

PARLIAMENT OF THE REPUBLIC OF FIJI

REPORT ON SEMINAR FOR ASIA-PACIFIC
PARLIAMENTS – *TRANSLATING INTERNATIONAL HUMAN
RIGHTS COMMITMENTS INTO NATIONAL REALITIES: THE
CONTRIBUTION OF PARLIAMENTS TO THE WORK OF THE
UNITED NATIONS HUMAN RIGHTS COUNCIL*

*26TH – 27TH
FEBRUARY 2015*

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1.0 BACKGROUND

1.1 On 29 May 2013, the Human Rights Council, with the support of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the IPU, held a panel discussion in Geneva on the contribution of parliaments to promoting human rights at the national level and to the work of the Council. The participants concurred that parliaments had a critical part to play in ensuring respect for human rights domestically and that parliaments and the Human Rights Council stood to gain much from closer cooperation. To this end, participants formulated the following recommendations –

- further enhance awareness among members of parliaments of the existence of the Human Rights Council and its Universal Periodic Review (UPR) and the need for their full involvement in its work;
- foster greater involvement of members of parliament in the three different reporting stages of the UPR; and
- promote the adoption, by the Human Rights Council, of practical steps to engage with parliaments and to take their work into account.

1.2 In recent years, the Inter-Parliamentary Union has made it a priority to raise awareness among parliaments about the Council and its UPR and the contribution they can make to them. The IPU systematically informs parliaments of the forthcoming examination of their countries' national reports. The IPU organises capacity-building workshops for parliamentarians to enhance their understanding of the UPR and their role. A recent survey conducted by the IPU found that many parliaments are still unfamiliar with the work of the Council or its UPR. The tide is turning, however, and parliaments are increasingly taking an active interest in the work of the Council.

1.3 On 27 June 2014, during its 26th session, the Human Rights Council adopted a resolution endorsing the need to involve parliaments in its work and to benefit from their contribution to the promotion of human rights.

1.4 The regional seminar in Manila aimed to inform participants about how the Human Rights Council functions and alert them to the importance of becoming more involved. The meeting aimed to identify good parliamentary practices in working with the Council and in promoting and protecting human rights in general, in particular, by initiating an effective and continuous dialogue with other stakeholders such as national institutions and civil society. It also aims to determine the appropriate cooperation framework among other stakeholders, in particular the executive,

national human rights institutions, civil society and parliaments with a view to maximizing the latter's contribution to the promotion of human rights.

- 1.5 The Report, Programme, List of Participants, Common Principles and pictures for the Seminar are attached as **Annexure 1, Annexure 2, Annexure 3, Annexure 4 and Annexure 5** respectively.

2.0 INTRODUCTION

- 2.1 The Seminar for the Asia-Pacific Parliaments was organised jointly by the Senate of the Philippines and the Inter-Parliamentary Union, in collaboration with the Office of the United Nations High Commissioner for Human Rights.
- 2.2 The Speaker of the Fijian Parliament, Hon. Dr. Jiko Luveni was invited to be part of the Seminar and also be Moderator for Session IV: Common challenges regarding the human rights situation in Asia-Pacific.
- 2.3 The whole purpose of the Seminar is to enhance the awareness of Parliaments in Asia-Pacific about the need for a stronger parliamentary contribution to the promotion of human rights in general and more specifically to the work of the Human Rights Council and its Universal Periodic Review (UPR).

3.0 SUMMARY OF ISSUES FOR CONSIDERATION

3.1 Capacity-building

With respect to capacity-building, it is essential to adhere to the improvement of the reporting system, maximize the oversight functions of parliamentarians, and make sure that the parliamentarians appropriate reasonable budget for this advocacy.

3.2 Awareness-raising

We cannot underestimate the significance of the lessons we have learned from our past struggles to the headways we have made thus far towards the full recognition, effective promotion and complete protection of human rights. On awareness raising, the public needs to be aware of the human rights issue through consultation with civil society and coordination between Parliament and the Executive.

3.3 General Principle for Support to Parliaments

Parliament must always strive to be effective as this is essential to democracy, the rule of law, human rights, gender equality, and economic and social development. As such, Parliament requires access to excellent technical support in order to contribute fully in these areas.

4.0 RECOMMENDATION

4.1 Parliament is invited to note the content of the report and annexures.

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ANNEXURE 1



Inter-Parliamentary Union

For democracy. For everyone.



