cooperation with the United Nations system

The Council took note of the activities undertaken in cooperation with the United Nations system since the 129th IPU Assembly (see page 71). One delegate took the floor to urge greater involvement by the IPU in support of the global climate change agreement to be adopted in 2015.

The Council was informed of preparations for the debate in the United Nations General Assembly in May 2014 on cooperation between the United Nations, national parliaments and the IPU. The Executive Committee and the Standing Committee on United Nations Affairs had reviewed and finalized a draft resolution that would be proposed to UN Member States for adoption by the UN General Assembly (see page 43). The Council urged delegates to mobilize support from their respective governments by inviting them formally to sponsor the resolution.

6. Implementation of the IPU Strategy for 2012-2017

The Council took note of the report of the Executive Committee and endorsed its recommendations, presented by Ms. S. Atallahjan (Canada), on the external mid-term evaluation of the IPU Strategy for 2012-2017 (see page 76).

The Council was informed of the preparations being made to develop a common set of principles for practitioners in the field of parliamentary strengthening. The principles would be refined at a meeting of some of the main parliaments and organizations active in that field and submitted for endorsement by Member Parliaments in the course of the 131st IPU Assembly (Geneva, October 2014).

7. Recent specialized meetings

The Governing Council took note of the results of the regional conference on *The role of parliament in conflict prevention and management in West Africa* (<http://www.ipu.org/splz-e/abidjan13.htm>), the Regional Workshop for Pacific Parliaments on *Modern Parliaments: The Pacific Perspective* (<http://www.ipu.org/splz-e/tonga13-outcome.pdf>), the Eighth Meeting of Women Speakers of Parliament (<http://www.ipu.org/splz-e/wmnspl13.htm>), the annual Parliamentary Hearing at the United Nations (<http://www.ipu.org/splz-e/UNGA13.htm>), the Bali session of the Parliamentary Conference on the WTO (<http://www.ipu.org/splz-e/trade13.htm>), the Briefing on governance as an element of the post-2015 development agenda ([http://www.ipu.org/cnl-e/194/6\(f\)-r1.pdf](http://www.ipu.org/cnl-e/194/6(f)-r1.pdf)), the regional seminar on *Translating international human rights commitments into national realities: The contribution of parliaments to the work of the United Nations Human Rights Council* (<http://www.ipu.org/splz-e/bucharest14.htm>), and the parliamentary event organized on the occasion of the 58th session of the Commission on the Status of Women (<http://www.ipu.org/splz-e/csw14.htm>).

8. Reports of plenary bodies and specialized committees

At its sitting on 20 March, the Governing Council took note of the reports on the activities of the Meeting of Women Parliamentarians, the Committee on the Human Rights of Parliamentarians, the Committee on Middle East Questions, the Group of Facilitators for Cyprus, the Committee to Promote Respect for International Humanitarian Law, the Gender Partnership Group, the Advisory Group on HIV/AIDS and Maternal, Newborn and Child Health, and the Forum of Young Parliamentarians of the IPU (see page 17). It also approved the 23 resolutions submitted to it by the Committee on the Human Rights of Parliamentarians, noting the reservations expressed by the delegations of Cuba, Ecuador, the Russian Federation and Venezuela.

9. Future inter-parliamentary meetings

The Governing Council confirmed the decision to hold the 134th Assembly in Lusaka (Zambia) from 19 to 23 March 2016. It also approved the list of international organizations and other bodies to be

invited to follow the work of the 131st Assembly as Observers, having added the INTOSAI to the list (see page 81).

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

10. Amendments to the Statutes and Rules

As a follow-up to the series of amendments to the Statutes and Rules approved at its 193rd session with a view to modifying the format of IPU Assemblies, improving the functioning of the Standing Committees and their Bureaux, and placing the IPU Committee on United Nations Affairs on an equal footing with the Standing Committees, the Council approved amendments to the Rules of the Meeting of Women Parliamentarians and of the Coordinating Committee of Women Parliamentarians (see page 53) and the Rules and Practices of the Committee on the Human Rights of Parliamentarians (see page 54). The Council also approved the Rules and Working Modalities of the Forum of Young Parliamentarians of the IPU (see page 68).

11. 125th anniversary of the IPU

The Council was informed of the preparations being made to celebrate the 125th anniversary of the organization during the year. The anniversary day - 30 June - would be commemorated in Geneva, where the Executive Committee would convene and also oversee the handover from the outgoing to the new Secretary General.

The Council urged all parliaments to take a moment that day to celebrate the anniversary. The Secretariat was preparing an anniversary brochure highlighting 10 significant actions and achievements of the IPU that would be sent to all parliaments.

The Council took note of the many actions being taken in Geneva to highlight the anniversary. IPU flags would fly on the Mont Blanc Bridge in the centre of town during the week of the anniversary, flags would adorn buses and an exhibit on the IPU would be on display by the lake in September and early October, during the 131st Assembly.

The Council urged all Members to organize exhibitions in their respective parliaments using the IPU exhibit.

268th session of the Executive Committee

The Executive Committee held its 268th session in Geneva on 13, 14, 15 and 19 March 2014. The President of the IPU chaired the meetings. The following members took part in the session: Mr. V. Senko (Belarus), on 15 and 19 March, Ms. F. Diendéré Diallo (Burkina Faso), Ms. S. Ataullahjan (Canada), Ms. S. Moulengui-Mouélé (Gabon), Mr. N. Lammert (Germany) on 15 March, Ms. N. Ali Assegaf (Indonesia, President of the Coordinating Committee of Women Parliamentarians), on 13, 14 and 15 March and Ms. M. Mensah-Williams (Namibia) on 19 March, Ms. N. Motsamai (Lesotho), Ms. M. de Boer (Netherlands), replacing Mr. K. Dijkhoff, Mr. M. Raza Rabbani (Pakistan), Mr. F. Drilon (Philippines), Ms. T. Boontong (Thailand), replacing Mr. P. Tanbanjong, Ms. R. Kadaga (Uganda), on 13, 14 and 15 March, Mr. R.M. Al Shariqi (United Arab Emirates), Mr. R. Walter (United Kingdom), Ms. I. Passada (Uruguay) and Mr. D. Vivas Velasco (Venezuela)

The Executive Committee made recommendations on certain agenda items that were to be addressed by the Governing Council. Other matters considered by the Committee are summarized below.

The Executive Committee approved a request for the IPU to again enter into a partnership with the World Future Council and the United Nations on the 2014 Future Policy Award, to be given to policies aimed at combating violence against women.

The Executive Committee received the report of the first meeting of the Sub-Committee on the future IPU-UN cooperation agreement. It examined and finalized a proposal for the UN General Assembly resolution on cooperation between the United Nations, national parliaments and the IPU, to be adopted in May 2014.

The Executive Committee examined the report of the first meeting of the Preparatory Committee for the Fourth World Conference of Speakers of Parliament. Speakers were encouraged to attend the landmark event in 2015, which was timed to coincide with the Summit of Heads of State and Government at the United Nations. That would be particularly important in view of the adoption of the post-2015 sustainable development goals.

The Executive Committee approved an amendment to the IPU Staff Regulations on the retirement age, to align it with the new rules in force at the United Nations.

It also agreed to renew the mandate of the Swiss Federal Audit Office as the External Auditors of the IPU for a further three years.

It appointed Ms. S. Ataullahjan as Chair of the Sub-Committee on Finance and Mr. R. Walter as the new president of the legacy pension fund for retired staff members.

At its sitting on 14 March, the Committee was informed of staff movements. Ms. Paddy Torsney, a Canadian national, had recently been recruited as Head of the New York Office. Ms. Stara Ahmidouch had been promoted to Head of Language Services at the P4 level as of 1 January 2014 and Mr. Nikhil Ray, an Indian and French national, had been recently recruited as a junior Programme Officer for Technical Cooperation. He would take up his functions on 1 April 2014.

At its sitting on 15 March, which was held *in camera*, the Committee interviewed the five short-listed candidates for the post of Secretary General. At the end of its sitting, it put forward the following three names for election in the Governing Council on 20 March: Mr. Martin Chungong (Cameroon, Deputy Secretary General), Ms. Shazia Rafi (Pakistan) and Mr. Geert Versnick (Belgium).

Also at this sitting, the Executive Committee finalized the modalities for the election of the Secretary General and approved the contract that would be offered to that office-holder.

Sub-Committee on Finance

The Sub-Committee on Finance met on 12 March to prepare and facilitate the Executive Committee's consideration of financial and budgetary matters. It examined the Financial Results for 2013, the External Auditor's Report and the Financial Situation of the IPU and was pleased to note that the IPU's accounts were again fully IPSAS-compliant. The IPU was in a sound financial position overall, posting a net surplus of CHF 0.57 million. It had managed to respect zero growth in Members' contributions and had achieved cost savings mainly by deferring recruitment to one staff position and lowering administrative costs. The Sub-Committee noted with satisfaction the higher level of voluntary contributions.

The Sub-Committee reviewed the mid-term evaluation of the IPU Strategy for 2012-2017 and referred discussion to the Executive Committee.

Meeting and Coordinating Committee of Women Parliamentarians

The Nineteenth Meeting of Women Parliamentarians took place on 16 and 18 March 2014. A total of 103 women from 81 countries attended.

The President of the Coordinating Committee of Women Parliamentarians, Ms. N. Ali Assegaf (Indonesia), chaired the Meeting's session on 16 March, which was opened by the IPU President, Mr. A. Radi.

Ms. Assegaf briefly summed up the work carried out by the Committee at its previous two sessions, which included preparations for the contribution of the Meeting of Women Parliamentarians to the 130th Assembly and the hearing of the candidates for the post of IPU Secretary General.

The Meeting adopted amendments to its Rules and those of the Coordinating Committee of Women Parliamentarians, reflecting the fact that the Meeting of Women Parliamentarians would henceforth convene at each IPU Assembly.

The participants heard a presentation on *Women in Politics: 2014*, a map produced jointly by the IPU and UN Women, and on progress and setbacks with regard to women's participation in parliament in 2013. While welcoming the progress made (the global average proportion of women in parliament had reached 21.8% by the end of 2013), they emphasized that several obstacles continued to hamper women's participation in politics, including education, political and electoral culture, economic inequality and difficulties related to election campaign funding.

As its contribution to the Assembly, the Meeting considered the following Standing Committee agenda items from a gender perspective:

- *Towards risk-resilient development: Taking into consideration demographic trends and natural constraints* (Standing Committee on Sustainable Development, Finance and Trade); and
- *The role of parliaments in protecting the rights of children, in particular unaccompanied migrant children, and in preventing their exploitation in situations of war and conflict* (Standing Committee on Democracy and Human Rights).

The participants then split into two discussion groups, one per topic. The first group was chaired by Ms. B. Amongi (Uganda), who also acted as rapporteur; the second was chaired by Ms. S. Moulengui-Mouélé (Gabon). Ms. L. Alansari (Saudi Arabia) was elected as rapporteur. In the first working group, the subject was introduced by Mr. P. Mahoux (Belgium), co-Rapporteur of the Standing Committee on Sustainable Development, Finance and Trade, while Ms. G. Cuevas Barrón (Mexico) and Ms. J. Nassif (Bahrain), co-Rapporteurs of the Standing Committee on Democracy and Human Rights, addressed the members of the second discussion group.

Each group's report gave rise to proposed amendments to the draft resolutions of both Standing Committees. All of the proposed amendments were incorporated into the draft resolutions.

The afternoon session included a panel discussion on *What priorities for women in the next ten years?* The event began with statements by Ms. A. van Miltenburg, Speaker of the House of Representatives of the Netherlands, Ms. F. Diendéré Diallo, Deputy Speaker of the National Assembly of Burkina Faso, Ms. N. Chaabane, Member of the National Constituent Assembly of Tunisia, Ms. P. Cayetano, Philippines Senator, and Mr. A.B. Johnsson, the IPU Secretary General. Journalist Gunilla von Hall moderated the discussion, inviting participants to identify three areas on which to focus their work in the coming years.

Women accounted for more than half of the world's population but remained by far the most disadvantaged group in all spheres of life. They also had the largest untapped potential for progress. The current discussion of the post-2015 development agenda offered a significant opportunity to ensure that gender equality was a central component of the new development framework. It was therefore important to ensure that women's voices were heard. The discussion identified the following main priorities: ensuring respect for women's fundamental rights, eliminating violence against women and girls, improving women's enjoyment of economic rights and their economic emancipation, overcoming stereotypes and strengthening women's participation in politics.

At the end of the discussion, the Meeting paid tribute to Mr. Johnsson and underscored the exceptional work he had done during his mandate to strengthen the role of women in the IPU and in parliaments, and to mainstream the gender perspective into the structure, functioning and work of the organization.

The Meeting then heard the candidates for the post of IPU Secretary General, in order, among other things, to obtain a better understanding of the role that gender issues would play in the new Secretary General's programme.

The second session of the Meeting of Women Parliamentarians, on Tuesday, 18 March, was dedicated to the election of the regional

representatives on the Coordinating Committee and its Bureau. The session was chaired by Ms. B. Amongi (Uganda). The election results are provided on page 23. Ms. M. Mensah-Williams (Namibia) was elected as President of the Committee, Ms. U. Karlsson (Sweden) as First Vice-President and Ms. F. Al Farsi (Oman) as Second Vice-President.

The newly composed Coordinating Committee met on 19 March. It began preparations for the next Meeting of Women Parliamentarians and discussed its contribution to several ongoing projects being carried out by the IPU Gender Partnership Group.

Subsidiary bodies and Committees of the Governing Council

1. Committee on the Human Rights of Parliamentarians

Ms. A. Clwyd (United Kingdom), Mr. K. Jalali (Islamic Republic of Iran), Mr. J.-P. Letelier (Chile) and Mr. U. Nilsson (Sweden), titular members, and Mr. F.K. Chowdhury (Bangladesh), Ms. M. Kiener Nellen (Switzerland) and Mr. B. Mbuku-Laka (Democratic Republic of the Congo), substitute members, participated in the 144th session of the Committee, held from 15 to 19 March 2014. During the session, the Committee held hearings with 11 delegations with a view to gaining a better understanding of the cases before it and sharing its concerns with them.

The Committee examined the cases of 158 former and sitting members of parliament in 21 countries. It submitted 23 resolutions to the Governing Council for adoption on cases concerning the following countries: Burundi, Cameroon, Chad, Colombia, Democratic Republic of the Congo, Ecuador, Iraq, Malaysia, Pakistan, Palestine/Israel, Turkey, Venezuela, Zambia and Zimbabwe.

2. Committee on Middle East Questions

The Committee met on 16 and 19 March 2014. The meetings were attended by Lord Judd (United Kingdom), Ms. M. Green (Sweden), Ms. Z. Benarous (Algeria), Ms. M. Mensah-Williams (Namibia), Mr. H. Franken (Netherlands), Mr. T. Henare (New Zealand), Ms. C. Guittet (France), Ms. H. Amran (Indonesia), Mr. G. Farina (Italy), and member-elect, Mr. A. Al-Ahmad (Palestine).

The Committee used the meeting to revisit its mandate and to reaffirm its commitment to facilitating dialogue among legislators in the Middle East. The Committee then decided on the format and substance for a series of round-table meetings. It also decided to hold briefing sessions with the Committee on the Human Rights of Parliamentarians. (See page 74 for the full report.)

3. Group of Facilitators for Cyprus

The Group of Facilitators for Cyprus met on 18 March 2014. The meeting was attended by the two Facilitators, Mr. J. Lobkowicz (Czech Republic) and Ms. R. Albernaz (Portugal), as well as Mr. M. Garoyian, Ms. S. Koutra-Koukouma and Mr. G. Varnava, representing the House of Representatives of the Republic of Cyprus, and Mr. E. Sahali, Mr. H.E. Saner, Mr. M. Gündüz and Mr. Z. Çeler, representing the Turkish Cypriot political parties.

The parties expressed strong support for the recent Joint Declaration agreed by the President of the Republic, Mr. N. Anastasiades, and the Turkish Cypriot leader, Mr. D. Eroglu, on the commencement of negotiations. They stated the importance of a lasting and viable solution for the unification of Cyprus based on a bizonal, bicomunal federation and political equality, in accordance with the relevant United Nations resolutions and the values and principles of the European Union, and expressed the hope that such a solution would be found. They welcomed the fact that the Group of Facilitators would continue to meet.

4. Committee to Promote Respect for International Humanitarian Law

The Committee met on Monday, 17 March 2014. Representatives of the International Committee of the Red Cross (ICRC) and the Office of the United Nations High Commissioner for Refugees (UNHCR) also attended. The Committee elected Ms. G. Cuevas Barrón (Mexico) as Chair.

It discussed the plight of Syrian refugees three years after the onset of the conflict and the follow-up to the report on its mission to Jordan in June 2013, which had focused on the refugees' living conditions and the impact of the situation on their host communities. The Jordanian and Lebanese delegations to the 130th Assembly provided additional information in that respect. It also discussed the question of internally displaced persons (IDPs) in Syria with the Syrian delegation. (See page 74 for the full report).

It went on to discuss its contribution to the commemoration of the 60th anniversary of the 1954 Convention relating to the Status of Stateless Persons and UNHCR's campaign to combat statelessness. UNHCR would launch a global campaign calling on all stakeholders to contribute to the elimination of statelessness, including parliaments. It would implement a global media strategy focusing on the human impact of statelessness; it would launch a global report in May 2014 and host a global forum on statelessness in September 2014. In addition, UNHCR and the IPU would produce a revised version of their joint handbook on nationality and statelessness.

The ICRC representative briefed the Committee on the latest developments in the ICRC's *Health Care in Danger* project, which was aimed at the development of domestic normative frameworks on the protection of the provision of health care in conflict situations. The Committee reiterated its interest in being involved in the project and more generally in involving parliaments in the follow-up to the project outcome.

The Committee also agreed to begin working with the ICRC on an update to the 1999 IPU-ICRC publication, *Handbook for Parliamentarians: Respect for International Humanitarian Law*.

5. Gender Partnership Group

The Gender Partnership Group was unable to meet during the 130th Assembly, owing to the absence of some of its members. Statistics on the participation of women at the Assembly were nevertheless distributed and discussed in various committees and by the Governing Council. As at 20 March, of the 705 delegates present at the

Assembly, 214 (30.4%) were women. That was the highest number of women delegates ever to attend an IPU Assembly, although not the highest percentage. Of the 145 delegations present at the Assembly, 134 comprised at least two delegates; 16 of those were composed exclusively of men (11.9%), while two delegations consisted only of women. Single-sex delegations came from all geopolitical groups.

6. Advisory Group on HIV/AIDS and Maternal, Newborn and Child Health

The Advisory Group met on the first day of the 130th Assembly. The meeting was chaired by Ms. T. Khumalo (Zimbabwe), Advisory Group Vice-President, and attended by Advisory Group members Ms. P. Bayr (Austria) and Ms. S. Aljowder (Bahrain). Representatives of international organizations that provided technical support to the Group were also present: PMNCH, the Global Fund to Fight AIDS, Tuberculosis and Malaria, UNAIDS and WHO. A representative of UNDP attended as an observer.

The Advisory Group approved a strategic approach to its work organized around the streams of accountability, advocacy, and policy research and development. The intention was to deliver on existing and future commitments to IPU Members and donors while making sure that the IPU contribution remained responsive to the most pressing needs requiring parliamentary engagement.

The IPU and its Advisory Group would focus on the following key objectives: promote accountability and contribute to implementation of international commitments in the areas of MNCH and HIV/AIDS, including the IPU 2012 resolution on access to health as a basic right; increase capacity among parliamentarians to address key legal, programmatic and financial challenges affecting progress in these areas in their countries; and engage parliamentarians as critical actors for advancing progress through their role as legislators, community leaders and overseers of national budgets.

In the area of policy research and development, work would be conducted in the following areas: studying the impact of legislation on health; examining new evidence and developing recommendations to inform parliamentary work on health; and documenting and sharing examples of good parliamentary practice on HIV/AIDS and MNCH. This sharper focus on research would also enable the IPU and its partners to document and showcase the impact of their work on improving the actual situation on the ground in the two core areas.

The Group recommended that areas such as prevention of mother-to-child transmission of HIV, health of women and girls and sexual and reproductive health be treated as cross-cutting areas for both HIV/AIDS and MNCH. Areas that were more specific to either one should continue to be treated through separate project activities and implemented at the national, regional and global levels, depending on their nature of activities.

The Advisory Group also discussed the impact of laws on access to health services, especially anti-homosexuality laws. The members expressed serious concern about the impact of criminalization of some marginalized groups on their health and access to services. The Group urged the IPU to promote dialogue on that issue on the basis of evidence-based knowledge, possibly through a dedicated session during the 131st Assembly.

7. Forum of Young Parliamentarians of the IPU

The Forum of Young Parliamentarians of the IPU met on 17 March 2014. It was chaired by Mr. D. Vintimilla (Ecuador).

More than 50 participants attended the Forum. Many of them were the youngest members of their parliaments. The average age of the participants was 35 years, with the youngest 22 years old

The meeting was also attended by the Speaker of the Parliament of Tonga and the Deputy Speaker of the Parliament of Sweden. Since the Forum was attended by more men than women, it decided to appeal to Member Parliaments to include young women in their delegations to the Forum in future.

The young parliamentarians focused their discussions on the draft resolutions under consideration by the Standing Committees. They expressed support for the drafts and presented their views on them from a youth perspective. With regard to the draft resolution on *Towards risk-resilient development: Taking into consideration demographic trends and natural constraints*, the young parliamentarians considered that young people were key actors in risk-resilient development. They also considered that, thanks to their connectivity, young people could be effective participants in disaster management and rescue operations. The young parliamentarians also discussed the draft

resolution on *The role of parliaments in protecting the rights of children, in particular unaccompanied migrant children, and in preventing their exploitation in situations of war and conflict*. They underscored the obligation to guarantee the child's right to asylum and the need to protect the freedom of expression of all citizens, including the youngest.

The Forum submitted its Rules and Working Modalities to the Governing Council for adoption at its 194th session, held during the 130th Assembly.

The young parliamentarians discussed implementation of the Forum's Rules and Working Modalities, through which it could submit a youth overview report on items under consideration by the Standing Committees. A report would be provided to each Standing Committee by a member designated by the Forum. Mr. D. Vintimilla (Ecuador) would submit a report on *Cyber warfare – A serious threat to peace and global security* to the Standing Committee on Peace and International Security; Mr. B. Gatobu (Kenya) would submit a report on *Shaping a new system of water governance: Promoting parliamentary action on water* to the Standing Committee on Sustainable Development, Finance and Trade; and Ms. F. Thiam (Senegal) would submit a report on *International law as it relates to national sovereignty, non-intervention in the internal affairs of States and human rights* to the Standing Committee on Democracy and Human Rights.

The participants agreed that elections to the Board of Young Parliamentarians, the executive organ of the Forum, would be held at the next Assembly. Each geopolitical group would be represented by one male and one female member under the age of 45 years.

The Forum held a question-and-answer session with the shortlisted candidates for the post of IPU Secretary General. Questions focused on what support the candidates would provide to the Forum and ways to enhance youth participation in parliament.

The young parliamentarians discussed activities for youth participation planned for 2014, in particular the first ever IPU Conference of Young Parliamentarians, to be held in October 2014.

Media and communications

IPU Communications issued five press releases relating to the 130th Assembly and carried out three briefings with the press corps accredited to the United Nations in Geneva before the event. As a result, several journalists from the press corps attended the Assembly at different moments in the week. About 100 TV, radio and print journalists, and photographers were accredited to the Assembly; 64 of them from 16 countries were accompanying national delegations.

Media coverage of the Assembly was extensive. Initial media monitoring from limited open-source content on websites around the world revealed coverage in several languages, including English, French, Spanish and Vietnamese.

Geographically, coverage was virtually global, with only some parts of Africa, a few Central Asian and European countries with little or no reporting.

A minimum of 1,400 online articles and blogs mentioning IPU and the Assembly were posted. Nearly 660 of these articles were on websites with nearly 900 million unique visitors. The articles covered a wide range of issues, including the election of the new Secretary General, the crisis situations in the Central African Republic and Ukraine, women, children, the new Tunisian Constitution, nuclear disarmament, the election of specific MPs to IPU committees, the signing of a memorandum of cooperation between the IPU and the United Arab Emirates, human rights in Venezuela and bilateral meetings

Television coverage of the Assembly was also very international. In addition to TV footage and stories filed by media accompanying national delegations, including Angola, Nigeria, the United Arab Emirates and Venezuela, three TV edited news stories with interviews were provided to the European Broadcasting Union for distribution to 56 national TV channels across Europe and to many more in other regions of the world.

More than 35 interviews were set up and given by the IPU Secretary General, the Secretary General-elect, Speakers and members of parliament for international broadcasters with tens of millions of listeners such as BBC World Service, Radio France Internationale, Voice of America and United Nations Radio, as well as print media and news agencies such as Itar Tass and Lusa.

As in the recent past, there was a Twitter event using the #IPU130 hashtag with a live feed in the plenary and other main meeting rooms. Once again, it proved a success and heightened the dynamism of the debates and interactivity of the Assembly. There were nearly 1,900 posts using the #IPU130 hashtag by more than 700 users. The most active moments were the opening and closing days of the Assembly, reaching more than 2.8 million accounts and left nearly 7.6 million impressions. There were more than 2,200 twitter posts with @IPUparliament reaching nearly 3.1 million accounts and leaving close to 8.1 million impressions. There was also an impressive increase in the number of followers of @IPUparliament during the Assembly days. Flickr was again widely used to distribute photos of the Assembly to media and the participants.

During the Assembly, four new publications were profiled at the publications stand: *Annual Report 2013*, *Effective Laws to End HIV and AIDS: Next Steps for Parliaments*, the *Map of Women in Politics: 2014* and *Women in Parliament in 2013: The year in review*. Other recent and older publications were also distributed, and 70 order forms received for publications.

IPU Communications also produced eight short videos tied to the 125th anniversary of the organization and the theme of the Assembly. Entitled *Reflections on IPU*, the videos were shown at the start of virtually every Governing Council and Assembly sitting and captured Members' thoughts on IPU achievements. Members were also photographed and approached for contributions to the online project *Faces of IPU*.

Other meetings

1. Joint Meeting of the Bureaux of the Standing Committees and the Presidents of the geopolitical groups

The Standing Committee Bureaux met with the Presidents of the geopolitical groups in the afternoon of 16 March, under the chairmanship of Mr. S.H. Chowdhury (Bangladesh), President of the Standing Committee on Peace and International Security.

The main purpose of the Meeting was to discuss the implementation of the amendments to the IPU Statutes and Rules, particularly in relation to the establishment of the new and enlarged Standing Committee Bureaux and the designation of the Standing Committee Presidents and Vice-Presidents.

The Presidents of the geopolitical groups confirmed that the groups, which had met ahead of the Assembly, were in the process of finalizing their nominations for the Bureaux. Elections were being held in all groups to designate their three representatives to each Bureau, based on the criteria of competence and gender equality, and taking the opportunity to enable new Member Parliaments and young parliamentarians to be elected as Bureau members. As each Bureau would meet in the course of the Assembly, it was important for the groups to coordinate in order to ensure that the leadership posts were equitably distributed among the various groups.

The participants all agreed that the Meeting had been a very useful exercise, as it allowed for a smoother flow of information between and better coordination among the geopolitical groups on the main issues relating to the work of the Standing Committees. It also allowed for better understanding of the priority actions that needed to be taken during the Assembly. The participants called on the IPU Secretariat to arrange for the Joint Meeting to take place in advance of all future IPU Assemblies.

2. Panel discussion on Promoting the child's best interest: The case of migrant children

Although migration could be a positive experience for children, affording them access to a better quality of life, migrant children faced considerable challenges that they struggled to overcome because of their young age, and which made them particularly vulnerable. In order to protect the best interests of the child, therefore,

all activities, including at parliamentary level, should be conducted with a view to supporting those children through the various stages of their journey as migrants.

With that in mind, a panel discussion was held in which about 60 parliamentarians and parliamentary advisers participated.

The aims of the discussion were to:

- inform parliamentarians about current migratory movements of children, the opportunities and difficulties involved in migration and the measures needed to provide a better future for migrant children;
- exchange views on how parliaments and parliamentarians could meet the challenges posed by child migration, particularly by exercising their legislative, policymaking and oversight authority; and
- discuss various ways of mobilizing parliamentarians around the world, sharing best practices and promoting cooperation between parliamentarians, on the one hand, and between parliaments and other relevant players, on the other.

The panel discussion was moderated by Ms. A.G. Guevara (Mexico), Chairperson of the Committee on Immigration in the Mexican Parliament. The panellists were Ms. A. Fonseca, Chief Adviser, Migrant Assistance Division, IOM, Mr. D. Ponet, Parliamentary Specialist, UNICEF, and Mr. R. Widmer, Director, International Social Service, Switzerland, who had been invited to take part in the discussion in their capacity as experts.

The participants talked about recent developments in migration flows. Of the 33 million migrants in the world aged under 20, 11 million were between 15 and 19 years old, and 9 million were between 10 and 14 years old. Those statistics, however, did not give a clear idea of the number of unaccompanied minors.

In order to define the measures to be taken in countries of destination and countries of origin, the participants began by discussing the main challenges faced during the various stages of migration.

In countries of destination, participants considered it would be useful to take the following measures:

- adapt protection, shelter and care assistance;
- identify guardians;
- strengthen child protection systems;
- find out the age of the children hosted; and

- strengthen cooperation with countries of origin in order to increase the success of searches for family members.

In countries of origin, the following measures would be useful:

- guarantee protection to nationals abroad and to returning migrant children;
- establish local centres for children; and
- ensure sustainable reintegration, taking account of the age of those concerned.

At the end of the discussion, the participants agreed to recommend that parliaments should:

- adopt laws granting access to basic services for all children;
- make the necessary budget allocations relevant to those laws;
- oversee respect for international commitments;
- organize forums for discussion and sharing of best practices at international level;
- pay greater attention to the needs of migrant children in development programmes;
- set clear standards and guidelines for guardians; and
- encourage greater cooperation between countries of destination and countries of origin, in order to find appropriate responses and comprehensive solutions.

3. Panel discussion on Reasons for the high turnover of parliamentarians at elections

The panel discussion opened with remarks by Mr. A. Burt (United Kingdom) and Ms. M.-A. Rose (Seychelles), after which the participants discussed the reasons for the high turnover of parliamentarians and the consequences thereof during an exchange of views moderated by Mr. J.C. Mahía (Uruguay).

Only a few decades ago, it was anticipated that elected officials entering parliament would stay there. Parliamentarians also had a better image. Today they were less likely to become “institutionalized”. Many chose not to run for a second term because of the complexity of the job. Others chose to serve one or two terms as part of a more diverse career path. The face of parliamentarians was also changing, with new people from outside the political class – actors, and sports personalities – entering parliament.

Citizens had far higher expectations of parliamentarians than before, particularly at the local level. Technology, in particular social media, was reshaping the political world. Constituents could use social media to make their voices heard to a wider audience. The political debate was shifting towards citizen responsibility, as parliamentarians seldom took bold or unpopular decisions for the good of the people, for fear that they would not be re-elected.

Driven in part by social media, more parliamentarians were finding themselves responding to their constituents’ expectations by making promises they were unable to keep. Politicians competing for votes might lead the public to believe that they could achieve what the opposition had not. It was important to strike a balance between responsibility, change and the ability to deliver on promises. Parliamentarians had fewer tools than executives for implementing policy and therefore had greater difficulty keeping their promises.

Political parties also played a role in the turnover of parliamentarians. They tended to put forward candidates according to their “winability”, nominating those less likely to win, in particular women, for riskier seats.

The discussion also covered women’s participation in politics, particularly in parliament. Many parliaments were introducing quotas or other mechanisms to promote women’s participation. Even with those mechanisms, however, women parliamentarians frequently decided not to run after completing their first term, inter alia because, even in a world seeking greater equality, women continued to bear the brunt at home. In addition, parliamentary procedures were often not in women’s favour. The participants also considered the advantages and disadvantages of the turnover in parliamentarians. The advantages included a representative parliament that more closely mirrored society, greater participation by women and young people, representation of diverse ideas and views, fresh perspectives and different attitudes, and an enhanced capacity for reform and procedural change. One example given was the reinforcement of parliamentary committees, which had previously been established by the whips but were now elected by the parliamentarians themselves.

The participants nevertheless struck a cautionary note: high turnover could lead to a loss of experience and a less effective institution. Moreover, while the arrival of a fresh intake of parliamentarians provided the opportunity to examine long-standing practices, it was equally important to uphold some of the structures and traditions that were essential to the work of parliament.

Several participants spoke about the importance of a strong institution to serve parliamentarians, including a professional and neutral cadre of parliamentary officials.

The moderator concluded his summary of the discussion by quoting a Chilean philosopher: “The future is not what it used to be.”

Other activities

Field visit to the immigration reception centre for Vaud (EVAM) in Lausanne

About 30 parliamentarians took part in a field visit to a shelter for unaccompanied minors in the Vaudois Migration Centre in Lausanne on 18 March 2014. The visit was intended to enable parliamentarians to learn from Switzerland's best practices with regard to the reception of migrants, in particular unaccompanied minors.

The visit was divided into two parts: a presentation on the centre and the shelter and a site visit of the facilities for unaccompanied minors.

Established under the law on assistance to asylum-seekers and certain categories of foreigners, the Centre was a cantonal entity under public law, mandated by the Canton of Vaud to carry out two main tasks: assisting migrants and providing emergency aid to irregular migrants. However, neither asylum procedures nor the provision of residence permits were within its remit.

Specifically established to house unaccompanied minors, the shelter had 42 places and a team of nine staff to care for the children. Children from 18 countries were housed there; their average age was 15.

The shelter had three objectives: develop the minors' independence, help them on the path to socialization and promote their integration.

During discussions with the shelter's management, the parliamentarians asked various questions relating to:

- personal data and how each child's country of origin was determined;
- schooling and cultural education, which aimed to promote access for unaccompanied minors to conventional education and give them the necessary skills to integrate into professional life, and to guarantee their development through cultural activities;
- what happened when the children reached the age of majority, particularly if their asylum application, which the Centre could endorse, if necessary, was rejected (some of them became illegal migrants, while others chose to return to their countries of origin); and
- the children's integration / reintegration into their countries of origin (the returnee aid fund was available to those who wished to rebuild their lives in their country of origin).

On concluding their visit, the participants agreed that the shelter for unaccompanied minors in Lausanne was an appropriate structure to meet the social, psychological and emotional needs of children, and called for more such structures to be established so that care could be provided for a greater number of migrant children. They were also in favour of strengthening cooperation between countries of the North and countries of the South, in order to share best practices in that regard.

Elections and appointments

1. President of the 130th Assembly of the Inter-Parliamentary Union

The President of the Inter-Parliamentary Union, Mr. Abdelwahad Radi, chaired the deliberations.

2. Executive Committee

The Committee elected Ms. S. Ataullahjan (Canada) to replace Mr. D.H. Oliver (Canada), who was no longer an MP, until the end of his term in October 2014. It also elected Mr. N. Lammert (Germany) to replace Mr. J.P. Winkler, who was no longer an MP, until the end of his term in October 2015.

3. Sub-Committee on Finance

Ms. S. Ataullahjan (Canada) was nominated as Chairperson to replace Mr. D.H. Oliver (Canada), who was no longer an MP.

4. Gender Partnership Group

The Executive Committee appointed Mr. P. Tanbanjong (Thailand) and Mr. R.M.K. Al Shariqi (United Arab Emirates) to the Group.

5. Bureaux of the Standing Committees

Standing Committee on Peace and International Security

President

Mr. G. Schneeman (South Africa)

Vice-President

To be appointed (Arab Group)

African Group

Ms. Z. Drif Bitat (Algeria)

Mr. P. Nzengué Mayila (Gabon)

Mr. G. Schneeman (South Africa)

Arab Group

Ms. S. Hajji Taqawi (Bahrain)

Mr. A. Omari (Morocco)

Mr. A. Al-Ahmad (Palestine)

Asia-Pacific Group

Ms. S. Barakzai (Afghanistan)

Mr. S. Danusubroto (Indonesia)

Mr. M. Hosseini Sadr (Islamic Rep. of Iran)

Eurasia Group

Ms. K. Atshemyan (Armenia)

Mr. M. Ashimbayev (Kazakhstan)

Mr. A. Klimov (Russian Federation)

Group of Latin America and the Caribbean

Mr. R. Godoy (Argentina)

Ms. G. Fermín Nuesi (Dominican Republic)

Mr. Y. Jabour (Venezuela)

Twelve Plus Group

Ms. J. Durrieu (France)

Mr. A. Neofytou (Cyprus)

Mr. D. Pacheco (Portugal)

Standing Committee on Sustainable Development, Finance and Trade

President

Mr. R. León (Chile)

Vice-President

Mr. O. Hav (Denmark)

African Group

Ms. C. Cerqueira (Angola)

Mr. A. Cissé (Mali)

Mr. H.R. Mohamed (United Rep. of Tanzania)

Arab Group

Mr. J. Al Omar (Kuwait)

Mr. Y. Jaber (Lebanon)

Ms. Z. Ely Salem (Mauritania)

Asia-Pacific Group

Ms. N. Marino (Australia)

Mr. I.A. Bilour (Pakistan)

Eurasia Group

Mr. K. Chshmaritian (Armenia)

Mr. S. Gavrilov (Russian Federation)

Group of Latin America and the Caribbean

Ms. N. Huarachi Condori (Bolivia)

Mr. R. León (Chile)

Mr. F. Bustamante (Ecuador)

Twelve Plus Group

Mr. F.-X. de Donnea (Belgium)

Mr. O. Hav (Denmark)

Ms. M. Obradović (Serbia)

Standing Committee on Democracy and Human Rights

President

Ms. F. Naderi (Afghanistan)

Vice-President

Mr. J.M. Galán (Colombia)

African Group

Mr. J.-A. Agbré Touni (Côte d'Ivoire)

Mr. D.P. Losiakou (Kenya)

Ms. A. Diouf (Senegal)

Arab Group

Ms. J. Nassif (Bahrain)

Mr. R. Abdul-Jabbar (Iraq)

Mr. Y. Assaad (Syrian Arab Republic)

Asia-Pacific Group

Ms. F. Naderi (Afghanistan)

Ms. Lork Kheng (Cambodia)

Mr. S. Mahmood (Pakistan)

Eurasia Group

Ms. A. Naumchik (Belarus)

Ms. E. Vtorygina (Russian Federation)

Group of Latin America and the Caribbean

Mr. J.M. Galán (Colombia)

Ms. K. Sosa (El Salvador)

Mr. A. Misiekaba (Suriname)

Twelve Plus Group

Ms. S. Koutra-Koukouma (Cyprus)

Ms. L. Wall (New Zealand)

Mr. C. Janiak (Switzerland)

Standing Committee on United Nations Affairs

President

Ms. D.-T. Avgerinopoulou (Greece)

Vice-President

Mr. M. El Hassan Al Amin (Sudan)

African Group

Mr. A. Bouchouareb (Algeria)

Mr. M. Traoré (Burkina Faso)

Ms. C.N. Mukiite (Kenya)

Arab Group

Ms. R. Benmassaoud (Morocco)
Mr. M. El Hassan Al Amin (Sudan)
Mr. A.O. Al Mansouri (United Arab Emirates)

Asia-Pacific Group

Mr. S.H. Chowdhury (Bangladesh)
Mr. A. Budimanta (Indonesia)
Ms. V. Rattanapian (Thailand)

Eurasia Group

Mr. M. Margelov (Russian Federation)

Group of Latin America and the Caribbean

Ms. G. Ortiz González (Mexico)
Ms. I. Montenegro (Nicaragua)
Mr. J.C. Mahía (Uruguay)

Twelve Plus Group

Mr. D. Dawson (Canada)
Ms. K. Komi (Finland)
Ms. D.-T. Avgerinopoulou (Greece)

6. Rapporteurs to the 131st and 132nd Assemblies

The Committee on Peace and International Security appointed Mr. J.C. Mahía (Uruguay) as rapporteur for the subject item: *Cyber warfare – A serious threat to peace and global security*. The second rapporteur will be appointed from the Arab Group.

The Committee on Sustainable Development, Finance and Trade elected Mr. J. Mwiimbu (Zambia) as rapporteur for the subject item *Shaping a new system of water governance: Promoting parliamentary action on water*. The second co-Rapporteur would be announced at a later date.

The Committee on Democracy and Human Rights appointed Mr. A.J. Ahmad (United Arab Emirates) and Mr. P. Mahoux (Belgium) as co-Rapporteurs for the subject item *International law as it relates to national sovereignty, non-intervention in the internal affairs of States and human rights*.

7. Committee on the Human Rights of Parliamentarians

The Committee elected Mr. A.A. Gueye (Senegal) as a titular member for a term ending in March 2019.

8. Committee on Middle East Questions

Mr. A. Al-Ahmad (Palestine) was elected as a substitute member for a term ending in March 2018.

Ms. C. Vienne (Belgium) was elected as a substitute member for a term ending in March 2018.

Ms. D. Pascal Allende (Chile) was elected as a titular member for a term ending in March 2018

9. Group of Facilitators for Cyprus

Mr. M. Sheerit (Israel) was elected as a Facilitator.

10. Committee to Promote Respect for International Humanitarian Law

Ms. G. Cuevas Barrón (Mexico) was nominated as Chairperson of the Committee to Promote Respect for International Humanitarian Law to replace Mr. A.A. Cakra Wijaya (Indonesia) whose mandate had expired.

Mr. S. Owais (Jordan) was elected for a term ending in 2018.

11. Coordinating Committee of Women Parliamentarians

President

Ms. M. Mensah-Williams (Namibia)

First Vice-President

Ms. U. Karlsson (Sweden)

Second Vice-President

Ms. F. Al Farsi (Oman)

African Group

Ms. B. Amongi (Uganda) and Ms. M. Mensah-Williams (Namibia) were elected as titular members for terms ending in March 2016 and March 2018 respectively.

Ms. O. Nongou Louembet (Gabon) was elected as a substitute member for a term ending in March 2018.

Arab Group

Ms. L. Al-Gaud (Bahrain) and Ms. F. Al Farsi (Oman) were elected as titular members for terms ending in March 2016 and March 2018 respectively.

Ms. S. Kousantini (Tunisia) was elected as a substitute member for a term ending in March 2018.