Translating international human rights commitments into national realities: The contribution of parliaments to the work of the United Nations Human Rights Council

Seminar for Asia-Pacific parliaments organized jointly by the Senate of the Philippines and the Inter-Parliamentary Union, in collaboration with the Office of the United Nations High Commissioner for Human Rights

26-27 February 2015, Diamond Hotel, Manila (Philippines)

Report of the seminar

We, members of parliament, representatives of national human rights institutions and civil society from 19 countries in the Asia-Pacific region, met in Manila, the Philippines, from 26 to 27 February 2015 to discuss how, by exchanging good practices, parliaments can contribute to the work of the Human Rights Council, more specifically its Universal Periodic Review (UPR) of the human rights situation in each country.

At the seminar, one of a series of regional events organized by the IPU and the Office of the United Nations High Commissioner for Human Rights, we explored what action parliaments should take, with the support of other stakeholders, to better promote and manage human rights, which should be one of every parliament's top priorities.

From this perspective, our discussion focused on five main points: (1) the Universal Periodic Review and the parliamentary contribution to the Review; (2) common human rights challenges in the Asia-Pacific region; (3) the promotion of the rights of women; (4) the place of human rights in development and their impact on underprivileged groups; and (5) strategies for an enhanced parliamentary contribution to the promotion of human rights at the national level.

At the outset of the debate, we agreed on the following basic principles:

- Parliamentarians are the representatives of and directly accountable to the people;
- Parliamentarians are active drivers of change in society;
- Parliamentarians have a key role to play in the promotion and protection of human rights;
- To this end, parliaments should have standing committees enabling them to fulfil their mission as guardians of human rights;
- Human rights are universal, indivisible and inalienable and are the foundations of dignified and worthwhile lives;
- The State's threefold responsibility to respect, protect and fulfil human rights obligations is fundamental for the enjoyment of human rights;
- Vulnerable marginalized and discriminated groups need special attention;
- While the implementation of human rights is a matter of State responsibility, all stakeholders, including national human rights institutions and civil society, have a role to play, and partnerships are key in this process.

1. The Universal Periodic Review and the parliamentary contribution to its work

We were given an introduction to the Universal Periodic Review, a cooperative and intergovernmental process aimed at examining respect for human rights obligations and commitments by every United Nations Member-State every four and a half years.

Three case studies illustrated the role that different protagonists – including parliamentarians, the executive, national human rights institutions and civil society organizations – could/should play at the different stages of the process. On the basis of those good practices, we made specific recommendations to help parliaments strengthen their contribution to the promotion of human rights in general and to the Universal Periodic Review process more specifically.

Capacity-building

- Further capacity-building/training is needed to enhance parliamentarians' knowledge of human rights and of international human rights mechanisms;
- Parliamentarians also need further capacity-building to enhance their understanding of how they can be more engaged with international human rights mechanisms and of the ways and means available to them to that end.

Awareness-raising

- In order to strengthen implementation of human rights, the public needs to be made aware of human rights issues so that it can hold public officials to account;
- There must be greater awareness in, and consultation and engagement with, civil society, along with coordination between parliament and the executive.

Mechanisms

- In order to enhance the engagement of parliamentarians in human rights issues and engagement with international human rights mechanisms, parliaments are encouraged to establish (where none exist) parliamentary standing or functional committees on human rights;
- In order to strengthen coordination and oversight of human rights issues, including when following up and reporting to human rights mechanisms, a permanent governmental coordination and oversight mechanism/committee should be established (where none exists);
- Parliamentarians should be included in such coordination mechanisms;
- Parliamentarians should be seen as relevant stakeholders in various executive processes and parliament as a potential platform for a wide range of debates and dialogues.

Universal Periodic Review

Parliamentarians should be actively engaged at every point in the Universal Periodic Review cycle, including by:

- participating in the national consultation process during the preparation of the national report;
- participating in the working group session;
- identifying the State's position on the recommendations (consultative role);
- following up on the recommendations through parliamentary human rights committees and as members of any inter-institutional structure;
- participating in the preparation of the mid-term implementation report;
- participating in the national consultation process for the next review/process.

2. Common human rights challenges in the Asia-Pacific region

The common challenges regarding the human rights situation in Asia and the Pacific are very acute and require urgent responses. These challenges include migration, the environment – transboundary movements of hazardous waste, pollution, emerging diseases and ecosystem destruction – and armed conflicts within and between States; recurrent terrorism jeopardizes the socio-political stability that is a core requirement for the consolidation of democracy.