Asia-Pacific Group

Ms. T. Boontong (Thailand) was elected as a titular member for a term ending in March 2018.

Ms. E. Ershad (Afghanistan) and Ms. A. Khalid Parvez (Pakistan) were elected as substitute members for terms ending in March 2016 and March 2018 respectively.

Eurasia Group

Ms. H. Bisharyan (Armenia) and Ms. V. Petrenko (Russian Federation) were elected as titular members for terms ending in March 2016 and March 2018 respectively.

Ms. O. Timofeeva (Russian Federation) and Ms. E. Shamal (Belarus) were elected as substitute members for terms ending in March 2016 and March 2018 respectively.

Group of Latin America and the Caribbean

Ms. A. Ocles Padilla (Ecuador) was elected as a titular member for a term ending in March 2018.

Ms. M. Higonet (Argentina) and Ms. L. Arias Medrano (Dominican Republic) were elected as substitute members for terms ending in March 2016 and March 2018 respectively.

Twelve Plus Group

Ms. M. André (France) was elected as a titular member for a term ending in March 2018.

Ms. P. Ernstberger (Germany) was elected as substitute member for a term ending in March 2018.

12. Secretary General of the Inter-Parliamentary Union

Mr. Martin Chungong was elected Secretary General for a four-year term of office running from 1 July 2014 to 30 June 2018 (see details of the vote on page 10).

Members of the Inter-Parliamentary Union¹

Members (164)

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

Associate Members (10)

Andean Parliament, Arab Parliament, Central American Parliament, East African Legislative Assembly (EALA), European Parliament, Inter-Parliamentary Committee of the West African Economic and Monetary Union (WAEMU), Latin American Parliament (Parlatino), Parliamentary Assembly of the Council of Europe (PACE), Parliament of the Economic Community of West African States (ECOWAS) and the Parliament of the Economic and Monetary Community of Central Africa (CEMAC).

¹ At the closure of the 130th Assembly

Agenda, resolutions and other texts of the 130th Assembly of the Inter-Parliamentary Union

1. Election of the President and Vice-Presidents of the 130th Assembly
2. Consideration of requests for the inclusion of an emergency item in the Assembly agenda
3. General Debate on *IPU at 125: Renewing our commitment to peace and democracy*
4. Towards a nuclear-weapon-free world: The contribution of parliaments
(*Standing Committee on Peace and International Security*)
5. Towards risk-resilient development: Taking into consideration demographic trends and natural constraints
(*Standing Committee on Sustainable Development, Finance and Trade*)
6. The role of parliaments in protecting the rights of children, in particular unaccompanied migrant children, and in preventing their exploitation in situations of war and conflict
(*Standing Committee on Democracy and Human Rights*)
7. Report of the Standing Committee on United Nations Affairs
8. Approval of the subject items to be taken up by the Standing Committees and appointment of the Rapporteurs
9. Helping to restore peace and security and consolidate democracy in the Central African Republic: The contribution of the IPU

The IPU at 125: Renewing our commitment to peace and democracy

Chair's summary of the debate

*Endorsed by the 130th IPU Assembly
(Geneva, 20 March 2014)*

On the occasion of the 130th IPU Assembly (17–20 March 2014), 715 parliamentarians from 150 national parliaments met in Geneva, Switzerland. They reflected on the work of the IPU since its establishment in 1889 and expressed their unflinching commitment to peace and democracy.

Over the past 125 years, the world has witnessed two world wars, chemical and nuclear attacks, revolution, insurgency and terrorism. During that time, the IPU has worked tirelessly to promote peace and stability through dialogue and negotiation and to support new democracies.

Throughout its history, the IPU's membership has grown to 164 parliaments from all over the world; its sphere of activity has broadened significantly. From its beginnings as the first example of institutionalized multilateral cooperation, the IPU has become the focal point for worldwide parliamentary dialogue – an essential forum for the world's parliamentarians to interact, share ideas and experiences, and initiate joint action – advocating peace and cooperation among peoples, and striving for the firm establishment of representative democracy.

As the world organization of national parliaments, the IPU brings a parliamentary dimension to the work of the United Nations. It provides a unique venue for parliamentarians to discuss global issues, and bring the voice of members of parliament to UN decision-making bodies. This strong and strategic two-way partnership, which is based on dialogue and exchange, sets a solid foundation for peace and democracy the world over. This vision is embodied in the IPU Strategy for 2012-2017, *Better parliaments, stronger democracies*.

In an increasingly globalized world, no individual is an island. Rapid advances in information and communication technology mean that people around the world are increasingly interconnected. Citizens are demanding more and better responses from their elected representatives. When their rights are flouted and freedoms denied, people lose their trust in governance structures and will put their lives on the line in protest. Recent popular uprisings serve to illustrate the strength of "people power". The world over, people want responsible governments and accountable leaders, stability and peace. Parliaments must meet that challenge. To ensure success, democracy must be home-grown and adapted to national realities.

The world is no safer than it was 125 years ago: transnational organized crime, cybercrime, terrorism and the proliferation of weapons of mass destruction are but some of the serious threats to peace, security and fundamental rights. Peace is more than just the absence of conflict and violence; peace is the guarantee of the right of all citizens to participate in the development of society through representative democracy. The majority of operations to restore peace and security in post-conflict situations therefore share key goals: to elect a parliament that can ensure government by the people, for the people, and to build peace on a foundation of dialogue, cooperation and understanding.

Disarmament is the cornerstone of a safe world and parliamentarians have a key role to play in achieving it by assessing risks, legislating to mitigate those risks, and monitoring government compliance with domestic law and international obligations. Parliamentarians can build the legislative framework for a weapons-free world. Peace and security cannot be achieved through threats and the abuse of power; they must be carefully cultivated through dialogue, understanding, mutual respect and democracy.

Violations of fundamental freedoms, such as freedom of speech, freedom of association and the freedom to travel, are violations of democracy. Freedom is not free: it comes at the price of respect, trust and equality. Poverty, hunger and marginalization lead to dissatisfaction and unrest, and leave people vulnerable to exploitation under the guise of promises of a better life.

Trafficking in persons, labour exploitation and sexual exploitation and brutality are, unfortunately, widespread. These modern-day forms of slavery constitute a grave violation of the basic rights and freedoms enshrined in the Universal Declaration of Human Rights. The promotion and protection of human rights at the national level must therefore be driven by parliaments as a basic principle of democracy. Parliamentarians can legislate for the protection of human rights and fundamental freedoms, they can monitor the executive's compliance with international obligations, and they must speak out on behalf of the most vulnerable members of society. Parliamentarians, as the voice of the people, entrusted by the people to strive for a just and equitable society, must fulfil that responsibility.

Sadly, in some countries, the human rights of parliamentarians themselves are not respected. Their freedom of expression is denied. They are victimized, imprisoned, or even murdered for speaking out on behalf of their people. The IPU plays a crucial role, through the work of its Committee on the Human Rights of Parliamentarians, in bringing an end to these injustices. Using peaceful dialogue and negotiation the IPU obtains remarkable results, securing the release of political prisoners and redress for victims of violations.

True democracy simply cannot exist without equality and mutual respect. Women's participation in politics is essential. Unfortunately, women remain largely underrepresented in politics in many countries. The IPU's efforts to promote the inclusion of women in parliament have been invaluable and must continue. Similarly, the rights of indigenous peoples must be respected. Many indigenous peoples' livelihoods are endangered. Parliamentarians must uphold their responsibility to be the voice of all people, especially underrepresented minorities. The inclusion of all groups in society – indigenous peoples, women and young people – in political processes and decision-making, is the only way to ensure true equality, enhancing security, stability and peace.

Good governance and democracy are fundamental for progress in all areas of life and parliaments have a critical role to play in promoting a better world for all. Parliamentary input is needed now more than ever, as the international community embarks on the establishment of a new internationally agreed framework for development. Parliamentarians must pick up the gauntlet and play a central role in that process. They must steer efforts to attain the sustainable development goals, as a basis for equality, protection of basic civil, political, social and economic rights, and ultimately peace and security.

The post-2015 sustainable development goals must ensure democratic governance is a key commitment. Transparency, accountability, representative democracy and respect are components of the new development agenda, which must be linked to the world's parliaments to ensure its success for all people.

International democracy has evolved considerably since 1889, largely due to the central role played by the IPU in supporting the establishment of democratic forms of governance at the national and international levels alike. Throughout its history, the IPU has shown unwavering commitment to the promotion of peace and security, human rights and sustainable development.

In a changing world, 125 years after the IPU's inception, the vision of its founding fathers is as valid and true as ever. Many important lessons have been learned, not least that lasting peace and security can only be achieved through inclusive and participatory processes, and embodied in a representative and elected parliament.

Parliaments are the voice of the people. Now is the time to take up the lessons learned over 125 years of IPU history and use them to drive the next generation of change. The Member Parliaments of the IPU therefore renew their commitment to peace in the world, based on democracy, human rights and the rule of law.

Towards a nuclear-weapon-free world: The contribution of parliaments

**Resolution adopted by consensus* by the 130th IPU Assembly
(Geneva, 20 March 2014)**

The 130th Assembly of the Inter-Parliamentary Union,

Convinced of the need to achieve and maintain a nuclear-weapon-free world,

Affirming the key role of parliaments and parliamentarians in addressing nuclear risks and building the legislative and political framework needed to achieve a nuclear-weapon-free world,

Recalling previous IPU resolutions on the disarmament and non-proliferation of nuclear weapons, in particular the resolution adopted by the 120th IPU Assembly (Addis Ababa, April 2009),

Noting with grave concern that more than 17,000 nuclear weapons exist worldwide, constituting a serious threat to international peace and security, and that any use of nuclear weapons, whether by accident, miscalculation or intent, would have devastating humanitarian and environmental consequences,

Welcoming the Conferences on the Humanitarian Impact of Nuclear Weapons held in Oslo, Norway, in 2013 and in Narayit, Mexico, in February 2014, and the conference to be held in Vienna, Austria, in 2014,

Underscoring the mutually reinforcing nature of nuclear disarmament and non-proliferation,

Recognizing the importance of the 1968 Treaty on the Non-Proliferation of Nuclear Weapons (NPT), which embodies the international consensus on the need to pursue the interrelated pillars of disarmament, non-proliferation and the peaceful use of nuclear energy,

Reaffirming that all States must ensure compliance with their nuclear disarmament and non-proliferation obligations, especially those under the Non-Proliferation Treaty,

Also reaffirming the nuclear disarmament obligations of nuclear-weapon States under Article VI of the Non-Proliferation Treaty, notably to pursue negotiations in good faith on effective measures relating to urgent cessation of the nuclear arms race and to nuclear disarmament, and the obligation of all NPT States Parties to pursue negotiations on general and complete disarmament,

Mindful of the 64-point Action Plan adopted by the 2010 NPT Review Conference, which, inter alia, “calls on all nuclear-weapon States to undertake concrete disarmament efforts and affirms that all States need to make special efforts to establish the necessary framework to achieve and maintain a world without nuclear weapons”,

Noting its strong support for the essential work of the International Atomic Energy Agency and for the universal implementation of its system of safeguard agreements and their additional protocols as essential tools for strengthening the non-proliferation regime,

Also noting its strong support for the work of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization and its monitoring system,

Further noting the partial contribution made by unilateral and bilateral disarmament initiatives, *reaffirming* the continued importance and relevance of multilateral frameworks and action, and *underlining* the urgent need for progress,

* The delegation of the Russian Federation expressed reservations on operative paragraphs 1 and 2. The delegation of India expressed reservations on operative paragraphs 6, 7 and 17. The delegation of the Islamic Republic of Iran expressed reservations on preambular paragraphs 11 and 21 and on operative paragraphs 11, 12 and 15. The delegation of Pakistan expressed reservations on preambular paragraphs 7, 10 and 20 and on operative paragraphs 6, 9, 10, 15, 16, 17 and 19.

Noting the United Nations Secretary-General's five-point proposal for nuclear disarmament and his address on nuclear disarmament, of the opening Public Plenary of the Conference on Disarmament, held on 21 January 2014,

Also noting the New START Treaty and efforts made by the Russian Federation and the United States of America to implement it,

Affirming the key role of the Conference on Disarmament in the negotiation of multilateral agreements to achieve a nuclear-weapon-free world,

Acknowledging the significant contribution made by a number of countries to realizing the objective of nuclear disarmament by establishing nuclear-weapon-free zones and voluntarily renouncing nuclear weapon programmes or withdrawing all nuclear weapons from their territories,

Affirming that all States must ensure unconditional respect for such nuclear-weapon-free zones,

Welcoming the first ever High-Level Meeting of the United Nations General Assembly on Nuclear Disarmament, held on 26 September 2013,

Encouraged by the emergence of other multilateral initiatives, including the United Nations General Assembly's decision to establish a group of governmental experts to begin discussion of possible elements of a fissile material cut-off treaty and to set up the United Nations Open-ended Working Group to develop proposals to take forward multilateral nuclear disarmament negotiations,

Welcoming the Geneva interim agreement of 24 November 2013 between the Islamic Republic of Iran, on the one hand, and the five permanent members of the United Nations Security Council and Germany, on the other, which paves the way for the gradual lifting of economic sanctions against the Islamic Republic in exchange for an in-depth review of its nuclear programme; *inviting* all the parties to the agreement to apply all its provisions faithfully and speedily,

Determined to work with governments and civil society to generate and mobilize the political will needed to achieve a world without nuclear weapons,

1. *Calls on* all Member Parliaments and parliamentarians to promote nuclear disarmament and non-proliferation as objectives of the highest priority and urgency;
2. *Encourages* parliamentarians to engage in dialogue and to build multiparty networks and coalitions at all levels in the pursuit of nuclear disarmament and nuclear non-proliferation;
3. *Appeals* to parliamentarians to educate citizens and raise awareness about the continuing dangers of nuclear weapons and the need for and benefits of their total elimination;
4. *Calls on* all parliamentarians to promote and commemorate the International Day for the Total Elimination of Nuclear Weapons each year on 26 September, in accordance with United Nations General Assembly resolution 68/32;
5. *Calls on* parliaments to encourage their governments to advance the goal of a sustainable nuclear-weapon-free world in all appropriate international forums and treaty bodies and to take the necessary concrete steps to that end;
6. *Calls for* the universalization of the Non-Proliferation Treaty and *appeals* to parliaments to ensure that States that have not signed and ratified the Treaty do so without further delay or any conditions;
7. *Highlights* the importance of securing the entry into force of the Comprehensive Nuclear-Test-Ban Treaty, and *urges* those States identified in Annex 2 of the Treaty, in particular nuclear weapon States, that have not yet done so to accelerate the process of signing and ratifying it, as a matter of priority and an indication of their political will and commitment to international peace and security, and in the meantime to respect their moratoria on nuclear tests;
8. *Calls on* all States to refrain from conducting any kind of nuclear weapon test;

9. *Stresses* the need for parliamentarians to work with their governments to ensure full compliance with all provisions of the Non-Proliferation Treaty and all commitments under the 2000 NPT Review Conference (the 13 practical steps) and the 2010 NPT Review Conference (the Action Plan);
10. *Calls on* parliaments to work together and with governments and civil society to build momentum for a constructive NPT Review Conference in 2015;
11. *Urges* parliaments to strengthen the safety of all nuclear materials, including those intended for military use, notably by monitoring the implementation of United Nations Security Council resolution 1540 (2004), and by ensuring the ratification of relevant multilateral treaties such as the International Convention for the Suppression of Acts of Nuclear Terrorism and the Convention on the Physical Protection of Nuclear Material and its 2005 Amendment;
12. *Calls on* parliaments in States that have not yet done so to bring into force, as soon as possible, a comprehensive safeguards agreement and additional protocol, which, together, constitute essential elements of the International Atomic Energy Agency safeguards system;
13. *Calls on* parliamentarians to use all available tools, including committees, closely to monitor national implementation of the above commitments, including by scrutinizing legislation, budgets and progress reports;
14. *Recommends* that parliaments urge their governments to start negotiations on a nuclear weapons convention or on a package of agreements to help achieve a nuclear-weapon-free world, as outlined in the United Nations Secretary-General's five-point proposal and noted in the 2010 NPT Review Conference Action Plan;
15. *Also recommends* that parliaments urge their governments to start multilateral negotiations on a verifiable, robust, non-discriminatory and multilateral treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices;
16. *Encourages* parliaments in States possessing nuclear weapons to demand, in keeping with Article VI of the Non-Proliferation Treaty, deeper and faster action on disarmament and increased transparency from their governments in relation to nuclear weapons arsenals, stockpiled fissile material, and information on related programmes and spending;
17. *Invites* parliaments, pending a fissile material cut-off treaty, to encourage their governments who have not yet done so to establish a moratorium on the production of fissile material by unilaterally ceasing such production and dismantling their production facilities;
18. *Encourages* parliaments to work with their governments in the pursuit of confidence-building measures, including by eliminating the role of nuclear weapons in security doctrines and policies;
19. *Also encourages* the parliaments of nuclear-weapon-possessing States to demand, in accordance with Action 5(e) of the Final Document of the 2010 NPT Review Conference, a reduction in the operational status of nuclear weapons;
20. *Further encourages* parliaments to strengthen existing nuclear-weapon-free zones and to support their expansion and the establishment of new zones;
21. *Calls on* parliamentarians to support the convening, at the earliest possible date, of a conference for a Middle East free of weapons of mass destruction, to be attended by all States in the region on the basis of arrangements freely arrived at;
22. *Urges* parliaments to demand the return to substantive work of the United Nations Conference on Disarmament;
23. *Reiterates* the need to reach an early agreement in the Conference on Disarmament on an effective, universal, unconditional and legally binding instrument in order to give assurances to non-nuclear States regarding the use or threat of use of nuclear weapons;
24. *Calls on* parliamentarians to use the IPU as a global forum to focus political attention on the need for effective, verifiable and irreversible nuclear disarmament, and on concrete and practical actions that can be taken in the immediate future to advance this goal.

Towards risk-resilient development: Taking into consideration demographic trends and natural constraints

*Resolution adopted unanimously by the 130th IPU Assembly
(Geneva, 20 March 2014)*

The 130th Assembly of the Inter-Parliamentary Union,

Expressing deep concern at the continued mounting impact and risk of disasters worldwide, which threaten people's lives and livelihoods, derail socio-economic development and damage the environment,

Noting that development patterns, including poorly planned and managed urbanization, population growth in high-risk areas, endemic poverty, weak governance and institutions, and environmental degradation, are important drivers of disaster risk,

Also noting that disasters, especially those resulting from climate change and exacerbated by population growth and distribution and other factors, such as poor use and management of resources, have been identified by the international community, for instance in the Outcome Document of the 2012 United Nations Conference on Sustainable Development (Rio+20), as major challenges for sustainable development,

Reaffirming the Hyogo Framework for Action 2005–2015: Building the Resilience of Nations and Communities to Disaster, and *underscoring* the need to accelerate its implementation at international, regional, national and particularly local level,

Recognizing the urgent need to integrate and build stronger linkages between policies and programmes relating to disaster risk reduction and disaster recovery, climate change, long-term economic and social development, urban planning, demographic dynamics and environmental protection, so as to be able to address the underlying causes of disaster risk,

Also recognizing that global population growth, which is expected to continue for several more decades, and demographic distribution, especially increased population density and urbanization, heighten vulnerability to disasters and that the demographic factor has a direct effect on food security and self-sufficiency in areas that are prone to drought-induced famine and malnutrition,

Underscoring that demographic dynamics are a significant contributor to climate change and disaster risk insofar as they place additional stress on natural resources, heighten the vulnerability of communities to natural hazards and add to the human impact on ecosystems, primarily by increasing demands for food, fresh water, timber and fuel,

Affirming that all women have the right to plan their own lives, including when and whether to have children, and *stressing* that unintended pregnancy is the factor of continued population growth most amenable to policy intervention,

Convinced that governments are a critical stakeholder when it comes to addressing disaster risk resilience and population dynamics in the context of sustainable development, which is a matter of political responsibility, and that parliamentarians have a critical role to play in ensuring that the political will exists to achieve results through legislation, policy oversight and the allocation of resources,

Noting that women and children are more likely to suffer physically and psychologically in disasters and during the post-disaster recovery and reconstruction period,

Acknowledging that women have to be part of disaster management, from prevention to rehabilitation,

Underscoring the need for education at all levels and the importance of winning over local players in order to raise awareness of disaster risk resilience and related demographic issues and to galvanize public support for the measures needed to build resilience,

1. *Calls on* all members of parliament to acquire information on and knowledge of issues related to disaster and risk trends, so as to enhance their oversight role with regard to reducing the impact and risk of disasters, building resilience, protecting people and safeguarding development gains from disasters and the effects of climate change, while guaranteeing that this becomes an important issue on the national agenda and that the relevant measures are implemented;
2. *Also calls on* all members of parliament to take immediate action to review existing legislation related to disaster risk reduction in the light of community realities and considering their environment, natural habitat and people as the main resources for developing relevant processes, and to determine whether it is sufficient to hold key players, including policymakers and the private sector, to account for the consequences of risk-intensive development policies or investments;
3. *Invites* the United Nations to formalize the principle of reparation for victims of natural disasters and reparation for damage caused by States with development strategies that run counter to the recommendations made by the 1992 United Nations Conference on Sustainable Development;
4. *Appeals* to all governments to take immediate action to review national policies and regulations so as to ensure that socio-economic development is balanced against the need to reduce the risk, to the population and the economy, of disasters in the long run, as more engagement is needed to keep development policies and practices coherent and aligned with those for disaster risk reduction, environmental protection and adaptation to climate change;
5. *Also appeals* to all governments to improve and enhance their mechanisms for disaster risk reduction and ensure that development policy and strategies build the disaster risk resilience of their people and the economy by drawing up a map of at-risk areas by nature of risk, by putting in place early warning systems and guaranteeing construction safety, and by improving legislation, institutional frameworks, policy and accountability and increasing budgetary allocations for disaster-resilient development, with due regard for the specific needs of women and particular attention to those of people with disabilities;
6. *Urges* parliaments and governments to eliminate all forms of discrimination against women when it comes to land and livestock ownership and to facilitate women's access to credit as means of strengthening women's resilience;
7. *Calls on* governments and parliaments to integrate gender and age perspectives into the design and implementation of all phases of risk management;
8. *Encourages* governments and parliaments to evaluate risk and build resiliency to disasters by investing in shock-resistant infrastructure and inclusive social protection systems, particularly for vulnerable and at-risk communities;
9. *Calls on* governments and parliaments to advance food security and to promote sustainable agricultural development, with a particular emphasis on strategies that prioritize the needs and circumstances of rural communities, as key components of resilient communities;
10. *Urges* governments and parliaments to invest in early warning systems and to ensure that those systems are integrated into their disaster risk reduction strategies, relevant governmental policy and decision-making processes, and emergency management systems;

11. *Urges* the United Nations system and other international and intergovernmental organizations to promote the building of resiliency to disasters and shocks as a fundamental aspect of development, to ensure that resiliency and risk assessments are integrated into international efforts targeting poverty reduction and sustainable development, and to be a role model for improved governance for disaster risk reduction by advocating the key principles thereof and acting transparently and with accountability for the consequences of decisions on country-level programmes and investment;
12. *Also urges* the United Nations system to provide special support to developing countries so that the findings of relevant reports can be implemented and solutions found to facilitate the financing of mitigation works in those countries;
13. *Urges* governments to integrate factors of population growth, family planning and demographic dynamics into policy measures for sustainable development, which should also promote resilience to disasters and to climate change;
14. *Calls on* parliaments to work, at national, regional and international level, for the inclusion of a reproductive health indicator as part of the post-2015 development goals in the areas of health, equity and women's empowerment, to promote a rights-based approach to reproductive health and to take appropriate measures, through legislation and budget allocations, to provide universal access to voluntary family planning services;
15. *Urges* governments to participate actively in the ongoing consultations on the post-2015 development agenda and the post-2015 framework for disaster risk reduction in order to gain information, knowledge and technical support for the development of a national post-2015 disaster risk-resilient development agenda, as the post-2015 development agenda and framework are both indissociable from the promotion of sustainable and risk-resilient poverty reduction and development;
16. *Also urges* governments and the United Nations system to ensure that the post-2015 development agenda and framework for disaster risk reduction are mutually reinforcing;
17. *Calls on* all parliaments to support government efforts to develop disaster-resilient development policies and strategies that give serious consideration to disaster risk assessment, including population factors, at the planning and programme stages, as development without disaster resilience is not sustainable;
18. *Calls on* governments, when they develop disaster risk reduction legislation, policies and plans, to take into consideration the specific role of women, in particular women holding office in local government and councils and women in grassroots organizations, in risk reduction, planning, relocation, housing and infrastructure development efforts;
19. *Reiterates* that reducing disaster risk and protecting people's lives are the legal responsibility of all elected representatives, and thus *encourages* all parliaments to develop a national forum for legislators on disaster risk reduction and risk-resilient development;
20. *Calls for* the involvement, together with governments and parliaments, of civil society, the private sector and the scientific community, with a view to reducing disaster risks and promoting measures to fight problems arising from climate change;
21. *Calls on* parliaments to scrutinize government policy and actions with regard to disaster risk reduction, climate change and sustainable development, and to use all available instruments, including legislation and in particular environmental and public policy impact studies, to ensure that disaster risk reduction and climate change adaptation measures are integrated into national planning and budgeting processes;
22. *Calls for* the establishment of specific committees to study climate change in those parliaments where they do not exist, so that they are aware of and analyse all the problems related to sustainable development in order to promote measures and strategies to prevent and alleviate them;

23. *Urges* donor countries and international development agencies to take a responsible approach and play a leading role in integrating disaster risk reduction and reproductive health measures, in particular consideration of the rights to sexual and reproductive health of each individual, into development planning and programmes, to ensure that aid-supported development activities contribute to disaster risk-resilient development;
24. *Calls on* all parliamentarians to make combating corruption and illegal financial flows a priority, as these significantly affect the mobilization and proper allocation of resources to the detriment of the environmental components of sustainable development programmes;
25. *Urges* donor and recipient countries to focus increasingly on promoting national resource management, particularly management of water and energy resource supplies and use, in order to prevent and mitigate high disaster risks, strengthen resilience and ultimately contribute to sustainable development;
26. *Urges* governments, parliaments and international organizations to enhance international cooperation in support of risk identification and management and resilient development, by providing technical assistance and capacity-building, as appropriate, in developing countries;
27. *Calls on* all parliaments to drive the process for political ownership and will at the governmental level in order to achieve tangible results in sustainable development and to contain human-induced environmental changes that contribute to the occurrence or severity of natural disasters, especially as a result of climate change; in particular, *calls for* the conclusion by 2015 of an ambitious global agreement that has legal force under the United Nations Framework Convention on Climate Change and is applicable to all the Parties thereto;
28. *Invites* all IPU Member Parliaments to take urgent action to follow up on the recommendations made in this resolution in their respective countries and regions.

The role of parliaments in protecting the rights of children, in particular unaccompanied migrant children, and in preventing their exploitation in situations of armed conflict

***Resolution adopted unanimously by the 130th IPU Assembly
(Geneva, 20 March 2014)***

The 130th Assembly of the Inter-Parliamentary Union,

Considering that Article 1 of the Convention on the Rights of the Child defines a child as “every human being below the age of eighteen years”,

Acknowledging that efforts have been made globally to promote the protection of and respect for the human rights of unaccompanied migrant children, separated children and children involved in armed conflicts pursuant to the provisions of the Convention on the Rights of the Child,

Recognizing the fundamental principles and rights that must be guaranteed to all children, especially unaccompanied or separated children, boys and girls, in accordance with the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and States’ other obligations under international law, including the best interests of the child; non-discrimination; non-punishment; non-detention; non-refoulement; family unity; the right to physical and legal protection; the right to an identity, the right to life, survival and development; the right to be heard and to participate in decisions that affect them; the right to be protected from violence; the right to education; the right to due process guarantees and the right to access to health care and psychological support, reintegration assistance and legal aid,

Recalling that paragraph 7 of General Comment No. 6 (2005) on the Treatment of Unaccompanied and Separated Children Outside their Country of Origin, issued by the Committee on the Rights of Child, defines “unaccompanied children” as those “who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so”, while paragraph 8 defines “separated children” as “children who have been separated from both parents, or from their previous legal or customary primary caregiver, but not necessarily from other relatives”,

Also recalling that paragraph 13 of General Comment No. 13 (2011) on The right of the child to freedom from all forms of violence, issued by the Committee on the Rights of Child, states that “Addressing and eliminating the widespread prevalence and incidence of violence against children is an obligation of States parties under the Convention. Securing and promoting children’s fundamental rights to respect for their human dignity and physical and psychological integrity, through the prevention of all forms of violence, is essential for promoting the full set of child rights in the Convention”,

Recognizing the importance of the Convention on the Elimination of All Forms of Discrimination against Women, the general recommendations of the Committee on the Elimination of Discrimination against Women, UN Security Council resolution 1325 and subsequent resolutions on women, peace and security calling for special measures to protect girls from trafficking, sexual and gender-based violence, sexual exploitation and many forms of harmful practice, such as child/early marriage, forced marriage and female genital mutilation, the incidence of which increases in conflict and post-conflict situations,

Considering that the international legal framework dealing with children and armed conflict includes instruments such as Protocol II to the Geneva Conventions of 1949 relating to the Protection of Victims of Non-International Armed Conflicts (1977); the Convention on the Rights of the Child (1989); ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999) and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2000),

Also considering that the international legal framework dealing with children and transnational organized crime includes instruments such as the Convention against Transnational Organized Crime (2000), the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2003), the Protocol against the Smuggling of Migrants by Land, Sea and Air (2004), and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2002),

Aware that, in accordance with the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (Paris Principles, 2007), a child associated with an armed force or armed group is “any person below 18 years of age who is or who has been recruited or used by an armed force or armed group in any capacity, including but not limited to children, boys and girls, used as fighters, cooks, porters, messengers, spies or for sexual purposes”,

Recalling that, in accordance with Articles 26 and 27 of the Vienna Convention on the Law of Treaties (1969), any State party to the Convention on the Rights of the Child must ensure that the rights and principles enshrined in the Convention are fully reflected and given legal effect in relevant domestic legislation,

Recognizing that parliaments have a crucial role to play in ratifying international legal instruments on the protection of children and accordingly, in implementing domestic legislation,

Underscoring that the role of parliaments in protecting the rights of children, in particular unaccompanied migrant children and children in situations of armed conflict or affected by organized crime, must be in line with international law and based on the best interests of the child,

Considering that policies criminalizing migrant children have a negative impact on children’s access to basic rights,

1. *Invites* the parliaments of States which have not yet signed the three Optional Protocols to the Convention on the Rights of the Child to urge their governments to proceed with their signature and full accession;
2. *Urges* parliaments to prohibit all forms of violence and discrimination against children and to pass enabling domestic legislation in order to give full effect to the Convention on the Rights of the Child;
3. *Calls* on parliaments, especially those in countries experiencing situations of armed conflict, internal conflict or occupation, to amend their existing legislation so as to prevent and punish the recruitment of children for direct participation in hostilities and other forms of exploitation of children in such situations; also *calls on* parliaments to prevent, suppress and punish the exploitation of children by organized criminal groups, in line with relevant international law;
4. *Also calls* on parliaments to design efficient legislative tools for the legal protection of minors, thus establishing a legal framework effectively guaranteeing the rights of children and to enact legislation aimed at establishing comprehensive and effective protection systems with adequate resources and coordinated by a high-ranking government official in order to ensure the best interests of the child;
5. *Urges* parliaments to enact specific legislation aimed at protecting unaccompanied migrant girls and girls in armed conflict and post-conflict situations from trafficking, sexual exploitation, sexual and gender-based violence, including rape, and many forms of harmful practice, such as child, early and forced marriage and female genital mutilation;
6. *Encourages* parliaments to enact legislation aimed at addressing the special needs of separated and unaccompanied children and children involved in armed conflicts which, as a minimum, should provide for specific procedures in keeping with the rule of law;

7. *Urges* governments to take action so that separated and unaccompanied children fleeing illegal recruitment by armed forces or groups can cross borders and exercise their right to request asylum and so that no child in this category is returned to the border of a State where his/her life is truly at risk;
8. *Also urges* parliaments of countries with compulsory military service to raise the minimum age to 18 years and to ban the voluntary recruitment of children under the age of 18; *further urges* parliaments to take appropriate steps to have amendments made to Article 2 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, Article 77 of Protocol I additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts, and Article 4 of Protocol II additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts, with a view to banning the voluntary recruitment of persons under the age of 18;
9. *Encourages* parliaments to underscore the importance of working together with United Nations bodies, non-governmental organizations and other entities in order to collect accurate and reliable data on the number of separated or unaccompanied migrant children and children involved in armed and internal conflicts and situations of organized crime in their respective countries;
10. *Also encourages* parliaments to respect, protect and fulfil the rights of children involved in demonstrations and political rallies, including their right to protection from violence and to freedom of association and expression;
11. *Urges* parliaments to discourage the premeditated use of children in violent demonstrations;
12. *Calls on* the parliaments of countries involved in armed conflict to urge their governments, in close collaboration with the United Nations Office of the Special Representative of the Secretary-General for Children and Armed Conflict, to release child combatants or prisoners of war and seek lasting solutions, such as family unification, where possible signing relevant action plans to this end;
13. *Invites* parliaments to share best practices on the protection of children from the perspective of restorative justice with the governments, parliaments and human rights organizations of countries where armed conflict and situations involving organized crime are developing;
14. *Calls on* parliaments to ensure compliance with international standards for the protection of separated or unaccompanied migrant children, including the principles of non-discrimination and non-punishment, prohibition of inappropriate detention of the child, the best interests of the child, the right of the child to life and development, and the right of children to participate in decisions that affect them;
15. *Also calls on* parliaments to ensure that adequate resources are allocated from national budgets to enforce laws, implement policies and improve practices related to the protection of children, especially separated or unaccompanied migrant children and children in situations of armed conflict, and to guarantee that these budgets are gender-sensitive;
16. *Invites* parliaments to hold hearings and consultations so as to assess the effectiveness of existing laws, policies, and practices on protecting children, especially separated or unaccompanied migrant children and children in situations of armed conflict, collect age- and sex-disaggregated data on the scope of the problem, and identify appropriate responses to combat it;
17. *Also invites* parliaments, in partnership with UNICEF and in consultation with Interpol, to promote the establishment of a comprehensive international and up-to-date register of foreign separated or unaccompanied minors as an efficient tool for safeguarding the rights of such children, and to entrust the responsibility for coordinating such data to a single national authority;

18. *Urges* parliaments to hold governments to account for their humanitarian duty to provide children, especially separated or unaccompanied migrant children and children in situations of armed conflict, with the necessary services, in order to guarantee basic human rights such as education, medical treatment, counselling, rehabilitation and reintegration, child care, accommodation and legal assistance, bearing in mind the special needs of girls; *also urges* them to support the establishment of national referral mechanisms to this end;
19. *Calls on* governments to ensure that minors under the age of 18 recruited illegally into armed forces who are accused of crimes under international law are considered first and foremost as victims, rather than perpetrators, of international law violations;
20. *Invites* parliaments to support awareness-raising efforts, especially by working with the media to address xenophobia and violations of the rights of children, especially separated or unaccompanied migrant children and children in situations of armed conflict, and *notes* that Universal Children's Day, 20 November, provides a favourable framework for mobilizing and sensitizing public opinion to the protection of minors;
21. *Also invites* parliaments to support efforts aimed at raising awareness of discrimination against children who have been exploited in armed conflicts and of the importance of the disarmament, demobilization and reintegration process;
22. *Further invites* parliaments to support initiatives aimed at training, educating and continuously building the capacities of child protection professionals, specifically offering training in international human rights law to all members of the armed forces, law enforcement and immigration officials, border guards and other individuals and agencies involved in protecting the rights of children, especially separated or unaccompanied migrant children, children in situations of armed conflict and children affected by organized crime;
23. *Encourages* parliaments to support implementation of the Minimum Standards for Child Protection in Humanitarian Action and ensure that they are integrated into official policies to protect children, especially separated or unaccompanied migrant children and children in situations of armed conflict, so that all stakeholders, including government officials, UN agents and civil society representatives, are aware of them;
24. *Requests* parliaments to promote action to prevent the migration of separated or unaccompanied minors from their countries of origin, by strengthening cooperation and promoting bilateral conventions with countries of origin;
25. *Calls on* parliaments to adopt the necessary legal instruments, such as memoranda of understanding and bilateral and multilateral agreements on collaboration with international organizations and technical and financial assistance, so as to enhance international cooperation on the protection of the rights of separated and unaccompanied children, especially migrant children and children in situations of armed conflict;
26. *Also calls on* parliaments to promote the establishment of an international legal framework guaranteeing that States and corporations, non-governmental groups and individuals who exploit children in demonstrations and armed conflicts, in time of war or peace, are held to account for their actions and compensate the victims of these imprescriptible crimes and their families;
27. *Calls for* a review of international law and international humanitarian law conventions with a view to harmonizing the provisions on special guardianship for minors under 18 years of age;
28. *Urges* parliaments to take appropriate measures to ensure that an effective birth registration system is in place for all children, including separated or unaccompanied migrant children and children in situations of armed conflict;

29. *Requests* parliaments to promote an international protocol for unaccompanied minors establishing basic and unified action lines that take account of gender concerns, regardless of the country where the minor is, and enabling coordination of the work of all relevant institutions and departments, and to facilitate the early identification of children at risk, boys and girls, especially separated or unaccompanied migrant children and children in situations of armed conflict, so that they can be looked after and brought into a comprehensive protective structure that will guarantee all their rights and facilitate their reunification with their families;
30. *Invites* parliaments and governments to raise awareness of children's rights in receiving communities and to work actively for the most efficient coordination between agencies responsible for receiving unaccompanied children, in recognition of the high incidence of post-traumatic stress among unaccompanied children and in order to take every measure to help them;
31. *Calls on* parliaments and governments to open borders based firmly on values such as the rule of law, democracy, respect for human rights and international conventions, especially when so many victims are children, and to find a way to combine respect for border protection and the right to seek asylum;
32. *Also calls on* parliaments to ensure proper and qualified evaluation of whether unaccompanied minors should return to their country of origin, and to find ways to ensure the humane and safe return of those who must return after receiving a final rejection of their asylum application, so that no minor returns home without a safe and appropriate reception, acknowledging that an important step in the process is to make sure that minors are reunited with their parents, bearing the child's perspective in mind in every case and ensuring the rights of each individual child;
33. *Invites* parliaments and other institutions to share with the IPU their best practices in the protection of children's rights, in particular the rights of separated or unaccompanied migrant children and children in situations of armed conflict, with a view to developing a relevant model law;
34. *Further invites* parliaments to work closely with the IPU, in particular its geopolitical groups, to promote the organization of regional forums to address specific situations requiring customized solutions, thus promoting the establishment of comprehensive protection systems;
35. *Calls on* governments and parliaments to assume their responsibility for protecting the rights of children, in particular separated or unaccompanied migrant children, children in situations of armed conflict or occupation and children affected by organized crime, and to fulfil their obligations to protect child refugees and asylum-seekers;
36. *Urges* parliaments and governments to incorporate the perspective of minors and to place greater emphasis on children in legislation, budgets and policymaking, with a view to ensuring that the voices of young people and children are better heard;
37. *Calls on* parliaments and governments to enact all provisions of the Convention on the Rights of the Child in national legislation in order to guarantee equal rights for all children.

Report of the Standing Committee on United Nations Affairs

*Noted by the 130th IPU Assembly
(Geneva, 20 March 2014)*

The Standing Committee on United Nations Affairs held its first session as a fully-fledged Standing Committee on 19 March. After electing its new Bureau, the Committee held a substantive discussion on recent developments in strengthening cooperation between the United Nations, parliaments and the IPU.

The Committee heard an address by the Director-General of the United Nations Office at Geneva, Mr. Michael Møller, who welcomed the IPU's efforts to inject a parliamentary dimension into the work of the United Nations at the national and international levels. He spoke of the need for parliaments to play an integral role in defining and implementing the United Nations post-2015 development agenda; parliamentary input would be the key to ensuring strong national ownership of the sustainable development goals (SDGs).

In the ensuing debate, participants highlighted the main objectives and modalities of interaction between the United Nations and national parliaments, underscoring the IPU's role of facilitator. On the one hand, parliaments had a role to play in ensuring that international commitments were translated into national realities, while on the other, they must also bring a parliamentary perspective to discussions at the global level in order to reflect citizens' expectations and enhance national ownership. As the interaction between the United Nations and parliaments evolved, people would gain a better understanding and appreciation of the work of the United Nations.

The Committee agreed that an important part of the interaction between the United Nations and parliaments took place at the national level, where there was much scope for a more structured and integrated approach. A recent field mission to Haiti by the Advisory Group of the IPU Committee on United Nations Affairs had examined UN stabilization and humanitarian efforts in the country: the degree to which efforts at the country level met the needs of the local population; how UN partners on the ground involved the institution of parliament; and more specifically the role parliament played in helping to secure lasting peace, the rule of law and sustainable development. The Speaker of the Haitian Senate, Mr. Simon Desras, described the challenges faced in Haiti by the Parliament in particular, in the aftermath of the devastating earthquake in 2010, in a society marked by political instability and weak governance institutions. The mission's findings, which were presented to the Committee, would be formally shared with the Parliament and Government of Haiti, as well as with the United Nations, as part of its efforts to support the emerging political dialogue in Haiti and to help secure the Haitian parliament's position in the national political arena.

The 68th session of the UN General Assembly would receive a report by the UN Secretary-General on interaction between the United Nations, national parliaments and the IPU. It would also be called upon to adopt a new resolution on that issue. The Committee reviewed the text of a preliminary draft resolution and suggested some amendments. Parliaments should secure the fullest possible support from their foreign ministries for a strong General Assembly resolution based on the consensus Resolution 66/261 adopted in 2012, (see proposed draft Resolution in [Annex](#)).

Mr. Fernando Bustamante (Ecuador), Mr. David McGuinty (Canada) and Mr. Charles Chauvel, Parliamentary Adviser to the UNDP Democratic Governance Group, presented their thoughts on how parliaments and parliamentarians could influence the ongoing UN process to devise the next generation of development goals. The SDGs would be universal in scope, involving developing and developed countries alike, and would focus on poverty eradication from a sustainability perspective. A new global partnership would be required to support much needed technology transfers and financing to developing countries.