We made the following recommendations as immediate responses to those challenges:

- Make human rights a cross-cutting and primary consideration in policy and law-making, and in negotiations between and among States;
- Stress the need for States to adopt human rights-related national and regional agendas or programmes to ensure that policies are implemented and have an impact on the ground.
- Establish and maintain links between parliaments, which should share best practices when addressing human rights violations and issues;

- Encourage inclusive engagement with stakeholders through dialogue and consultation, especially with civil society and the academic world, which provide the connection to the people and on the ground;
- Continue public-awareness and human rights education activities;
- Establish national human rights institutions and mechanisms that are independent, have effective human rights promotion and protection mandates, and will result in standard-setting in the form of international and regional instruments and national policies;
- Establish parliamentary committees to oversee national security bodies including the intelligence services, and implementation of international agreements and the recommendations of the United Nations human rights mechanisms, including the Human Rights Council and the treaty bodies.

3. Promotion of the rights of women

According to the *Asia Pacific Trade and Investment Report 2014*, published by the United Nations Economic and Social Commission for Asia and the Pacific, the Asia-Pacific region remained the most dynamic pole of the global economy and continued to perform well in terms of growth. However, we noticed an unprecedented rise in inequality between the region's countries and between men and women. For every 100 employed men, there were only 62 employed women. Women predominated in vulnerable jobs characterized by low pay, limited opportunities and little, if any, social protection.

In terms of political participation, the percentage of seats in national parliaments held by women in the region was below the global average (21.8%): 18.4 per cent in Asia, 16.2 per cent in the Pacific.

Surveys indicated that 30 to 40 per cent of women workers in Asia-Pacific countries reported being subjected to some form of verbal, physical or sexual harassment.

The present meeting coincided with the twentieth anniversary of the Beijing Conference. We would like to seize this historic moment to renew our commitment to the promotion of the rights of women. As legislators, we should step up our efforts to end all forms of discrimination against them. In that regard, we recommended that:

- implementation be premised on a model of substantive equality and cover all the rights enshrined in the Convention on the Elimination of All Forms of Discrimination against Women, a concerted and integrated approach that places implementation of the Security Council agenda on women, peace and security in the broader framework of implementation of the Convention and its Optional Protocol;
- practices identified as "good" should meet the international standards set by the Committee on the Elimination of Discrimination against Women;
- women's caucuses should be established in parliaments in order to enhance the situation of women and to debate gender issues;
- stronger efforts should be made to eliminate existing legislation that discriminates against women;
- budget funds should be allocated in a gender-sensitive manner;
- steps should be taken to ensure that women in vulnerable situations are adequately protected against violence and discrimination;
- awareness-raising programmes should be conducted among school children, with boys being the target.

4. The place of human rights in development and their impact on underprivileged groups

Given that human beings should enjoy equal human rights, we deplored the situation of underprivileged groups such as minorities and indigenous peoples. We pledged to:

- work to ensure that minorities and indigenous peoples were represented in national parliaments;
- ensure that national legislation was aligned, where applicable, with the norms, standards and principles safeguarding the rights of indigenous peoples and ethnic, religious and linguistic minorities.

5. Strategies for an enhanced parliamentary contribution to the promotion of human rights at the national level

We recommended that parliaments should approach the issue of human rights by:

- giving priority to human rights and assigning them a central place on the parliamentary agenda, bearing in mind the benefits of a gradual approach that starts with less but continually adds a little more, as it is always possible to take some small step;
- creating an environment in parliament conducive to the observance and promotion of the human rights of parliamentarians, so that members of parliament can themselves serve as an example for the promotion of human rights;
- monitoring progress and adapting political processes in our countries to ensure regular reporting by the executive branch to parliament;
- seeking to engage in any inter-institutional structure that might exist on follow-up to implementation of the recommendations made by international human rights mechanisms, also as a platform bringing the three branches of government together.