In the ensuing discussion, participants suggested that the SDGs would require strong governance institutions equipped to support the integration of the three pillars (economic, social and environmental) of sustainable development. Several underscored the importance of including the broader issue of climate change, a major threat to the whole planet, in the SDG debate. The United Nations was making little progress on that critical issue and parliaments should therefore take the lead. The Climate Summit to be convened by the UN Secretary-General later in the year would be an important opportunity to do so.

Members agreed on the need for an overall SDG framework that could be implemented effectively. Parliamentarians should be “policy-makers”, not “policy-takers”: by being involved at the early stages of negotiations they could ensure that the new SDGs reflected a parliamentary perspective.

One prevailing opinion was that the SDGs must have the flexibility to be relevant in different national contexts. That was the only way to ensure that the new development agenda could be “localized” and translated into manageable policy prescriptions at the country level. The new vision for development should be an expanded one that reflected human well-being in all its dimensions, including new qualitative measurements of progress that inquired about the actual impact of public policies on people’s lives.

In order to implement the SDGs effectively the current “silos approach” to policymaking needed to change. New coordinating structures, such as the MDG Task Force set up by the Parliament of Indonesia, would be useful. It would also be good practice to ensure that all legislative proposals were supplemented by a sustainability impact assessment. More generally, parliaments should be more closely involved in setting national strategies for sustainable development. Greater efforts to enhance parliaments’ capacities to perform their core functions would be essential.

The Committee agreed to continue to engage in the UN process leading to the adoption of the post-2015 development agenda. It recommended that parliaments pursue discussions in that regard in specialized parliamentary committees at the national level and report back to the IPU on new developments.

Cooperation with the United Nations system

*During its current session, the United Nations General Assembly will be considering a stand-alone agenda item on "Interaction between the United Nations, national parliaments and the IPU", and adopting a related Resolution. The IPU Secretariat has been working closely with the UN Department of Political Affairs on the draft Report of the United Nations Secretary-General on this agenda item, which should be issued to all Member States in the coming weeks. Based on General Assembly Resolution 66/261 of May 2012 and the joint activities conducted by the IPU and the United Nations since then, the following text of a new General Assembly resolution is proposed (**new language reflected in bold**).*

All IPU Members are encouraged to contact their Foreign Ministries and Permanent Missions in New York with a view to garnering the support of their respective governments for the adoption - by consensus and with a large number of sponsoring States - of the new General Assembly Resolution.

Draft resolution of the United Nations General Assembly

Interaction between the United Nations, national parliaments and the Inter-Parliamentary Union

The General Assembly,

Having considered the report of the Secretary-General, which attests to the broad and substantive cooperation between the United Nations and the Inter-Parliamentary Union over the past two years,

Taking note of the resolutions adopted by the Inter-Parliamentary Union and circulated in the General Assembly and the many activities undertaken by the organization in support of the United Nations,

Taking note also of the outcome of the World Conferences of Speakers of Parliament held in 2000, 2005 and 2010, which affirms the commitment of national parliaments and the Inter-Parliamentary Union to support the work of the United Nations and continue efforts to bridge the democracy gap in international relations,

Taking into consideration the Cooperation Agreement between the United Nations and the Inter-Parliamentary Union of 1996,³ which laid the foundation for cooperation between the two organizations,

Recalling the United Nations Millennium Declaration,⁴ as well as the 2005 World Summit Outcome,⁵ in which Heads of State and Government resolved to strengthen further cooperation between the United Nations and national parliaments through their world organization, the Inter-Parliamentary Union, in all fields of the work of the United Nations,

Recalling also its resolution 57/32 of 19 November 2002, in which the Inter-Parliamentary Union was invited to participate in the work of the General Assembly in the capacity of observer, as well as resolutions 57/47 of 21 November 2002, 59/19 of 8 November 2004, 61/6 of 20 October 2006 and 63/24 of 18 November 2008,

³ A/51/402, annex.

⁴ See resolution 55/2.

⁵ See resolution 60/1.

Recalling and further endorsing its resolutions 65/123 of 13 December 2010 and 66/261 of 29 May 2012 in which the General Assembly, inter alia, decided to pursue a more systematic engagement with the Inter-Parliamentary Union in organizing and integrating a parliamentary component of and contribution to major United Nations deliberative processes and the review of international commitments,

Welcoming the annual parliamentary hearings at the United Nations, as well as other specialized parliamentary meetings organized by the Inter-Parliamentary Union in cooperation with the United Nations in the context of major United Nations conferences and events,

Welcoming in particular the work of the Inter-Parliamentary Union in mobilizing parliamentary action towards the achievement of the Millennium Development Goals (MDGs) by the target date of 2015, as well as in bringing a parliamentary contribution to the design of the next generation of global development goals;

Recognizing the growing role of the IPU Committee on United Nations Affairs in providing a platform for regular interaction between parliamentarians and UN officials, reviewing implementation of international commitments, facilitating closer ties between UN country teams and national parliaments, and helping shape a parliamentary input to major UN processes;

Recognizing also the work of the Inter-Parliamentary Union in the areas of gender equality, the empowerment of women and combating violence against women, and the close cooperation between the Inter-Parliamentary Union and the relevant United Nations bodies, including the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the Commission on the Status of Women and the Committee on the Elimination of Discrimination against Women,

Acknowledging the role and responsibility of national parliaments in regard to national plans and strategies, as well as in ensuring greater transparency and accountability at both national and global levels,

1. *Welcomes* the **actions undertaken** by the Inter-Parliamentary Union to **pursue a more systematic engagement** with the United Nations;
2. *Encourages* the United Nations and the Inter-Parliamentary Union to continue to work closely in various fields, in particular peace and security, economic and social development, **climate protection**, international law, human rights and democracy and gender issues, bearing in mind the significant benefits of cooperation between the two organizations, to which the report of the Secretary-General attests;
3. ***Also encourages*** the continued active involvement of the IPU in mobilizing parliamentary action to achieve the MDGs and to provide input to the design of the post-2015 agenda, and for the United Nations and the IPU to continue to work closely together with a view to incorporating a clear role for parliaments at the national level and the IPU at the global level in the implementation of the post-2015 development agenda,
4. *Welcomes* the preparations currently under way for the organization of the **Fourth World Conference of Speakers of Parliaments in 2015**, which is expected to further consolidate the relationship between the United Nations, parliaments and the IPU, and *encourages* these preparations to be conducted in close cooperation with the United Nations with a view to maximizing political support for the outcome of the UN Summit in 2015;
5. *Welcomes* the practice of including legislators as members of national delegations to major United Nations meetings and events, **including new fora such as the UN High-Level Political Forum and the ECOSOC Youth Forum**, and invites Member States to continue this practice in a more regular and systematic manner;
6. *Invites* Member States to further consider ways to regularly work with the Inter-Parliamentary Union in facilitating a parliamentary component to major UN conferences and in more closely linking the annual parliamentary hearing at the United Nations to the main United Nations processes, so as to help inform such deliberations from a parliamentary perspective;

7. ***Encourages Member States to consider expanding the experience of the joint UN-IPU Parliamentary Hearing to other meetings at the United Nations, such as the parliamentary meeting organized on the occasion of the annual session of the Commission on the Status of Women, with a view to including these sessions as part of the formal United Nations agenda and ensuring a parliamentary contribution and follow-up to these UN processes;***
8. ***Welcomes progress in involving the IPU more closely in the work of the Human Rights Council, notably by providing more systematically a parliamentary contribution to the Universal Periodic Review and to the United Nations human rights treaty bodies, along the lines of the cooperation developed in recent years between the Inter-Parliamentary Union, the Committee on the Elimination of Discrimination against Women and national parliaments whose countries are under review;***
9. *Invites UN-Women to work closely with the Inter-Parliamentary Union in such areas as the empowerment of women, institutional gender mainstreaming, support to parliaments in promoting gender-sensitive legislation, combating violence against women and the implementation of relevant United Nations resolutions;*
10. *Encourages the Inter-Parliamentary Union to further assist in developing closer cooperation between the United Nations and parliaments at the national level, including in terms of strengthening parliamentary capacities, reinforcing the rule of law and helping to align national legislation with international commitments;*
11. *Calls upon United Nations country teams to develop a more structured and integrated manner of working with national parliaments, inter alia, by involving parliaments in consultations on national development strategies and on development aid effectiveness;*
12. *Encourages the organizations and bodies of the United Nations system to more systematically avail themselves of the unique expertise of the Inter-Parliamentary Union and its member parliaments in strengthening parliamentary institutions, particularly in countries emerging from conflict and/or in the transition to democracy;*
13. *Calls for the regular annual exchange between the United Nations System Chief Executives Board for Coordination and the senior leadership of the Inter-Parliamentary Union, with a view to building greater coherence in the work of the two organizations, maximizing parliamentary support for the United Nations and helping to forge a strategic partnership between the two organizations;*
14. *Recommends that a new Cooperation Agreement between the United Nations and the Inter-Parliamentary Union be drawn up, so as to reflect progress and developments over the past years **and to place the institutional relationship between the two organizations on a firmer footing;***
15. *Decides, in recognition of the unique role of national parliaments in support of the work of the United Nations, to include in the provisional agenda of its seventieth session the item entitled “Interaction between the United Nations, national parliaments and the Inter-Parliamentary Union” and invites the Secretary-General to submit a report under this item.*

The role of parliaments and the IPU in fighting terrorism and achieving international peace and security through a peaceful political solution to the situation in Syria and respect for resolutions with international legitimacy and the principles of sovereignty and non-interference in the internal affairs of other states

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

Results

Affirmative votes.....	210	Total of affirmative and negative votes	637
Negative votes	427	Two-thirds majority	425
Abstentions.....	923		

Country	Yes	No	Abst.	Country	Yes	No	Abst.	Country	Yes	No	Abst.
Afghanistan			14	Germany		19		Philippines			absent
Albania			absent	Ghana			14	Poland		15	
Algeria	15			Greece	13			Portugal		13	
Andorra	10			Guatemala			10	Qatar		8	
Angola			12	Haiti			13	Rep. of Korea			17
Argentina			16	Hungary			13	Rep. of Moldova			absent
Armenia			11	Iceland		10		Romania			14
Australia		14		India			23	Russian Federation	20		
Austria			12	Indonesia	11		11	Samoa			absent
Bahrain		10		Iran (Islamic Rep. of)	18			San Marino			10
Bangladesh			absent	Iraq	4		10	Sao Tome and Principe			10
Belarus	13			Ireland			11	Saudi Arabia		14	
Belgium		12		Israel		10		Senegal			12
Benin			12	Italy			10	Seychelles			absent
Bhutan			10	Japan		20		Singapore			12
Bolivia		2	10	Jordan		12		Slovakia			12
Bosnia and Herzegovina			absent	Kazakhstan			absent	Slovenia			11
Botswana			11	Kenya			14	Somalia			absent
Brazil			20	Kuwait			11	South Africa			17
Burkina Faso		13		Lao People's Dem. Republic			12	Spain		15	
Burundi		12		Latvia		11		Sri Lanka			absent
Cabo Verde			absent	Lebanon			absent	Sudan			15
Cambodia			13	Lesotho			11	Suriname			absent
Cameroon			13	Libya		11		Sweden		12	
Canada		15		Liechtenstein			absent	Switzerland		12	
Chad			13	Lithuania		11		Syrian Arab Rep.	13		
Chile		6	7	Malaysia			14	Thailand			18
China	23			Mali			12	Timor-Leste	11		
Colombia			absent	Malta			absent	Togo			12
Congo			10	Mauritania			10	Tonga		10	
Costa Rica			absent	Mauritius			absent	Trinidad & Tobago			absent
Côte d'Ivoire			13	Mexico			20	Tunisia		13	
Cuba	13			Monaco			absent	Turkey		18	
Cyprus			10	Morocco			15	Uganda			13
Czech Republic	13			Mozambique			13	Ukraine		17	
DR of the Congo			17	Myanmar			10	United Arab Emirates			11
Denmark		10		Namibia			11	United Kingdom		18	
Dominican Rep.			12	Netherlands			13	United Republic of Tanzania			10
Ecuador			13	New Zealand			10	Uruguay			11
El Salvador			12	Nicaragua			10	Venezuela	13		
Equatorial Guinea			11	Niger			10	Viet Nam			18
Estonia		11		Nigeria			20	Yemen			10
Ethiopia			18	Norway		12		Zambia			13
Finland		12		Oman	10			Zimbabwe			13
France		18		Pakistan			21				
Gabon		11		Palau			absent				
Gambia			11	Palestine	10						
Georgia			11	Peru			absent				

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

Helping to restore peace and security and consolidate democracy in the Central African Republic: The contribution of the IPU

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

Results

Affirmative votes	914	Total of affirmative and negative votes ...	1123
Negative votes	209	Two-thirds majority	749
Abstentions	437		

Country	Yes	No	Abst.	Country	Yes	No	Abst.	Country	Yes	No	Abst.
Afghanistan	14			Germany		19		Philippines			absent
Albania			absent	Ghana			14	Poland			15
Algeria	15			Greece			13	Portugal		13	
Andorra			10	Guatemala			10	Qatar	8		
Angola	12			Haiti	13			Rep. of Korea	17		
Argentina	16			Hungary			13	Rep. of Moldova			absent
Armenia			11	Iceland		10		Romania			14
Australia		14		India	23			Russian Federation	20		
Austria			12	Indonesia	22			Samoa			absent
Bahrain	10			Iran (Islamic Rep. of)	18			San Marino			10
Bangladesh			absent	Iraq	14			Sao Tome and Principe	10		
Belarus			13	Ireland		11		Saudi Arabia	14		
Belgium			12	Israel			10	Senegal	12		
Benin	12			Italy	10			Seychelles			absent
Bhutan			10	Japan			20	Singapore			12
Bolivia	12			Jordan	12			Slovakia			12
Bosnia and Herzegovina			absent	Kazakhstan			absent	Slovenia			11
Botswana	11			Kenya	14			Somalia			absent
Brazil	20			Kuwait	11			South Africa	17		
Burkina Faso	13			Lao People's Dem. Republic			12	Spain			15
Burundi	12			Latvia		11		Sri Lanka			absent
Cabo Verde			absent	Lebanon			absent	Sudan	15		
Cambodia			13	Lesotho	11			Suriname			absent
Cameroon	13			Libya	11			Sweden		12	
Canada		15		Liechtenstein			absent	Switzerland		12	
Chad	13			Lithuania		11		Syrian Arab Rep.			13
Chile	6	7		Malaysia	14			Thailand			18
China	23			Mali	12			Timor-Leste		11	
Colombia			absent	Malta			absent	Togo	12		
Congo	10			Mauritania	10			Tonga			10
Costa Rica			absent	Mauritius			absent	Trinidad & Tobago			absent
Côte d'Ivoire	13			Mexico			20	Tunisia	13		
Cuba	13			Monaco			absent	Turkey	18		
Cyprus			10	Morocco	15			Uganda	13		
Czech Republic	7		6	Mozambique	13			Ukraine			17
DR of the Congo	17			Myanmar	10			United Arab Emirates	11		
Denmark		10		Namibia	11			United Kingdom		18	
Dominican Rep.	12			Netherlands			13	United Republic of Tanzania	10		
Ecuador	13			New Zealand			10	Uruguay	11		
El Salvador	6		6	Nicaragua	10			Venezuela			13
Equatorial Guinea	11			Niger	10			Viet Nam	18		
Estonia		11		Nigeria	20			Yemen			10
Ethiopia	18			Norway		12		Zambia	13		
Finland		12		Oman	10			Zimbabwe	13		
France			18	Pakistan	21						
Gabon	11			Palau			absent				
Gambia	11			Palestine	10						
Georgia			11	Peru			absent				

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

Aggression against Ukraine

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

Results

Affirmative votes.....	524	Total of affirmative and negative votes ...	780
Negative votes.....	256	Two-thirds majority	520
Abstentions.....	780		

Country	Yes	No	Abst.	Country	Yes	No	Abst.	Country	Yes	No	Abst.
Afghanistan			14	Germany	19			Philippines			absent
Albania		absent		Ghana			14	Poland	15		
Algeria			15	Greece			13	Portugal	13		
Andorra	5		5	Guatemala	10			Qatar		8	
Angola			12	Haiti			13	Rep. of Korea			17
Argentina			16	Hungary	13			Rep. of Moldova			absent
Armenia			11	Iceland	10			Romania	14		
Australia	14			India			23	Russian Federation		20	
Austria	12			Indonesia	11		11	Samoa			absent
Bahrain		10		Iran (Islamic Rep. of)			18	San Marino	10		
Bangladesh		absent		Iraq	7		7	Sao Tome and Principe			10
Belarus		13		Ireland	11			Saudi Arabia			14
Belgium	12			Israel	10			Senegal			12
Benin			12	Italy	10			Seychelles			absent
Bhutan			10	Japan	20			Singapore	12		
Bolivia		6	6	Jordan		12		Slovakia	10		2
Bosnia and Herzegovina		absent		Kazakhstan		absent		Slovenia	11		
Botswana			11	Kenya			14	Somalia			absent
Brazil			20	Kuwait			11	South Africa			17
Burkina Faso		13		Lao People's Dem. Republic			12	Spain	15		
Burundi		12		Latvia	11			Sri Lanka			absent
Cabo Verde		absent		Lebanon		absent		Sudan		15	
Cambodia			13	Lesotho			11	Suriname			absent
Cameroon			13	Libya			11	Sweden	12		
Canada	15			Liechtenstein		absent		Switzerland	12		
Chad			13	Lithuania	11			Syrian Arab Rep.		13	
Chile	11		2	Malaysia			14	Thailand			18
China		23		Mali			12	Timor-Leste			11
Colombia		absent		Malta		absent		Togo	6		6
Congo			10	Mauritania			10	Tonga	10		
Costa Rica		absent		Mauritius		absent		Trinidad & Tobago			absent
Côte d'Ivoire			13	Mexico	20			Tunisia		13	
Cuba		13		Monaco		absent		Turkey			18
Cyprus			10	Morocco			15	Uganda			13
Czech Republic	10	3		Mozambique			13	Ukraine	17		
DR of the Congo			17	Myanmar			10	United Arab Emirates			11
Denmark	10			Namibia			11	United Kingdom	18		
Dominican Rep.			12	Netherlands	13			United Republic of Tanzania			10
Ecuador		13		New Zealand	10			Uruguay			11
El Salvador			12	Nicaragua		10		Venezuela		13	
Equatorial Guinea			11	Niger			10	Viet Nam			18
Estonia	11			Nigeria	10	10		Yemen			10
Ethiopia			18	Norway	12			Zambia			13
Finland	12			Oman			10	Zimbabwe		13	
France	18			Pakistan		2	19				
Gabon		11		Palau		absent					
Gambia			11	Palestine		10					
Georgia	11			Peru		absent					

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

Helping to restore peace and security and consolidate democracy in the Central African Republic: The contribution of the IPU

Resolution adopted unanimously by the 130th IPU Assembly (Geneva, 20 March 2014)

The 130th Assembly of the Inter-Parliamentary Union,

Deeply concerned about the security situation in the Central African Republic, which continues to deteriorate and is characterized by a breakdown in public order, a decline in the rule of law and a rise in interreligious and intercommunity tensions,

Also deeply concerned about the proliferation and intensification of violations of international humanitarian law and the widespread human rights violations and abuses – including extrajudicial executions, forced disappearances, arbitrary arrests and detention, acts of torture, sexual violence against women and children, and the recruitment and use of children – that have been committed both by former elements of Séléka and by militia groups, in particular those referred to as the “anti-balaka” and the Lord’s Resistance Army,

Reaffirming that some of these acts may constitute crimes under the Rome Statute of the International Criminal Court, to which the Central African Republic is a party, and that the perpetrators must be held to account,

Considering the risk that interreligious and intercommunity tensions in the country might degenerate into religious and ethnic conflict on a nationwide scale and imperil national unity and territorial integrity, with potentially grave repercussions throughout the Central African region,

Underscoring that the alarming situation in the country threatens to create a climate conducive to transnational criminal activity, including arms trafficking and the illicit exploitation of natural resources,

Considering that the situation in the Central African Republic constitutes a threat to national and regional stability and to international peace and security,

Noting that the European Union expressed the intention, at the Council meeting of 20 January 2014, to consider establishing an operation to provide temporary support for the International Support Mission in the Central African Republic (MISCA), and that the transitional authorities in the Central African Republic have agreed to that operation,

Recalling United Nations Security Council resolutions 2134 (2014) of 28 January 2014, 2127 (2013) of 5 December 2013, and 2121 (2013) of 10 October 2013,

1. *Affirms* its support for the Libreville Agreement of 11 January 2013, for the N’Djamena Declaration of 18 April 2013, for the Brazzaville Appeal of 3 May 2013 and for the Declaration on the Central African Republic, adopted by the International Contact Group at its third meeting, held in Bangui on 8 November 2013;
2. *Strongly condemns* the continuing violations of international humanitarian law and the widespread human rights abuses and violations perpetrated by armed groups in the Central African Republic, in particular by former elements of Séléka, the forces referred to as the “anti-balaka” and the Lord’s Resistance Army, which imperil the population; *underscores* that the perpetrators must be held to account for their acts;

3. *Also condemns* the escalation of interreligious and intercommunity violence in the Central African Republic and *demands* that the protagonists immediately halt all acts of violence, whatever their motivation, in particular those said to be grounded in religion, ethnicity or gender;
4. *Further demands* that all parties to the conflict facilitate safe and free access for humanitarian organizations and their personnel, without delay, to areas where populations are in need so that they may swiftly provide the necessary humanitarian assistance in accordance with United Nations guiding principles on humanitarian assistance;
5. *Calls upon* the Member Parliaments of the IPU to press their respective governments to respond rapidly to appeals for urgent humanitarian action and to the pressing and growing needs of the populations affected and of refugees who have fled to neighbouring countries, including the Democratic Republic of the Congo, Chad, Cameroon, the Republic of the Congo and Sudan; *encourages* international organizations and their partners to execute their humanitarian projects without delay;
6. *Expresses support for* the role played by the country's religious authorities at national level in an attempt to calm relations and prevent violence between religious communities, and *believes* that their message should be vigorously relayed at local level;
7. *Applauds* the action of MISCA, of the countries providing contingents for it and of the French armed forces, which, since the adoption of Security Council resolution 2127 (2013), have worked to protect civilians and stabilize the security situation, and *thanks* the partners that have provided air assets to speed the deployment of troops to the area;
8. *Welcomes* the appointment by the National Transition Council, on 20 January 2014, of the transitional Head of State and of the transitional Prime Minister, and *expresses support for* the transitional government; *underscores* that the transitional authorities of the Central African Republic bear primary responsibility for protecting the population and guaranteeing the country's security and national and territorial unity;
9. *Expresses support for* the creation, on 22 January 2014, of an international commission of inquiry into the violations of international humanitarian and human rights law perpetrated in the Central African Republic, by no matter which party, since 1 January 2013;
10. *Demands* that all parties to the current armed conflict in the Central African Republic, former elements of Séléka as well as the groups referred to as the "anti-balaka" and the Lord's Resistance Army, put an immediate stop to violations and abuses committed against women and children, acts of sexual violence and acts of extremism and sectarian violence; *requests* the transitional authorities to make and fulfil a firm and explicit commitment to ensure that investigations are conducted as soon as possible when violence against women or children is alleged and that the perpetrators are prosecuted and held to account for their acts;
11. *Welcomes* the decision of the United Nations Security Council to prepare plans for the imposition of targeted sanctions, including a travel ban and freezing of the assets of individuals having acted to undermine peace, stability and security, in particular those who have violated human rights and international humanitarian law, recruited and deployed children in armed conflict, committed acts of sexual violence, or lent their support to illegal armed groups or criminal networks involved in the illicit exploitation of natural resources in the Central African Republic;
12. *Urges* the transitional authorities to develop and implement disarmament, demobilization and reintegration or repatriation programmes; *underscores* the importance of strengthening the institutional capacity of the police, the judiciary and the penitentiary system to uphold the rule of law;

13. *Also urges* the transitional authorities to establish an inclusive national dialogue between all stakeholders in the country – political, social and religious – with a view, in the near future, to restoring State authority and to institutionalizing a credible and fair process of national reconciliation;
14. *Welcomes* the establishment of a special fund through which States and international, regional and subregional organizations can contribute to the MISCA, and *expresses support* for the organization of an international donors conference as soon as possible to request contributions, in particular through this fund;
15. *Also welcomes* the establishment of a national electoral authority on 16 December 2013 and *underscores* how important it is for the transitional authorities, with support from the United Nations Integrated Peacebuilding Office in the Central African Republic (BINUCA), to organize free and regular elections, providing in particular for the participation of women and without delay (during the second half of 2014, if possible, and by February 2015 at the latest);
16. *Recommends* that the United Nations Security Council deploy, by the earliest possible date, a UN peacekeeping mission to the Central African Republic with an expanded mandate covering support for the political transition, the restoration of State authority throughout the country, the organization of elections, protection for the delivery of humanitarian assistance and the return of refugees and of persons displaced by the violence;
17. *Takes note* that the IPU has already conducted a needs assessment and requests it to take urgent follow-up action with the National Transition Council, including by offering advisory expertise in the recently launched process of constitutional reform;
18. *Entrusts* the Secretary General with the task of conveying this resolution to all IPU Members, Associate Members and Observers and to the other international organizations.

Statement by the President

***Endorsed by the 130th IPU Assembly
(Geneva, 20 March 2014)***

This Assembly in Geneva has taken place at a time of crisis in many parts of the world. Numerous statements have been made referring to the situation in the Central African Republic, the Syrian Arab Republic and Ukraine, to mention but three salient examples.

The Assembly decided by a majority of affirmative votes to add an emergency item on the situation in the Central African Republic to its agenda and adopted unanimously a resolution calling for an end to the hostilities and greater international support.

The other crises are no less urgent.

Since the start of the crisis in Syria, the IPU has called for restraint. It has condemned the acts of violence committed by all parties and has urged the international community to provide support and assistance to the millions who have been displaced by the conflict within Syria and beyond its borders.

The IPU has reiterated on numerous occasions the need for the parties to end hostilities and to negotiate a solution to the conflict. War and destruction will only deepen the suffering of the people of Syria and will do nothing to bring them closer to a solution. Only an inclusive political dialogue can achieve that.

The events unfolding in Ukraine are worrying. The IPU was founded on the concept that crises need to be resolved peacefully. It advocates inclusive political dialogue based on mutual respect and understanding. This is no less important in Ukraine than elsewhere.

The debate during the Assembly demonstrates that the Members of the IPU remain committed to these fundamental precepts. The IPU therefore continues to call on parties to conflict and crisis in the Central African Republic, the Syrian Arab Republic and Ukraine to find peaceful solutions through dialogue.

Amendments to the Statutes and Rules of the Inter-Parliamentary Union

Rules of the Meeting of Women Parliamentarians and of the Coordinating Committee of Women Parliamentarians

Amendments adopted by the IPU Governing Council at its 194th session (Geneva, 20 March 2014)

A. Amendments to the Rules of the Meeting of Women Parliamentarians

Rule 1

Amend the existing Rule as follows:

The Meeting of Women Parliamentarians shall be held ~~each year~~ on the occasion of ~~the first round of Statutory Meetings of the Inter-Parliamentary Union~~ **both annual sessions of the Assembly** and shall report on its work to the Governing Council.

Rule 6.1

Amend the existing Rule as follows:

1. The Meeting of Women Parliamentarians shall meet ~~each year~~ on the occasion of ~~the first annual session~~ **both annual sessions** of the Assembly. ~~Its Coordinating Committee shall meet on the occasion of both annual sessions, in a place and on dates decided by the governing bodies of the Union (cf. Statutes, Arts. 9, 17 and 21 (b)).~~

Rule 6.2

Amend the existing Rule as follows:

2. The Meeting of Women Parliamentarians shall take place ~~each year~~ on the day before the opening of the work of the ~~first~~ Assembly. If necessary, an additional sitting may be organised ~~during that Statutory Meeting~~, particularly for the election of the new regional representatives to the Coordinating Committee.

Rule 7

Amend the existing Rule as follows:

The Meeting shall elect its President among the women members of the host Parliament. If the host Parliament does not comprise a woman member, the President of the Coordinating Committee shall chair the Meeting; in her absence, the First Vice-President or the Second Vice-President of the Committee shall chair the Meeting. **The same will apply for IPU Assemblies held in Geneva.**

Rule 8

Amend the existing Rule as follows:

The Meeting of Women Parliamentarians shall be opened by the President of the Coordinating Committee who shall conduct, **where appropriate**, the election of the President of the Meeting. In the absence of the President of the Coordinating Committee, the Meeting shall be opened by the First Vice-President or the Second Vice-President of the Committee.

Rule 30.1

Amend the existing Rule as follows:

1. The Coordinating Committee shall meet **on the occasion of** ~~during Statutory Meetings of the Inter-Parliamentary Union~~ **both annual sessions of the Assembly.**

Rule 30.2

Amend the existing Rule as follows:

2. ~~At the first annual Assembly, it~~ **It** shall hold a first sitting before the opening of the Meeting of Women Parliamentarians and a second sitting during the days following the Meeting; if necessary, a further sitting may be organised during the ~~Statutory Inter-Parliamentary Meetings~~ **Assembly.**

B. Amendments to the Rules of the Coordinating Committee of Women Parliamentarians

Rule 3.1

Amend the existing Rule as follows:

1. The Coordinating Committee shall meet on the occasion of ~~the two~~ **both** annual sessions of the Assembly

Rule 3.2

Amend the existing Rule as follows:

2. ~~At the first annual session of the Assembly, it~~ **It** shall hold a first sitting before the opening of the Meeting of Women Parliamentarians and a second sitting during the days following the Meeting; if necessary, a further sitting may be organised during ~~that~~ **the** Assembly.

Rule 13.1

Amend the existing Rule as follows:

1. At each ~~annual~~ Assembly, the Coordinating Committee shall appoint one of its members to report to the Meeting of Women Parliamentarians on the work carried out since the previous Meeting. The Coordinating Committee shall make that appointment at the start of its second sitting.

* * *

Revised rules and practices of the Committee on the Human Rights of Parliamentarians

(February 1989; revised in May 2007 and January 2014)

Amendments adopted by the IPU Governing Council at its 194th session (Geneva, 20 March 2014)

The functioning of the Committee on the Human Rights of Parliamentarians is governed by the "Procedure for the examination and treatment by the Inter-Parliamentary Union of communications concerning violations of the human rights of parliamentarians", which came into force on 1 January 1977, and by the subsequent decisions taken by the Governing Council (formerly the Inter-Parliamentary Council) and by the Committee itself.

I. Composition of the Committee

1. The Committee on the Human Rights of Parliamentarians (hereinafter called the Committee) shall be composed of 10 members of Member Parliaments of the Inter-Parliamentary Union (IPU), elected by the Governing Council in an individual capacity on the basis of their competence, commitment to human rights and availability. They shall have a good command of at least one of the IPU's two working languages: English and French. The IPU Secretary General shall ensure that candidates standing for election, the geopolitical groups and IPU Members are fully aware of the requirements stated above.
2. Committee members shall be elected for a single five-year term. In case of resignation, loss of parliamentary mandate or death of a member, or if the affiliation of the parliament to which the member belongs is suspended, his/her term shall automatically come to an end. In such a case, another person shall be elected from the same geopolitical group for a new, full five-year term.
3. The composition of the Committee should reflect an equitable geopolitical distribution of seats.
4. The Committee as a whole should be gender-balanced and in principle comprise five men and five women. In any case, there shall be no fewer than four members of either sex.

II. Objectives of the Committee

5. The Committee shall defend the human rights of current, and in certain circumstances, former members of a national Parliament whenever their rights are at risk or appear to have been violated.
6. The Committee shall aim to: (i) Prevent possible violations; (ii) Put an end to ongoing violations; and/or (iii) Promote State action to offer effective redress for violations.
7. The Committee shall examine, on the basis of a detailed procedure (see also Annexes I to IV), complaints of alleged violations of which it is seized by a qualified source.
8. The Committee shall use all possible means to give visibility to its work in defence of the human rights of parliamentarians. The absence of a complaint shall not preclude efforts by the Committee to advocate respect for the human rights of parliamentarians and raise awareness of violations and risks faced by parliamentarians.
9. In carrying out its mandate, the Committee shall apply international, regional and national human rights standards as well as pertinent recommendations emanating from relevant United Nations, regional and national institutions.
10. The Committee shall strive to take into account gender equality concerns in its working methods, processes and objectives.
11. The Committee may suggest that capacity-building assistance be offered to the parliament and other State institutions where the alleged violation has taken place in order to address underlying concerns giving rise to the submission of the complaint.
12. The Committee may request the IPU Secretary General to organize events or conduct studies to address thematic or regional concerns which appear in its case-load and have wider ramifications for the rights of parliamentarians and/or the functioning of parliaments. The Committee may also make specific suggestions to other IPU bodies.

III. Methods of work

• Sessions

13. Barring exceptional circumstances, the Committee shall meet three times a year: an extended session shall be held at IPU Headquarters in January or June/July and regular sessions shall be held in the days leading up to and during each of the two IPU Assemblies.
14. The Committee's sessions shall be held *in camera*.
15. The Committee shall set the dates of its next sessions in the light of proposals made by the IPU Secretary General.

· **President and Vice-President**

16. The Committee shall elect its President and Vice-President for one year. Both shall be eligible for re-election. The Committee will strive to ensure that the President and Vice-President are of opposite sexes.

17. The Vice-President shall replace the Committee President in the latter's absence. In case of resignation, loss of parliamentary mandate or death of the President, or if the affiliation of the parliament to which the President belongs is suspended, his/her functions shall be performed by the Vice-President. Should the Vice-President also become subject to any of the situations mentioned in the previous sentence, the Committee shall elect a new President and Vice-President for a one-year term.

· **Agenda**

18. The provisional agenda of the Committee shall be drawn up by the IPU Secretary General, in consultation with the Committee President.

19. The agenda shall include an item on follow-up action by Committee members and Member Parliaments on decisions adopted on individual cases.

· **Quorum**

20. The quorum for deliberating and taking decisions shall be six members.

· **Confidential and public nature of the Committee's work**

21. The Committee's deliberations and all correspondence and documents submitted to it shall be kept confidential at all times. The Committee members shall undertake personally to respect this rule of confidentiality. The Committee shall call on the parties directly concerned to ensure that its deliberations, documents and correspondence submitted to it or sent by it remain confidential.

22. The Committee's decisions shall be made public as a matter of principle unless it believes there are overriding reasons to keep a decision confidential. Such reasons include strong indications that: (i) only confidentiality will promote a resolution of the case; (ii) a public decision will put the security of the victim and/or complainant at risk; (iii) the concerns in the case are not sufficiently clear; and/or (iv) the complainant is using the Committee purely for political gain. In respect of confidential cases, the IPU Secretary General shall communicate the decision only to the parties concerned. The Committee may also mandate the Secretary General to convey a confidential decision to other parties which it deems to be in a position to help it in the examination of the case. The Secretary General shall not be held responsible for the reproduction and distribution of the Committee's confidential decisions and other submissions by the parties concerned.

23. When the Committee meets during IPU Assemblies, its President shall report on its work to the Governing Council, to which it shall submit draft decisions for adoption on individual cases which, if adopted, shall enjoy the support of the full IPU membership. Should the Committee President be unable to attend, the report shall be presented by the Vice-President or, in his/her absence, by another Committee member designated by the Committee. The report to the Council may also contain one or more personal testimonies from the persons affected or their representatives. The text of all adopted decisions shall make mention of any clear reservation on the substance of the decision expressed by the delegation of the country concerned and/or other parties.

· **Organization of examination of cases**

24. The Committee shall prioritize discussion of and action on its cases. To this end, the Committee shall always examine cases which are submitted to it for the first time. It shall further prioritize examination of cases with significant developments, cases of ongoing risk to life, physical integrity and liberty or continuing serious intimidation and cases in which no developments have occurred but which require a strategic discussion and/or shift of focus.

25. Previous decisions on cases shall remain applicable as long as they have not been superseded by a new decision of the Committee.

26. Once a year, during an extended session held in January or June/July, the Committee shall examine all the cases before it and shall plan, to the extent possible, its activities for the next 12 months, including the hearing of delegations, sources and other parties and the organization of on-site missions, visits and trial observations. The foregoing shall not preclude the discussion or planning of activities at the Committee's other sessions.

27. At the extended session, the Committee shall decide for each case whether or not it will be the subject of a decision at that session. The Committee may decide, in respect of the other cases, whether, in the absence of a decision, specific follow-up action is required. The Committee shall adjourn the adoption of any decision on the other cases to a future session on the understanding that its concerns as expressed in its most recent decisions in those cases shall remain valid.

· **Use of experts, hearings, missions, visits and trial observations**

28. The Committee may consult experts, hold hearings, carry out on-site missions and visits and mandate the observation of trial proceedings in accordance with established rules and criteria (see Annexes III and IV).

· **Recusal of Committee members**

29. In principle, Committee members shall not attend and participate in deliberations and decisions on any case concerning a member of parliament who is a national of his/her country. The Committee may, however, invite the member concerned to provide his/her observations on the case.

· **Decisions**

30. As a general rule, the Committee's decisions shall be taken by consensus. In the absence of consensus, the Committee shall decide by a majority of the members present.

· **Organization of work between sessions**

31. Within 14 days after the end of the session, the IPU Secretary General shall provide Committee members with a succinct summary of what, if any, decision was taken for each case at the session.

32. Between sessions, the IPU Secretary General shall promote implementation of the case decisions and other follow-up action identified by the Committee at its previous session(s) and take steps in respect of any new or other cases warranting an immediate response. With regard to the other cases, the IPU Secretariat shall closely monitor developments.

33. The Committee members, and first and foremost its President, may be consulted where appropriate between sessions on the submission of new cases and developments in cases already under examination by the Committee, as well as on the organization of on-site missions, visits and trial observations.

34. Between sessions, the Committee may exceptionally adopt a public or confidential decision in the event of an urgent situation requiring its immediate attention. To this end, should the IPU Secretary General receive information from a qualified source warranting an urgent Committee decision, he/she shall contact the Committee President, and with the latter's approval, inform all other members, suggest a course of action and ask for their feedback within 48 hours, or in absolute emergencies, 24 hours.

· **Parliamentary solidarity**

35. The work of the Committee shall be based on the principle of parliamentary solidarity. It shall therefore seek, where useful, to engage with IPU Member Parliaments in facilitating satisfactory settlements in the cases before it and to give prominence to parliamentary action taken to promote such solutions.

36. Following each Committee session, the IPU Secretary General shall invite all IPU Member Parliaments to take action to follow up the decisions on individual human rights cases and to report on any action taken. In so doing, the Secretary General may pay special attention to certain cases warranting parliamentary action.

37. The Committee may also take other steps to promote parliamentary solidarity. Such efforts may include, but are not limited to: (i) requesting the IPU Secretary General to write to the chairpersons of the geopolitical groups about the public cases pending in or outside their regions; (ii) inviting, at a session during the Assembly, one or two chairpersons of geopolitical groups to discuss implementation of decisions affecting their (or another) region; (iii) publicly informing the IPU membership about follow-up action taken by each IPU Member on decisions adopted in human rights cases; (iv) entrusting Committee members with the task of presenting its work to the meetings of the Executive Committee, geopolitical groups, the Association of Secretaries General of Parliaments and, possibly, the Third Standing Committee on Democracy and Human Rights during IPU Assemblies; and (v) organizing, as a matter of principle, an information session for the parliamentary and other authorities of the host country of an IPU Assembly.

· **Adoption and amendment of the rules**

38. One or more of the members of the Committee and/or the IPU Secretary General may propose amendments to the Rules for discussion by the Committee. The Committee shall discuss such proposed amendments and adopt, with the support of an absolute majority of the members present at the time of the vote, its own views thereon. Should these views favour specific amendments to the Rules, such amendments shall be submitted to the Governing Council for approval.

· **Secretariat**

39. The Committee shall have a Secretary and a team of IPU staff to assist it in its day-to-day work. The Secretary shall be under the direct authority of the IPU Secretary General and, along with the former's team, cooperate closely with other IPU staff to ensure the effectiveness of the Committee's work.

* * * * *

Procedure for the examination and treatment of complaints

(February 1989; revised in May 2007 and January 2014)

I. Qualified complainants

1. Qualified complainants under the procedure shall be:
 - (a) A (former) parliamentarian(s) (or person authorized by him/her/them to make such complaints and/or a family member) who has/have been the subject of a violation of his/her/their human rights;
 - (b) Another member of parliament;
 - (c) A political party; or
 - (d) An authoritative international or national organization competent in the field of human rights (United Nations and its specialized agencies; intergovernmental organizations; inter-parliamentary organizations; and non-governmental international and national organizations competent in the field of human rights).

II. Presentation of complaints

2. In principle, complaints shall be addressed to the Committee President or the IPU Secretary General, at IPU Headquarters.
3. A list of items of information to be provided shall be made available (Annex II). It shall be designed to assist applicants in presenting a complaint that is as complete, precise and concise as possible.

III. Preliminary investigation of cases

4. The IPU Secretary General shall establish a file on any complaint received. In order to do so, he/she shall be authorized to request additional information from the author(s) of the complaint, as well as from the authorities of the State concerned or, if appropriate, from third parties able to supply such information. He/she shall avail himself/herself of any document relevant to the study of the case, particularly the pertinent texts of national laws and international legal instruments and any document from competent international or regional organizations.

5. The IPU Secretary General shall request additional information only when there are grounds for presuming that the complaint is admissible. In the absence of such grounds, the Secretary General may refrain from conducting a preliminary investigation.

6. The identity of the author(s) of complaints shall be disclosed only with his/her/their agreement and when such disclosure is deemed appropriate.

7. The allegations and other information on file shall be outlined and forwarded first and foremost to the parliamentary authorities of the country in question for their comment. The IPU Secretary General may also address the request for information to any competent authority likely to provide official information.

8. It is expressly stated that this approach shall be aimed solely at requesting information before the case is examined by the Committee, and that it shall in no way prejudice such action as may be taken on the case by the competent bodies of the IPU.

9. The IPU Secretary General shall inform the author of a complaint of information received from the authorities of the country in question, particularly when new developments occur affecting the situation of the parliamentarian concerned, and vice versa.