ANNEXURE 2



Inter-Parliamentary Union
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Translating international human rights commitments into national realities: The contribution of parliaments to the work of the United Nations Human Rights Council

Seminar for Asia-Pacific parliaments organized jointly by the Senate of the Philippines and the Inter-Parliamentary Union, and in collaboration with the Office of the United Nations High Commissioner for Human Rights

26 - 27 February 2015, Diamond Hotel, Manila (Philippines)

PROGRAMME

Background and objectives of the seminar

On 29 May 2013, the Human Rights Council, with the support of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the IPU, held a panel discussion in Geneva on the contribution of parliaments to promoting human rights at the national level and to the work of the Council. The participants concurred that parliaments had a critical part to play in ensuring respect for human rights domestically and that parliaments and the Human Rights Council stood to gain much from closer cooperation. To this end, participants formulated the following recommendations:

- Further enhance awareness among members of parliaments of the existence of the Human Rights Council and its Universal Periodic Review (UPR) and the need for their full involvement in its work;
- Foster greater involvement of members of parliament in the three different reporting stages of the UPR; and
- Promote the adoption, by the Human Rights Council, of practical steps to engage with parliaments and to take their work into account.

In recent years, the Inter-Parliamentary Union has made it a priority to raise awareness among parliaments about the Council and its UPR and the contribution they can make to them. The IPU systematically informs parliaments of the forthcoming examination of their countries' national reports. The IPU organizes capacity-building workshops for parliamentarians to enhance their understanding of the UPR and their role. A recent survey conducted by the IPU found that many parliaments are still unfamiliar with the work of the Council or its UPR. The tide is turning, however, and parliaments are increasingly taking an active interest in the work of the Council.

On 27 June 2014, during its 26th session, the Human Rights Council adopted a resolution¹ endorsing the need to involve parliaments in its work and to benefit from their contribution to the promotion of human rights.

The regional seminar in Manila aims to inform participants about how the Human Rights Council functions and alert them to the importance of becoming more involved. The meeting aims to identify good parliamentary practices in working with the Council and in promoting and protecting human rights in general, in particular, by initiating an effective and continuous dialogue with other stakeholders such as national institutions and civil society. It also aims to determine the appropriate cooperation framework among other stakeholders, in particular the executive, national human rights institutions, civil society and parliaments with a view to maximizing the latter's contribution to the promotion of human rights.



¹ A/HRC/26/L.21 (<http://www.ipu.org/Un-e/a-hrc-26-L21.pdf>)

Thursday, 26 February 2015

8 a.m.	Registration
9 a.m.	Opening Ceremony <ul style="list-style-type: none"> - Mr. Giorgidi Aggabao, Deputy Speaker of the House of Representatives (Philippines) - Ms. Flavia Pansieri, Deputy High Commissioner, United Nations Office of the High Commissioner for Human Rights (OHCHR) (video message) - Mr. Mian Raza Rabbani, Member of the Senate (Pakistan) Member of the Executive Committee of the Inter-Parliamentary Union (IPU) - Mr. Franklin M. Drilon, President of the Senate (Philippines)
9.45 a.m.	<i>Coffee Break</i>
10 a.m.	Session I: Introductory remarks on the international and regional situation of human rights: mechanisms of the promotion and the protection of human rights <ul style="list-style-type: none"> - Ms. Shahrzad Tadjbakhsh, Chief, UPR Branch, United Nations Office of the High Commissioner for Human Rights (OHCHR - Geneva)
10.45 a.m.	Session II: Introduction to the Universal Periodic Review and a parliamentary contribution to its work <p><i>Without parliamentary action – be it passing laws or overseeing government action – very few UPR recommendations would actually be implemented. Parliaments can play a critical role in the implementation phase and beyond. They can also discuss the draft national report of the UPR process before it is presented to the Council, and take part in its official presentation to the Council.</i></p> <p>This session aims to present the work and objectives of the Council and its UPR and how it relates to other United Nations human rights mechanisms, in particular the UN treaty body and special procedures. The session will also look at some lessons to be learned from the first and second UPR cycles.</p> <ul style="list-style-type: none"> - Ms. Myriam Tebourbi, UPR Branch (OHCHR - Geneva) - Mr. Mizanar Rahman, Chairperson, National Human Rights Commission (Bangladesh) ► Moderator: Mr. Pelzang Wangchuk, Member of the National Assembly, Chairperson of the Human Rights Committee (Bhutan) <p>Discussion</p>
12.30 p.m.	<i>Lunch</i>
2 p.m.	Session III: National case studies on involvement in the UPR <p><i>The executive – often together with national human rights institutions – is in the driver's seat in preparing the UPR reporting cycle and ensuring implementation of its recommendations. Parliaments are often largely unaware of this process, although this is slowly changing.</i></p> <p>This session will look at three or four interesting national case studies of how the UPR report was prepared and how UPR recommendations have been implemented. It will examine in particular the involvement of parliament in the process and its interaction with other human rights stakeholders</p> <ul style="list-style-type: none"> - Mr. Jonathan Mark Naylor, Member of Parliament (New Zealand) - Datuk Dr. Khaw Lake Tee, Vice Chairperson, Human Rights Commission – SUHAKAM (Malaysia) - Ms. Leila de Lima, Secretary of Justice (Philippines) ► Moderator: Mr. Agafili Patisela, Deputy Speaker of the Legislative Assembly (Samoa) Ms. Cynthia Veliko, Human Rights Adviser, Manila (Philippines) <p>Discussion</p>
4 p.m.	<i>Coffee break</i>