IV. Standards and criteria of admissibility

10. Complaints may refer only to members of a national Parliament, not to members of regional and local assemblies.

11. The Procedure shall be applicable to members of parliament who are or have been subjected to arbitrary actions during the exercise of their parliamentary mandate, whether the Parliament is sitting, in recess or has been dissolved as the result of unconstitutional or extraordinary measures. The Committee shall also be competent to examine complaints regarding former members of parliament when the alleged arbitrary actions refer directly to events that took place when the individual was still a member of parliament.

12. With respect to alternate members of a national parliament, admissibility shall depend on the nature of the function involved and how it is exercised.

13. Other standards and criteria of admissibility may be determined in individual cases by the Committee, based on its experience.

14. Decisions on admissibility and non-admissibility of complaints shall be transmitted to the parties directly concerned, together with a statement of the grounds of such a decision.

V. Examination of complaints

15. For each case, the IPU Secretary General shall present a report containing the following:

- Information on the source(s) of the complaint and the date(s) of the communication(s);
- An analytical summary of the allegations and any other information on file;
- Legal references and background (national and international);
- Observations on the formal admissibility of the communication(s); and
- Information on the preliminary investigation of the case and/or previous treatment thereof, particularly the date and content of the reply from the authorities of the country in question to such requests for information as may have been addressed to them.

16. The Committee shall examine each of the cases before it on the basis of the file compiled for that purpose by the IPU Secretary General.

17. The Committee shall seek to establish the facts of a case. For this purpose, the IPU Secretary General shall invite the authorities to comment on the information provided by the author of a complaint, and the author of a complaint to comment on the information provided by the authorities. The Secretary General may also seek information from any other reliable source likely to provide relevant information.

18. The Committee shall seek, to the extent possible and as appropriate, to establish contact with the parliamentarian concerned, first of all, in order to ascertain that he/she has no objection to the Committee examining his/her case and, second, to ensure a continuous flow of first-hand information regarding his/her case.

19. The Committee shall do everything possible to foster a dialogue with the authorities of the countries concerned, first and foremost their parliament, in the pursuit of a satisfactory settlement.

20. The IPU Secretary General shall inform the Committee of any technical cooperation project the IPU is conducting or intends to conduct in a country in which it is examining a case. It may invite the Secretary General to take steps to ensure that its concerns in that case are taken into consideration in order to ensure coherent action by the IPU.

21. The Committee shall engage, including where possible through an official partnership, with relevant international and regional political structures, first and foremost their parliamentary arm, and/or their human rights mechanisms. At the national level, the Committee shall engage, where possible and useful, with in-country UN missions, national human rights institutions and national human rights organizations. The Committee shall also engage directly with parliamentary human rights committees in those countries that have cases before it and in countries that take a keen interest in human rights issues abroad.

VI. Consultation of experts

22. Experts may be consulted when the Committee deems it appropriate.

VII. Hearings

23. The Committee may hold hearings in accordance with the established rules and criteria (Annex III).

VIII. Missions, visits and trial observations

24. In specific cases, the Committee may decide to carry out an on-site mission and/or visit or mandate the observation of trial proceedings. Such action shall be taken in accordance with established rules and criteria (Annex IV).

IX. Closure of cases

25. The Committee shall continue in principle to examine a case at future sessions as long as a satisfactory settlement has not been reached. The Committee may decide to close a case, however, if: (i) in its view a satisfactory settlement cannot be reached; (ii) the complainant has not provided any updated information in spite of repeated requests and the complainant's ability to do so; or (iii) the complainant states that further action by the Committee is no longer useful.

26. In cases where current or former parliamentarians or their direct representatives are complainants in the case, their response, or absence thereof, shall take precedence over the response of other complainants in the matter. The Committee may reserve the right to re-open a case in the light of new information provided by complainant(s).

27. In cases where a confidential case has been satisfactorily settled, the Committee may decide to announce publicly its closure and state the reasons thereof.

28. Whenever the Committee adopts a decision to close a case, that decision shall be communicated to the parties directly concerned.

* * * * *

Presentation of complaints

The list of items below is designed to help applicants prepare a complaint which is as complete, precise and concise as possible, so as to facilitate the work of the Committee on the Human Rights of Parliamentarians.⁶

I. Information concerning the complainant

Family name:

First name:

Nationality:

Sex:

Home address:

e-mail address for exchange of confidential correspondence:

Highlight in which capacity the person submitting the complaint meets the criteria of a qualified source:

- 5 a (former) parliamentarian(s) whose rights have been violated;
- 5 a person authorized by a (former) parliamentarian whose rights have been violated;
- 5 a family member of a (former) parliamentarian whose rights have been violated;
- 5 another parliamentarian;
- 5 a political party; or
- 5 a recognized national or international organization in the area of human rights (United Nations and its specialized agencies; intergovernmental organizations; inter-parliamentary organizations and national or international non-governmental organizations competent in the area of human rights).

Does the person submitting the complaint agree for his/her identity to be made known to the authorities of the State in question?

- 5 Yes
- 5 No (specify reasons for refusal)

II. Information concerning the victim of the violations

Member or former Member of Parliament whose rights have been violated:

Family name:

First name:

Nationality:

e-mail address for eventual exchange of confidential correspondence:

Name of political party:

Political affiliation at the time of the alleged violation(s):

- 5 Majority
- 5 Opposition
- 5 Independent
- 5 Other (specify)

⁶ This list of items was established by the Committee during its first session, in January 1977.

Information concerning parliamentary status:

- (a) At the time of the alleged violation
 - 5 Sitting parliamentarian
 - 5 Former parliamentarian (specify end date of parliamentary term)
- (b) At the time of the presentation of the communication
 - 5 Sitting parliamentarian
 - 5 Former parliamentarian (specify end date of parliamentary term)

III. Information concerning the alleged violation

Statement of the facts ⁷ constituting a violation of rights (indicate in particular the place and date of the acts of violation):

Information concerning, if relevant to the case, parliamentary immunity:

Information concerning, if relevant to the case, information on gender-based violations:

Provisions of relevant public laws and international legal instruments ⁸:

Information concerning domestic remedies available and invoked: (parliamentary, judicial or disciplinary procedure)

Names and addresses of persons with whom the Committee could, if necessary, communicate in order to obtain further information (in particular, name and address of legal counsel):

Documents annexed to the complaints:

Suggested action ⁹:

Place and date:

Signature ¹⁰:

* * * * *

Arrangements concerning hearings

(July 1983, revised in May 2007 and January 2014)

I. Hearings with the Committee in corpore:

- (i) Hearings may be held with parliamentary authorities, other competent authorities, the complainant(s), the alleged victim(s), representatives of relevant international and national organizations and experts;

They may be held; (i) on the initiative of the Committee itself; (ii) at the request of any of the above-mentioned entities or persons.
- (ii) The Committee shall seek to organize a hearing of its own volition and accept a request for a hearing whenever it considers this to be useful and appropriate in the examination of a case.
- (iii) Requests for a hearing with the Committee shall be made in good time prior to the corresponding session so that the Committee, or its President, may assess the advisability of such a procedure and give its consent.

⁷ The description of the facts should, as far as possible, be complete, precise and concise, and accompanied by supporting evidence.

⁸ The statement should, as far as possible, be accompanied by relevant extracts of the texts of the public laws referred to.

⁹ These suggestions are merely indicative. It is the responsibility of the Committee to determine, within the limit of the Inter-Parliamentary Union's capabilities, the action to be taken on them.

¹⁰ For international organizations, signature of a person empowered to represent the organization.

- (iv) In order to ensure the effectiveness of this procedure, the hearing shall be held in such a way as to meet the needs of the Committee. With this in mind:
- At the opening of the hearing, the President of the Committee may specify to the person(s) concerned the conditions in which he/she/they will be heard and inform him/her/them of the elements of the case on file to which the hearing will relate, if necessary stating the main points requiring clarification;
 - The time available to a person(s) to make his/her/their preliminary statement shall be established in advance. The person(s) shall then be invited to reply as concisely as possible to specific questions. The Committee may decide that, between the time of the general statement (which will enable it to assess the intentions of the person concerned) and the time devoted to questions, the person(s) concerned shall leave the room to enable the Committee to identify the points requiring clarification; and
 - The Committee shall decide if it is necessary to ask the person(s) being heard to confirm or clarify in writing certain points of his/her/their statements.
- (v) Hearings shall preferably take place in one of the working languages of the Committee.

II. Hearings with the Committee President or a designated member(s)

The Committee may decide to designate its President or another member(s) to meet *in camera* and hear any entities or persons mentioned under A (i).

* * * * *

Principles and criteria for conducting on-site missions, visits and trial observations

(April 1986, revised in May 2007 and January 2014)

I. Principles and objectives

1. In order to advance its work to defend the human rights of parliamentarians and to make progress towards the satisfactory resolution of one or more cases, the Committee may decide to carry out a mission or visit, or to observe a trial.
2. Such missions and visits may be envisaged for countries in respect of which cases are pending before the Committee or for countries that are the seat of relevant international or regional organizations or that have national parliamentary committees, other institutions and/or sources of information that may assist the Committee in its work.
3. In exceptional circumstances, a mission or visit may also address political or parliamentary challenges that go beyond the Committee's specific mandate but that need to be addressed in order to resolve the specific cases dealt with by the Committee.
4. When the Committee is not in session, a decision to dispatch a mission, make a visit and/or observe a trial may be taken by correspondence. In particularly urgent or serious circumstances, the decision may be taken by the Committee President in consultation with the IPU Secretary General. Any decision to this effect shall immediately be communicated to the Committee members.
5. Missions shall normally comprise at least two delegates, if possible at least one man and one woman, and extend over several days on the basis of a comprehensive programme that shall include meetings with all relevant authorities, the complainant(s) and other parties in a position to assist the Committee in its work.
6. Visits shall normally be carried out by a single Committee member or another person mandated by the Committee.
7. The length of trial observations shall depend on the schedule of hearings. As part of a trial observation, the observer shall meet with the relevant authorities in the case, in particular the prosecutor's office and the court authorities, as well as the complainant(s)/alleged victim(s) and defence counsel.

8. Trial observations shall be carried out by legal experts and/or members of parliament. Their competence in and impartiality vis-à-vis the case at hand shall be beyond doubt. They shall not at the same time be members of the Committee.

9. A representative(s) of the IPU Secretariat, where possible, shall accompany on-site missions and visits.

10. A mission or visit may only take place with the explicit approval of the authorities of the country in question. In cases where the parliament is represented in the IPU, the necessary contacts and approaches shall be made through that parliament or with its approval. This rule shall apply to all missions or visits except in cases where no interaction is foreseen between the delegation and the government or parliamentary authorities. In the case of a trial observation, the IPU Secretary General shall inform the authorities of the country concerned, in particular the parliament and the authority before which the proceedings are taking place, of the IPU's presence.

11. A mission or visit shall generally aim to:

- Make known to the authorities of the country in question or the institutions in that country the interest which the IPU and, through it, the international community, has in the treatment and fair settlement of an individual case;
- Gather a maximum amount of first-hand or reliable information on the case so as to enable the Committee on the Human Rights of Parliamentarians and the IPU Governing Council to take a decision based on full knowledge of the facts;
- Enquire into respect for basic human rights in the case under consideration on the basis of applicable national legislation and international legal instruments. When a case concerns allegations that legal proceedings brought against a (former) parliamentarian are not founded in law, a trial observation mission may be sent to enquire into respect for basic fair trial guarantees; and
- Contribute, as much as possible, to the settlement of the case in accordance with human rights principles.

12. A mission, visit or trial observation may thus in no way lead, either directly or indirectly, to the expression of any value judgment whatsoever of a situation in general or political regime, whatever their nature.

II. Funding

13. Missions, visits and trial observations shall as a general rule be funded by the core budget of the IPU.

III. Responsibilities of the authorities in missions and visits

14. In the case of missions and visits, the authorities of the country concerned, first and foremost the parliament, are responsible for arranging the requested meetings with relevant authorities, providing local transport to the delegation for the duration of the mission or visit and ensuring the protection of the delegation. The authorities shall also assist in any other way possible with the effective fulfilment of the mission's or visit's mandate.

IV. Composition of delegations

15. The following individuals may be designated to conduct missions and visits:

- Current and former members of the Committee on the Human Rights of Parliamentarians;
- Other parliamentarians with relevant expertise;
- The IPU Secretary General or his/her representative; and
- Human rights specialists.

16. In principle, the Committee shall decide at each of its sessions on the composition of delegations for proposed missions and visits. In deciding to designate one or more of its members to conduct a mission, it shall take into account criteria such as familiarity with the country's legal and political system, command of relevant languages for the mission and absence of potential challenges, whether perceived or real, to the effectiveness of the mission or visit due to the member's nationality and/or political activities. Committee members shall be required to share with the Committee before a decision is taken on the composition of the delegation any information concerning them that may adversely affect the effectiveness of the mission or visit.

17. Should the designated member(s) be prevented from participating in the mission or visit, the IPU Secretary General shall consult the Committee President on the replacement of the member(s) in question and, with the President's approval, take the necessary steps to ensure that the mission or visit can be carried out.

V. Conduct of missions, visits and trial observations

18. The persons entrusted with a mission, visit and trial observation shall receive a copy of this document. They shall base their action on the principles advocated by the IPU.

(a) Accreditation and terms of reference

19. The member(s) of the delegation shall be given several copies of a letter of accreditation and, if necessary, written terms of reference. The latter shall clearly indicate the purpose of the mission.

20. Unless the Committee or the IPU Governing Council decides otherwise, the members of a delegation may not accept to act on behalf of and receive funding from any body or organization in the same country and during the same period.

(b) Concerted action

21. Concerted action shall be taken at all stages of a mission. If necessary, consultations shall take place during the mission between the members of the delegation and the IPU Secretary General.

22. Barring instructions to the contrary from the Committee or the IPU Governing Council, the members of a delegation shall not accept individual invitations to visit the country in question.

23. If necessary, a preparatory meeting shall be held, prior to the visit, preferably at IPU Headquarters in Geneva.

(c) Fulfilment of the mandate

24. The delegation shall strive to gather information from all parties concerned: (i) competent authorities (governmental/parliamentary/judicial); (ii) parliamentarian(s) whose situation is the subject of the mission; (iii) third parties in a position to supply reliable information (sources of communication/relatives of the victim(s)/lawyer(s)/parliamentarian(s) witness(es)/human rights organizations). The delegation may make direct contact with and hear witnesses as early as during the preparatory meeting.

25. The delegation shall ensure that no witnesses are present during its contacts with the parliamentarian(s) whose situation is the subject of the mission - including when the parliamentarian is detained or imprisoned - and with third parties in a position to supply reliable information. If interpretation is necessary, the delegation shall ensure that the interpreter respects the rule of confidentiality (see paragraph 32 below).

26. Members of delegations shall make every effort never to expose the parliamentarian(s) in question and the sources of confidential information to risks; in the case of direct contacts, they must receive assurances that no reprisals of any kind will be taken against the person(s) concerned because of such contacts. If necessary, they shall ensure that the person(s) concerned is/are able to bring to the attention of the IPU any measures taken against him/her/them after meeting with the delegation.

27. Should the delegation feel that the basic conditions for the fulfilment of its mandate are not met, it shall terminate the visit, if possible after consulting the President of the Committee and the IPU Secretary General.

(d) Documentation made available to delegations

28. All delegations shall receive as complete a set of documents as possible to ensure the effective fulfilment of their mandate.

(e) Contacts with the press

29. The IPU Secretariat shall consider, in consultation with the delegation, how to give visibility to the mission, visit or trial observation, including its preliminary findings.

30. The IPU Secretariat and the delegation may decide to organize a press conference towards the end of the mission or visit and, exceptionally, the trial observation should this be considered useful in helping implement and disseminate the preliminary findings of the delegation.

31. With regard to missions carried out in relation to confidential cases, in general no contact with the press will be made.

(f) Interpreters

32. If necessary, the mission shall be assisted by an interpreter. Depending on the situation, the interpreter may be made available to the mission by: (i) the Parliament of the country in question; (ii) in the event of a trial which takes place in a country of which the Parliament is not a Member of the IPU, by the defence counsel of the parliamentarian concerned; or (iii) by the IPU Secretariat. The delegation shall ensure that interpreters who are not under oath respect the rule of confidentiality.

VI. Reports on missions, visits and trial observations

(a) General principles

33. The report shall be submitted to the Committee, which shall examine it *in camera*. For the missions or visits referred to in paragraph 3 of this Annex, the report may also be submitted to other IPU bodies.

34. The report shall, where useful, be conveyed as soon as possible to the authorities of the country in question and the complainant(s) so as to enable them to forward their observations. The report may also be shared for information and comments with other interlocutors which the delegation met.

35. The Committee shall judge the way in which it is to report publicly on the mission or visit or trial observation, including whether or not to submit the entire report or part thereof to the IPU Governing Council.

36. Any report or part thereof which has been made public by the Committee, either directly or through the IPU Governing Council, may be used as such provided that mention is made of its origin.

37. The report shall be the property of the IPU.

(b) Guidelines for the presentation and content of the reports

(i) Presentation of reports

38. The report shall be transmitted to the Committee Secretariat as soon as possible, and in any event, within 30 days of the completion of the mission, visit or trial observation.

39. The report shall be drafted preferably in English or in French.

40. The delegation shall clearly state if certain parts of the report are to remain confidential.

41. Likewise, special mention shall be made of any minority opinion held by a member of the delegation.

42. Should a mission or visit or trial observation consist of several stages, the delegation shall submit a provisional report as soon as possible (e.g. preliminary observations on a trial hearing), it being understood that the final report (e.g. comments on the judgment handed down by the court) shall be submitted subsequently.

(ii) Content of reports

43. Reports should contain information on the following points in particular:
- Reference to the decision by the Committee and/or IPU Governing Council;
 - Places and dates of the mission, visit or trial observation; members of the delegation;
 - Contacts with the authorities of the country (parliamentary/governmental/judicial);
 - Contacts with the parliamentarian(s) who is/are the subject of the mission (dates, places and conditions of meeting; brief outline of his/her/their situation; summary of the explanations and opinions voiced by the person(s) concerned; brief account - if applicable - of the place and conditions of detention);
 - Contacts with third parties;
 - Prospects for a settlement of the case; and
 - Conclusions and recommendations.
44. Reports of trial observations shall, in particular, contain information on the following:
- The origins of the trial and its context;
 - Information concerning the defendants;
 - The court seized of the case(s);
 - The prosecution and the defence;
 - The charges brought;
 - The laws and decrees applied;
 - The case made by the prosecution and a summary or the text of the indictment;
 - The nature of the defence and a summary of the text(s) of the case made by the defence;
 - The ruling (if handed down);
 - The conduct of the trial;
 - Comments concerning the conduct of the trial, the ruling (if handed down) and the legal provisions applied; and
 - The appeal: the possibilities of appeal; the intentions of the defence and a comment on the likelihood of an appeal succeeding.

Rules and working modalities of the Forum of Young Parliamentarians of the IPU

Adopted by the IPU Governing Council at its 194th session (Geneva, 20 March 2014)

MANDATE

RULE 1

1. The Forum of Young Parliamentarians is a permanent body of the IPU dedicated to enhancing the quantitative and qualitative participation of youth in parliaments and in the IPU.

OBJECTIVES

RULE 2

1. The objectives of the Forum of Young Parliamentarians are as follows:
 - Broaden diversity and inclusiveness by increasing the presence of young parliamentarians at IPU Assemblies and meetings;
 - Strengthen the added value of youth in the IPU by incorporating a youth perspective in the IPU's agenda and work and building bridges between the IPU and youth organizations;
 - Achieve better parliaments and stronger democracies by promoting youth participation in parliaments and reaching out to young people involved in politics; and
 - Ensure better follow-up and implementation of decisions and recommendations contained in the IPU resolution on "Youth participation in the democratic process", adopted by the 122nd Assembly in Bangkok.
2. Through its action, the Forum will contribute to achieving the objectives of the IPU.

WORKING MODALITIES

RULE 3

1. The Forum of Young Parliamentarians shall meet at each IPU Assembly.
2. It shall debate subject items placed on the agenda of the Assembly from a youth perspective and make recommendations to Committees, Groups and the Governing Council.
3. The Forum of Young Parliamentarians shall debate other youth-related issues and report back on them to the Governing Council.

COMPOSITION

RULE 4

1. The Members of the IPU shall be represented at the meetings of the Forum of Young Parliamentarians by their delegates who are below the age of 45 years.
2. Other delegates interested in youth issues may also attend the meetings of the Forum of Young Parliamentarians in an observer capacity.

BOARD OF THE FORUM OF YOUNG PARLIAMENTARIANS

RULE 5

1. An elected bureau, known as the "Board of the Forum of Young Parliamentarians", shall represent the Forum of Young Parliamentarians and conduct its work.
2. The Board shall draw up the convocations of the Forum of Young Parliamentarians in consultation with the Secretary General, who gives effect to the relevant decisions taken by the Governing Council and the Assembly.
3. The Board shall be composed of two representatives from each of the IPU geopolitical groups, a man and a woman, both below the age of 43 years at the time of the election of the Board.
4. The Board shall be elected every two years.
5. Officers shall be elected or re-elected at the first annual session of the Forum of Young Parliamentarians by an absolute majority of the votes cast.
6. The Board shall be presided over by a President, who shall be a member of the Board. He/she shall be elected by the members of the Board.
7. A president shall be elected every two years. The same president cannot hold office for two consecutive terms. Gender and geopolitical rotation are mandatory at each election of the president. A separate vote shall be held by secret ballot whenever there is more than one candidate of the same sex and geopolitical group for the position of president of the Board.
8. The youngest member of the Board present shall replace the President in his/her absence.
9. The President shall open, suspend and close sittings, direct the work of the Forum of Young Parliamentarians, see that the Rules are observed, call upon speakers, put questions to a vote, make known the results of voting and declare the sessions closed.
10. The President shall report back on the work of the Board to the Forum of Young Parliamentarians.

RAPPORTEURS

RULE 6

1. The Forum of Young Parliamentarians shall appoint rapporteurs to prepare "youth overview reports" on the subject items placed on the agenda of the Assembly. These reports shall include recommendations from a youth perspective on the items placed on the agenda of Committees and/or Groups. All members of the Forum of Young Parliamentarians may contribute to the youth overview reports by debating and submitting their suggestions and comments to the rapporteurs. The reports shall be debated at the meetings of the Forum of Young Parliamentarians and using information and communication technology tools. The final reports shall remain the responsibility of their respective authors.
2. The rapporteurs shall attend Committee and Group sessions to present their reports and recommendations.
3. The rapporteurs shall give an objective account of the Forum of Young Parliamentarians' work, taking into consideration the views of the majority and minority.

AGENDA AND REPORTS

RULE 7

1. The agenda of the Forum of Young Parliamentarians shall be communicated to all Members of the IPU by the Secretary General, who gives effect to the decisions taken by the Governing Council and the Assembly.
2. The conclusions of the Forum of Young Parliamentarians and its Board shall be presented by the President of the Board to the Governing Council and the Assembly.

SECRETARIAT

RULE 8

1. At statutory Assemblies, the work of the Forum shall be conducted within the framework of existing practical arrangements and human resources.

Cooperation with the United Nations system

List of activities undertaken by the IPU from 15 October 2013 to 15 March 2014

Noted by the IPU Governing Council at its 194th session (Geneva, 20 March 2014)

The United Nations

- The IPU continued its efforts to provide a parliamentary perspective on the post-2015 development agenda. This included two contributions to the sessions of the UN General Assembly Open Working Group on macroeconomic issues and governance, respectively (November 2013 and February 2014). The contribution to the November session stemmed directly from the outcome of the Parliamentary Hearing at the United Nations just days before, which again stressed the need for an economic model more directly geared toward human well-being instead of material growth per se. The contribution to the February session made the case for a stand-alone goal on democratic governance in the new sustainable development goals. To further reinforce this message, a side event organized with other partners on 6 February focused on questions of measurability of democratic governance (i.e. targets and indicators).
- The annual IPU-UN Parliamentary Hearing was held on 14 and 15 November in New York. Entitled *Re-thinking sustainable development: The quest for a transformational global agenda in 2015*, the event was co-organized for the first time, not only by the President of the General Assembly, but also by the President of the Economic and Social Council (ECOSOC). It provided a substantive parliamentary contribution to the post-2015 global consultation that helped underscore key messages on the economic model of development, democratic governance and gender, among other things.
- As a first step toward preparations for the Fourth World Conference of Speakers of Parliament in 2015, preliminary consultations were held with top UN officials to ensure that the event would be well coordinated with the overall post-2015 process and in particular the United Nations summit scheduled to take place that year. Discussions were held with the UN Secretary-General, the Deputy Secretary-General and the UN Legal Counsel, among others. A representative of the UN Secretary-General was also invited to participate in the first meeting of the Preparatory Committee, which was held in Geneva on 27 and 28 January 2014.
- Work got under way to help prepare the debate in the UN General Assembly on “interaction between the UN, parliaments and the IPU”, scheduled for April/May 2014. The IPU worked closely with the UN Secretariat on the main elements of the Report of the UN Secretary-General (to be issued later this year), on which the debate will essentially be based. The IPU used those elements to draft a first version of the related General Assembly resolution, to be discussed during the 130th Assembly before being circulated among UN Member States. Consultations with Permanent Missions in New York are expected to be held in early April.
- The IPU partnered with the United Nations Office of Disarmament Affairs and the World Future Council to raise awareness of and designate some of the world’s best disarmament policies. A press conference and award ceremony were held on 23 October at UN Headquarters in New York, the latter in the presence of a large audience of senior UN officials and diplomats, including the ambassadors of most of the Latin American countries (the Gold Award went to the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean).

- In the light of the far-reaching reform of ECOSOC and of the possible implications in terms of further cooperation with the IPU and parliaments, the IPU Secretary General was invited to attend a retreat with ECOSOC ambassadors on 16 and 17 November 2013 and to deliver a keynote speech on the role of parliaments in holding governments to account for implementation of the post-2015 development agenda.
- The second symposium for the 2014 session of the Development Cooperation Forum (DCF) took place in Montreux, Switzerland, in mid-October. The IPU was represented by a delegation of parliamentarians who contributed to a discussion of how development cooperation (aid, but also other flows of development finance) should be reconfigured in the post-2015 era. A first draft guidance note on national aid policies was presented to the DCF Advisory Group, which is headed by the UN Under-Secretary-General for Economic and Social Affairs.

UN Women

- The IPU Secretary General met for the first time with the new Executive Director of UN Women, Ms. Phumzile Mlambo-Ngcuka, for an exchange of views on prospects for cooperation between the two organizations. Among other things, the two discussed the possibility of a memorandum of understanding between the IPU and UN Women to better outline further cooperation.
- UN Women senior officials participated in the debate held by Women Speakers at their 8th annual meeting, in November 2013 in New York, right before the annual Parliamentary Hearing. The meeting looked at the gender aspects of the issues on the agenda of the Hearing, and focused on whether the new sustainable development goals should contain a stand-alone gender goal and how this should be formulated.
- In cooperation with UN Women, the IPU held its annual parliamentary meeting in tandem with the 58th session of the Commission on the Status of Women in mid-March 2014. The day-long meeting echoed the session's priority theme, the implementation of the Millennium Development Goals for women and girls.
- The IPU and UN Women again produced the Map of Women in Politics 2014, a joint initiative. The Map was launched at the 58th session of the Commission on the Status of Women, in New York.
- A dialogue session was organized in October 2013 between the plenary UN Committee on the Elimination of Discrimination against Women and a high level delegation of parliamentarians from the IPU to discuss cooperation between parliaments, the IPU and the Committee. The session identified the difficulties parliaments encountered in providing input for the Committee's reporting process and discussed strategies to enhance cooperation and achieve progress.

UNDP

- Several consultations took place with UNDP (Democratic Governance Group) to help prepare for the side event on democratic governance that was held during the session of the General Assembly Open Working Group in February. Similarly, UNDP, both at headquarters and in the field, was tapped as a resource to help organize a regional consultation to be held by the Senate of Mexico in May 2014 on the post-2015 agenda for the Latin American and Caribbean region.
- UNDP, the IPU and other organizations formed a working group to draft a set of common principles for parliamentary development practitioners. Once finalized, the principles should serve as a reference point for parliamentary development, helping to ensure that support for parliaments is sustainable and driven by each parliament's own definition of its development needs.
- The IPU continued to work closely with UNDP country offices, providing technical assistance and capacity-building programmes to national parliaments. In the past six months it worked with the parliaments of Bangladesh, Myanmar, Pakistan and Palestine, and with those of Palau and Samoa (through an agreement signed in August 2013 with the UNDP-Pacific Centre).

- The IPU and UNDP jointly produced a publication titled *Effective laws to end HIV and AIDS: Next steps for parliaments*. The publication contains examples of legislation from around the world that has been effective in limiting the spread of HIV, and draws lessons from the experiences of the parliamentarians involved. The objective is to present the positive impact that parliaments can have on the response to HIV and to prompt greater parliamentary scrutiny of laws that hamper effective action on HIV, particularly laws that criminalize key populations.

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

- The IPU and UNHCR jointly produced and launched a Handbook for Parliamentarians entitled *Internal displacement: Responsibility and action*. The Handbook aims to help parliaments enact the right legislation and ensure its implementation in order to more effectively address national displacement crises and help IDPs. The Handbook supports the efforts of parliamentarians to deliver on their mandate to represent all citizens, including IDPs, and provides guidance for parliaments on their role in preventing displacement and protecting and assisting IDPs.

UNAIDS

- UNAIDS and the IPU continued to work closely together on HIV and AIDS. IPU field and advocacy activities benefited from strong UNAIDS input and support. A joint roadmap on future collaboration was agreed that defines the IPU as a key UNAIDS partner for leveraging parliamentary leadership to support increased access to HIV treatment. UNAIDS will provide the IPU with funding for these efforts.

World Health Organization (WHO)

- The IPU and WHO continued their close collaboration, particularly in the area of maternal, newborn and child health. IPU field activities benefited from WHO technical and financial support. WHO also helped develop IPU knowledge products, particularly the Handbook for Parliamentarians entitled *Sustaining parliamentary action to improve maternal, newborn and child health* and a study of the scale and impact of child marriage on the African continent. The IPU, for its part, provided input for the global accountability frameworks being developed for maternal, newborn and child health.

World Trade Organization (WTO)

- Working in close cooperation with the European Parliament, the IPU organized the Bali session of the Parliamentary Conference on the WTO, which was held in conjunction with the Ninth WTO Ministerial Conference (December 2013, Indonesia). Attended by close to 300 delegates from over 50 countries, the parliamentary session injected much-needed political momentum into the intergovernmental negotiations and contributed to the adoption of the "Bali Package" – the first WTO deal after a 12-year stalemate in the Doha Round.

Report of the Committee on Middle East Questions

Noted by the IPU Governing Council at its 194th session (Geneva, 20 March 2014)

The Committee met over two sittings with most members in attendance. This enabled participatory and constructive discussion emanating from a revisit of the Committee's mandate. After an extensive exchange of views the Committee reaffirmed its commitment to facilitate dialogue between the parties involved in the conflict in the region. It agreed to do this by concentrating on concrete, achievable objectives, ensuring that the Committee served as more than just a "talking show".

It was agreed that the practical steps to advance such dialogue would be by organising several round tables to which not only Palestinian and Israeli parliamentarians, but also lawmakers from other Parliaments in the region and beyond, would be invited. Experts and representatives from civil society organisations that had something to contribute to the discussions would also be invited.

The Committee debated a number of possible topics for the dialogue sessions and finally settled on the matter of water, and its different dimensions, in the region for the first dialogue session.

The Committee entrusted the Secretary General to develop a detailed agenda for the first session through consultations with all parties involved and to make the necessary practical arrangements for the meeting. It was agreed that the first round table would take place in the coming months.

The Committee discussed future possible topics for the dialogue sessions and concurred that youth and gender equality in the context of the region, were worthy matters for consideration.

The Committee was briefed by the President of the Committee on the Human Rights of Parliamentarians, Mr. Letelier, on its work with regard to detained members of the Palestinian parliament. The Committee appreciated this opportunity to exchange information with the Committee on the Human Rights of Parliamentarians and decided to continue to have similar briefings in the future.

The Committee also agreed to discuss broader subjects during its sessions. Specifically, it would dedicate part of its next session to a discussion on the crisis in Syria and its repercussions in the region and beyond. The Committee proposed to invite representatives from the Parliaments of the most immediately concerned countries for a discussion on that occasion.

Report of the Committee to Promote Respect for International Humanitarian Law

Noted by the IPU Governing Council at its 194th session (Geneva, 20 March 2014)

Regarding the situation in Syria, the refugee crisis was growing in magnitude with each passing day. According to UNHCR figures for early March 2014, more than 2.5 million Syrians had fled to neighbouring countries and North Africa; 84 per cent were living in urban and rural communities and 50 per cent were women; 1.3 million were under 18 years of age, of whom 884,000 were of school age (5-17 years).

The situation was particularly problematic in Lebanon and Jordan. According to the latest UNHCR figures and to the information provided by the Lebanese delegation, 968,000 refugees had been registered by the United Nations in Lebanon and were receiving assistance, while approximately

50,000 refugees had applied for registration and were being processed. The total could reach 1.6 million by the end of 2014. In addition, about 80,000 Palestinian refugees from Yarmouk Palestinian refugee camp in the Syrian Arab Republic had entered Lebanon in the past few months, and official sources in Lebanon estimated that more than 400,000 Syrian nationals had entered Lebanon without registering with the United Nations. Taking into consideration that Lebanon had an overall population of about 4 million people, that meant that the refugee arrivals would have increased the number of people living in 10,452 sq. km. by almost 25 per cent.

In the case of Jordan, the latest figures from UNHCR referred to 582,000 registered refugees, with more crossing the border every day. Since the beginning of the refugee crisis, the population of Jordan had increased by almost 10 per cent. The related costs were estimated to amount to US\$ 1.7 billion so far.

The flood of refugees was placing a significant and unprecedented strain on communities, infrastructure and services (health, education, provision of water, etc.), to the point that the basic needs of neither the refugees nor the host populations were being met. It also raised important security issues and posed an immense risk in terms of national and regional stability.

The Lebanese and Jordanian delegations provided several examples of how the strain was affecting their countries: health services were buckling under the weight of major needs, including for heavy medical treatment (dialysis, chemotherapy, etc.), and a shortage of medicines; the education services were having to put in place second shifts in schools; access to basic goods was being hindered by inflation and falling earnings; and water and electricity supplies were becoming erratic (Jordan is the fourth poorest country in the world in terms of water).

Despite the generosity of their host communities, the situation remained difficult for Syrian refugees, in particular for women and children, who had problems meeting their basic needs for food, health, housing, etc. Reports of abuse of women and early marriage of girls were another source of concern.

Both delegations asked for greater support from the international community and for the burden to be shared more evenly. They said that the situation was becoming explosive and strong measures were needed to contain it. The Lebanese delegation invited the Committee to carry out a visit to the country to assess the situation first-hand.

The Committee paid tribute to the incredible solidarity and generosity the countries neighbouring Syria, including Lebanon and Jordan, had shown in their efforts to welcome refugees and meet their needs. It stressed that the humanitarian response was neither sufficient nor sustainable and that a political solution needed to be found to the conflict in Syria.

The Committee called on:

- the parliamentary community to place the tragic situation of Syrian refugees high on national and international political agendas, to raise awareness of the issue and to address it as a matter of urgency, including because of the risk of political instability it posed;
- the international community to help host countries organize their response to the refugee influx with due regard for the refugees' protection needs and for international conventions;
- the members of the international community to uphold their pledges to provide funding for refugee relief and to host countries, as very few pledges had materialized and funding had not come through;
- the broader international community to play its part and offer resettlement opportunities in third countries; and
- the IPU to pursue efforts to monitor the situation and to mobilize the parliamentary community in that regard.

Pursuing its work on internally displaced persons, the Committee held a short dialogue session with the Syrian delegation to the 130th Assembly. The objective of the session was to learn more about the situation of internally displaced persons in Syria, their humanitarian needs and what the IPU could do to facilitate assistance.

According to information provided by UNHCR, 6.5 million people had been internally displaced within Syria. To date, thanks to international relief efforts, almost half had received basic relief supplies, more than 200,000 had received cash assistance, 990,000 had been helped to obtain health care and 92 shelters had been renovated. Access to displaced communities remained a major challenge and should be further facilitated and enhanced.

The Syrian delegation stressed that Syria was fully cognizant of its responsibility to protect its own citizens and was providing support for displaced persons. In all, 1,200 centres had been set up in schools and mosques to accommodate displaced people and provide them with assistance and care. The Syrian delegation affirmed that the Syrian Government facilitated access by aid agencies to communities when requested to do so. It stressed the importance of receiving the promised support to rebuild the schools, houses and other buildings that had been destroyed and of lifting the blockade on medicines and foodstuffs.

The Committee stressed the need to draw attention to the ongoing human tragedy faced by displaced people in Syria. It recalled the importance of facilitating humanitarian assistance to persons in need in Syria and called on the Syrian authorities to pursue cooperation in that regard. The Committee also thanked the Syrian delegation for its invitation to visit Syria.

Report on the Evaluation of the IPU Strategy

Noted by the IPU Governing Council at its 194th session (Geneva, 20 March 2014)

The Executive Committee considered the report of the external evaluators of the IPU Strategy for 2012-2017 during its 268th session in Geneva.

The Executive Committee noted that the external evaluators had not received input from the full membership in the course of their review. It therefore deferred its consideration of the report until its final sitting of the Assembly to allow all geopolitical groups the opportunity to discuss the report and respond to its recommendations.

At its final sitting, the Committee welcomed the positive findings of the report. The report noted that the Strategy had undoubtedly been an important and useful tool for the IPU and it had helped to define some much-needed parameters for the IPU's wide scope of work. The report underscored that since the Strategy had been implemented, the IPU had continued to perform well despite its limited resources.

The Executive Committee also noted that the IPU was providing input to the negotiations on the post-2015 international development agenda. It is proposing: (i) that the new agenda contain a stand-alone goal on democratic governance; (ii) that governance be mainstreamed throughout all the goals; and (iii) that parliaments be closely linked to the implementation of the agenda through their legislative and accountability functions.

The Committee decided to defer any modification of the current Strategy in order to allow time for a more in-depth evaluation of some of the recommendations contained in the evaluator's report. The Executive Committee recommended that the new Secretary General prepare an action plan to set in motion the preparation of a new strategy for the period 2016 – 2020 that takes into account the outcome of the evaluation.

In the meantime, the Secretary General and the Sub-Committee on Finance were entrusted with the task of developing an action plan which, over time, would lead to a substantial reduction in the annual contributions paid by the Members of the organization. The plan should be accompanied by efforts to raise more funds for the organization through voluntary contributions and expanded membership.

The Executive Committee further entrusted the Secretary General with preparing a first outline of the 2015 budget that would contain clear options for reducing the part of the overall budget that is financed by Members' contributions. Those options would be discussed initially by the Sub-Committee on 20 May 2014 and then again at the end of June.

The Executive Committee decided that it will then convene at IPU Headquarters to review these efforts. At the same time, the Executive Committee will be able to celebrate the organization's 125th anniversary and preside over the hand-over to the new Secretary General.

In preparing the budget for the coming years, the Executive Committee recommended that the IPU prioritize the implementation of Strategic Directions 1 and 3 in the Strategy.

Within Strategic Direction 1 – and with specific respect to Objective 1 – the Executive Committee encouraged parliaments and development partners to emulate the example provided by the IPU in working with the parliament of Myanmar, where the IPU has played a pioneering role. As this example demonstrates, the IPU can support parliaments in assisting them to analyse their needs, develop strategies and comprehensive programmes for their future development, and by providing initial operational assistance to implement these programmes. The IPU should encourage other partners to join in these activities.

Beyond the current focus on Strategic Direction 1, future budgets should also give priority to the IPU's work with the United Nations, particularly at a time when the international community is negotiating a new development agenda.

With respect to Objectives 5 and 6 of the Strategy, the Executive Committee requested that even greater efforts be made to focus on those activities where parliaments have a specific and clearly identified legislative and/or oversight role to play in achieving specific development outcomes (e.g., in relation to Millennium Development Goals 4, 5 and 6 and political reconciliation).

The Executive Committee underscored the importance of strengthening the IPU Assembly, implementing the new communication strategy and improving the management of the organization. It took note of the evaluator's recommendation to treat the corresponding Objectives in the Strategy - 7, 8 and 9 – as means to an end, rather than ends in themselves. The Committee proposed to revert to this question when preparing the next strategy.

The Executive Committee calls upon all IPU Members to actively support the organization's fundraising efforts.