4.15 p.m.

Session IV: Common challenges regarding the human rights situation in Asia-Pacific

Although the Council adopts specific recommendations for each country, some human rights issues appear to be more frequently mentioned than others in the Universal Periodic Review recommendations for Asia-Pacific countries.

This session will examine how States in the region, with the help of parliaments, have been able to address some of these issues, notably:

- Ensuring the proper administration of justice
- Climate change, environment and global warming/Climate Justice
- **Ms. Karen Gomez Dumpit**, Member of the Philippine Working Group for an ASEAN Human Rights Mechanism (Philippines)
- **Mr. Mian Raza Rabbani**, Member of the Senate (Pakistan)
- **Mr. Aquilino “Koko” Pimentel III**, Member of the Senate (Philippines)
- **Moderator:** **Ms. Jiko Luveni**, Speaker of the Parliament (Fiji)
Mr. Mika Kanervavuori, United Nations Human Rights Adviser in Bangladesh

Discussion

6 p.m.

Wrap-up session

7 p.m.

Dinner

Friday, 27 February 2015

9.30 a.m.

Session V: Promotion of women's rights

- Gender equality and violence against women in the Asia-Pacific
- The IPU contribution to the promotion of gender equality
- A shining example of strong parliamentary involvement in the work of the Committee on the Elimination of Discrimination against Women

The UN Committee supervising implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) has a very similar reporting procedure to that of the Council's UPR. For several years now, parliaments and the CEDAW Committee, with the assistance of the IPU, have been cooperating to help ensure that CEDAW is effectively implemented at the national level.

This session will be divided into three segments. The first will briefly present an overview of the situation on gender equality and violence against women in the Asia-Pacific. The second segment will present the IPU contribution to the promotion of gender equality. The third will look at the lessons to be learned from the CEDAW experience of enhancing parliaments' contribution to the UPR.

- **Ms. Kamala Chandrakirana**, Member of the Working Group on discrimination against women in law and practice (OHCHR)
- **Ambassador Rosario Manalo**, Special Representative of the Philippines to the ASEAN Intergovernmental Commission on Human Rights
- **Ms. Marama Fox**, Member of Parliament (New Zealand)
- **Moderator:** **Ms. Nihayatul Wafiroh**, Member of Parliament (Indonesia)

Discussion

11 a.m.

Coffee break

11.30 a.m.

Session VI: The place of human rights in development and its impact on disadvantaged groups including minorities and indigenous peoples

The economic growth and fast pace of development of many Asia-Pacific countries pose special human rights problems for vulnerable groups such as minorities and indigenous peoples. According to the State of the World's Minorities and Indigenous Peoples 2012, they are often victims of discrimination, excluded from political participation and even face eviction from their traditional lands because of development such as mining and logging.

Governments generally view development as a positive sign of progress which generates jobs, infrastructure and increased tax revenue. However, minorities and indigenous peoples have a different view of development since their traditional lands that will be developed are an integral part of their lives and culture. Negative impacts of development projects such as loss of land, livelihood, and traditional way of living and environmental issues often far outweigh any positive benefits, such as employment opportunities or new roads.

This session will examine how the human rights of minorities and indigenous peoples are affected by development (mining, agriculture, logging, urbanization). It will also examine in particular the role of parliament in eliminating the discrimination and exclusion of these groups. It will also examine how investors can practice corporate responsibility and establish a more sustainable relationship with minorities and indigenous peoples.

- **Mr. Peeni Henare**, Member of Parliament (New Zealand)
- **Moderator: Mr. Noah Kemesong**, Member of the House of Delegates (Palau)

Discussion

12.30 p.m.

Lunch

2.30 p.m.