Calendar of future meetings and other activities

Approved by the IPU Governing Council at its 194th session (Geneva, 20 March 2014)

International Parliamentary Conference on Parliaments and the rights of indigenous peoples	SANTA CRUZ DE LA SIERRA (Bolivia) 7-9 April 2014
Parliamentary meeting on the occasion of the High-level Meeting of the Global Partnership for Effective Development Cooperation	MEXICO CITY 14 April 2014
World e-Parliament Conference	SEOUL (Republic of Korea) 8-10 May 2014
Information seminar on the structure and functioning of the Inter-Parliamentary Union for French-speaking participants	GENEVA (IPU Headquarters) 3-6 June 2014
Regional follow-up seminar on <i>The role of parliamentarians in the implementation of Universal Periodic Review recommendations</i>	MONTEVIDEO (Uruguay) 10-11 June 2014
Meeting on Common Principles for Parliamentary Development Organizations	ASIA (venue and date to be determined) May-June 2014
Coordinating Committee of Women Parliamentarians	GENEVA (IPU Headquarters) 29 June 2014
269 th (extraordinary) session of the Executive Committee	GENEVA (IPU Headquarters) 30 June-1 July 2014
Regional seminar on the contribution of social health insurance to accelerating improvements in women's and children's health	AFRICA (venue and date to be determined)
Pacific Conference on strategic planning in parliaments organized in cooperation with UNDP	PACIFIC REGION Second quarter of 2014
Parliamentary Meeting at the 20 th International AIDS Conference	MELBOURNE (Australia) 20-25 July 2014
Eleventh Workshop of Parliamentary Scholars and Parliamentarians organized by the Centre for Legislative Studies	WROXTON (United Kingdom) 26-27 July 2014
9 th Meeting of Women Speakers of Parliament	QUITO (Ecuador) 4-5 September 2014
Regional follow-up seminar on <i>The role of parliamentarians in the implementation of Universal Periodic Review recommendations</i>	RABAT (Morocco) September 2014
Parliamentary Meeting at the World Conference on Indigenous Peoples	NEW YORK September 2014
32 nd session of the Steering Committee of the Parliamentary Conference on the WTO	GENEVA (IPU Headquarters) October 2014
Parliamentary panel within the framework of the annual WTO Public Forum	GENEVA (WTO Headquarters) October 2014
131 st Assembly and related meetings	GENEVA (CICG) 12-16 October 2014

Global Conference of Young Parliamentarians	ASIA (venue and date to be determined) October-November 2014
Second Meeting of the Preparatory Committee of the Fourth World Conference of Speakers of Parliament	NEW YORK November 2014
Annual Parliamentary Hearing at the United Nations	NEW YORK November 2014
Regional seminar on child nutrition	ASIA November 2014
Parliamentary meeting on the occasion of the UN Climate Change Conference COP20/CMP10	LIMA (Peru) December 2014
Regional seminar on violence against women	Venue to be determined Second half of 2014
132 nd Assembly and related meetings	HANOI (Viet Nam) 28 March-1 April 2015
133 rd Assembly and related meetings	GENEVA (CICG) October 2015
134 th Assembly and related meetings	LUSAKA (Zambia) 19-23 March 2016

Agenda of the 131st Assembly

(Geneva, 12-16 October 2014)

1. Election of the President and Vice-Presidents of the 131st Assembly
2. Consideration of 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
4. International law as it relates to national sovereignty, non-intervention in the internal affairs of States and human rights
(Standing Committee on Democracy and Human Rights)
5. Reports of the Standing Committees on Peace and International Security; Sustainable Development, Finance and Trade; and on United Nations Affairs
6. Approval of the subject item for the Standing Committee on Democracy and Human Rights at the 133rd IPU Assembly

List of Observers to the 131st Assembly

United Nations

Food and Agriculture Organization of the United Nations (FAO)
International Labour Organization (ILO)
United Nations Children's Fund (UNICEF)
United Nations Conference on Trade and Development (UNCTAD)
United Nations Development Programme (UNDP)
United Nations Educational, Scientific and Cultural Organization (UNESCO)
United Nations Entity for Gender Equality and the Empowerment of Women (UN Women)
United Nations High Commissioner for Refugees (UNHCR)
United Nations Population Fund (UNFPA)
World Health Organization (WHO)

World Bank

International Monetary Fund (IMF)
International Fund for Agricultural Development (IFAD)
Organisation for the Prohibition of Chemical Weapons (OPCW)
Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO)
World Trade Organization (WTO)

African Union (AU)

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

ACP-EU Joint Parliamentary Assembly

African Parliamentary Union (APU)
AMANI Forum - The Great Lakes Parliamentary Forum on Peace
Amazonian Parliament
Arab Inter-Parliamentary Union
ASEAN Inter-Parliamentary Assembly (AIPA)
Asian Parliamentary Assembly (APA)
Assemblée parlementaire de la Francophonie
Association of European Parliamentarians with Africa (AWEPA)
Association of Senates, Shoora and Equivalent Councils in Africa and the Arab World (ASSECAA)
Baltic Assembly
Commonwealth Parliamentary Association (CPA)
Global Organization of Parliamentarians Against Corruption (GOPAC)
Indigenous Parliament of the Americas
Inter-Parliamentary Assembly of the Eurasian Economic Community (EURASEC)
Inter-Parliamentary Assembly of Member Nations of the Commonwealth of Independent States (IPA CIS)
Interparliamentary Assembly on Orthodoxy (IAO)
Inter-Parliamentary Council against Antisemitism
Inter-Parliamentary Union of the Member States of the Intergovernmental Authority on Development (IPU-IGAD)
Maghreb Consultative Council

Nordic Council
Pan-African Parliament (PAP)
ParlAmericas
Parliamentary Assembly of the Black Sea Economic Co-operation (PABSEC)
Parliamentary Assembly of the Community of Portuguese-speaking Countries (AP-CPLP)
Parliamentary Assembly of the Economic Cooperation Organization (PAECO)
Parliamentary Assembly of the Mediterranean (PAM)
Parliamentary Assembly of the Organization of the Collective Security Treaty (OCST)
Parliamentary Assembly of the Organisation for Security and Co-operation in Europe (OSCE)
Parliamentary Assembly of Turkic-speaking Countries (TURKPA)
Parliamentary Assembly of the Union of Belarus and Russia
Parliamentary Association for Euro-Arab Co-operation (PAEAC)
Parliamentary Confederation of the Americas (COPA)
Parliamentary Union of the Organization of Islamic Cooperation Member States (PUIC)
Southern African Development Community (SADC) Parliamentary Forum
World Scout Parliamentary Union (WSPU)

Centrist Democrat International (CDI)
Socialist International

Amnesty International
Geneva Centre for the Democratic Control of Armed Forces (DCAF)
Global Fund to Fight Aids, Tuberculosis and Malaria
Human Rights Watch
International Committee of the Red Cross (ICRC)
International Institute for Democracy and Electoral Assistance (International IDEA)
International Federation of Red Cross and Red Crescent Societies (IFRC)
International Organization of Supreme Audit Institutions (INTOSAI)
Partnership for Maternal, Newborn, and Child Health (PMNCH)
Penal Reform International
World Federation of United Nations Associations (WFUNA)

Resolutions concerning the Human Rights of Parliamentarians

BURUNDI

BDI/01 - SYLVESTRE MFAYOKURERA
BDI/02 - NORBERT NDIHOKUBWAYO
BDI/05 - INNOCENT NDIKUMANA
BDI/06 - GERARD GAHUNGU

BDI/07 - LILIANE NTAMUTUMBA (MS.)
BDI/29 - PAUL SIRAHENDA
BDI/35 - GABRIEL GISABWAMANA
BDI/60 - JEAN BOSCO RUTAGENGWA

BDI/42 - PASTEUR MPAWENAYO
BDI/44 - HUSSEIN RADJABU
BDI/57 - GERARD NKURUNZIZA
BDI/59 - DEO NSHIRIMANA

Resolution adopted unanimously by the IPU Governing Council at its 194th session (Geneva, 20 March 2014)

The Governing Council of the Inter-Parliamentary Union,

Referring to its examination of the cases of the above-mentioned Burundian parliamentarians and to the resolution it adopted at its 193rd session (October 2013),

Considering the report (CL/193/11(b)-R.1) on the visit conducted by the President of the Committee on the Human Rights of Parliamentarians to Burundi from 17 to 20 June 2013,

Considering the letter from the Speaker of the National Assembly dated 28 November 2013 providing his observations on the report of the visit of the President of the Committee, as well as that forwarded on 17 March 2014,

Recalling that the cases, which the Committee has been examining for many years, concern:

- The assassinations of six members of the National Assembly between 1994 and 2000, namely Mr. Sylvestre Mfayokurera (September 1994), Mr. Innocent Ndikumana (January 1996), Ms. Liliane Ntamutumba and Mr. Gérard Gahungu (July 1996), Mr. Paul Sirahenda (September 1997), and Mr. Gabriel Gisabwamana (January 2000), the assassination in 2002 of Mr. Jean Bosco Rutagengwa and two assassination attempts on Mr. Norbert Ndiwokubwayo (September 1994 and December 1995), all of which remain unpunished to date;
- Criminal proceedings brought against Mr. Hussein Radjabu, Mr. Pasteur Mpawenayo, Mr. Gérard Nkurunziza and Mr. Déo Nshirimana, all of whom belonged to the dissident wing of the CNDD-FDD led by Mr. Radjabu (who was ousted on 7 February 2007 from the CNDD-FDD party leadership), all of whom lost their seats in parliament following the Constitutional Court ruling of 5 June 2007 declaring them to be sitting unconstitutionally, and whose judicial situation is currently as follows:
 - Mr. Radjabu is serving a 13-year prison term for conspiracy against State security;
 - Mr. Mpawenayo was arrested in July 2008 and accused of being Mr. Radjabu's accomplice and of having co-chaired the meeting at which the acts of which he and Mr. Radjabu were accused are alleged to have occurred; he was acquitted by the Supreme Court judicial chamber at the end of May 2012 and subsequently released; the public prosecutor lodged an appeal;
 - Mr. Nshirimana, who was arrested in October 2010 by agents of the National Intelligence Service (SNR), was charged with plotting against the State and incitement to disobedience; the Supreme Court acquitted him on 26 November 2012; he was released after having been detained on remand for almost the entire the maximum sentence to which he was liable; the public prosecutor lodged an appeal;

- Mr. Nkurunziza was arrested in July 2008 and accused of having distributed weapons in his province, Kirundo, for a rebellion against the authority of the State; the proceedings have been marked by numerous delays and the lawfulness of Mr. Nkurunziza's detention has never been considered by a judge, despite the trial going on for over five years; the Supreme Court heard and adjourned to deliberate the case in May 2012 but, instead of ruling on the case, the Supreme Court decided on 30 September 2013 to re-open proceedings,

Recalling that the Burundian authorities consider that the cases of the assassinated parliamentarians should be dealt with by the Truth and Reconciliation Committee (TRC), once established, given their complexity and political nature; the process to set up the TRC has been marred by repeated delays for over 10 years; draft legislation was submitted by the Government to the National Assembly in early 2013; several of the draft legislation's provisions, including on the composition and independence of the TRC and victim protection, have raised serious concerns among the international community and civil society,

Considering that, in the aforementioned two communications, the Speaker of the National Assembly of Burundi noted that, with regard to the setting up of the TRC, the criticisms of the content of the draft legislation were not relevant to the status of progress in that process, since the content of legislation to be adopted by the National Assembly could not be anticipated; that setting up the TRC was a delicate political process, requiring consultation with the various political and social actors in order to encourage consensus, and stated that the National Assembly would exercise due diligence to ensure its establishment; he called for patience and emphasized that each step was important and should be recognized and supported as such to ensure the country had a consensual TRC that met the expectations of its citizens in all their diversity,

Considering that, according to the sources, a year after its submission to the National Assembly, the draft legislation has still not been adopted and the process is blocked,

Recalling that, given the delays and difficulties encountered in setting up the TRC, the National Assembly ad hoc parliamentary working group on the human rights of parliamentarians (hereafter "the parliamentary working group") proposed, during the Committee President's follow-up visit in June 2013, to travel to the provinces to collect information on the circumstances in which the assassinations had taken place from the victims' families and friends,

Considering that the Speaker of the National Assembly stated that the parliamentary working group had been in contact with the families of the assassinated parliamentarians, that the latter had said that they were afraid to give evidence about the circumstances of the assassinations and had asked that adequate assurances be given regarding their safety; as a result, the National Assembly had informed them that it would ensure that witness protection measures were adequately provided for in legislation on the TRC,

Considering furthermore that, regarding the case of Mr. Radjabu, according to the source, Mr. Radjabu lodged a request for a retrial on 21 August 2013 with the Minister of Justice, to which he has received no response so far; this application cites as grounds for review the acquittal of Mr. Mpawenayo and errors of law in the appreciation of items of evidence by the Supreme Court,

Considering that the findings of the Supreme Court in the ruling on the acquittal of Mr. Mpawenayo, a copy of which was forwarded by the sources, confirms that Mr. Mpawenayo was acquitted of the same charges as those for which Mr. Radjabu was convicted; the Supreme Court held that the public prosecution had failed to prove the charges against Mr. Mpawenayo; the Court held that the prosecution witnesses were not convincing and that the meeting of 31 March 2007 held at Mr. Radjabu's home had not been proven, given the absence of any record of the demobilized officers who had allegedly been present at this meeting, and of the audio recordings of this meeting cited by the prosecution; the Court also noted that no evidence of the alleged weapons' seizures had been provided by the prosecution and found that, "all the offences of which Mr. Mpawenayo is accused remain(ed) hypothetical."

Considering that the Speaker of the National Assembly stated that, during a meeting with the parliamentary working group, the Minister of Justice had confirmed that he had received a request for retrial, but that this request had been rejected on both legal and discretionary prosecution grounds,

Considering that the Supreme Court issued Mr. Gérard Nkurunziza's acquittal ruling on 31 January 2014, following which he was released on 3 February 2014; the public prosecutor is likely to appeal against the acquittal, as the deadline for appeal has not yet expired,

1. *Thanks* the Speaker of the National Assembly for the information provided; *regrets, nevertheless, once again* its late transmission, which does not facilitate the work of the Committee, and *urges* him to ensure that official communications are forwarded within deadlines in the future;
2. *Notes with interest* Mr. Nkurunziza's acquittal, while deploring that he was held in detention for over five years, a situation that could have been avoided if the courts had ruled on the legality of his detention within the legal deadlines; *expresses the hope* that it will be able to consider this case as definitively resolved and to close it in the near future and *wishes*, to that end, to obtain confirmation that the public prosecutor did not appeal;
3. *Considers* that the decision handed down by the Supreme Court regarding Mr. Mpawenayo can only prompt the authorities to re-examine the evidence on which Mr. Radjabu was convicted and should therefore lead to Mr. Radjabu's retrial; *deeply regrets* that Mr. Radjabu's retrial application was rejected; *is surprised* that the latter was not informed and *wishes to be informed* of the detailed grounds for this decision as soon as possible;
4. *Welcomes* the National Assembly's commitment to providing for adequate witness protection measures in legislation on the TRC; *notes, nonetheless, with concern* that the draft legislation on the TRC has yet to be adopted by the National Assembly and *wishes to be informed* of the anticipated time frame for its adoption; *remains convinced* that the TRC has a crucial role to play in strengthening peace, reconciliation and the democratic process in Burundi, as well as in preventing further violence, in particular with respect to the 2015 elections; *reiterates its hope* that an independent, legitimate and credible TRC will be established as soon as possible;
5. *Requests* the Secretary General to forward this resolution to the parliamentary authorities, to the sources and to any third party likely to be in a position to supply relevant information;
6. *Requests* the Committee to continue examining these cases and to report back to it in due course.

CAMEROON

CM/01 - DIEUDONNÉ AMBASSA ZANG

Resolution adopted unanimously by the IPU Governing Council at its 194th session (Geneva, 20 March 2014)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Dieudonné Ambassa Zang, a former member of the National Assembly of Cameroon, and to the resolution it adopted at its 193rd session (October 2013),

Taking into consideration the letter from the President of the Senate dated 9 January 2014,

Taking also into consideration the letter from the Director General of the French Development Agency dated 7 January 2014,

Recalling the following information on file:

- Mr. Ambassa Zang, Minister of Public Works from August 2002 to December 2004 and known, according to the source, for having fought corruption within that ministry, was elected in 2007 on the ticket of the Cameroon People's Democratic Rally;
- On 7 August 2009, the National Assembly Bureau lifted Mr. Ambassa Zang's parliamentary immunity to permit an investigation into allegations of misappropriation of the public funds managed by him when he was Minister of Public Works; although Mr. Ambassa Zang left Cameroon on 12 July 2009, he had a defence note sent on 3 August 2009 to all members of the Bureau; there is no indication that the note was included in the file before the Bureau;

- According to the authorities, the charges laid against Mr. Ambassa Zang stem from audits prompted by a complaint by the French Development Agency (AFD), the funding source for the rehabilitation of the Wouri Bridge, for which Mr. Ambassa Zang was responsible; according to the Prosecutor General, State companies, ministries and other State structures managing public funds are subject to annual audits by the Supreme State Audit Office (CONSUPE); according to the source, Mr. Ambassa Zang was never informed about the audits, invited to contribute to the audit process, informed of the conclusions or invited to comment on them;
- On the basis of the audits, the Head of State first opted for criminal proceedings on a charge of misappropriation of public funds; however, on his orders, a decision was signed on 12 October 2012 bringing the accusations against Mr. Ambassa Zang before the Budget and Finance Disciplinary Council (CDBF), before which, unlike in a criminal procedure, defendants can be represented in their absence by legal counsel; it would seem that the decision was notified to Mr. Ambassa Zang's counsel in May 2013, or nearly seven months after it was signed, without any explanation; on 20 August 2013, Mr. Ambassa Zang received a partial request for information from the CDBF Rapporteur, to which he responded in two defence memoranda,

Considering that, more than two months later, the CDBF Rapporteur sent, reportedly in violation of the CDBF rules of procedure, a second partial request for information, to which Mr. Ambassa Zang responded on 13 December 2013 with another defence memorandum, and that, according to the source, the CDBF Rapporteur has also broken the rules of procedure by making accusations in addition to those mentioned in the audit,

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

Considering the source's affirmation that Mr. Ambassa Zang, who enjoys official refugee status abroad, cannot at present return to Cameroon because he would be arrested as a fugitive without ever having been sentenced or prosecuted, and that his safety is no longer guaranteed in Cameroon,

Recalling that the source expressed fears in 2013 that he was the subject of an international arrest warrant for a new case, *Mrs. Ayissi et al*, concerning the execution of government contracts for the maintenance of rural roads in Mefou-et-Afamba department; the source points out that Mr. Ambassa Zang cannot be implicated in this case because the Minister of Public Works is not among the parties involved in the local management of government contracts using allotted credits and because, contrary to the insinuations made, although the manager of the enterprise awarded the contract is very close to him, he never secured a single government contract for her or took the slightest step to see that she won the contract in question; *considering* that on 4 March 2014, the source said that corroborating reports had been received that the amounts involved in this case had been returned by the two main suspects in detention in Cameroon and that there was no longer a case,

Recalling that, according to an article published on 16 September 2011 in the Cameroonian daily *Le Jour* and in a number of other media, an investigation was opened into Mr. Ambassa Zang concerning the manner in which contracts were awarded for asphaltting the pontoon bridge over the Moungo river in 2004 (the first bridge over that river bordering the coastal and south-west regions having collapsed), and that Mr. Ambassa Zang exercised his right of reply; emphasizing,

inter alia, that the urgent measures needed to find a swift solution to the problem of the collapsed bridge were decided on by an inter-ministerial committee chaired by the Prime Minister on the orders of the President of the Republic and that the contract for maintenance of the bypasses was formalized and signed by the Minister for Economic Affairs,

Recalling that, according to the source, the prosecution of Mr. Ambassa Zang must be seen in the context of “*Opération Épervier*” (Operation Casting Net), which was widely criticized as a campaign originally intended to combat corruption and misappropriation of public funds, but instead used to purge critically-minded public figures who, like Mr. Ambassa Zang, expressed views not always in line with those of their party; *recalling also* the concerns expressed by human rights agencies, in particular the United Nations Human Rights Committee, on the independence of the judiciary in Cameroon,

Considering that, in his response of 9 January 2014, the President of the Senate stated that he had not yet been able to collect all the information requested by the Committee because the Senate had been in session, but that the relevant authorities were preparing the necessary clarifications and that he would communicate them to the Committee as soon as he had them,

1. *Thanks* the President of the Senate for his communication; *appreciates* his commitment to help solve this case; *regrets nevertheless* that further official details regarding the Committee’s concerns and requests for information have not been forthcoming in the meantime;
2. *Thanks also* the AFD Director General for her response; *points out* that, contrary to what the Cameroonian authorities have stated from the outset, the AFD, which was fully involved both financially and operationally in the rehabilitation project that led to Mr. Ambassa Zang’s parliamentary immunity being lifted, did not file any complaint against him; *can but consider* that this piece of information, in addition to Mr. Ambassa Zang’s detailed rebuttals, lends added weight to the allegation that there is in fact no case against him;
3. *Is therefore all the more concerned* at the allegation that the CDBF Rapporteur exceeded his authority; *trusts* that the CDBF will ensure that its rules of procedure are scrupulously followed and that Mr. Ambassa Zang’s right to defence is fully respected, including by allowing him access to all the reports on which the charges against him are based; *trusts also* that, as the matter is now before the CDBF, Mr. Ambassa Zang is no longer the subject of criminal action; *reiterates its wish* to receive confirmation from the authorities on all these points;
4. *Trusts* that the CDBF will examine Mr. Ambassa Zang’s case as a matter of urgency, given that 10 years have elapsed since the alleged events; *wishes* to ascertain whether a timetable exists for completion of the proceedings and to be kept informed of their progress;
5. *Trusts also* that the CDBF will take due account of the arguments presented in Mr. Ambassa Zang’s defence, including the arbitral award of the International Chamber of Commerce in *UDECTO v. State of Cameroon*; *suggests* that the State of Cameroon seriously explore the possibility of obtaining, through a formal request for assistance, the information the AFD has at its disposal that could help shed light on this case;
6. *Takes note with interest* that the investigation regarding Mrs. Ayissi *et al*, to which Mr. Ambassa Zang was apparently linked, has been closed; *still wishes* to know whether Mr. Ambassa Zang is being officially investigated with regard to the contracts awarded for the work done on the bridge over the Moungo river in 2004 and, if so, on what factual and legal basis;
7. *Requests* the Secretary General to convey this resolution to the competent authorities in order to obtain the necessary clarifications on the aforesaid points; *requests* him also to convey the present resolution to the source and any third party likely to be in a position to supply relevant information;
8. *Requests* the Committee to continue examining this case and to report back to it in due course.

CHAD

CHD/06 - SALEH KEBZABO
CHD/07 - MAHAMAT SALEH MAKKI
CHD/08 - MAHAMAT MALLOUM KADRE
CHD/09 - ROUTOUANG YOMA GOLOM
CHD/10 - GALI NGOOTHÉ GATTA

Resolution adopted unanimously by the IPU Governing Council at its 194th session (Geneva, 20 March 2014)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Saleh Kebzabo, Mr. Mahamat Saleh Makki, Mr. Mahamat Malloum Kadre, Mr. Routouang Yoma Golom and Mr. Gali Ngothé Gatta, members of the National Assembly of Chad, and to the resolution it adopted at its 193rd session (October 2013),

Referring to the communication from the Speaker of the National Assembly, dated 13 March 2014,

Considering the following information on file as confirmed by the sources and the National Assembly:

- On 1 May 2013, an attempted coup d'état was denounced on the national radio; late in the evening the members Mr. Saleh Makki and Mr. Malloum Kadre were arrested at their homes by the police under the *flagrante delicto* procedure;
- On 2 May 2013, the Government informed the National Assembly of their arrest and subsequently, on 7 May, requested its permission to hear four other members under the investigation into the attempted coup d'état; the Bureau of the National Assembly gave its consent but demanded respect for parliamentary immunity and for the procedure stipulated in the Constitution and sought additional information on the procedure followed, in particular the elements justifying recourse to *flagrante delicto* proceedings;
- On 8 May 2013, following their hearings, the members Mr. Gali Ngothé Gatta and Mr. Routouang Yoma Golom were in turn arrested; Mr. Saleh Kebzabo could not be heard or arrested, since he was on an official mission outside Chad; upon returning to Chad, he was neither arrested, nor charged in the regime destabilization case; however, on 23 July 2013, the Government filed an application to lift his parliamentary immunity for contempt of court, undermining the authority of the justice system and defamation, following an interview in which Mr. Saleh Kebzabo had criticized judicial proceedings brought against journalists; the National Assembly set up a parliamentary committee at the beginning of August, which heard the two parties and submitted its report on 25 August 2013; on 2 September 2013, the National Assembly adopted the parliamentary committee's recommendations and rejected the application to lift immunity with a vote of 176 against, 1 in favour and 2 abstentions;
- The four other members, two of whom are from the majority and two from the opposition, were charged with conspiracy and undermining the constitutional order; they were accused of having supported the preparation of a coup d'état by former rebels because among the documents found at the homes of those former rebels, and seized by the judiciary, was a call to stage a general uprising, as well as lists that included the names of the members;
- The members were placed in pretrial detention on the premises of the general intelligence services; until 20 May 2013 they were denied any contact with their lawyers, families and doctors;
- All parliamentary groups of the National Assembly rallied together to resolve the case and denounced the violation of the parliamentary immunity of the parliamentarians concerned; the National Assembly has observed that the parliamentary immunity of the members, Article 111 of the Constitution of Chad and Articles 205 and 206 of the Criminal Procedure Code relating to *flagrante delicto* procedure had not been respected and denounced those serious breaches of the rules of procedure: No application had been filed to lift the immunity of the four members and, despite its repeated demands, the National Assembly

was unable to obtain any evidence showing the existence of *flagrante delicto* in this case, whereas only duly established *flagrante delicto* could have exempted the authorities from requesting the lifting of parliamentary immunity;

- Mr. Routouang Yoma Golom and Mr. Gali Ngothé Gatta were released on parole by the examining magistrate on 22 May 2013, Mr. Malloum Kadre on 1 July and Mr. Saleh Maki on 25 September 2013,

Considering that the Office of the National Assembly continually monitored judicial developments in the case, abiding by the principle of the separation of powers, and that the Speaker of the National Assembly and the sources confirmed that, on 3 February 2014, the investigating magistrate had dismissed proceedings against the parliamentarians and that the latter had been exonerated,

1. *Welcomes* the resolution of the case;
2. *Notes with satisfaction* that the fact that the National Assembly rallied to ensure respect for the fundamental rights of the parliamentarians concerned had led to the ending and remedying of the violations found;
3. *Decides* to close the case;
4. *Urges* the Secretary General to convey this resolution to the competent authorities and sources.

DEMOCRATIC REPUBLIC OF THE CONGO

DRC/32 - PIERRE JACQUES CHALUPA

Resolution adopted unanimously by the IPU Governing Council at its 194th session (Geneva, 20 March 2014)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Pierre Jacques Chalupa, a former member of the National Assembly of the Democratic Republic of the Congo (DRC), and to the resolution it adopted at its 193rd session (October 2013),

Referring to the letter from the Speaker of the National Assembly of 19 February 2014, the information provided by the delegation of the DRC at the hearing organized during the 130th IPU Assembly (Geneva, March 2014) and the information provided by the sources,

Also referring to the report of the mission conducted to the DRC from 10 to 14 June 2013 (CL/193/11b)-R.2),

Recalling that Mr. Chalupa, a former member of the majority who joined the opposition at the most recent elections, was: (i) arrested on 2 February 2012 by soldiers from the President's Office after having been given a bogus appointment by telephone, just as the strongly-contested election results were being proclaimed; (ii) accused of having fraudulently obtained Congolese nationality and charged with forgery and the use of falsified documents; (iii) remanded in custody and then sentenced to three years in prison,

Further recalling that it had observed that the judicial proceedings were marred by flaws, that many of the items in the file tended to indicate that the case was political in nature and that it could not rule out that the judicial proceedings initiated against Mr. Chalupa were intended to neutralize him politically as a result of his having joined the political opposition,

Considering the following information on file: the Congolese authorities held national consultations from 7 September to 5 October 2013 in order to strengthen national unity; the Head of State presented the recommendations of the final report that emerged from the consultations to both houses of parliament on 23 October 2013 and set up a national committee tasked with implementing them; the final report recommends that, "among the measures taken to ease the political tension and announced by the President of the Republic, the public authorities: grant, depending on the case, a

presidential pardon, release on parole and/or amnesty to *inter alia* (...) Chalupa (...); in application of that recommendation, a presidential pardon order was adopted on 23 October 2013 and Mr. Chalupa was released on 22 November 2013 after having served over half of his sentence,

Bearing in mind, on the question of nationality, that Mr. Chalupa considers that he is Congolese because he was born in the DRC and was unable to obtain Portuguese nationality through his father because of Portuguese nationality law, and that such cases are covered by Article 9(2) of the 2004 Law on Congolese Nationality, which stipulates that "...children born in the DRC to foreign parents who cannot transmit their nationality to the child because their State of origin recognizes only *jus soli* or does not allow natural parents to transmit nationality" are presumed to have Congolese nationality,

Considering the following: Portugal's Basic Law No. 2/2006 on nationality recognizes only *jus soli*; Article 1(c) provides that, in exceptional cases, "children with one Portuguese parent, if they are born abroad and provided they declare their wish to be Portuguese or register the birth with the Portuguese civil register", may request Portuguese nationality; according to Mr. Chalupa, his parents did not register his birth at the Consulate and he never informed the Portuguese authorities in writing that he intended to acquire Portuguese nationality, as the Portuguese authorities have officially confirmed; consequently, Mr. Chalupa does not have Portuguese nationality and explicitly renounced the possibility to acquire it in 1992 in order to obtain recognition of his Congolese nationality at birth, which is unique and exclusive under Article 10 of the DRC Constitution,

Also considering that, given that Mr. Chalupa was elected to the Parliament of the DRC and has uncontested ties to the DRC (birthplace, residence, marriage with a DRC national, etc.), recognition of his nationality should pose no legal difficulties, especially since it was never ever contested before he joined the political opposition at the last legislative elections,

Further considering the following: Mr. Chalupa applied for nationality in 1992; according to the Minister of Justice, the attestation of nationality issued to Mr. Chalupa in 2001 (and deemed a forgery by the Congolese courts during the above-mentioned judicial proceedings) did not confer citizenship on him, as the procedure for obtaining nationality requires a decree from the Council of Ministers to be finalized and the Congolese administration has yet to complete that procedure; Mr. Chalupa's application can be processed by the competent authorities, given that, under Article 50 of the Law on Congolese Nationality, any applications filed in a regular manner prior to the law's entry into force remained valid,

Considering finally that, during the hearing organized at the 130th IPU Assembly, the delegation of the DRC affirmed the following: Mr. Chalupa was not a Congolese citizen by birth because his parents were not Congolese; Congolese law did not recognize *jus soli*, only *jus sanguine*; Mr. Chalupa therefore had only one option, namely to request Congolese nationality by applying for naturalization; it would appear, but had not been confirmed, that Mr. Chalupa's dual citizenship was the cause of the current situation; in view of the principle of the separation of powers, Parliament could not intervene in a matter that came under the jurisdiction of the Executive,

Recalling the following: the right to nationality is set out in many international instruments, notably Article 24(3) of the International Covenant on Civil and Political Rights and Article 5(d)(iii) of the International Convention on the Elimination of All Forms of Racial Discrimination, both of which the DRC has ratified; Human Rights Council resolution 20/5 of 16 July 2012, on human rights and arbitrary deprivation of nationality, calls on "States to observe minimum procedural standards in order to ensure that decisions concerning the acquisition, deprivation or change of nationality do not contain any element of arbitrariness", "[r]eaffirms that the right to a nationality of every human person is a fundamental human right" and "[r]eiterates that arbitrary deprivation of nationality, especially on discriminatory grounds such as political or other opinion (...) is a violation of human rights and fundamental freedoms",

1. *Thanks* the Speaker of the National Assembly and the delegation of the DRC for the information they provided;
2. *Notes with appreciation* that Mr. Chalupa received a presidential pardon and was released;
3. *Regrets* that the question of Mr. Chalupa's nationality was not resolved by the presidential pardon and *notes with concern* the lack of progress on this point;

4. *Urges* the competent authorities to take appropriate measures swiftly to recognize Mr. Chalupa's Congolese nationality, in particular in view of the provisions of Article 9(2) of the Law on Congolese Nationality; *requests* the authorities to keep it informed of the progress made to that end;
 5. *Requests* the Secretary General to convey this resolution to the parliamentary authorities, the Minister of Justice, the sources and any third party likely to be in a position to supply relevant information;
 6. *Requests* the Committee to continue examining this case and to report back to it in due course.
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DEMOCRATIC REPUBLIC OF THE CONGO

DRC/71 - EUGÈNE DIOMI NDONGALA

Resolution adopted unanimously by the IPU Governing Council at its 194th session (Geneva, 20 March 2014)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Eugène Diomi Ndongala, a former member of the National Assembly of the Democratic Republic of the Congo (DRC), and to the resolution it adopted at its 193rd session (October 2013),

Referring to the letter of the Speaker of the National Assembly of 19 February 2014, the information provided by the delegation of the DRC at the hearing organized during the 130th IPU Assembly (Geneva, March 2013), and the information provided by the sources,

Referring also to the report on the mission conducted to the DRC from 10 to 14 June 2013 (CL/193/11b)-R.2),

Recalling the following information provided by the sources: Mr. Ndongala, the leader of an opposition political party, has been the target since June 2012 of a campaign of political and legal harassment aimed at removing him from the political process and at weakening the opposition; that campaign has been marked by the following alleged violations: (i) arbitrary arrest on 27 June 2012, the day before Mr. Ndongala was to establish an opposition party platform, followed by unlawful incommunicado detention by the intelligence services from 27 June to 11 October 2012, during which time Mr. Ndongala was allegedly ill-treated; (ii) arbitrary lifting of Mr. Ndongala's parliamentary immunity in violation of his rights of defence on 8 January 2013; (iii) arbitrary revocation of his parliamentary mandate on 15 June 2013; (iv) baseless and politically-motivated judicial proceedings that disregard the right to a fair trial; (v) illegal remand custody since April 2013; (vi) denial of medical care in prison since the end of July 2013; according to the sources, the campaign against Mr. Ndongala is allegedly being waged because he publicly denounced massive cases of electoral fraud during the 2011 elections and contested the legitimacy of the election outcome; he is blamed in particular of being behind a boycott of the National Assembly that is being followed by about 40 opposition members who have refused to take part in the parliamentary proceedings in protest,

Also recalling that the National Assembly has repeatedly asserted that, since Mr. Ndongala has boycotted the parliamentary institution to which he belonged and questioned its legitimacy, he cannot expect to benefit from its protection,

Also recalling that, according to the authorities, Mr. Ndongala was never held incommunicado but rather fled in late June 2012 to avoid arrest in *flagrante delicto* proceedings, that, after his immunity had been lifted, he was arrested and remanded in custody and that he is being tried on charges of rape of minors that are unrelated to his political activities,

Recalling lastly that, according to the sources, the accusations that Mr. Ndongala had sexual relations with minors - qualified as rape of minors by the prosecution - are unfounded and a pure fabrication, given that: (i) Mr. Ndongala was not present on the scene of the alleged rape when the police arrived to arrest him "in the act of rape"; (ii) the evidence of rape furnished by the prosecution is based essentially on the statements of the alleged victims and their father, who contradicted each other and have not been corroborated; (iii) the identity of the victims, their age and their parentage have not been established and have instead been contested on the grounds that they are adults, that the person

who filed the complaint is not their father but a well-known criminal with several convictions for fraud and that the victims were paid to accuse Mr. Ndongala by a police superintendent and a member of the majority from the same constituency as Mr. Ndongala,

Considering that, according to the sources, Mr. Ndongala's trial, which took place *in camera*, was marred by numerous flaws denounced by the lawyers for the defence, in particular the following:

- Violation of the presumption of innocence and the confidentiality of the pretrial investigation, given the prosecution's frequent statement to the media stressing Mr. Ndongala's guilt;
- Flaws in the case scheduling and notification procedure, which prevented the lawyers for the defence from having access to the court file and preparing their client's defence before the first hearings were held in July 2013;
- The fact that Mr. Ndongala continued to be held in custody following the Prosecutor General's refusal to execute the decisions handed down by the Supreme Court between April and June 2013 ordering that Mr. Ndongala be placed under house arrest;
- The participation in the hearings of a member from the majority, Mr. Ndongala's main political opponent in his constituency, who was representing the alleged victims, even though he was not unqualified to do so given his status of attorney in training and his current role as a parliamentarian;
- The lack of impartiality of certain judges, in respect of whom requests for recusal were filed, and the political pressure said to have been exerted on several judges, as a result of which the composition of the bench ruling on the case was changed in February and March 2014,

Considering the following information provided by the sources: the alleged rape victims first appeared in court on 12 March 2014; the lawyers for the defence observed that their accounts contained major discrepancies casting doubt on their identity, age, parentage and the truthfulness of the accusations against Mr. Ndongala; the lawyers for the defence held that the court broke the law and violated the rights of the defence by refusing to apply Article 640 of the Family Code and to defer a decision pending a ruling by the civilian court on the dispute relating to the identity and parentage of the alleged victims; the lawyers objected to the court's decision and left the hearing in protest; instead of suspending the hearing, the court decide to stop the judicial proceedings and asked the prosecution to present its closing arguments in the absence of the lawyers for the defence and, according to the sources, even though the examination of the case was not ended and neither the accused nor the defence witnesses had been heard by the court; the prosecution asked for a sentence of 14 years in prison, and the court retired to consider its decision; when they learned, the following morning, that the court had withdrawn to consider its decision while they were absent, the lawyers for the defence immediately petitioned for the case to be re-opened,

Further considering that, according to the information provided by the Speaker of the National Assembly in his letter of 19 February 2014 and by the delegation of the DRC at the hearing held during the 130th IPU Assembly, the investigation was proceeding as normal and Mr. Ndongala continued to benefit from the presumption of innocence, that, according to the delegation of the DRC, the prosecution had indeed made its closing arguments in the absence of the lawyers for the defence during the hearing of 12 March 2014, but that the lawyers had no one to blame but themselves, since they had preferred to leave the room in order to protest a point of procedure, and that the lawyers had subsequently asked for the case to be re-opened in order to present their arguments but that the Court had yet to rule on that request,

Considering also the following information provided by the sources: Mr. Ndongala's health has deteriorated sharply since late July 2013, but the authorities have systematically refused to allow him to be taken to hospital; Mr. Ndongala was briefly transferred to a military camp in late July 2013 for medical care but demanded that he be transferred to one of the civilian hospitals with which the prison has an agreement, in accordance with standard prison practice and because he feared for his safety, given that he had been unlawfully detained and tortured in that military camp in the past; after Mr. Ndongala's cardiac arrest and emergency hospitalization on 27 December 2013, he was forcibly returned to prison the following day before the tests ordered by the doctor had been carried out; according to the sources, he is currently not receiving appropriate medical care,

Considering in that regard that, in her letter of 27 November 2013, the Minister of Justice stated that there was no truth to the allegations that Mr. Ndongala had been denied medical care and that the applicable legislative provisions had been respected, that Mr. Ndongala had been seen by the doctor at the military hospital at Kokolo camp in July 2013 and that the doctor had recommended x-rays and physiotherapy, that Mr. Ndongala had obtained a recommendation from the doctor that he continue his treatment at a hospital near the airport that had no agreement with the prison, that “the proximity of the international airport [wa]s indicative of Mr. Ndongala’s intentions”, and that the prison administration had acted in good faith and given Mr. Ndongala every opportunity to have access to appropriate care outside the prison, but that he had abused that possibility through his behaviour,

Also considering that, at the hearing held during the 130th IPU Assembly (March, 2014), the delegation of the DRC said, with regard to the denial of medical care, that the fact that Mr. Ndongala was still alive was “irrefutable proof that he continued to receive treatment, otherwise he would already be dead”,

Recalling that the Congolese authorities held national consultations from 7 September to 5 October 2013 in order to strengthen national unity, that the Head of State presented the recommendations of the final report that emerged from the consultations to both houses of parliament on 23 October 2013 and set up a national committee tasked with implementing them, and that the final report recommends that, “among the measures taken to ease the political tension and announced by the President of the Republic, the public authorities: (a) grant, depending on the case, a presidential pardon, release on parole and/or amnesty to *inter alia* (...) Eugène Diomi Ndongala (...)”,

Considering also that Mr. Ndongala did not receive a presidential pardon and was not released after the national consultations, and that the nature of the charges against him make him ineligible for amnesty under the amnesty law adopted in February 2014,

Considering finally that, at the hearing held during the 130th IPU Assembly, the delegation of the DRC confirmed that the political opposition considered that Mr. Ndongala was a political prisoner, but that such was not the position of the majority, in view of the charges against him, and that if Mr. Ndongala had not contested the legitimacy of the last elections and had agreed to take part in the parliamentary proceedings, the National Assembly would not have agreed to lift his parliamentary immunity or revoked his parliamentary mandate,

1. *Thanks* the Speaker of the National Assembly and the delegation of the DRC for the information conveyed;
2. *Deeply regrets* that no progress had been made in resolving the case despite the recommendations made in the final report of the national consultations;
3. *Remains convinced* that the case is eminently political in nature and *considers* that the National Assembly failed to fulfil its obligation to guarantee the protection of Mr. Ndongala’s fundamental rights without discrimination based on his political opinions;
4. *Notes with concern* that Mr. Ndongala’s trial was seriously flawed and therefore *encourages* the Supreme Court to issue an exemplary ruling, in strict compliance with fair-trial guarantees, in particular given the absence, should Mr. Ndongala be found guilty, of any avenue of appeal under the judicial procedure applicable to members of parliament in the DRC;
5. *Remains seriously worried* about Mr. Ndongala’s deteriorating health and the allegations that he is being denied medical care; *encourages* the authorities to do everything required to ensure that Mr. Ndongala receives the medical care ordered by the doctors without delay and *repeats* that it wishes to be kept informed on that point;
6. *Requests* the Secretary General to convey this resolution to the parliamentary authorities, the Minister of Justice, the sources and any third party likely to be in a position to supply relevant information;
7. *Requests* the Committee to continue examining this case and to report back to it in due course.

DEMOCRATIC REPUBLIC OF THE CONGO

DRC/72 - DIEUDONNÉ BAKUNGU MYTHONDEKE

Resolution adopted unanimously by the IPU Governing Council at its 194th session (Geneva, 20 March 2014)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Dieudonné Bakungu Mythondeke and to the resolution it adopted at its 193rd session (October 2013),

Also referring to the letter of the Speaker of the National Assembly of 19 February 2014 and to the information provided by the source,

Referring lastly to the report of the mission conducted to the Democratic Republic of the Congo (DRC) from 10 to 14 June 2013 (CL/193/11b)-R.2),

Considering the following information on file provided by the source:

- Mr. Mythondeke and members of his family were arrested on 2 February 2012 at his home in Goma, in North Kivu province, after an exchange of gunfire between the policemen assigned to his security detail and a group of roughly 200 soldiers and policemen who were trying to enter the premises in the middle of the night; four people (including two policemen assigned to Mr. Mythondeke's security detail and two soldiers) were killed and several people wounded during the shootout; the security forces also searched the premises without a search warrant during the night;
- According to the source, the authorities' application of the *flagrante delicto* procedure was unlawful because Mr. Mythondeke was arrested in the middle of the night while he was asleep and no offence was being committed, and because he was not caught in the act of inciting tribal hatred while at home in the middle of the night; in the absence of a *flagrante delicto* offence, Mr. Mythondeke could only have been arrested on the authorization of the National Assembly, with due regard for his parliamentary immunity;
- Several hours after the arrests, the Goma High Court prosecutor issued a search warrant and agents from the security forces were once again deployed to search Mr. Mythondeke's home; the search was conducted in the absence of Mr. Mythondeke and his family, all of whom were being held at the military prosecutor's office; many objects disappeared during the search; a complaint was filed for pillage with the Goma Military High Court on 9 February 2012, to no effect; in addition, a suit for damages was filed before the Goma High Court;
- Mr. Mythondeke and some members of his family were ill-treated during their arrest and detention in Goma and their transfer to Kinshasa; liquid was apparently poured over Mr. Mythondeke on the tarmac at Goma airport, in front of television cameras, to humiliate him; the above-mentioned complaints also concerned this ill-treatment;
- Mr. Mythondeke and 19 other people were taken to Kinshasa under the *flagrante delicto* procedure and brought before the Supreme Court on the following counts: rebellion, murder, unlawful possession of war weapons, incitement to commit acts contrary to discipline, distribution of ammunition and threat to internal security; the prosecution asked for the death penalty on all the charges;
- According to the source, Mr. Mythondeke's arrest and prosecution were politically motivated because:
 - They occurred at a time when Mr. Mythondeke, the former deputy governor of North Kivu province and a member for the majority PPRD party in the 2006-2012 legislature, had joined the political opposition in the November 2011 legislative elections in Masisi constituency (North Kivu province) and run for a new opposition party established by Mr. Vital Kamerhe, the former Speaker of the National Assembly;
 - Mr. Mythondeke was not proclaimed re-elected after the legislative elections of November 2011, even though, according to the source, he had won enough votes, because, again according to the source, the voting had been seriously flawed;

- Mr. Mythondeke had openly denounced the “balkanization of the east” (of the DRC) during National Assembly debates on the situation in North Kivu, at government question time and in public statements on the matter, which is apparently why the majority wished to remove him from the National Assembly and more generally from the political scene;
- On 25 February 2012, the Supreme Court, the court of first and last instance, given Mr. Mythondeke’s status as a parliamentarian, handed down its decision; it reclassified the charge of threat to internal security to one of incitement to tribal hatred and sentenced Mr. Mythondeke to 12 months in prison; it also considered that the other charges had not been substantiated;
- According to the source, the Supreme Court disregarded Mr. Mythondeke’s rights of defence in that it reclassified the offence of threat to State security as incitement to tribal hatred when it handed down the decision, without indicating the reasons for doing so or the elements constituting that charge, without having first informed the parties or enabled defence counsel to present a defence on that charge, and given that Mr. Mythondeke was not at the outset being tried on that charge; the source also cites the Supreme Court decision of 23 July 1970 (MPC/MN, RJC No. 31970, p. 276), in which the court reportedly ruled as follows: “The fact that a court reclassifies the initial offences for which the accused was remanded in custody, without the accused being defended on the serious offences thus reclassified, constitutes a violation of the rights of defence”;
- Mr. Mythondeke served his sentence at Kinshasa central prison and was released on 28 January 2013,

Considering the following: over two years after handing down its decision, the Supreme Court finally issued a reasoned copy thereof; the decision confirms most of the source’s allegations, namely (i) Mr. Mythondeke was arrested at night and in the absence of an arrest warrant, (ii) Mr. Mythondeke’s house was searched, and weapons allegedly found there, in his absence and after his arrest, (iii) no evidence was ever provided to substantiate the serious charges made by the prosecution and for which it had asked for the death penalty for Mr. Mythondeke and the members of his family, (iv) the court reclassified the offence when it handed down its decision and Mr. Mythondeke, who had not been charged with the new offence, was not notified in advance and was therefore unable to mount a defence, and (v) the court did not rule on the lawfulness of the application of the *flagrante delicto* procedure, even though it considered that none of the charges against Mr. Mythondeke had been substantiated and that the charge of incitement to tribal hatred was based on earlier public statements to which the *flagrante delicto* procedure did not apply,

Recalling that no avenue of appeal exists in the case of criminal proceedings against National Assembly members pursuant to Article 98 of the Judicial Organization and Competence Code and Article 153 of the Constitution,

Also recalling that, during the Committee mission to the DRC, Mr. Mythondeke and his lawyer said that they planned to ask for a retrial once they had received a copy of the reasoned decision and that they had sued the State in Goma High Court for compensation for the ill-treatment and destruction of property suffered by Mr. Mythondeke and his family at the time of their arrests,

Recalling lastly that the DRC is party to the International Covenant on Civil and Political Rights, Articles 9, 10 and 14 of which recognize the right to liberty and security of person, the right to a fair trial and in particular the right of anyone convicted of a crime to appeal to a higher court,

Considering the following information provided by the source: Mr. Mythondeke has feared for his safety and that of his family since his release from prison; he is allegedly being followed and intimidated by agents acting on the orders of the general who ordered his arrest in Goma and who has since been promoted and transferred to Kinshasa; Mr. Mythondeke’s security situation is said to have seriously deteriorated between June 2013 and March 2014 and he is being kept under increasingly close surveillance (he is constantly followed and has learned that the people around him are systematically asked about his movements); Mr. Mythondeke has said that he fears for his life and that of his family,

Bearing in mind that, in his letter of 19 February 2014, the Speaker of the National Assembly said that the Congolese authorities were responsible for ensuring the safety of Mr. Mythondeke and his family, as they were for ensuring that of all Congolese citizens,

1. *Notes with deep concern* the deterioration in Mr. Mythondeke's security situation and *calls on* the competent authorities urgently to take the requisite measures to stop the surveillance and intimidation to which he has been subjected, in order to ensure his safety and that of his family; *strongly urges* the parliamentary authorities to inform it of the measures taken to that end by the authorities concerned;
2. *Observes* that the Supreme Court's reasoned decision confirms that Mr. Mythondeke's basic rights were violated when he was arrested; *considers also* that, because the charges on which Mr. Mythondeke was prosecuted were not substantiated, the Court should have determined that there had been no *flagrante delicto* offence and declared itself incompetent in the case, since Mr. Mythondeke had parliamentary immunity; *further observes* that Mr. Mythondeke's rights of defence were disregarded during the proceedings, given that he was convicted on a charge in respect of which he was unable to present a defence;
3. *Again emphasizes* that the possibility of appeal is one of the most fundamental guarantees of a fair trial, and, given that parliamentarians in the DRC currently have no avenue of appeal in judicial proceedings against them, *invites* the competent authorities to satisfy Mr. Mythondeke's request for a retrial and his suit for damages for the violation of his basic rights; *asks* the authorities and the source to keep it informed of the outcome of those proceedings;
4. *Requests* the Secretary General to convey this resolution to the parliamentary authorities, the Minister of Justice, the source and any third party likely to be in a position to supply relevant information;
6. *Requests* the Committee to continue examining this case and to report back to it in due course.

DEMOCRATIC REPUBLIC OF THE CONGO

DRC/81 - MUHINDO NZANGI

Resolution adopted unanimously by the IPU Governing Council at its 194th session (Geneva, 20 March 2014)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Muhindo Nzangi and to the resolution it adopted at its 193rd session (October 2013),

Referring also to the letter from the Speaker of the National Assembly of 19 February 2014, the information provided by the delegation of the Democratic Republic of the Congo (DRC) at the hearing held during the 130th IPU Assembly (March, Geneva 2014) and the information provided by the sources,

Considering that Mr. Nzangi, a member of parliament for the majority, was sentenced on 13 August 2013 to three years in prison at first and last instance by the Supreme Court on a charge of jeopardizing State security,

Considering the following allegations by the sources: Mr. Nzangi's conviction constitutes a serious violation of the right to freedom of expression of parliamentarians, Mr. Nzangi having been convicted for having expressed his point of view, on the radio on 11 August 2013, about the war in the eastern DRC and for having criticized government policy; his trial was not fair, his lawyers not having had the material time to mount a defence (in view of the expedited nature of the *flagrante delicto* procedure applied in the case) and in the absence of the possibility to appeal,

Bearing in mind that, in the reasoned decision it sent the lawyers for the defence in February 2014, the Supreme Court held as follows: Mr. Nzangi was guilty of jeopardizing State security because he had "deliberately spread rumours about the Head of State's failure to order the continuation of the war in the east of the country, even though troops from the DRC armed forces at the front were ready to fight the M23"; this was "an inaccurate statement that was of a nature to alarm the people in that part of the country, to worry them and to foment doubt about the strength of the authorities, institutional stability and the public authorities, and that definitely caused unrest in Goma and the

neighbouring area”; the “rumours” consisted in Mr. Nzangi’s declaration that “if the Head of State does not give the order to kick the aggressors out, we’ll go the way of Mali, we’ve seen loads of Rwandan bodies, and the people have to attack MONUSCO because it has not performed its duties and obligations; the Head of State isn’t controlled by anyone and whether the army attacks or no longer attacks, he’s the commander-in-chief of the army and the army was reorganized after former commanders left for Kinshasa”,

Bearing in mind the recording of the incriminating radio broadcast provided by the sources, in particular Mr. Nzangi’s words during the broadcast,

Considering that Article 153 of the Constitution of the DRC, adopted in 2006, provides that the Court of Cassation shall hear cases involving offences committed by members of the National Assembly and the Senate in first and last instance,

Further considering that the Speaker of the National Assembly indicated in his letter of 19 February 2014 that, in application of the recommendations that emerged from the national consultations held in September 2013, the parliament of the DRC had adopted an amnesty law in February 2014 that covered the offences for which Mr. Nzangi had been convicted, and that the sources had confirmed that Mr. Nzangi was eligible for amnesty, which he had applied for in writing pursuant to the law, but that no action had been taken as of yet in application of the law,

Considering lastly the following information provided by the delegation of the DRC at the hearing held during the 130th IPU Assembly: the Speaker of the National Assembly had pledged to do all in his power to ensure that Mr. Nzangi was granted amnesty; it was now up to the Minister of Justice to adopt measures to implement the amnesty law, and the Committee on the Human Rights of Parliamentarians would be kept informed in that regard; in accordance with the Constitution, and because he had been arrested using the *flagrante delicto* procedure, Mr. Nzangi had not benefited from parliamentary immunity and the National Assembly had not been informed of his arrest or of the charges and proceedings against him; the prosecution and the court had considered that Mr. Nzangi’s words were of a nature to foment trouble in the east of the country, given the conflict situation at the time; even though Mr. Nzangi had been found guilty, he had not been removed from office by the National Assembly, which considered that the case could be resolved by granting Mr. Nzangi amnesty for political offences,

1. *Thanks* the Speaker of the National Assembly and the delegation of the DRC for the information they conveyed;
2. *Considers* that, in sentencing Mr. Nzangi to a prison term for having criticized government policy, even though he did not incite to violence, the Supreme Court disregarded Mr. Nzangi’s right to freedom of opinion and expression, which is enshrined in Article 19 of the International Covenant on Civil and Political Rights, to which the DRC is a party;
3. *Deplores again* that there is no separate avenue of appeal in the judicial process applying to parliamentarians in the DRC and *recalls* that the possibility to appeal is one of the principal guarantees of a fair trial;
4. *Notes with satisfaction* that Mr. Nzangi is eligible for amnesty for political offences under the amnesty law adopted by the Parliament of the DRC in February 2014 and that the Speaker of the National Assembly has pledged to do all in his power to ensure that he is granted amnesty; *therefore urges* the competent authorities to grant him amnesty as soon as possible and *requests* that it be kept informed in that respect;
5. *Requests* the Secretary General to convey this resolution to the parliamentary authorities, the Minister of Justice, the sources and any third party likely to be in a position to supply relevant information;
6. *Requests* the Committee to continue examining this case and to report back to it in due course.

ZAMBIA

ZM/01 - MICHAEL KAINGU	ZM/10 - LT. GEN. RONNIE SHIKAPWASHA
ZM/02 - JACK MWIIMBU	ZM/11 - MAXWELL MWALE
ZM/03 - GARRY NKOMBO	ZM/12 - KENNETH KONGA
ZM/04 - REQUEST MUTANGA	ZM/13 - ANNIE CHUNGU (MS.)
ZM/05 - BOYD HAMUSONDE	ZM/14 - HOWARD KUNDA
ZM/06 - MOONO LUBEZHI (MS.)	ZM/15 - MICHAEL KATAMBO
ZM/07 - DORA SILIYA (MS.)	ZM/16 - JAMES CHISHIBA
ZM/08 - MWALIMU SIMFUKWE	ZM/17 - HASTINGS SILILO
ZM/09 - SARAH SAYIFWANDA (MS.)	ZM/18 - LUCKY MULUSA

Resolution adopted unanimously by the IPU Governing Council at its 194th session (Geneva, 20 March 2014)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of the above-mentioned individuals, all elected in the September 2011 parliamentary elections as members of political parties that are now in the opposition, which has been examined by the Committee on the Human Rights of Parliamentarians, pursuant to the Procedure for the treatment by the Inter-Parliamentary Union of communications concerning violations of the human rights of members of parliament,

Taking into account the information that the Speaker of the National Assembly provided on the occasion of the hearing with the Committee on 18 March 2014; *taking into account* the letters from the Clerk of the National Assembly dated 25 September 2013, 7 January and 24 February 2014, including the documentation which she attached; *taking into account also* the information regularly provided by the sources, including during the hearing that the Committee had with one of them on 16 March 2014,

Considering that, according to that source, immediately following the legislative and presidential elections in September 2011, the Patriotic Front Government embarked on a campaign of score-settling against members of the former government, abusing provisions of the Public Order Act, disrupting opposition activities and using the pretext of the “anti-corruption fight” to eliminate political competition,

Considering that, according to one of the sources, apart from a few isolated cases that have gone to trial, the accusations against opposition members have proved groundless, and that the unsubstantiated prosecutions have been abandoned in some cases, such as with respect to Ms. Sarah Sayifwanda, Mr. Mwalimu Simfukwe, Mr. Garry Nkombo and Mr. Request Muntanga, but that in others the Government is pressing on despite the absence of evidence, like in the cases of Mr. Maxwell Mwale, Ms. Dora Siliya and Mr. Ronnie Shikapwasha; *considering* that, according to the authorities, the latter cases, which primarily concern charges of abuse of authority at the time when the individuals concerned were ministers in the previous government, are following their normal course before the courts,

Taking into account the following observations made by the sources and the parliamentary authorities with respect to the Public Order Act:

- According to the sources, the Patriotic Front Government has relied since its election on the police and the Public Order Act to violently disrupt public meetings organized by the opposition; the source has made reference to concrete incidents affecting opposition members of parliament that took place in June, September, October and December 2012, some of which also led to the arbitrary arrest of opposition members of parliament such as when, on 10 December 2012, Ms. Annie Chungu, Mr. Michael Katambo, Mr. Howard Kunda and Mr. James Chishiba were detained for two days under strenuous conditions without being informed of the reason and subsequently charged with unlawful assembly, which charges were dropped on 11 March 2014;
- Following the Supreme Court ruling (Christine Mulundika and seven Others v. the People - 1995), the Public Order Act was changed so that a permit from police authorities to organize assemblies was no longer required: Instead, the organizers needed to notify the police authorities 14 days in advance; in its letter dated 24 February 2014, the National Assembly confirmed the right for members of parliament to assemble and associate freely,

as noted in a circular to all members of parliament by the Minister of Home Affairs, following a meeting with the Speaker initiated with party whips in December 2013 in response to the concerns of members; the circular noted that members did not require police authorization to meet constituents to carry out their duties or merely as visitors; however, it did encourage members to inform police of such activity to enable the latter to help provide services to members;

- The National Assembly observed that, in spite of judicial pronouncements on the administration of the Public Order Act, challenges persisted and that, while successive governments had insisted that the Public Order Act was impartially administered, the opposition felt that its administration was biased towards the Government and that the matter occasionally arose even on the floor of the House;
- In response to the authorities' repeated defence that they prevented certain opposition meetings from taking place in light of intelligence reports that members of another party were planning to attack the authorized march, one of the sources questioned why the police disrupted the meetings rather than arrest those who were planning to attack a legitimate procession. The source pointed out in this regard that the political party members who were planning to attack the marches were from the ruling party, which is why police failed to arrest them,

Considering that, in a letter dated 13 January 2014, the source indicated that opposition members were still facing challenges in holding meetings with their constituents,

Considering also that the source alleges that the following two parliamentarians were ill-treated at the hand of State officials:

- On 30 May 2012, Mr. Kenneth Konga collapsed after being interrogated for many hours by a joint team of over nine interrogators from the Zambia Police Force, the Drug Enforcement Commission, the Anti-Corruption Commission and the Zambia Security and Intelligence Services in Lusaka; Mr. Konga was rushed to Saint John's hospital, but was later moved to the University Teaching Hospital, where it was confirmed that he had suffered a stroke; by 4 September 2013, Mr. Konga remained a patient and has been unable to effectively use his dominant hand; according to the letter of 25 September 2013 from the National Assembly, although there were media reports concerning Mr. Konga's search and interrogation, it was unable to confirm whether or not the stroke he suffered was a result of prolonged interrogations; as far as the National Assembly was aware, Mr. Konga had never been arrested or prosecuted for any offence related to the complaint; however, he appeared in court as a State witness in a criminal case against the former Head of State, Mr. Banda; the source affirms that the National Assembly's response in the matter is not truthful, as it was all over the papers and other media that Mr. Konga had collapsed and suffered a stroke during a long interrogation; in the February letter, the National Assembly reiterated that it could not confirm the information regarding Mr. Konga's stroke, but it affirmed that because the interrogations were exercised by the executive branch of Government, it was not in a position to stop such interrogations; the source underlines that its contact persons in Zambia had accompanied Mr. Konga and personally witnessed several searches at his house and other properties, which had lasted for up to 10 hours;
- On 26 February 2013, during the Livingstone constituency by-election campaign, Mr. Nkombo, an opposition member of parliament, sustained a broken arm and bruised ribs when he was allegedly assaulted, in full view of the police at Livingstone Central Police Station, by Mr. Obvious Mwaliteta, a minister in the Patriotic Front Government; Mr. Nkombo, who was in the company of another member of parliament - Mr. Request Mutanga - had reportedly gone to the police station to report an incident caused by members of the ruling party at the UPND campaign centre; according to the source, after assaulting Mr. Nkombo, the minister ordered the police to immediately arrest the two opposition parliamentarians; Mr. Nkombo was apparently denied medical attention for several days, until the courts ordered that he be taken to hospital, where it was confirmed that he had sustained a broken arm and bruised ribs; a copy of the court order and the medical report from Livingstone Hospital was provided by the source; according to the National Assembly, in its letter dated 24 February 2014, Mr. Nkombo has never asserted his rights to press criminal or civil charges against the alleged perpetrators; in the absence of such action, it stated that there could be no subsequent investigation in the matter,

Noting that, on 28 July 2013, the Supreme Court nullified the seats of opposition members Ms. Siliya, Mr. Mwale and Mr. Sililo; according to the source, their disqualification was groundless; they should have retained their seat and, at the very least, been able to stand in the by-elections for their seats; the Speaker of the National Assembly stated, as did the National Assembly in its letter of 24 February 2014, that the matter was complicated in that it required the Supreme Court to rule on whether one is eligible to re-contest his or her former seat when his/her election as a member is upheld by the High Court but overruled by the Supreme Court on grounds of corrupt or illegal practices; on 5 March 2014, one of the sources forwarded reports that the Supreme Court's ruling had been delayed and that they had not yet ruled on the case,

Considering furthermore that, according to the source, the nullification of seats has to be seen in the wider context of action taken by the ruling party following the September 2011 elections, which produced a hung parliament; the three biggest parties in the elections for the 141 seats were the Patriotic Front, which won 66 seats, followed by MDP and UPND, with 54 and 28 seats respectively; according to the source, in order to obtain a majority in parliament, the Patriotic Front then enticed opposition members to change sides and filed numerous petitions to nullify seats held by the opposition; since then, the seats of six opposition members had been nullified, including the aforesaid three individuals; at the hearing with the Speaker of the National Assembly, he stated that, following the 2011 parliamentary elections, several opposition members had been invited to take part in the Government as junior ministers and several parliamentarians were disqualified due to their criminal record; he stated that, as a result of these developments, the Patriotic Front currently held a majority of 78 out of 141 seats in parliament,

Considering that, in response to a suggestion from the Committee, the Speaker of the National Assembly stated that a mission to Zambia would be more than welcome,

1. *Thanks* the Speaker for his cooperation and for the extensive and valuable information he and the National Assembly have provided in this case;
2. *Appreciates* the action which he has taken to promote respect for the right to freedom of assembly of members of parliament; *is nevertheless concerned* that in the past, as he acknowledged, in several instances the police overstepped its authority when parliamentarians organized meetings; *is deeply concerned* in this regard by the accounts of concrete incidents of alleged police harassment, including the arbitrary detention of members of parliament, and the allegation that, despite the latest steps by the executive and parliamentary authorities, members of parliament can still not exercise fully their right to freedom of assembly; *wishes to understand* in this regard when notification is required and what the legal consequences are of failing to provide notification;
3. *Is concerned* about allegations that Mr. Konga collapsed during prolonged interrogation and suffered a stroke as a result; *is eager* to know if the authorities investigated this allegation and, if so, with what result; *also wishes* to know why Mr. Konga was interrogated, whether or not he is the subject of legal action; *is also concerned* about the alleged ill-treatment of Mr. Nkombo at the hands of a government minister; *wishes to ascertain* from Mr. Nkombo why he has not filed a complaint; *considers* at the same time that the absence of a complaint does not exempt the authorities from taking the alleged ill-treatment very seriously;
4. *Notes* the contradictory information provided by the sources and the authorities regarding the legal basis and the facts underpinning the criminal proceedings initiated against several current and former members of parliament;
5. *Notes* that at least three opposition members were disqualified; *is unclear* as to the precise justification for the disqualification and the applicable legal provisions;
6. *Trusts* that the agreed mission can soon take place so as to enable the Committee delegation to acquire, through meetings with the relevant parliamentary, executive and judicial authorities and the parliamentarians directly concerned, a better understanding of the aforesaid complex issues; *requests* the Secretary General to make the necessary arrangements for this purpose;
7. *Requests* the Secretary General to convey this resolution to the authorities and the sources;
8. *Requests* the Committee to continue examining this case and to report back to it in due course.

ZIMBABWE

ZBW/20 - JOB SIKHALA
ZBW/27 - PAUL MADZORE
ZBW/44 - NELSON CHAMISA

Resolution adopted unanimously by the IPU Governing Council at its 194th session (Geneva, 20 March 2014)

The Governing Council of the Inter-Parliamentary Union,

Referring to the cases of Mr. Job Sikhala, Mr. Paul Madzore and Mr. Nelson Chamisa, members of the opposition at the time the complaint was submitted, and to the resolution adopted on all three cases at its 190th session (April 2012) and the resolution adopted at its 192nd session (March 2013) on the case of Mr. Chamisa,

Referring to the communications of December 2013 from the source in the case of Mr. Sikhala,

Noting that recent letters from the IPU Secretary General to the Speaker of the House of Assembly have remained unanswered,

Further noting that the IPU Secretary General has not received updated information from the sources regarding the cases of Mr. Madzore and Mr. Chamisa in over three years and that its communications have remained unanswered,

Taking into account that only Mr. Madzore remains a member of parliament to date,

Recalling that the cases all concern the continuing impunity of State officials responsible for committing torture against Mr. Sikhala and Mr. Madzore in January 2003 and March 2007 and for failing to act when Mr. Chamisa was beaten up by security agents in 2007, the culprits having remained unpunished as well,

Recalling the following information on file:

- Mr. Sikhala and Mr. Madzore were tortured by police officers in January 2003 and March 2007 respectively; Mr. Sikhala, in his complaint regarding his torture, provided medical certificates and names of suspects that were even divulged in media reports at the time; Mr. Madzore told the court about his torture when he appeared for initial remand on 20 March 2007; he stated that, while in remand custody, he was regularly visited by the Central Intelligence Organization (CIO) and military intelligence agents and taken for torture sessions; he had to be taken to a private hospital and be put on a life-support system because of the torture he had suffered;
- Despite the existence of complaints and evidence, their torturers have not been brought to justice; Mr. Madzore filed a lawsuit for damages, on which no action was taken by the court; Mr. Sikhala filed an application to compel the police to investigate his complaint properly, which was never ruled upon by the High Court;
- In May 2012, the African Commission on Human and People's Rights held that the State of Zimbabwe was responsible for the torture of Mr. Gabriel Shumba, who was Mr. Sikhala's lawyer at the time, and had been arrested and tortured with him;
- Mr. Chamisa was badly injured in an attack on 18 March 2007 at Harare International Airport, reportedly by State security agents in the presence of the police, who took no action; Mr. Chamisa never formally reported the assault to the police, as he felt doing so would not achieve anything, given that the police were present during the incident and failed to take any action to protect him; in the absence of any police docket, the authorities consistently affirmed that the police and the prosecutor's office were unable to formulate charges and bring the case to the attention of the Attorney General's Office and the courts,

Considering that, in December 2013, the source reaffirmed that Mr. Sikhala had clearly identified the police officers who had tortured him ever since his initial complaint, namely:

- (i) Mr. Chrispen Makadenge, who remains a serving member of the Zimbabwean Republic Police and was promoted to the senior position of Chief Superintendent in the investigative branch of the police;
- (ii) Mr. Matsvimbo, who was also promoted and currently works closely with police security;
- (iii) Mr. Garnet Sikovha and (iv) Mr. Mashashu, both of whom have since died,

Recalling that the Public Order and Security Act, enacted in 2002 and amended in 2007, gives the police sweeping powers; that it has been widely criticized as severely restricting freedom of expression, assembly and association considering the way in which police have interpreted the act to justify the excessive use of force and to deter dissenting voices from holding public rallies and demonstrations; the Public Order and Security Act has not been repealed and no institutional and legislative reform has been undertaken to guarantee the effective impartiality of the police, the security forces and the judiciary and to ensure accountability for past abuses,

Recalling that Zimbabwe is party to the International Covenant on Civil and Political Rights, under which it is obliged to respect the prohibition of torture and other ill-treatment (Article 7), the right to liberty and security of person (Article 9), and the right to freedom of expression (Article 19), and to ensure that “any person whose rights or freedoms as herein recognized are violated shall have an effective remedy (...)” (Article 2(3)(a)); *further recalling* that the prohibition of torture is a peremptory norm of international law 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 (...)”; *repeating* that Zimbabwe, as a party to the International Covenant on Civil and Political Rights, is bound not only to prohibit torture and cruel, inhuman or degrading treatment, but also to institute *ex officio* investigations into known torture allegations in order to hold those responsible to account, and that the absence of a formal complaint regarding an attack of which the authorities were aware cannot be invoked to justify inaction,

1. *Concludes* that the torture of the three members of parliament belonging to the opposition constitutes gross human rights violations and that the authorities of Zimbabwe have failed to take any effective action to hold the State officials responsible to account; *considers* that the Parliament of Zimbabwe has equally failed to exercise its oversight function effectively and to fulfil its duty and vested interest to ensure the protection of its members so that they may carry out their mandate without hindrance;
2. *Firmly believes* that impunity, a serious human rights violation in itself, undermines the rule of law and respect for human rights in the country and is bound to encourage the repetition of similar crimes, as amply demonstrated in the cases in question;
3. *Is appalled* in this regard that the attempts by the victims to promote justice and reparation have been systematically disregarded by the competent authorities, that no serious investigation has been conducted, despite the evidence and the clear identification of the alleged perpetrators by the victims and that, in the case of Mr. Sikhala, rather than taking action against the alleged perpetrators, the authorities have promoted some of them within the security forces;
4. *Decides nevertheless* to close the cases of Mr. Madzore and Mr. Chamisa, in light of the fact that the sources have failed to respond to the communications addressed to them for an extended period of time, thus making it impossible for the Committee to effectively continue its examination of their cases;
5. *Underscores*, however, that this decision does not make it in any way less imperative for the authorities to hold, in line with their legal duties as well as with the international human rights standards to which Zimbabwe has subscribed, the alleged perpetrators to account; *urges* them therefore to take, in all cases, necessary action without further delay;
6. *Requests* the Secretary General to convey this resolution to the parliamentary authorities and to the sources;
7. *Requests* the Committee to continue examining the case of Mr. Sikhala and to report back to it in due course.

COLOMBIA

CO/01 - PEDRO NEL JIMÉNEZ OBANDO
CO/02 - LEONARDO POSADA PEDRAZA
CO/03 - OCTAVIO VARGAS CUÉLLAR
CO/04 - PEDRO LUIS VALENCIA GIRALDO
CO/06 - BERNARDO JARAMILLO OSSA
CO/08 - MANUEL CEPEDA VARGAS

Resolution adopted unanimously by the IPU Governing Council at its 194th session (Geneva, 20 March 2014)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of the six abovementioned members of the *Unión Patriótica* (Patriotic Union) who were murdered between 1986 and 1994, and to the resolution it adopted at its 192nd session (March 2013),

Taking into consideration the communication from the Prosecutor's Office, dated 19 February 2014,

Recalling the following information on file:

- None of the murderers of five of the six congressmen have been held to account;
- The Inter-American Court of Human Rights, in its binding ruling of 26 May 2010 in the case of Mr. Cepeda, concluded that the Colombian State bore responsibility for his murder and ordered it to conduct an effective investigation so as to establish the identity of the instigators and the full scale of collaboration between State agents and paramilitary forces in carrying out the crime;
- A general petition submitted to the Inter-American Commission on Human Rights in 1997 regarding the persecution of the Patriotic Union and offences committed, directly or indirectly, against its members, including all the aforementioned parliamentarians except Mr. Cepeda, is still pending;
- Since 2008, the *Procuraduría* has given special attention to the case of Mr. Jaramillo, and the Prosecutor's Office has assembled a special team focusing on violations committed against members of the Patriotic Union and reactivated investigations into the assassinations of Mr. Jiménez, Mr. Posada, Mr. Valencia, Mr. Cepeda and Mr. Jaramillo;
- On 17 May 2011, the Prosecutor's Office formally accused Mr. José Miguel Narváez, former Assistant Director of the Administrative Department of Security, of involvement in Mr. Cepeda's assassination, which has been declared a crime against humanity, and ordered that he be remanded in custody; Mr. Narváez is currently being held and prosecuted in a number of cases in connection with his alleged collaboration with paramilitary groups;
- Investigations with respect to the other murder cases are ongoing; in the case of Mr. Posada, a suspect, Mr. Baquero Agudelo, accepted a plea bargain and his case was sent to court for sentencing along with a request from the Prosecutor's Office that the relevant available documents be examined with a view to identifying other alleged culprits; in the case of Mr. Jaramillo, according to the Prosecutor's Office, Mr. Carlos Arturo Lozano Guillén, Director of the daily *Voz*, and Mr. Ricardo Pérez González were heard on 20 May 2011 as part of the investigation and the legal status of Mr. Alberto Romero, former chief of the Administrative Department of Security, who had previously come under investigation, still had to be determined and further evidence taken,

Recalling also that the Committee's President, Senator Juan Pablo Letelier (then Committee Vice-President), met with the relevant Colombian authorities and the source during his visit to Colombia on 20 and 21 March 2013; on that occasion the current Chief Prosecutor of Colombia stated that he had developed a new methodology focusing on the most serious crimes and reconstructing the context in which they took place; he had identified the case of persecution of Patriotic Union members as a priority and is trying to bring together the various legal proceedings being conducted across Colombia,

Considering the following new information provided by the Prosecutor's Office in its communication of 19 February 2014:

- The Chief Prosecutor of Colombia, in implementing its new methodology, has created nine thematic working groups, one of which focuses solely on crimes against members of the Unión Patriótica;
 - With regard to the investigation into Mr. Cepeda's murder, Mr. Narváez will remain in pretrial detention during the case until his legal status is resolved; on 6 August 2013 a plea bargain/guilty plea was reached and pronounced with respect to Mr. Jesús Emiro Pereira for his role in this murder;
 - In November 2013, as the latest step in the investigation regarding Mr. Posada's murder, which was at a confidential stage, the statements of two individuals were taken,
1. *Thanks* the Prosecutor's Office for the latest information provided;
 2. *Is pleased* that the Prosecutor's Office continues to devote special attention to promoting justice in the case of the persecution of members of the Patriotic Union, exemplified in one of its worst forms by the murder of six of its MPs;
 3. *Welcomes* the recent progress made in establishing accountability for Mr. Cepeda's murder; *wishes* to receive a copy of the ruling regarding Mr. Jesús Emiro Pereira and information on whether his case has shed further light on the extent of State responsibility for the crime and on the identity of those involved; *trusts* that proceedings against Mr. Narváez are advancing speedily and *wishes* to be kept informed in this regard;
 4. *Reiterates its wish to know* whether the murders of the Patriotic Union congressmen other than Mr. Cepeda have also been declared crimes against humanity; *trusts* that by now the Prosecutor's Office has decided whether or not to bring charges against Mr. Romero in the case of Mr. Jaramillo's murder; *wishes to know* what decision has been taken in this regard; *wishes to know* also whether the recent statements in the case of Mr. Posada have advanced the investigation, and whether Mr. Baquero Agudelo has meanwhile been sentenced and, if so, is serving his sentence and to receive a copy of the ruling;
 5. *Trusts* that the Inter-American Commission on Human Rights is steadily advancing in its consideration of the Patriotic Union case; *wishes to ascertain* the stage reached in its examination and whether a time line exists for its completion;
 6. *Considers* that a follow-up visit to Colombia by a Committee delegation would help to further its understanding of the current state of the pursuit of justice in this case and of how pending issues are being addressed; *requests* the Secretary General, therefore, to make the necessary arrangements for this purpose;
 7. *Requests* the Secretary General to convey this resolution to the competent Colombian authorities, the source and any third party likely to be in a position to supply relevant information; *also requests* the Secretary General to forward the resolution to the Inter-American Commission on Human Rights and to arrange a meeting between the Commission and the Committee President;
 8. *Requests* the Committee to continue examining this case and to report back to it in due course.
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COLOMBIA

COL/07 - LUIS CARLOS GALÁN SARMIENTO

Resolution adopted unanimously by the IPU Governing Council at its 194th session (Geneva, 20 March 2014)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Luis Carlos Galán Sarmiento, a member of the Colombian Senate and the New Liberalism Party's candidate in the presidential elections, who was murdered at a political rally on 18 August 1989 in the main square of Soacha municipality, Cundinamarca department, and to the resolution it adopted at its 192nd session (March 2013),

Taking into consideration the communication of the Prosecutor's Office dated 19 February 2014; *also taking into consideration* the information provided by the source in February and March 2014,

Recalling the following information on file:

- Lieutenant Carlos Humberto Flores, from Military Intelligence B2, was tried for complicity in the murder and acquitted at first and, on 11 August 2011, at second instance; a cassation petition filed by the Prosecutor's Office and Senator Galán's family, as the civil party to the proceedings, remains pending before the Supreme Court;
- On 1 September 2011, the Supreme Court upheld the first-instance verdict, whereby Mr. Santofimio, a politician from Tolima, was sentenced to a 24-year prison term for having incited drug baron Pablo Escobar to have Senator Galán killed in order to prevent the latter, if elected President of Colombia, from acting on his intention to extradite drug traffickers to the United States of America;
- On 18 August 2009, the Prosecutor's Office arrested General Miguel Maza Márquez, a former Director of the Administrative Department of Security (DAS), on accusations of involvement in Senator Galán's murder, and declared the murder a crime against humanity; on 6 April 2010, the then Chief Prosecutor ordered General Maza's provisional release; however, General Maza was called to trial on 25 November 2010 and rearrested on 15 January 2011; on 1 June 2011, the prosecutor in the case confirmed the indictment against General Maza, arguing that there was substantive evidence that he was responsible for the murder; trial proceedings started on 10 October 2011, at which time the judge in the case, the First Specialized Judge of Bogotá, confirmed that Senator Galán's murder was a crime against humanity; the Supreme Court annulled the proceedings against General Maza on 20 January 2012 on the grounds that he was entitled to privilege of jurisdiction and that his case should therefore have been referred directly to Colombia's Chief Prosecutor; General Maza was released as a result and the proceedings started afresh;
- On 25 November 2009, the *Procuraduría*, which had created a special team to conduct the investigation into the murder, requested the Prosecutor's Office to extend the investigation to retired General Oscar Peláez Carmona, who was the Head of the Criminal Investigation Department at the time and had allegedly acted in complicity with General Maza in misleading and obstructing the original investigation; in March 2010, the *Procuraduría* also asked the Prosecutor's Office to extend the investigation to Mr. Alberto Romero, former DAS intelligence chief, Colonel Manuel Antonio González Henríquez, who had served as DAS protection chief, former paramilitary leader Iván Roberto Duque Gaviria, alias "Ernesto Báez", and Captain Luis Felipe Montilla Barbosa, Soacha Police Commander;
- On 10 March 2013, the Prosecutor's Office ordered the preventive detention of Colonel González Henríquez and Captain Montilla Barbosa, after which they were taken into custody,

Recalling that both the Office of the Chief Prosecutor and the *Procuraduría* reconfirmed, on the occasion of the visit to Colombia (March 2013) by the then Committee Vice-President, Senator Juan Pablo Letelier, that the pursuit of justice in this case was a priority for them; *considering* that, according to the latest information provided by the Prosecutor's Office, it has set up nine internal working groups to analyse the context in which certain crimes were committed, one of which focuses on the assassinations of presidential candidates between 1989 and 1991,

Considering that in November 2013, upon the order of the current Chief Prosecutor, General Maza was taken into preventive detention, a decision which the Supreme Court confirmed in February 2014 in the light of the serious information pointing to his responsibility and the likelihood that he may divert the investigation,

Considering that the formal accusations which the Prosecutor's Office made against Colonel González Henríquez and Captain Montilla Barbosa were the subject of an appeal by their defence counsel, which is pending,

Considering finally that, according to a communication from the source dated 11 February 2014, with regard to the cassation petition before the Supreme Court regarding the alleged complicity in the murder of Lieutenant Carlos Humberto Flores from Military Intelligence B2, the matter had still not been resolved, as the *Procuraduría* had not yet submitted its views,

1. *Thanks* the Prosecutor's Office for the latest information provided;
2. *Is pleased* that it continues to devote special attention to promoting justice in this case;
3. *Takes note* with interest of General Maza's second re-arrest, including the justification given thereof; *trusts* that this time legal proceedings will be able to follow their course and *wishes to be kept* informed in this regard; *trusts* also that the appeal regarding Colonel González Henríquez and Captain Montilla will be dealt with swiftly and *wishes to be kept abreast* on this point;
4. *Wishes to know* whether the Prosecutor's Office has examined the question of whether or not to extend the investigation to the others identified by the *Procuraduría* as potentially responsible for the murder;
5. *Is deeply concerned* that the cassation petition before the Supreme Court has still not been dealt with; *recalls* the fundamental principle that justice delayed is justice denied; and *calls on* the *Procuraduría* to submit without delay its views to the Supreme Court so that it can finally rule on this matter;
6. *Considers* that a follow-up visit to Colombia by a Committee delegation would help to further its understanding of the current state of the pursuit of justice in this case and of how pending issues are being addressed; *requests* the Secretary General, therefore, to make the necessary arrangements for this purpose;
7. *Requests* the Secretary General to convey this resolution to the competent authorities, the source and any third party likely to be in a position to supply relevant information;
8. *Requests* the Committee to continue examining this case and to report back to it in due course.

COLOMBIA

CO/146 - IVÁN CEPEDA CASTRO
CO/147 - ALEXANDER LÓPEZ
CO/148 - JORGE ENRIQUE ROBLEDO
CO/149 - GUILLERMO ALFONSO JARAMILLO
CO/150 - WILSON ÁRIAS CASTILLO

***Resolution adopted unanimously by the IPU Governing Council at its 194th session
(Geneva, 20 March 2014)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the cases of Mr. Iván Cepeda Castro, Mr. Alexander López, Mr. Jorge Enrique Robledo, Mr. Guillermo Alfonso Jaramillo and Mr. Wilson Árias Castillo, members of the Colombian Congress from the opposition party *Polo Democrático Alternativo* (Alternative Democratic Pole), and to the resolution it adopted at its 192nd session (March 2013),

Recalling the following information regarding the death threats received by members of Congress of the Alternative Democratic Pole until 2012:

- On 10 April 2010, a public communiqué issued by an illegal group known as *Los rastros - comandos urbanos* declared Senators López, Robledo and Jaramillo to be enemies and hence permanent military targets;
- In a communiqué dated 4 June 2010, the United Self-Defence Forces of Colombia (AUC), Central Bloc, declared Senator López and Congressman Árias to be permanent military targets;

- In June 2010, it became known that a group of hitmen linked to paramilitary groups intended to assassinate Mr. Iván Cepeda, a member of the Colombian Congress and son of Senator Manuel Cepeda, who was assassinated in 1994; on 13 August 2010, an illegal group called *Águilas negras* issued a pamphlet threatening Mr. Cepeda and others who were helping to organize a debate in Congress on the problem of land dispossession that was to be broadcast live across the country on 18 August 2010;
- On 2 June 2011, *Los rastrojos - comandos urbanos* issued a statement threatening several human rights organizations and defenders, including Mr. Cepeda and his legislative assistant, Ms. Ana Jimena Bautista Revelo; around that time, *Águilas negras* also mentioned both Mr. Cepeda and Ms. Bautista in a statement, giving them 20 days to leave Bogotá or face death;
- As part of his visits to detention centres, Mr. Cepeda went to the prison in Valledupar on 22 May 2011; on 13 June 2011, he received a letter from an inmate of that prison stating that he had been incited to stab Mr. Cepeda during the latter's visit; the inmate alleged that the two officers entrusted with Mr. Cepeda's security on that occasion gave him a knife and offered him better prison conditions in return for assassinating Mr. Cepeda, which he refused to do;
- On 4 July 2012, a threat was sent by e-mail to Mr. Cepeda and others in connection with their work to promote the restitution of land, with those expressing the threat accusing them of expelling the true owners,

Considering the following new information provided on threats made since then:

- In February 2013, an anonymous call was made regarding a plot hatched against Mr. Cepeda, claiming that two brothers, Pedro and Santiago Gallón Henao, had paid an armed group to go to Melgar municipality (Tolima) to prepare an attack on him in Bogotá;
- In July 2013, a human rights defender and member of the National Movement of Victims of State Crimes, MOVICE, Sucre branch, received a threat directed at various labour and human rights leaders, including Mr. Cepeda, in which the latter is referred to as "the spokesperson and chief ambassador for terrorism in Colombia and a major terrorist";
- On 5 August 2013, a threat was sent to Mr. Cepeda's work e-mail address by "LOS RASTROJOS - COMANDOS URBANOS"; the threat was identified as PUBLIC COMMUNIQUE No. 012 04 of August 2013 and sent from an e-mail address identified as jrojasilva@gmail.com; it contained three points, the second of which identifies as "... military target and permanent enemies of the country a series of people referred to as trade union/guerrilla leaders, and ideologues clothed as lawyers, senators and representatives, the insurgents: ALEXANDER LOPEZ, JORGE ENRIQUE ROBLEDO,... IVAN CEPEDA (emphasis added) ...";
- Mr. Cepeda was also mentioned as a military target by "the national urban commandos of the Rastrojos" in their PUBLIC COMMUNIQUE No. 18 of 10 September 2013 and PUBLIC COMMUNIQUE of 24 September 2013;
- On 4 February 2014, Mr. Cepeda and Mr. Alirio Uribe Muñoz, his running-mate for the Chamber of Deputies in the elections of 9 March 2014, were threatened by e-mail by those who called themselves the AGUILAS NEGRAS BLOQUE CAPITAL D.C; in their threat, they tell their two targets that their time has come, that this is the only warning and that they better withdraw from politics and save their lives,

Considering that the source, in his communication of 6 February 2014, stated that Mr. Cepeda has continued to ask the Prosecutor's Office for guarantees of security and protection of the persons mentioned, with a view to safeguarding their dignity, life and personal, family and collective integrity,

Considering that Mr. Cepeda has always informed the competent national authorities of any threats against them so that they could conduct the necessary investigations; however, in his communication of 6 February 2014, the source points out that only in 2013 was Mr. Cepeda approached about an investigation into a denunciation made in 2008,

Recalling that, according to the source, Mr. Cepeda's work as a congressman has been increasingly stigmatized since early 2010 in the media; in several instances he has been labelled a friend of the Revolutionary Armed Forces of Colombia (FARC), in particular by former President Uribe and people from within his circle; on 10 September 2011, a fake Twitter account was set up in Mr. Cepeda's name, presenting him as a FARC friend seeking evidence of Mr. Uribe's links to paramilitary groups; *considering* that on 4 February 2014, *semana.com* (Colombia) published the results of its investigation into the "Andromeda" affair, involving unlawful eavesdropping to uncover the Government's representatives in the peace process in Havana, including Mr. Cepeda,

Recalling that the acting Chief Prosecutor of Colombia stated in October 2010 that all threats against members of the Alternative Democratic Pole were being investigated with the utmost diligence, but that it was often very difficult to lay hands on those responsible since they were experts at covering up their identity and whereabouts; in its report of 12 January 2011, the Prosecutor's Office affirmed that the threats issued by *Águilas negras* against Mr. Cepeda and by *Los rastros - comandos urbanos* against Senators López, Robledo and Jaramillo were all the subject of ongoing criminal investigations; *recalling* also that the current Chief Prosecutor stated to Senator Juan Pablo Letelier, then Committee Vice-President, during the latter's visit to Colombia in March 2013 that his Office was doing everything possible to hold the culprits of threats against members of the opposition to account,

Considering that the *Procuraduría* has reportedly opened two disciplinary procedures against Mr. Cepeda; according to the source, the first one concerns Mr. Cepeda's efforts to accompany the displaced victims of violence returning to their land in Las Pavas community; the other investigation is reportedly based on the investigations conducted by Mr. Cepeda into the denunciations for paramilitarism against former president Álvaro Uribe Vélez; according to the source, this disciplinary procedure is based on two supposed faults, the first for procedural fraud and the second for overstepping and usurping duties; in view of the above and, given the seriousness of the situation, a petition for a temporary injunction [*solicitud de medida cautelar*] has been filed with the Inter-American Commission on Human Rights, in order to stop the procedures that could end up curtailing Mr. Cepeda's political life. At the same time, a suit has been filed charging the Colombian State with violating Article 23 of the American Convention on Human Rights, in that it permitted an administrative authority to investigate authorities or public servants elected by the people and possibly to sanction them with removal from office. The suit also refers to Articles 8, 16, 25 and others on political rights and due process,

Considering finally that parliamentary elections took place in Colombia on 9 March 2014 and that Mr. Cepeda, Mr. Robledo and Mr. López were elected to the Senate and Mr. Arias to the House of Representatives,

1. *Is alarmed* at the repeated death threats directed against members of the opposition, in particular Mr. Cepeda;
2. *Considers* that the risks Mr. Cepeda has incurred as a long-standing critical voice in Colombia have to be taken extremely seriously and that the authorities should do everything possible to ensure that he will not suffer the same fate as his father;
3. *Is therefore deeply concerned* at the absence of any information indicating that full-scale investigations are under way and results have been obtained to establish accountability; *fears* that, if correct, the allegation that Mr. Cepeda was allegedly contacted about an investigation into a specific threat only five years after he received it may well highlight that effective investigations are lacking;
4. *Reaffirms its belief* that it is the duty of the Colombian authorities to do everything possible to ensure that the threats against Mr. Cepeda and the other members of the Alternative Democratic Pole do not go unpunished and *urges them* therefore to take effective steps towards identifying and holding to account the culprits; *wishes* to know what recent steps the Prosecutor General's Office has taken in this regard, including with regard to shedding full light on the failed attempt on Mr. Cepeda's life in 2011;
5. *Calls* on the competent authorities to ensure without delay that an effective security detail is in place for Mr. Cepeda and his legislative team, as well as for the other parliamentarians of the Alternative Democratic Pole who have received death threats; *wishes* to receive official information on this point;

6. *Considers* that the protection of the physical integrity and the ability of members of the opposition to carry out their work without fear of reprisals should be of direct concern to the Colombian Congress; *calls therefore on* the newly elected Colombian Congress to use fully its constitutional powers to address the concerns that have arisen in this case;
7. *Is eager to understand* the legal grounds and facts underpinning the two disciplinary investigations initiated against Mr. Cepeda; *would appreciate* therefore receiving the observations of the *Procuraduría* on this matter; *wishes to be kept* informed of the ongoing legal challenges in the investigations brought before the Inter-American Commission on Human Rights and the Colombian courts;
8. *Considers* that a follow-up visit to Colombia by a Committee delegation would help to promote further progress in addressing the issues which have arisen in this case; *requests* the Secretary General therefore to make the necessary arrangements for this purpose;
9. *Requests* the Secretary General to convey this resolution to the competent Colombian authorities, the source and any third party likely to be in a position to supply relevant information;
10. *Requests* the Committee to continue examining this case and to report back to it in due course.

ECUADOR

EC/02 - JAIME RICAURTE HURTADO GONZÁLEZ
EC/03 - PABLO VICENTE TAPIA FARINANGO

Resolution adopted unanimously by the IPU Governing Council at its 194th session
(Geneva, 20 March 2014)

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 in broad daylight in the centre of Quito on 17 February 1999, along with a legislative assistant, Mr. Wellington Borja Nazareno, and to the resolution it adopted at its 192nd session (March 2013),

Taking into consideration the information provided by the source on 14 February 2014,

Recalling the following:

- The Special Commission of Inquiry (CEI) set up immediately after the murders to help elucidate them has from the outset been sharply critical of the conduct of the investigation and of the prosecution authorities, notably their scant consideration of the serious leads it presented linking Mr. Hurtado's murder to his uncovering of a web of corruption involving high-profile figures;
- Two culprits, Mr. Ponce and Mr. Contreras, were convicted in March 2009 at final instance and are currently serving a 16-year prison term for their role in the murders;
- In 2009 and 2010, two suspects, Mr. Washington Aguirre and Mr. Gil Ayerve, were arrested in the United States of America and Colombia respectively, and their extradition requested by the Ecuadorian authorities for their alleged implication in the murder; Mr. Ayerve, who was also facing charges in connection with drug-trafficking, was extradited in April 2010; on 8 November 2010, the Second Criminal Chamber of the National Court of Justice of Ecuador ruled that, pursuant to Articles 101, 108 and 114 of the Criminal Code, the statute of limitations, which in Ecuador is 10 years for the crime of murder, had expired, thereby barring any criminal proceedings against him for the murders; it therefore ordered the national police not to arrest Mr. Ayerve; in response, the National Assembly of Ecuador, in a resolution adopted on 25 November 2010, pointed out that the ruling

disregarded the Organic Code on the Function of the Judiciary, which states that, for the periods during which the Supreme Court of Justice was suspended owing to the extraordinary events of 2005, 2006 and 2008, the statute of limitations was likewise suspended; the National Assembly also affirmed that the ruling was in breach of Article 23 of the 1998 Constitution, which states that political crimes are not subject to the statute of limitations, and called on the National Court of Justice to take all necessary legal steps to ensure that those responsible for the murders were held to account,

Considering that, on the basis of the information currently on file, it is unclear whether Mr. Ayerve is still in detention today, since his lawyer subsequently pleaded that he could not stand trial for anything other than the charge leading to his extradition and that this charge could no longer be prosecuted owing to the statute of limitations; the lawyers for the deceased MPs have challenged this position, arguing that the murder is a political crime/crime against humanity and therefore not subject to any statute of limitations, a matter which came up last for hearing before the National Court on 17 February 2014; *considering* that in March 2013, the other accused, Mr. Aguirre, was apprehended in Italy, where he had gone after fleeing/leaving the United States; the Ecuadorian authorities have subsequently asked for his extradition, which request appears to be pending,

1. *Remains deeply concerned* that, more than 15 years after these high-profile murders were committed, the instigators have not yet been identified and brought to trial, together with all the alleged perpetrators;
2. *Remains convinced* that criminal proceedings against Mr. Ayerve and Mr. Aguirre are crucial to the pursuit of truth and justice, particularly since they provide a crucial opportunity to give due consideration to the work of the CEI, including the substantive leads it presented for an alternative line of inquiry to shed full light on the crime;
3. *Reaffirms* that, in addition to the arguments to be found in Ecuadorian legislation in support of continued criminal legal action against both suspects, in many jurisdictions across the world the statute of limitations for murder, one of the most heinous of crimes, far exceeds 10 years and is suspended in specific circumstances, most commonly when the suspects, as in this case, are on the run;
4. *Calls*, therefore, on the judicial authorities to interpret the applicable legal provisions and jurisprudence as broadly as possible, so that both suspects will indeed stand trial for their alleged involvement in the murders; *wishes* to be informed of the decision by the court in the case of Mr. Ayerve regarding the legal qualification of the crime and to know whether he is still in detention or, at the very least, at the disposal of the judicial authorities;
5. *Sincerely hopes* that Mr. Aguirre's extradition, five years after he was first arrested in the United States of America, can soon be completed; *wishes* to be kept informed of progress in this regard;
6. *Requests* the Secretary General to convey this resolution to the competent Ecuadorian authorities, the source and any third party likely to be in a position to supply relevant information;
7. *Requests* the Committee to continue examining this case and to report back to it in due course.

VENEZUELA

VEN/10 - BIAGIO PILIERI
VEN/11 - JOSÉ SÁNCHEZ MONTIEL
VEN/12 - HERNÁN CLARET ALEMÁN
VEN/13 - RICHARD BLANCO CABRERA

VEN/14 - RICHARD MARDÓ
VEN/15 - GUSTAVO MARCANO
VEN/16 - JULIO BORGES
VEN/17 - JUAN CARLOS CALDERA
VEN/18 - MARÍA CORINA MACHADO (MS.)
VEN/19 - NORA BRACHO (MS.)
VEN/20 - ISMAEL GARCÍA
VEN/21 - EDUARDO GÓMEZ SIGALA
VEN/22 - WILLIAM DÁVILA
VEN/23 - MARÍA MERCEDES ARANGUREN

Resolution adopted by consensus by the IPU Governing Council at its 194th session (Geneva, 20 March 2014) 11

The Governing Council of the Inter-Parliamentary Union,

Having before it the cases of the 14 aforesaid individuals, all current members of the National Assembly of Venezuela, 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 into account the information and documents provided at a hearing that the Committee held on 17 March 2014 with the leader of the Venezuelan delegation to the 130th IPU Assembly (Geneva, March 2014), Mr. Dario Vivas Velasco, Deputy Speaker of the National Assembly; *taking into account* the information provided by the source on 16 March 2014 during a hearing with the Committee, as well as the information provided before the same Assembly,

Considering the following specific information with regard to Mr. Pilieri, Mr. Sánchez, Mr. Alemán and Mr. Blanco:

- All four persons were subject to criminal proceedings, Mr. Pilieri and Mr. Sánchez being detained, when they were elected in September 2010 - for the first time - to the National Assembly; other than in the case of Mr. Sánchez, who was convicted at final instance to a 19-year prison term for his responsibility as the mastermind in the murder of Mr. Macías, a member of the State of Zulia's Directorate of Military Intelligence, the other cases are pending and related to accusations of corruption and, in the case of Mr. Blanco, causing serious personal injury;
- According to the source, in line with Article 200 of the Constitution of Venezuela, the National Assembly should have lifted the parliamentary immunity in each of these cases; the Supreme Court stated, however, that the four parliamentarians would continue to be prosecuted and that parliamentary immunity only took effect from the moment members of parliament took office, which was 5 January 2011; an *ad hoc* committee of the National Assembly concluded, in its report of 3 February 2011, that parliamentary immunity did not apply to legal proceedings against a person that had started before he/she was sworn in as a parliamentarian;
- According to the source, the accusations against all four persons are baseless and politically motivated, which the parliamentary authorities deny; with regard to Mr. Sánchez, it affirms that he was convicted and sentenced for being the mastermind in the murder, although the material perpetrator(s) and the murder weapon were never found and as a result of a trial that was fundamentally flawed;

- On 23 February 2011, Mr. Pilieri was released pending trial; the following day, he was sworn in as a member of the National Assembly; Mr. Blanco and Mr. Alemán were both sworn in on 5 January 2011 and have since been exercising their parliamentary mandates; all three remain, however, subject to criminal proceedings; in December 2011, Mr. Sánchez was released on humanitarian grounds; he took his seat in the National Assembly on 15 October 2013,

Taking into account the following legal provisions that concern parliamentary immunity and the exercise of political rights in Venezuela:

- Article 200 of the Constitution stipulates: “Members of the National Assembly shall enjoy immunity in exercising their mandate from the moment their election is ... Should any member of the National Assembly be accused of committing an offence, the Supreme Court of Justice shall be seized of the matter on a confidential basis, being the only body competent to order, subject to the prior authorization of the National Assembly, the detention and prosecution of a member”;
- Article 27 of the rules of procedure and of debates in the National Assembly state: “Members of parliament shall enjoy immunity under the terms and conditions provided in the Constitution. For the purposes of the procedure provided in Article 200 of the Constitution, after receiving the application for authorization from the Supreme Court of Justice, the Assembly shall appoint a special committee, which shall be responsible for examining the matter and submitting a detailed report to plenary, within thirty days following its establishment, on whether or not to proceed with the application for authorization, guaranteeing, no matter what, that the rules of due process enshrined in Article 49 of the Constitution will have been applied in the case of the member of parliament concerned”;
- Article 42 of the Constitution stipulates: “...The exercise of citizenship or any political rights can be suspended only by final judicial decision in the cases provided by law.” Article 49 stipulates: “All judicial and administrative actions shall be subject to due process, therefore: ... (2) Any person shall be presumed innocent until proven otherwise”;
- Article 380 of the Code of Criminal Procedure states: “Once the required formalities for the prosecution have been duly completed, the official shall be suspended, or suspended and barred, or barred from holding any public office during the trial”;
- Article 187 of the Constitution stipulates: “It is the responsibility of the National Assembly: ... (20). To validate the mandate of its members and accept their resignation. The temporary suspension of a member of parliament from office may only be decided by a two-thirds vote of the members of parliament present,

Considering the following information about the situation of Mr. Richard Mardo:

- On 5 February 2013, Mr. Diosdado Cabello, Speaker of the National Assembly, reportedly showed, in the course of an ordinary session, public documents and cheques to support the thesis that Mr. Mardo had benefited from third-party donations, with the argument that this amounted to illicit enrichment; the source affirms that what the Speaker had shown were falsified cheques and forged receipts;
- On 6 February 2013, Mr. Pedro Carreño, in his capacity as President of the Parliamentary Audit Committee, pressed criminal charges against the parliamentarian in question, calling for him to be placed under house arrest in view of the alleged *flagrante delicto* situation;
- On 12 March 2013, the Prosecutor General's Office formally requested the Supreme Court to authorize proceedings against Mr. Mardo on accusations of tax fraud and money laundering; the source affirms that only on that day was Mr. Mardo allowed to access the investigation records, which had been compiled without his involvement;
- In its ruling of 17 July 2013, the Supreme Court requested the National Assembly to lift his parliamentary immunity, “an action which, if taken, is fully in accordance with Article 380 of the Code of Criminal Procedure”;
- On 30 July 2013, the National Assembly decided to lift Mr. Mardo's parliamentary immunity,

Aranguren: *Considering* the following information about the situation of Ms. María Mercedes

- On 12 November 2013, the National Assembly lifted the parliamentary immunity of Ms. María Mercedes Aranguren so as to allow charges of corruption and criminal association to proceed in court; the source affirms that the case against her is not only baseless, but had been dormant since 2008 and had only been reactivated recently in order to help the ruling party obtain the necessary 99 votes in parliament to adopt the enabling legislation (*ley habilitante*) investing the President of Venezuela with special powers to rule by decree; the source points out that Ms. Aranguren had switched to the opposition in 2012 and that the lifting of her immunity and her subsequent suspension under Article 380 of the Code of Criminal Procedure from parliament would give, through her deputy, who remained loyal to the ruling party, the majority - the missing 99th vote - to pass the enabling legislation; the source stresses in this regard that, six days after the lifting of her parliamentary immunity, parliament adopted the enabling legislation, i.e. on 18 November 2013,

Considering that, according to the source, the lifting of parliamentary immunity, inasmuch as it has the effect of suspending the parliamentary mandate, requires a three-fifth majority in the National Assembly, whereas the parliamentary authorities affirm that a simple majority is sufficient; *considering also* that the source affirms that the suspension of a member of parliament for the duration of the criminal proceedings runs counter to Articles 42 and 49(2) of the Constitution, which the authorities deny,

Considering also that the source expressed fears that the immunity of member of parliament María Corina Machado would soon be lifted, following the announcement by the Deputy Speaker of the National Assembly, on 20 February 2014, that its Permanent Home Affairs Committee was collecting information that would show Ms. Machado to have participated in terrorist and fascist activities that ran counter to the homeland; that information would be submitted to the Prosecutor General so that he could ask the Supreme Court to allow criminal proceedings to be initiated; on 18 March 2014, in the course of an ordinary session, at the instigation of the Speaker of the National Assembly, the latter adopted a motion in support of starting an investigation into Ms. Machado, with a view to lifting her immunity,

Noting that, in the past, the source also expressed fears that the immunity of Mr. Caldera would be lifted, the source affirms that an illegal audio recording and photos were presented showing several persons framing him in a ploy that made a legal act seem criminal before public opinion, namely the receipt of private funds for a mayor's pre-campaign; the source points out that, in Venezuela, public funding of political parties and election campaigns is prohibited; it appears that on 20 May 2013 the Prosecutor General asked the Supreme Court to accede to the request that Mr. Caldera be subjected to criminal proceedings; it is unclear whether the Supreme Court has given its opinion on the matter; at the hearing with the Committee, the Venezuelan Deputy Speaker showed pictures that Mr. Caldera had readily fallen into the trap and accepted money for his campaign from an entrepreneur; a parliamentary investigation into Mr. Caldera was under way,

Noting also that, according to the source, several members of the opposition were subjected to physical and verbal aggression by members of the ruling party on 22 January, 16 April and 30 April 2013, as a result of which several parliamentarians were injured; the parliamentary authorities have stated that the opposition parliamentarians had a large responsibility for the violent incidents that occurred in the National Assembly, either directly or indirectly,

Recalling that an IPU mission was due to travel to Venezuela in June 2013 to address, among other things, the issues that had arisen in this case, but that the mission was postponed at the last minute in order to allow the parliamentary authorities more time to organize the requested meetings,

Considering that repeated demonstrations have taken place in Venezuela since February 2014 and that in response President Maduro has called for a national peace conference, calling on all those who can make a contribution, including the church, the opposition, trade unions and civil society, to take part in it,

1. *Thanks* the leader of the Venezuelan delegation for his cooperation and the information he provided;

2. *Notes* that the parliamentary authorities and the opposition have opposing views regarding the legal and factual basis for the action taken to suspend several opposition parliamentarians, to lift their parliamentary immunity and to subject them to criminal investigation and prosecution;
3. *Believes* that the National Assembly should be the place where different views in Venezuela are expressed without fear of reprisal and incitement to violence and where efforts are made to find common ground; *is concerned* therefore that the National Assembly itself, rather than the judicial authorities, took the initiative, at least in the case of Mr. Mardo and Ms. Machado, to make criminal accusations against members of the opposition, thereby lending weight to the allegation that the justification is therefore political rather than legal;
4. *Is concerned too* that, as shown by the cases of Mr. Pilieri, Mr. Blanco and Mr. Alemán, who remain subject to criminal proceedings years after they started, a suspension from parliament for the duration of legal proceedings may practically amount to the loss of one's parliamentary mandate, thereby denying not only the individual his/her political rights but also his/her electorate's right to be represented in parliament; *notes therefore with concern* that efforts are under way towards lifting the immunity of Mr. Caldera and Ms. Machado and hence suspending them from parliament;
5. *Believes*, all the more so in light of the latest developments in this case, that a visit to Venezuela would offer a useful and direct opportunity to gain a better understanding of the complex issues at hand; *expresses the hope*, therefore, that such a visit can take place in the near future; and *requests* the Secretary General to seek the agreement of the Venezuelan parliamentary authorities for this purpose;
6. *Requests* the Secretary General to convey this resolution to the authorities, the source and any third party likely to be in a position to supply relevant information;
7. *Requests* the Committee to continue examining this case and to report back to it in due course.

IRAQ

IQ/60 - HARETH AL-OBAIDI

Resolution adopted unanimously by the IPU Governing Council at its 194th session (Geneva, 20 March 2014)

The Governing Council of the Inter-Parliamentary Union,

Referring to the outline of the case of Mr. Hareth Al-Obaidi, a member of the Council of Representatives of Iraq and Vice-Chairperson of the parliamentary committee on human rights when he was assassinated in June 2009, which has been examined by the Committee on the Human Rights of Parliamentarians since its 126th session (July 2009) pursuant to the Procedure for the treatment by the Inter-Parliamentary Union of communications concerning violations of the human rights of members of parliament,

Taking into account the information provided by a member of the delegation of Iraq who appeared before the Committee on the Human Rights of Parliamentarians during the 130th IPU Assembly (Geneva, March 2014),

Recalling the following information on file:

- On 12 June 2009, Mr. Al-Obaidi, a Sunni member of the Council of Representatives, Vice-Chairperson of the parliamentary committee on human rights and leader of the National Concord Front parliamentary group, was shot dead along with his bodyguard in the Yarmouk mosque in Baghdad;
- The President of the High Judicial Council indicated in December 2009 that the assassination had been investigated by the Counter-Terrorism Bureau of the Criminal Justice Section of Al-Karkh, under the jurisdiction of the Criminal Tribunal of Al-Karkh, and that 20 people had been arrested as a result; however, after interrogation, only four were kept in custody for further investigation and arrest warrants were issued for a further 10 people, all of whom remained at large at that time;

- In June 2010, the President of the High Judicial Council reported that the investigation was still under way and that one of the suspects, an Al-Qaida affiliate named Manaf Al-Rawi, had confessed to the crime; suspicions of Al-Qaida involvement had been previously referred to in media reports, according to which Mr. Ahmed Abed Oweiyed, the Deputy Commander of the military branch of Al-Qaida in Iraq, was arrested on 17 June 2009 in connection with the murder;
- The President of the High Judicial Council indicated in October 2011 that the Court of Cassation had concluded in July 2011 that the central criminal tribunal of Al-Karkh had been erroneously seized of the case through three different indictments and therefore ordered a new decision regarding which court had jurisdiction,

Considering that the member of the Iraqi delegation at the 130th Assembly stated that the investigation into the murder had concluded, and that Mr. Al-Rawi was convicted of the crime, sentenced to death, and subsequently executed by the Iraqi judicial authorities, and that details would be provided in the future by the House of Representatives in that respect,

1. *Notes with interest* that the alleged perpetrator has been prosecuted and held to account;
2. *Is particularly eager* to receive detailed information from the House of Representatives about the conclusions of the investigation and subsequent judicial proceedings leading up to the conviction of the suspect; *is particularly interested* to find out whether the investigation was able to establish the reasons why Mr. Al-Obaidi was targeted; *also wishes to know* if other suspects were held accountable;
3. *Requests* the Secretary General to convey this resolution to the parliamentary authorities, the sources and any third party likely to be in a position to supply relevant information;
4. *Requests* the Committee to continue examining this case and to report back to it in due course.

IRAQ

IQ/62 - AHMED JAMIL SALMAN AL-ALWANI

Resolution adopted unanimously by the IPU Governing Council at its 194th session (Geneva, 20 March 2014)

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of Mr. Ahmed Jamil Salman Al-Alwani, a member of the Council of Representatives of Iraq, which has been examined by the Committee on the Human Rights of Parliamentarians since its 144th session (January 2014), pursuant to the Procedure for the treatment by the Inter-Parliamentary Union of communications concerning violations of the human rights of members of parliament,

Taking into account the letter from the Speaker of the Council of Representatives dated 31 December 2013, the information provided by a member of the delegation of Iraq who appeared before the Committee on the Human Rights of Parliamentarians during the 130th IPU Assembly (Geneva, March 2014), and the information transmitted by the sources,

Considering the following information provided by the sources:

- Mr. Al-Alwani was arrested on 28 December 2013 in Ramadi, in Anbar province, during a raid on his home carried out by Iraqi forces in the middle of the night; his brother and five of his security guards were reportedly killed during the attack and another 18 people injured;
- Neither his family members, nor his lawyers know where he is being detained; they fear that he has been taken to a secret detention centre and tortured; they have received anonymous telephone calls threatening that Mr. Al-Alwani would be executed;
- The media reported that Mr. Al-Alwani was charged with terrorism during an initial hearing held before the Central Criminal Court of Baghdad on 27 January 2014 and that the trial had been deferred to 9 March 2014;

- The sources fear that Mr. Al-Alwani was arrested in retaliation for his outspoken support for the grievances of the Sunni population; according to the source, Mr. Al-Alwani is a member of the Al-Iraqiya political block who was serving his second parliamentary mandate; he is known to be a prominent critic of Iraqi Prime Minister Al-Maliki and a supporter of the demonstrations that started in Ramadi in December 2013 in protest against the perceived marginalization and persecution of Iraqi Sunnis by the central Government; the Prime Minister is said to have publicly announced on 22 December 2013 that these protests had become a “headquarters for the leadership of Al-Qaida” and to have warned that the security forces would intervene; according to the source, Mr. Al-Alwani had held meetings with the provincial authorities on 27 December 2013, the day before his arrest, in an effort to defuse the tension between the governorate and the central Government,

Considering that, according to the Speaker of the Council of Representatives:

(i) the Council of Representatives and its parliamentary investigative committee have been unable to visit him in detention or obtain any information on his place or conditions of detention, or even on his health; (ii) it has not been apprised of the progress made in the investigation; (iii) Mr. Al-Alwani’s parliamentary immunity has been violated and there are concerns with regard to respect for constitutional and legal safeguards; and (iv) Mr. Al-Alwani has parliamentary immunity and should therefore be released,

Considering that the member of the delegation of Iraq who appeared before the Committee at the 130th Assembly provided the following information:

- The Council of Representatives has not received any information on the exact circumstances of, and grounds for, the arrest of Mr. Al-Alwani, which are the subject of much speculation; there are, however, two opposing points of view in that respect within parliament: (i) one is that he was a terrorist and was caught in *flagrante delicto* by the Iraqi forces; and (ii) the other one is that he was attacked by the Iraqi forces because he had supported the demonstrations and was accused of terrorism because he and his bodyguards opened fire to defend themselves when the house was broken into by armed forces in the middle of the night as they had no way of knowing that they were dealing with the Iraqi forces and not Al-Qaeda or an armed militia, considering the volatile security situation at that time;
- The Council of Representatives has not been able to obtain any information on the charges and proceedings against Mr. Al-Alwani to date, or on his conditions of detention or his health, and does not know whether he has been subjected to torture; however, torture in detention is a long-standing problem in Iraq, which has been documented, including in reports of the Parliamentary Human Rights Committee;
- There are special procedures to respect under the Constitution and the laws of Iraq to arrest and prosecute members of parliament and that, regardless of the circumstances and grounds for his arrest, he was entitled to protection from torture and to a fair trial; Mr. Al-Alwani is currently detained in Baghdad and is not allowed to receive visits from family members, lawyers or anyone else pursuant to the terrorism law; a hearing recently took place in the main courtroom of Baghdad; the trial was suspended after Mr. Al-Alwani requested the transfer of his trial to Al-Anbar province according to the normal criminal procedure that provides him with the right to be tried in his province of origin; however, this does not usually apply in terrorism cases and the current instability in Al-Anbar does not presently allow for such a transfer,

Bearing in mind that the 2005 Constitution guarantees the right to life, security and liberty (Article 15), provides that homes may not be entered, searched or put in danger except by a judicial decision and in accordance with the law (Article 17.2), and prohibits unlawful detention and detention in places not designed for that purpose (Article 19.12); Article 60 of the Constitution guarantees parliamentary immunity and prohibits the arrest of a member during the legislative term of the Council of Representatives, unless the member is accused of a felony and the Council decides by an absolute majority to lift the immunity, or if caught *in flagrante delicto* committing a felony,

Considering that Iraq is a party to the International Covenant on Civil and Political Rights and to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

1. *Sincerely thanks* the Speaker of the Council of Representatives and the member of the Iraqi delegation for the information provided;
2. *Is extremely concerned* about Mr. Al-Alwani's health and physical integrity, given that he may have been exposed to torture and that no one is able to visit him in detention and *is alarmed* that the arrest and detention procedure may have violated constitutional and other legal safeguards, including Mr. Al-Alwani's parliamentary immunity;
3. *Urges* the Iraqi authorities to ensure that Mr. Al-Alwani's fundamental rights to protection from torture and mistreatment in detention and to a fair trial are fully respected in compliance with Iraqi law and with international human rights conventions to which Iraq is a party;
4. *Is shocked* that the Council of Representatives has not been provided with any information to date about the fate of its member and has not been authorized to visit him and *calls upon* the competent Iraqi authorities to provide, as a matter of urgency, official information on Mr. Al-Alwani's place and conditions of detention, on his current state of health, on the grounds and factual basis for his arrest and on the procedure followed, as well as to allow the parliamentary investigative committee to visit him in detention; *wishes* to be kept informed of any new developments;
5. *Notes with satisfaction* that the Council of Representatives has undertaken action to ensure respect for Mr. Al-Alwani's fundamental rights and to monitor his situation; *recalls* that the protection of the rights of parliamentarians is the necessary prerequisite to enable them to protect and promote human rights and fundamental freedoms in their respective countries and that the representational nature of a parliament closely depends on the respect of the rights of the members of that parliament; *trusts* the Council of Representatives will continue exercising its oversight function effectively and to fulfil its duty and vested interest to ensure the protection of its members so that they may carry out their mandate without hindrance;
6. *Requests* the Secretary General to inform the Speaker of the Council of Representatives accordingly and to convey this resolution to the parliamentary authorities, the Prime Minister, the High Judicial Council, the sources and any third party likely to be in a position to supply relevant information;
7. *Requests* the Committee to continue examining this case and to report back to it in due course.

MALAYSIA

MAL/15 - ANWAR IBRAHIM

Resolution adopted unanimously by the IPU Governing Council at its 194th session (Geneva, 20 March 2014)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Dato Seri Anwar Ibrahim, an incumbent member of the Parliament of Malaysia, and to the resolution it adopted at its 191st (October 2012),

Recalling the following: Mr. Anwar Ibrahim, Finance Minister from 1991 to 1998 and Deputy Prime Minister from December 1993 to September 1998, was dismissed from both posts in September 1998 and was arrested on charges of abuse of power and sodomy; he was found guilty on both counts and sentenced, in 1999 and 2000 respectively, to a total of 15 years' imprisonment; on 2 September 2004, the Federal Court quashed the conviction in the sodomy case and ordered Mr. Ibrahim's release, as he had already served his sentence in the abuse of power case; *recalling* also that the IPU had arrived at the conclusion that the motives for Anwar Ibrahim's prosecution were not of a legal nature and that the case was built on a presumption of guilt,

Considering that Mr. Anwar Ibrahim was re-elected in August 2008 and May 2013 and has since been the *de facto* leader of the opposition Pakatan Rakyat (The People's Alliance),

Considering the following: On 28 June 2008 Mohammed Saiful Bukhari Azlan, a former male aide in Mr. Anwar Ibrahim's office, filed a complaint alleging that he had been forcibly sodomized by Mr. Anwar Ibrahim in a private condominium. When it was pointed out that Mr. Anwar Ibrahim, at the

time of the alleged rape 61 years old and suffering from a bad back, was no physical match for a healthy 24-year-old, the complaint was revised to indicate homosexual conduct by persuasion; Mr. Anwar Ibrahim was arrested on 16 July 2008 and released the next day and was formally charged on 6 August 2008 under Section 377B of the Malaysia Criminal Code, which punishes "carnal intercourse against the order of nature" with "imprisonment for a term which may extend to 20 years and shall also be liable to whipping; Anwar Ibrahim has pleaded not guilty to the charge,

Recalling the following procedural irregularities and other incidents that occurred before and during investigation and the proceedings before the first-instance court:

- Mr. Saiful gave testimony in court that he was not examined until about 52 hours after the alleged incident, and the first doctor from Hospital Pusrawi (Pusat Rawatan Islam) reported he found no evidence of anal penetration; about two hours later, Mr. Saiful then visited Hospital Kuala Lumpur, a government hospital, and a report endorsed by three specialists from that hospital reached the same conclusion;
- The initial First Information Report to the police by the complainant was not released to Mr. Anwar Ibrahim's counsel for months, raising concerns about evidence-tampering, especially as regards DNA samples; moreover, it has been confirmed that Mr. Saiful visited the office and home of the then Deputy Prime Minister Najib Tun Razak a few days before he made the allegations, which Mr. Najib initially denied took place; Mr. Saiful reportedly also had a private meeting with senior police officer Mr. Rodwan Yusof at a hotel the day before the alleged sodomy report was made by Mr. Saiful;
- The main members of the prosecution team were involved in the earlier sodomy case; attorney General Abdul Ganil Patail, was then the main prosecutor; he has been investigated by Malaysia's anti-corruption agency over allegations that he had fabricated evidence in that case;
- Mr. Anwar Ibrahim's lawyers were denied pretrial access to DNA specimen samples and likewise denied access to, *inter alia*, statements by the plaintiff and key prosecution witnesses, notes from doctors who examined Mr. Saiful and original copies of CCTV surveillance system tapes from the condominium at the time of the alleged incident,

Recalling that, on 9 January 2012, the first-instance judge acquitted Mr. Anwar Ibrahim, stating that there was no corroborating evidence to support Mr. Saiful's testimony, given that "it cannot be 100 per cent certain that the DNA presented as evidence was not contaminated"; this left the court with nothing but the alleged victim's uncorroborated testimony and, as this was a sexual crime, it was reluctant to convict on that basis alone,

Recalling also that the Attorney General lodged an appeal and that the appeal proceedings started on 7 September 2012, and that an IPU observer, Mr. Mark Trowell QC, attended most of the hearings in the case in the course of 2013 and 2014,

Considering that the defence counsel challenged from the outset the integrity of the lead prosecutor, Datuk Seri Mohd Shafee Abdullah, in leading the appeal; the defence made three applications to disqualify him, all of which were dismissed, most recently on 5 March 2014,

Considering that on 28 February 2014, the case came up for case management, with the judge deciding that hearings on the substance would take place on 6 and 7 March 2014; Mr. Karpal Singh requested that they not be listed on those dates because of prior trial commitments; *considering* that Mr. Karpal Singh had been asked to block-out dates from 7 to 10 April in expectation that the hearing would be listed within that time frame,

Considering the following observations, which the IPU trial observer makes in his report dated 15 March 2014 regarding the hearings on 6 and 7 March 2014:

- The Court of Appeal convened on 6 March to hear the substantive appeal; the bench comprised Justices Balia Yusof Wahi, Aziah Ali and Mohd Zawawi Mohd Salleh; the case against Mr. Anwar Ibrahim effectively revolved around the DNA analysis; the government scientists claimed to have matched Anwar's DNA to samples taken from the body of the complainant Mr. Saiful at Kuala Lumpur Hospital (HKL) by medical examiners; in fact, the scientists claimed that the match was made from DNA extracted from sperm cells found in samples taken from Mr. Saiful's upper rectum, which they claimed was consistent with anal penetration; the defence challenged not only the integrity of the forensic samples, but also the government analysis as well; the defence experts concluded that the final DNA analysis demonstrated that there was evidence of contamination; their considered opinion was that: (i) there was evidence of an unidentified third person in the high rectal swabs that had not been explained, which meant that Mr. Saiful had either been penetrated to ejaculation by another male, or someone had contaminated the sample by handling it; (ii) the DNA analysis was inconsistent with the known history of the samples, meaning there was little, if any, evidence of degradation in circumstances where contrary to specific instructions the samples had not been properly preserved by DSP Pereria; (iii) the DNA allegedly taken from sperm cells had survived for more than 96 hours from the time of ejaculation to analysis, which was highly improbable according to scientific experience; and (iv) the Differential Extraction Process (DEP), used to separate sperm cells from non-sperm cells, was incomplete, admitting the possibility that the DNA claimed to match Anwar's DNA did not come from semen, but rather from non-sperm cells;
- The prosecution submitted in support of its appeal that there was no evidence of tampering; the samples, it was argued, were always in police custody, and DSP Mr. Pereria simply opened the main package without interfering with the seals to the receptacles that held the forensic samples; Mr. Shafee further submitted that the trial judge had erred in relying upon the foreign experts to challenge the DNA analysis, and should have been satisfied with the results provided by the government scientists; Mr. Karpal Singh responded, challenging Mr. Shafee's reliance on the integrity of the forensic samples, saying that DSP Pereria was a man whom he had previously found to be an untruthful witness; he had completely disregarded specific instructions from the medical examiners to preserve the forensic samples - and by doing so contravened police standing orders;
- Submissions were concluded at around 4 p.m. on the second day of the hearing; the judges returned with a decision at 4.57 p.m.; that hour or so was to some extent surreal; the court was hushed as Justice Balia began his remarks; he mumbled his early remarks, as he said that there were a number of issues, which would be discussed in detail in written reasons delivered at a later date, saying in the meantime he would give short reasons; he said that the trial judge had erred in fact and law in acquitting Mr. Anwar Ibrahim and that, on the evidence, his decision was not sustainable; he said that the judge had failed to properly adjudicate and give sufficient weight to the evidence; in particular, he said the trial judge had misconstrued the evidence of the forensic samples by concluding there was tampering and thereby impeaching their integrity;
- Justice Balia then turned to the issue of contamination of the samples, but did not deal in his remarks with any of the four aforesaid critical issues raised by defence counsel; he said that there was "no reason for the learned trial judge to depart from his earlier findings concerning the findings and experience of the prosecution experts"; he was referring to the judge's reasons at the end of the prosecution case; he went on to say "... the judge erred in giving weight to the defence experts who were no more than armchair experts";
- This was a hurried and superficial analysis, and one can only expect that the court will give specific attention to these critical issues in the written reasons to be provided by it at a later date; the defence experts were critical because if what they said was accepted - even to a limited extent - it was material sufficient to raise a reasonable doubt in the prosecution case; it was not enough for the judges simply to brush aside the defence experts, each of whom had significant credentials and experience, in such a disparaging manner;
- Justice Balia concluded his remarks by saying that the prosecution appeal was upheld and that Mr. Anwar Ibrahim was accordingly guilty of sodomy as charged; Mr. Karpal Singh said that he needed time to prepare mitigation for his client and asked that the proceedings be adjourned for sentence to the following Friday; he told Justice Balia that the King was to

open Parliament on Monday, and on Tuesday Anwar was required to respond as opposition leader; Mr. Shafee opposed the application, saying it should be done immediately; Justice Balia responded, saying that he would give Karpal one hour to prepare mitigation, to which Karpal replied that one hour was simply “unreasonable”; at 6.50 p.m. the judges returned; there followed a heated and animated exchange between Justice Balia, Mr. Karpal Singh and Mr. Shafee; Mr. Karpal Singh wanted an adjournment so that he might obtain a medical report concerning Anwar’s heart and blood pressure; it was a reasonable request, given the serious nature of the offence and the delay being asked for was only one week, but the response was bizarre; Justice Balia agreed with Mr. Shafee that Mr. Karpal Singh’s summary of his client’s medical condition would be sufficient, but Mr. Karpal Singh responded saying how could he do that without a medical report,

Considering that, at 6.46 p.m. on 7 March 2014 Justice Balia sentenced Anwar Ibrahim to a five-year prison term and at 6.55 p.m. ordered that the sentence be stayed pending appeal and set bail at RM 10,000 for Mr. Anwar Ibrahim’s release,

Considering that Mr. Anwar Ibrahim was bound to stand as a candidate in the by-election on 23 March 2014 in Kajang in the State of Selangor following the resignation of a member of the State Assembly on 27 January 2014 and that nominations were scheduled to close at 10 a.m. on Tuesday, 11 March 2014, as Malaysians can be members of parliament for both state and federal parliamentary seats; the importance of the seat of Kajang for Mr. Anwar Ibrahim was that it represented the springboard to becoming the Chief Minister of Selangor, the richest State in Malaysia; becoming Chief Minister meant that he would be the administrator of a State with significant infrastructure, resources and capital that would provide the opposition with a base for taking power nationally at the next election,

Considering that, if the Federal Court upholds the conviction, Mr. Anwar Ibrahim will be disqualified from holding parliamentary office and would not be eligible to stand for a parliamentary seat until after six years from the completion of his sentence, namely July 2027,

Considering also that, on 11 March 2014, the High Court sentenced DAP Chairman Karpal Singh, following his earlier conviction for sedition, to the payment of a fine of the amount of RM 4,000 which, subject to appeal, makes him ineligible to remain a member of parliament,

Bearing in mind that the law punishing homosexual acts dates back to British colonial rule in India and was adopted by the former British colonies; that Singapore decriminalized homosexuality in 2009 and that the Delhi High Court, by setting aside a conviction in 2009 when the acts were between consenting adults, thus also effectively decriminalized homosexuality,

Considering that, during the hearing which the Committee held on 18 March 2014 with the Malaysian delegation to the 130th IPU Assembly, the leader of the delegation underscored that the matter was now before the Federal Court, that Malaysia’s courts were fully independent, that the timing of the final court hearings had nothing to do with Mr. Anwar Ibrahim’s candidacy in the state elections in Selangor, that this case had been pending since 2012 and that the latest postponements had resulted from the challenges brought by the defence counsel in a bid to disqualify lead prosecutor Mr. Shafee; when asked if prosecution charges on sodomy were common in Malaysia, the leader of the delegation responded that she was only aware of Mr. Anwar Ibrahim’s case,

Noting that Anwar Ibrahim’s renewed sodomy trial has been widely criticized as a bid to wreck Anwar Ibrahim’s political career,

1. *Thanks* the Malaysian delegation for their cooperation and the information provided;
2. *Is deeply concerned* at Mr. Anwar Ibrahim’s conviction, in particular the rushed manner in which the final hearings were conducted and organized, the apparent ease with which the main arguments presented by the defence, in particular its concerns about the integrity of the DNA, were dismissed, and on the basis of the same law which, although never or rarely invoked in Malaysia, has been used twice against him;
3. *Is also deeply concerned* that the current conviction has not only thwarted Anwar Ibrahim’s prospects for exercising his right to stand for state elections, but would also eliminate him, if the sentence is upheld, from the life of parliament for more than a decade, thus depriving the opposition of its main leader; *considers* that this state of affairs, with enormous consequences for the political opposition in Malaysia, can only lend weight to the allegation

that Mr. Anwar Ibrahim's prosecution and trial was motivated by other than legal concerns, as it believed was the case in the first sodomy case and the first-instance proceedings on the latest sodomy charge;

4. *Trusts* that the Federal Court will give due consideration to all the arguments presented in this case and in a manner that will ensure that justice is fully done and seen to be done; *is eager to receive* in the meantime, as soon as it is available, a copy of the fully reasoned ruling by the Court of Appeal; *believes* that, in light of the issues at play, it is critical for the IPU to follow closely the proceedings before the Federal Court; *requests* the Secretary General to make the necessary arrangements to ensure the presence of a trial observer at the coming hearings;
5. *Requests* the Secretary General to convey the trial observation report and this resolution to the competent authorities, the source and any third party likely to be in a position to supply relevant information;
6. *Requests* the Committee to continue examining this case and to report back to it in due course.

MALAYSIA

MAL/20 - KARPAL SINGH

Resolution adopted unanimously by the IPU Governing Council at its 194th session (Geneva, 20 March 2014)

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of Mr. Karpal Singh, an incumbent member of the House of Representatives of Malaysia and Chairman of the Democratic Action Party (DAP), 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,

Considering that, in March 2009, Mr. Karpal Singh was charged under the Sedition Act (1948) for allegedly having uttered seditious words against the Sultan of Perak on 6 February 2009, specifically that the Sultan's removal of Datuk Seri Mohamad Nizar Jamaluddin as the Perak *menteri besar* (Chief Minister) and his appointment of Datuk Seri Dr. Zambry Abdul Kadir to the position, could be questioned in a court of law,

Considering the following information on file: The remarks were made in the wake of a political crisis in Perak; following the elections in March 2008, the State was governed by a three-party opposition alliance that included the DAP; earlier in 2009, three Perak state legislators tendered their resignations, tipping the balance in favour of the National Front coalition; the Sultan of Perak dismissed the alliance's government and asked the National Front to govern - a decision that was questioned by Mr. Singh,

Considering that, on 11 June 2010, the High Court dismissed the charge against Mr. Singh, having determined that the prosecution had failed to prove a *prima facie* case, and that, on 20 January 2012, the Court of Appeal reversed this decision and ordered Mr. Karpal Singh to enter his defence,

Considering that, on 21 February 2014, the High Court found Mr. Singh guilty of the charge and on 11 March 2014 sentenced him to the payment of a minimum fine of RM 4,000 ringgit; Mr. Karpal Singh has launched an appeal before the Court of Appeal,

Considering that persons who are convicted of a crime for which the punishment is imprisonment of one year or more or a minimum fine of RM 2,000 cannot be members of parliament,

Considering that, on behalf of the Committee, Mr. Mark Trowell QC has regularly observed the court hearings in this case, which took place before Justice Datuk Azman Abdullah in the High Court in Kuala Lumpur,

15 March 2014: *Considering* the following observations, which Mr. Trowell makes in his report of

- The Sedition Act is a relic of Malaysia's colonial past; it has since 1948 been used to stifle free speech and peaceful assembly; the Act provides that a person can be convicted on the basis that what was said had a "seditious tendency" - not that it did or that the words spoken were true or false; the defendant does not need to intend that the words spoken had one of the results identified in the Act; legislation of this type hardly seems appropriate in a modern democratic nation, which Malaysia claims to be;
- Mr. Karpal Singh's defence was that the words spoken by him at the press conference were not seditious in character; he claimed he was not challenging the Sultan's prerogative to resolve constitutional impasses, such as existed at the time in Perak; he was rather questioning the manner in which that power was exercised and suggesting that it was something that could be challenged at law; he was offering a legal opinion, which he was equipped to do as a lawyer experienced in constitutional law, and that it was in the public interest to do so as a member of parliament;
- Mr. Karpal Singh further claimed that the prosecution against him was selective, as it had been against others in the past, and he gave many examples that demonstrated that what he was saying was indeed true;
- During the constitutional crisis concerning the role of rulers in 1993, many things were said by members of the Government that, on any basis, could be interpreted as amounting to acts of sedition under the act; if anything, what was said then was far more serious than Mr. Karpal Singh's claim that the Sultan's actions were capable of being tested at law; that is why Mr. Karpal Singh has spent so much time during his trial quoting what was said at the time, reading extensively from Hansard;
- Mr. Karpal Singh also relied on the fact that, since being charged, the Government announced its intention to repeal the Sedition Act; on 11 July 2012, Prime Minister Datuk Seri Najib Razak announced that he intended to repeal the Sedition Act, for which he admitted the Government has been criticized for using against politicians, journalists and non-governmental organisations; he said it would be replaced by a national harmony act, which he claimed would balance freedom of expression with the protection of Malaysia's different cultural and religious groups; Prime Minister Najib announced that he has instructed the Attorney-General to hold a full public consultation before the new legislation is drafted to ensure that the views of all Malaysians were represented; "The Sedition Act represents a bygone era in our country and, with today's announcement, we mark another step forward in Malaysia's development; the new National Harmony Act will balance the right of freedom of expression as enshrined in the Constitution, while at the same time ensuring that all races and religions are protected," he said; the Prime Minister added that: "Our country's strength lies in its diversity; the new act underlines my commitment to nurturing the spirit of harmony and mutual respect that has been the foundation of our stability and success" (FMT News, 11 July 2012);
- Mr. Karpal Singh has complained that the Attorney-General should not have allowed the trial to proceed and that he should have discontinued the prosecution; that view was supported by many senior lawyers, who expressed their concern that a lawyer could be charged with providing a legal opinion - even though Mr. Karpal Singh did so in a political context;
- The Attorney-General has very wide discretion over the control and direction of all criminal prosecutions; clause 3 of Article 145 of the Malaysian Federal Constitution and Section 376(1) of the Criminal Procedure Code states: "In deciding whether to institute or discontinue a prosecution against an accused, the Attorney General is always guided by legal principles, but the public interest shall also be the paramount consideration"; given the circumstances, one would have thought that public interest justified discontinuing the prosecution; the Attorney-General chose not to do so; he was prepared to withdraw a similar charge against Karpal Singh in 2002, when he thought it was not in the public interest to continue the prosecution, but for some reason did not think it was in the public interest to do so in this case,

Considering that, during the hearing that the Committee held on 18 March 2014 with the Malaysian delegation to the 130th IPU Assembly, the leader of the delegation underscored that the matter was now before the Court of Appeal, that Malaysia's courts were fully independent and that the Sedition Act also had to be seen in the light of the 1969 riots in Malaysia, and the fact that Malays attached great importance to respect for the royal and feudal system and that any serious challenges to the system could give rise to strong emotions,

Considering that under Malaysian law, Mr. Karpal Singh will be disqualified if the Court of Appeal upholds the sentence or does not reduce the fine to below RM 2,000,

1. *Thanks* the Malaysian delegation for their cooperation and the information provided;
2. *Is appalled* that Mr. Karpal Singh was convicted on the basis of remarks that seem to fall squarely within the exercise of the right to freedom of expression and on the basis of a law which the Malaysian authorities themselves have acknowledged is outdated and appears to have been selectively applied; *considers* that Mr. Singh should never have been prosecuted to begin with and that the Attorney General should have concluded that it was in the public interest to discontinue the prosecution;
3. *Is deeply concerned* that Mr. Karpal Singh will lose his seat if the conviction is upheld on appeal; *decides* to closely monitor the appeal proceedings, including possibly through a trial observer; *sincerely hopes* that the Court of Appeal will give due consideration to Mr. Karpal Singh's basic right to freedom of expression, respect for which is essential to enable him to exercise his responsibilities as a parliamentarian and a lawyer;
4. *Considers* that it is imperative for the current Sedition Act to be repealed without delay; *underscores* that the Malaysian Parliament has a particular responsibility to promote steps to this end, including so as to ensure that its own members can speak out freely without fear of undue legal action;
5. *Requests* the Secretary General to convey the trial observation report and this resolution to the Attorney General, the parliamentary authorities and the source;
6. *Requests* the Committee to continue examining this case and to report back to it in due course.

PAKISTAN

PAK/23 - RIAZ FATYANA

Resolution adopted unanimously by the IPU Governing Council at its 194th session (Geneva, 20 March 2014)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Riaz Fatyana, a former member of the National Assembly of Pakistan affiliated with the Pakistan Muslim League Q and a former substitute member of the IPU Standing Committee on Democracy and Human Rights, and to the resolution it adopted at its 193rd session (October 2013),

Taking into account the information provided by a member of the delegation of Pakistan who appeared before the Committee on the Human Rights of Parliamentarians during the 130th IPU Assembly (Geneva, March 2014), and the information transmitted by the sources,

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

Recalling the following information on file:

- On 19 June 2012, Mr. Fatyana's residence was attacked by a group of people protesting against repeated power shortages, allegedly at the instigation of the ruling political party in Punjab province, the Pakistan Muslim League-N (PML-N);

- Mr. Fatyana, who was expecting such protests would take place, had given prior notice to the police the day before to ensure that proper security measures would be put in place for his protection; the police did not, however, take any precautionary measures; Mr. Fatyana called them again when the protesters gathered in large numbers in front of his residence, but to no avail; the protests turned into violent confrontations and one person was killed as a result of the violence;
- The police, when they finally arrived, allegedly allowed the attackers free access to his house and arbitrarily arrested and detained Mr. Fatyana for three days; they also arrested 13 of his employees;
- While in detention, Mr. Fatyana and the 13 employees were charged with murder by the police; the sources allege that these charges were fabricated and were not supported by any evidence; after a long investigation, the charges against Mr. Fatyana were dismissed but the proceedings continued against the 13 detained employees until the court finally acquitted them all in March 2013;
- The police initially refused to register Mr. Fatyana's complaint against the alleged attackers of his residence, but eventually did so on 22 June 2012, following the intervention of the Provincial Police Office (FIR No. 206/12); however, the police has not investigated the complaint lodged by Mr. Fatyana and none of the alleged attackers have been arrested to date; the case therefore currently remains pending before the trial court of Kamalia almost two years after the attack; it further appears that the report of the Commissioner and the District Coordinator Officer on the incident exposed a personal vendetta of the local police against Mr. Fatyana and confirmed the names of the alleged attackers; however, instead of arresting these suspects, the police arrested a member of Mr. Fatyana's personal staff; furthermore, no sanction has been taken against the police officers responsible for Mr. Fatyana's arbitrary arrest and for bringing trumped-up charges against him;
- The alleged attackers have continuously threatened Mr. Fatyana with reprisals if he pursues the case against them; Mr. Fatyana has also been threatened by the police; while in detention, he was told by police officials that he should not run in the forthcoming National Assembly elections, otherwise he and his family would face reprisals; he was forced to flee his constituency, together with his entire family, after these events; the sources allege that Mr. Fatyana was not able to run his electoral campaign properly as the police did not provide him with the security he required to move around and campaign freely in his constituency;
- The sources believe that Mr. Fatyana has been framed by the Punjab police, at the instigation of PML-N leaders in Punjab and of Mr. Choudry Asad ur Rehman Ramdey, his long-standing main political opponent in the constituency, in order to sideline him in the run-up to the general elections in May 2013; the sources indicated that the local police, the lower ranks of the judiciary and the local administration of Punjab are completely controlled by these officials;
- Mr. Fatyana was not re-elected in the May 2013 general elections and is no longer a member of parliament; the sources claim that the elections in Mr. Fatyana's constituency were rigged in favour of his political opponent - who was elected - and indicated that a complaint has been lodged with the election tribunal on these grounds,

Recalling that the members of the delegation of Pakistan to the 127th Assembly (Quebec, October 2012) and to the 129th Assembly (Geneva, October 2013) confirmed that the National Assembly was fully informed of the case and that the Speaker had strongly condemned the attack against Mr. Fatyana, but that the Parliament had not been able to formally monitor Mr. Fatyana's situation and the judicial proceedings, as no formal mechanism exists within the Parliament of Pakistan enabling it to do so,

Considering that, during the hearing held at the 130th IPU Assembly, the member of the delegation of Pakistan confirmed that the judicial proceedings were still ongoing and had so far been conducted in a satisfactory manner; however, none of the alleged attackers have been arrested to date and neither have the complicit police officers been sanctioned for arbitrarily arresting and detaining a member of parliament; a high court judge has been appointed to probe into these matters and the outcome of this judicial inquiry is awaited,

1. *Thanks* the member of the delegation of Pakistan for the information provided;
 2. *Notes with interest* that there has been some progress in the settlement of the case but *remains deeply concerned* that the alleged perpetrators remain at large, although their identities are known to the competent authorities and *fails to understand* why proceedings before the High Court have not yet been completed almost two years after the events;
 3. *Is equally concerned* that the complicit police officers have not yet been sanctioned and *urges* the competent authorities to take urgent action in that respect;
 4. *Notes with appreciation* that the Pakistani Parliament continues to monitor the case; *expects* that it will continue to take all appropriate action to ensure the satisfactory settlement of the case and *wishes* to be kept informed of any developments;
 5. *Requests* the Secretary General to convey this resolution to the parliamentary authorities and to the sources;
 6. *Requests* the Committee to continue examining this case and to report back to it in due course.
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PALESTINE / ISRAEL

PAL/02 - MARWAN BARGHOUTI

Resolution adopted unanimously by the IPU Governing Council at its 194th session (Geneva, 20 March 2014)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Marwan Barghouti, an incumbent member of the Palestinian Legislative Council, and to the resolution it adopted at its 192nd session (March 2013),

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

Taking into consideration the information provided at the hearing that the Committee held on 18 March 2014 with members of the Palestinian delegation to the 130th IPU Assembly (Geneva, March 2014),

Recalling the following on file regarding Mr. Barghouti's situation:

- He was arrested on 15 April 2002 in Ramallah by the Israeli Defence Forces and transferred to a detention centre in Israel; on 20 May 2004, Tel Aviv District Court convicted him on one count of murder relating to attacks that killed five Israelis, on one count of attempted murder relating to a planned car bomb attack and on one count of membership of a terrorist organization, and sentenced him to five life sentences and two 20-year prison terms; Mr. Barghouti did not lodge an appeal because he does not recognize Israeli jurisdiction; in his comprehensive report on Mr. Barghouti's trial, Mr. Foreman stated that "the numerous breaches of international law make it impossible to conclude that Mr. Barghouti was given a fair trial"; those breaches included the use of torture;
- According to his letter of 6 January 2013, the Diplomatic Advisor to the Knesset stated that: "Mr. Barghouti was detained in 'Hadarim' prison. He was held in a regular cell with other inmates, without any separation or isolation. Mr. Barghouti is entitled to and, in fact, receives regular visits from his family, the last of which was on 4 December 2012",

Considering that Palestinian parliamentarians have repeatedly requested the Israeli authorities to be allowed to meet Mr. Barghouti in prison, but that any such requests have been refused on security grounds; according to the Palestinian delegation, Mr. Barghouti's family members were sometimes able, sometimes not, to see him in prison,

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

Considering that Israel released 26 long-serving Palestinian prisoners every day on 13 August, 30 October and 30 December 2013, as part of a United States-brokered deal allowing the resumption of Israeli-Palestinian peace talks; the individuals form the first three of four groups of Palestinian prisoners detained before 1993, totalling 104 individuals, who should be released, as approved by the Israeli Cabinet, at staged intervals within nine months, assuming that progress is made in the negotiations,

1. *Deplores* the absence of any indication that, unlike for other Palestinian prisoners, an end to Mr. Barghouti's prolonged detention is in sight;
2. *Reaffirms its views* that Mr. Barghouti's conviction is the result of a trial which, in the light of the compelling legal arguments put forward in Mr. Foreman's report (on which the Israeli authorities have never provided their observations), did not meet the fair-trial standards which Israel, as a party to the International Covenant on Civil and Political Rights, is bound to respect, and therefore did not establish Mr. Barghouti's guilt;
3. *Reiterates*, therefore, its call for his swift release; *sincerely hopes* that the Israeli authorities will give serious consideration to this call;
4. *Would appreciate* receiving, in the meantime, new official information on his current conditions of detention, in particular his family visiting rights, along with information on the extent to which he has access to medical care;
5. *Regrets* that the Israeli authorities have continued to deny fellow Palestinian parliamentarians interested in enquiring about Mr. Barghouti's situation an opportunity to see him in prison; *sincerely hopes* that the Israeli authorities will reconsider their decision; *reiterates* its own long-standing wish to be granted permission to visit Mr. Barghouti; *sincerely hopes* that the authorities will respond favourably and facilitate such a visit;
6. *Requests* the Secretary General to forward this resolution to the Speaker of the Knesset and to the competent governmental authorities, and to seek from them the information requested;
7. *Requests* the Committee to continue examining this case and to report back to it in due course.

PALESTINE / ISRAEL
PAL/05 - AHMAD SA'ADAT

***Resolution adopted unanimously by the IPU Governing Council at its 194th session
(Geneva, 20 March 2014)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Ahmad Sa'adat, elected in January 2006 to the Palestinian Legislative Council, and to the resolution it adopted at its 192nd session (March 2013),

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

Taking into consideration the information provided at the hearing that the Committee held on 18 March 2014 with members of the Palestinian delegation to the 130th IPU Assembly (Geneva, March 2014),

Recalling the following on file regarding Mr. Sa'adat's situation:

- On 14 March 2006, Mr. Sa'adat, whom the Israeli authorities had accused of involvement in the October 2001 murder of Mr. R. Zeevi, the Israeli Minister of Tourism, was abducted by the Israeli Defence Forces from Jericho Jail and transferred to Hadarim Prison in Israel, together with four other prisoners suspected of involvement in the murder; the Israeli authorities concluded one month later that Mr. Sa'adat had not been involved in the killing but charged the other four suspects; 19 other charges were subsequently brought against Mr. Sa'adat, all arising from his leadership of the Popular Front for the Liberation of Palestine (PFLP), which Israel considers a terrorist organization, and none of which allege direct involvement in crimes of violence; on 25 December 2008, Mr. Sa'adat was sentenced to 30 years in prison;
- Mr. Sa'adat suffers from cervical neck pain, high blood pressure and asthma, and has reportedly not been examined by a doctor and is not receiving the medical treatment he needs; when he was first detained, the Israeli authorities refused to let his wife visit him; for the first seven months, Mr. Sa'adat received no family visits; his children, who have Palestinian identity cards, were not allowed to visit their father, for reasons unknown; in March and June 2009, Mr. Sa'adat was placed in solitary confinement, prompting him to go on a nine-day hunger strike in June 2009;
- On 21 October 2010, Mr. Sa'adat's isolation order, due to expire on 21 April 2011, was confirmed a fourth time for a further six months; it was apparently again extended in October 2011, bringing Mr. Sa'adat's time in isolation to three years; his isolation ended in May 2012 as part of the agreement ending the April-May 2012 hunger strike by some 2,000 Palestinian detainees in Israel; one of the sources affirmed in September 2012 that, while Mr. Sa'adat's wife and oldest son had been able to visit him, his other three children continued to be denied permits;
- According to his letter of 6 January 2013, the Diplomatic Advisor to the Knesset stated that: "Mr. Sa'adat was detained in Hadarim Prison. He was held in a regular cell with other inmates, without any separation or isolation. Mr. Sa'adat is entitled to and, in fact, receives regular visits from his family, the last of which was on 4 December 2012,"

Considering that Palestinian parliamentarians have repeatedly requested the Israeli authorities to be allowed to meet Mr. Sa'adat, but that any such requests have been refused on security grounds,

Considering that Israel released 26 long-serving Palestinian prisoners every day on 13 August, 30 October and 30 December 2013, as part of a United States-brokered deal allowing the resumption of Israeli-Palestinian peace talks; the individuals form the first three of four groups of Palestinian prisoners detained before 1993, totalling 104 individuals, who should be released, as approved by the Israeli Cabinet, at staged intervals within nine months, assuming that progress is made in the negotiations,

1. *Deplores* the absence of any indication that, unlike for other Palestinian prisoners, the end of Mr. Sa'adat's detention is in sight;
2. *Reaffirms* its long-standing position that Mr. Sa'adat's abduction and transfer to Israel were related not to the murder charge but rather to his political activities as PFLP General Secretary, and that the proceedings against him were therefore politically motivated; *reiterates*, therefore, its call for his swift release; *sincerely hopes* that the Israeli authorities will give serious consideration to this call;
3. *Would appreciate receiving*, in the meantime, information on his current conditions of detention, in particular as to whether all his children have since been allowed to see him, along with information on the extent to which he has access to medical care;

4. *Regrets* that the Israeli authorities have continued to deny fellow Palestinian parliamentarians interested in enquiring about Mr. Sa'adat's situation an opportunity to see him in prison; *sincerely hopes* that the Israeli authorities will reconsider their decision; *reiterates* its own long-standing wish to be granted permission to visit Mr. Sa'adat; *sincerely hopes* that the authorities will respond favourably and facilitate such a visit;
 5. *Requests* the Secretary General to forward this resolution to the Speaker of the Knesset and to the competent Israeli governmental authorities, and to seek from them the information requested;
 6. *Requests* the Committee to continue examining this case and to report back to it in due course.
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PALESTINE / ISRAEL

PAL/18 - YASER MANSOUR
PAL/21 - EMAD NOFAL
PAL/28 - MUHAMMAD ABU-TEIR
PAL/29 - AHMAD ATTOUN
PAL/30 - MUHAMMAD TOTAH
PAL/32 - BASIM AL-ZARRER
PAL/35 - MOHAMED ISMAIL AL-TAL
PAL/47 - HATEM QFEISHEH
PAL/48 - MAHMOUD AL-RAMAHI
PAL/57 - HASAN YOUSEF
PAL/60 - AHMAD MUBARAK

Resolution adopted unanimously by the IPU Governing Council at its 194th session (Geneva, 20 March 2014)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of the above-mentioned parliamentarians, all of whom were elected to the Palestinian Legislative Council (PLC) in January 2006, and to the resolution it adopted at its 193rd session (October 2013),

Recalling that the parliamentarians concerned were elected to the Palestinian Legislative Council on the Electoral Platform for Change and Reform and arrested following the kidnapping of an Israeli soldier on 25 June 2006, that they were prosecuted and found guilty of membership in a terrorist organization (Hamas), holding a seat in parliament on behalf of that organization, providing services to it by sitting on parliamentary committees, and supporting an illegal organization, and that they were sentenced to prison terms of up to 40 months,

Noting that, while most of the parliamentarians concerned were released upon having served their sentences, many were subsequently rearrested, sometimes several times, and placed in administrative detention,

Taking into consideration the information provided at the hearing that the Committee held on 18 March 2014 with members of the Palestinian delegation to the 130th IPU Assembly (Geneva, March 2014),

Further recalling that the Diplomatic Advisor to the Knesset, in his letter of 6 January 2013, stated that the following five members of the Palestinian Legislative Council were in administrative detention, namely Mr. Basim Al-Zarrer, Mr. Fathi Qarawi, Mr. Nayef Al-Rojoub, Mr. Mahmoud Al-Ramahi and Mr. Yaser Mansour,

Aware of reports that the administrative detention of Mr. Basim Al-Zarrer, Mr. Mahmoud Al-Ramahi and Mr. Yaser Mansour was extended in May 2013 by six months and that Mr. Nayef Al-Rojoub and Mr. Fathi Qarawi were released on 27 March 2013 and 23 May respectively,

Aware furthermore that Mr. Ahmad Attoun, Mr. Mohamed Ismail Al-Tal and Mr. Hatem Qafisheh are also said to be in administrative detention, following their re-arrest by Israeli forces at the beginning of February 2013,

Recalling the letter from the Diplomatic Advisor to the Knesset of 6 January 2013, indicating that criminal indictments were issued against three members of the Palestinian Legislative Council under the following circumstances:

- Mr. Hasan Yousef was arrested in July 2012 and charged with being a member of and active in Hamas: In September 2011, he allegedly started attempting to establish a sub-committee of Hamas leaders in the Ramallah area in order to revive and strengthen the organization's activities in the West Bank;
- Mr. Ahmad Mubarak was arrested in July 2012 and charged with being a member of and active in the above-mentioned sub-committee, and with providing assistance to Hamas;
- Mr. Emad Nofal was arrested on 22 November 2012; the Military Commander ordered him to be placed in administrative detention for a period of six months, from 26 November 2012 to 22 May 2013; Mr. Nofal is said to be a senior and active Hamas member and a member of the outlawed Atsleh WaTa'ir party, which is part of Hamas; the administrative order was presented for judicial review on 3 December 2012; however, it was then decided to file criminal charges against Mr. Nofal, based on the appearance of unclassified information that made this possible; on 6 December 2012, Mr. Nofal was charged with participating in the assembly of an unlawful association in that he participated in an illegal Hamas parade in the Qalqilia area in 2011; he has been remanded in custody until the end of the criminal proceedings,

Considering that, according to unofficial reports, Mr. Hasan Yousef was released on 19 January 2014, having spent 10 months in administrative detention, after which he served an 18-month prison term for security-related offences,

Noting further that, with regard to the use of administrative detention:

- The Supreme Court of Israel has ruled that the exceptional measure of administrative detention, which is usually ordered for six months, but can, in fact, be prolonged indefinitely, can only be applied if there is current and reliable information to show that the person poses a specific and concrete threat or if the confidential nature of the intelligence and the security of the sources prohibit the presentation of evidence in an ordinary criminal procedure; according to the Israeli authorities there are two avenues of judicial review, namely the independent and impartial military courts, which have the authority to assess the material relevant to the detainee in question in order to determine whether the decision to detain him/her was reasonable given his/her general rights to a fair trial and freedom of movement, and military prosecution, which implements a "cautious and level-headed" policy in the use of administrative detention; this approach is said to have reduced the number of administrative detention orders;
- Human rights organizations in and outside Israel have repeatedly stressed that administrative detention is usually justified by reference to a "security threat", without, however, specifying the scope and nature of the threat or disclosing the evidence; accordingly, although administrative detainees are entitled to appeal, this right is ineffective, given that the detainees and their lawyers do not have access to the information on which the orders are based and are therefore unable to present a meaningful defence,

Recalling that, during the mission in March 2013 by the delegation of the Committee on Middle East Questions to Israel and Palestine, an invitation was extended to the Committee on the Human Rights of Parliamentarians to observe the legal proceedings in one or more cases of administrative detention of PLC members directly,

Recalling also the following information on file with regard to the revocation of the residence permits of three PLC members: In May 2006, the Israeli Minister of the Interior revoked the East Jerusalem residence permits of Mr. Muhammad Abu-Teir, Mr. Muhammad Totah and Mr. Ahmad Attoun, arguing that they had shown disloyalty to Israel by holding seats in the PLC; the order was not implemented, owing to their arrest in June 2006; after their release in May/June 2010, the three men were immediately notified that they had to leave East Jerusalem; Mr. Abu-Teir was ordered to leave by 19 June 2010 and, refusing to do so, was arrested on 30 June 2010 and later deported to the West Bank; the other two parliamentarians were ordered to leave by 3 July 2010 and, likewise refusing to comply with the order, took refuge in the International Committee of the Red Cross (ICRC) building in Jerusalem, from which they were removed by the Israeli authorities on 26 September 2011 and 23 January 2012, respectively; with regard to Mr. Attoun, it appears that at the beginning of 2013, he was in administrative detention in Israel; it also appears that Mr. Totah has been remanded in custody since then, awaiting trial on charges of illegally entering Jerusalem; in response to a petition against the revocation of the residence permits and the deportation orders filed with the Supreme Court, on 23 October 2011 the Court asked the Government to respond within 30 days to the claim that the Minister of the Interior did not have legal authority to revoke a residence permit; according to the letter from the Diplomatic Advisor to the Knesset, after several delays, the Government submitted its response in July 2012 and the next hearing was scheduled for 16 January 2013,

Considering that it appears from unofficial reports that Mr. Totah was released on 16 January 2014, following a decision by the Supreme Court, in which it held that the 24 months he had spent in prison were enough; a week later, the public prosecution approved the Supreme Court's decision and the releasing decision was issued, on condition that he be isolated from the city of Jerusalem,

Bearing in mind, lastly, that, in its concluding observations on the third periodic report of Israel under the International Covenant on Civil and Political Rights,¹² the United Nations Human Rights Committee recommended, *inter alia*, that all persons under Israel's jurisdiction and effective control be afforded full enjoyment of the rights enshrined in the Covenant,

1. *Expresses its deep concern* at reports that up to six PLC members remain in administrative detention and *reiterates its wish* to receive official information on this point, including with regard to the reported release from such detention of two other PLC members, namely Mr. Fathi Qarawi and Mr. Nayef Al-Rojoub;
2. *Regrets* the fact that, as recent reports show, even when PLC members are released, they remain subject to renewed arrest and can be placed in administrative detention again at any time, a practice which lends weight to claims that the use of such detention is arbitrary;
3. *Draws once again attention* to the need for further clarification as to how, given that administrative detention often relies on classified evidence, those so detained can fully benefit from due process in practice, and to what extent they can effectively challenge their deprivation of liberty, as the authorities affirm; *sincerely hopes* therefore, that invitations to attend judicial reviews of PLC members in administrative detention will materialize soon and *requests* the Secretary General to make the necessary arrangements for a Committee member to attend at least one such hearing;
4. *Takes note with interest* of Mr. Hasan Yousef's recent release; *would like to receive* a copy of the court ruling and to know whether any conditions were placed on his release; *renews its request* for a copy of the indictments in the cases of the two other PLC members who, according to the Israeli authorities, are facing criminal charges in order to better understand the facts underpinning the charges and verify whether the latter indeed relate primarily to membership of and activity in Hamas; *recalls* in this regard its previous concerns that the PLC members who were sentenced shortly after the 2006 elections were convicted not on specific criminal charges, but rather on account of their political affiliation;
5. *Wishes to receive* official confirmation that Mr. Totah was released and, in that case, to receive a copy of the legal decisions which brought about his release so as to understand better the legal proceedings to which he was subjected and any conditions placed upon him;

¹² CCPR/C/ISR/CO/3.

6. *Is deeply concerned* nevertheless that he and Mr. Abu-Teir have been effectively removed from East Jerusalem, Mr. Attoun reportedly being in administrative detention in Israel; *reiterates its long-standing concerns* about the decision to revoke their residence permits and the manner of its implementation; *considers* that the revocation is at odds with the Hague Convention (IV) of October 1907 on the rules of customary international law, Article 45 of which stipulates that the inhabitants of an occupied territory, of which East Jerusalem may be considered an example, are not to be compelled to swear allegiance to the occupying power;
 7. *Is concerned* that no official information has been forthcoming on the petition to the Supreme Court challenging their revocation; *fears* that this may well indicate that, despite the urgency of the matter, given the impact on the lives of the individuals concerned and the fact that almost four years have passed since they were notified, the Court has yet to adopt its findings; *sincerely hopes* that the Court will rule on this matter without delay;
 8. *Requests* the Secretary General to convey this resolution to the Israeli parliamentary authorities and the sources, inviting them to provide the requested information;
 9. *Requests* the Committee to continue examining this case and to report back to it in due course.
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TURKEY

TK/41 - HATIP DICLE
TK/67 - MUSTAFA BALBAY
TK/68 - MEHMET HABERAL
TK/69 - GÜLSER YILDIRIM (MS.)
TK/70 - SELMA IRMAK (MS.)
TK/71 - FAYSAL SARIYILDIZ
TK/72 - IBRAHIM AYHAN
TK/73 - KEMAL AKTAS
TK/74 - ENGIN ALAN
TK/55 - MEHMET SINÇAR

Resolution adopted unanimously by the IPU Governing Council at its 194th session (Geneva, 20 March 2014)

The Governing Council of the Inter-Parliamentary Union,

Referring to the cases of the above-mentioned parliamentarians and to the resolutions adopted at its 190th session (April 2012), in the case of Mr. Sinçar, and at its 193rd session (October 2013), in the case of the other parliamentarians,

Recalling that Mr. Mehmet Sinçar, a former member of the Grand National Assembly of Turkey, of Kurdish origin, was assassinated in September 1993 in Batman (south-eastern Turkey),

Recalling that the nine other parliamentarians above were all elected in June 2011 while in prison and are being tried for destabilizing or overthrowing the constitutional order, including by being members of terrorist organizations, in three complex cases known as the “Sledgehammer/Balyoz case”, the “Ergenekon case” and the “KCK case”,

Recalling the serious concerns raised by the sources with respect to the nine cases about the length of the proceedings, the length of pretrial detention, the lack of evidence to support the judicial decisions to keep elected members of parliament in pretrial detention, serious violations of the rights of the defence and other procedural flaws; *further recalling* the sources’ affirmation that some of the evidence against the accused had been fabricated by the investigators, that most of the accused had been detained on the basis of unsigned anonymous letters and the tampering of their personal computers, that the prosecution had relied largely on the testimony of secret witnesses during the trials that took place before “specially-authorized courts”, which have since been abolished, that all the accused were known to be in opposition to the present Government, that the Government fully controlled the Supreme Board for Judges and Prosecutors, which was in charge of the judicial system, and that there had been direct political interference in the cases,

Further recalling that the parliamentary authorities stated that all the proceedings were extremely complex and involved a large number of defendants and events that took place over a significant period of time, that the judiciary did its utmost to respect all standards of due process and conducted the proceedings in a transparent manner, but that the proceedings may have been marred by a number of minor procedural flaws owing to the complexity of the cases,

Considering that there are petitions for appeal and judicial and constitutional review pending before the Turkish courts in all nine cases, as well as petitions to the European Court of Human Rights,

Taking into account that a delegation of the Committee on the Human Rights of Parliamentarians conducted an on-site mission to Turkey on 24-27 February 2014; its full mission report will be presented to the Governing Council at its next session (October 2014), after being shared with all parties for their observations; the delegation *wishes* to share the following preliminary observations on its mission:

- The delegation was pleased to be able to meet with the competent legislative, judicial and executive authorities, in particular with the Speaker of the Grand National Assembly of Turkey, the Minister of Justice, the presidents of the Constitutional Court and the Supreme Court and the chairpersons of the parliamentary justice and human rights inquiry committees; the delegation also met seven of the members of parliament concerned, including Mr. Alan, whom the delegation was able to visit at Sinçan Prison (Ankara);
- The delegation has been able to confirm that eight of the members of parliament were granted provisional release and are now able to exercise their parliamentary mandate. The delegation remains concerned at the restrictions imposed on Mr. Balbay and Mr. Haberal, who are not authorized to travel abroad. It is, however, gratified that its concerns regarding the excessive length of pretrial detention and the rights of elected parliamentarians to sit in parliament have been taken into account by the Constitutional Court and that the court has resolved this situation by delivering unprecedented decisions in Turkey on these issues, in line with international and European human rights standards. It expects that the Constitutional Court will rule promptly on the application of Mr. Alan, the only member of parliament still in detention;
- The delegation has taken note of the contradictory positions expressed by the authorities and the members of parliament concerned, their lawyers and political parties regarding respect for freedom of expression of the members of parliament concerned. On the one hand, the authorities consistently stated that none of the members of parliament had been charged in relation to freedom of expression, that the charges were related to alleged membership of “terrorist organizations” and “attempted military coups”, and that all alleged criminal activities had been carried out before they were elected as members of parliament and had nothing to do with the exercise of their parliamentary mandate or their status as parliamentarians. On the other hand, the members of parliament concerned, their lawyers and political parties all asserted that the parliamentarians had been charged under the Criminal Code and the anti-terrorism laws for peaceful and legal activities undertaken before their elections in the normal course of their respective professions as politicians, journalists or doctors. The authorities stated that the facts and evidence adduced in support of the criminal charges included organizing or participating in protests, sit-ins, distributing leaflets or holding press conferences, expressing dissent and criticism of the Government’s policies, including with respect to the peace process in the south-eastern part of Turkey, and the defence of the rights of Turkish citizens of Kurdish origin in the KCK case. They further stated that the authenticity and integrity of the evidence supporting the charges had been strongly called into question. Fabrication and alteration of digital evidence, illegal telephone intercepts, use of secret prosecution witnesses and limited cross-examination by defence lawyers were just a few examples of the many serious issues raised as to concerns of lack of fair trial in the Ergenekon, Sledgehammer and KCK proceedings. The delegation was provided with extensive documentation on these issues, which will be reviewed and assessed in its final mission report;

- In response to the statements made by the authorities that the persons concerned were not members of parliament at the time of the alleged offences as they predate their election, the delegation is of the opinion that it does not rule out the possibility that their fundamental right to freedom of expression was violated and that the charges have effectively restricted their ability to fulfil their parliamentary mandate and to express themselves freely once elected;
- The delegation was further deeply concerned about the climate of fear prevailing among opposition members, civil society organizations, lawyers, journalists and persons of Kurdish origin in Turkey at the time of its mission, owing to a rising number of criminal charges brought against dissenting opinions, restrictions on the Internet, extensive telephone tapping, increasing powers being provided to the intelligence services, a wave of adoption of new laws that appear to be restricting freedoms and the independence of the judiciary;
- The delegation was disappointed to learn that the Constitutional Conciliation Commission had been dissolved after it failed to reach a consensus on a new Constitution, leaving many issues unresolved, including with respect to the protection of the fundamental rights of parliamentarians to freedom of expression and to freedom of association;
- The delegation was nevertheless pleased to learn from the Minister of Justice that significant legislative reforms had been undertaken to tackle shortcomings in the functioning of the judicial system, *inter alia* to reduce the excessive length of pretrial detention from ten to five years and to introduce judicial control as an alternative to detention. The Minister of Justice further stated that measures had also been taken concerning freedom of expression as part of the third and fourth judicial packages adopted in 2012 and 2013 and stated his commitment to continuing to attempt corrective measures. Furthermore, he acknowledged that there were outstanding issues needing to be resolved in the cases of the members of parliament concerned. He affirmed that efforts were ongoing to that end, both through legislative reform (with the recent abolition of “specially-authorized courts”, which is expected to pave the way for retrials in the Sledgehammer and Ergenekon cases), and through outstanding judicial appeals and constitutional review applications lodged before Turkish courts in the cases of the members of parliament concerned;
- The President of the Constitutional Court confirmed to the delegation that the court was seized of the applications from the members of parliament concerned, was competent to rule on violations of fundamental human rights, in line with the Constitution and international human rights instruments, and was empowered to annul proceedings and either dismiss them or order retrials should it find such serious violations;
- The delegation considers that, in the light of the ongoing efforts undertaken by the Turkish authorities to address concerns related to violations of due process and fair trial guarantees, the existence of significant shortcomings in these complex multi-defendant trials such as Sledgehammer, Ergenekon and KCK are not disputed. It hopes that, in regard to the cases of the parliamentarians under examination, all serious shortcomings will be duly acknowledged and promptly remedied through the appropriate channels, in line with international and European human rights standards, with special reference to their fundamental rights to a fair trial and to freedom of expression and association;
- With respect to the case of Mr. Sinçar, the delegation was informed by the Supreme Court that the appeal ruling was delivered in January 2011 and confirmed the first-instance verdict, sentencing about 20 persons for their involvement in terrorist activities on behalf of the PKK and the "Hezbollah" terrorist organizations in southern Turkey, including for the murder of Mr. Sinçar. Copies of the first-instance and appeal decisions were handed over to the delegation,

1. *Thanks* the Turkish authorities for their cooperation and assistance;
2. *Takes note* of the preliminary observations of the Committee on the mission and *eagerly awaits* the final mission report at the next IPU Assembly (October 2014);
3. *Notes with satisfaction* that all parliamentarians, except Mr. Alan, were released and sworn in to parliament following the decisions of the Constitutional Court; *expects* that the Constitutional Court will rule promptly on Mr. Alan's application and *hopes* that the restrictions on the freedom of movement of Mr. Balbay and Mr. Haberal will be lifted;
4. *Notes with interest* that the Turkish authorities have acknowledged that there are outstanding issues needing to be resolved in the cases of the members of parliament concerned and that efforts are ongoing to address these concerns, through both judicial proceedings and legislative reform; *trusts* that they will take all appropriate measures to uphold the fundamental rights of the parliamentarians concerned in line with international and European human rights standards, in particular regarding their fundamental rights to a fair trial and to freedom of expression and association;
5. *Requests* the Secretary General to convey this resolution to the parliamentary authorities, the sources and any third party likely to be in a position to supply relevant information;
6. *Requests* the Committee to continue examining this case and to report back to it in due course.