Session VII: The protection of human rights at the national level: strategies for an enhanced parliamentary contribution

Parliaments' prerogatives to adopt legislation, oversee government action and adopt the national budget are critical in promoting human rights. Several parliaments have set up specific committees devoted to human rights in order to do this efficiently.

This session will address the following main questions:

- Do parliaments effectively exercise their legislative, budgetary and oversight functions to promote human rights?
- What are the experiences/best practices of parliamentary human rights committees?
- What are the experiences/best practices in terms of aligning national legislation with international human rights standards: analysis of recommendations/observations of international and regional human rights mechanisms?
- **Mr. Aquilino Q. Pimentel, Jr.**, former Senate President (Philippines)
- **Mr. Shri Cyriac Joseph**, Justice, Member of the National Human Rights Commission (India)
- **Moderator: Ms. Shahrzad Tadjbakhsh**, Chief, UPR Branch, United Nations Office of the High Commissioner for Human Rights (OHCHR - Geneva)

Discussion

4 p.m.

Coffee break

4.15 p.m.

Presentation of the report of the seminar by the Rapporteur

4.45 p.m.

Closing ceremony ■

- **Ms. Shahrzad Tadjbakhsh**, Chief, UPR Branch, United Nations Office of the High Commissioner for Human Rights (OHCHR - Geneva)
 - **Mr. Mian Raza Rabbani**, Member of the Senate, Member of the Executive Committee of the Inter-Parliamentary Union (IPU) (Pakistan)
 - **Senator Aquilino "Koko" Pimentel III**, Member of the Senate, Conference Chair (Philippines)
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ANNEXURE 3



Inter-Parliamentary Union
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Translating international human rights commitments into national realities: The contribution of parliaments to the work of the United Nations Human Rights Council

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26 - 27 February 2015, Diamond Hotel
(Manila - Philippines)

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ANNEXURE 4



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Common Principles for Support to Parliaments

*Adopted by the IPU Governing Council at its 195th session
(Geneva, 16 October 2014)*

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INTRODUCTION

Common Principles for Support to Parliaments

The suite of 'Common Principles for Support to Parliaments' set out below, comprising one over-arching General Principle and nine further focussed Principles, is designed to achieve two main objectives:

- Assist partners engaged in the front line of parliamentary support and parliaments worldwide to work together with improved relevance, sensitivity and effectiveness, and,
- Enable partners and parliaments to work towards sharing a fundamental approach for the design and implementation of parliamentary support.

Support available to parliaments has grown significantly in recent years. As a result, there is now extensive experience in this field shared between a range of organisations and individuals partnering with parliaments. This has made the present distillation of Common Principles possible. The aim has been to capture the fundamentals of parliamentary support for the benefit of all parliaments and their partners¹ in a single, accessible document.

The Principles are intended to provide an inclusive and enabling framework for partners which:

- Reflects an effective, practical approach to support for parliaments.
- Takes full account of the uniqueness of each parliamentary institution, while recognizing emerging international standards encompassing all democratic parliaments.
- Emphasizes inclusive parliamentary ownership over its development and change process.
- Advances a culture of partnership, trust and mutual respect.

In particular, the Principles are designed to promote good communication and co-operation at local, regional, and global levels and to assist in ensuring that partners' roles and responsibilities in providing parliamentary support are transparent, mutually agreed, and complementary.

The present Principles will undoubtedly evolve. Their likely future evolution will take account of partners' and parliaments' experience and development, thereby ensuring their continuing relevance to effective parliamentary support.

Adoption of these Principles by parliaments and partners as a common framework for parliamentary support should ensure, therefore, that support activities are made progressively more effective and efficient. This, in turn, will increase the capacity of parliaments to fulfil their core functions.

Parliamentary Support – rationale and nature

Rationale

Well-structured and resourced parliaments are essential to a vibrant democracy, maintaining peace, upholding the rule of law and human rights, gender equality, increasing economic prosperity, and promoting social justice. Parliaments' growing legislative, oversight and representational responsibilities in these areas mean that all citizens have a vital stake in the institution.

There is a strong desire on the part of many parliaments to develop their capacities in response to the growing expectations of the people for more efficient and effective service from their representative and this primacy needs to be acknowledged in all support work.

Democracy in its widest sense however is a world community and it is therefore appropriate that parliaments should be able to draw upon appropriate, excellent, external technical support from an international community with a common interest and stake in the functioning of all key democratic institutions. This common purpose provides the rationale for parliamentary support.

¹ The largely interchangeable terms "Partners", "parliamentary support partners", and "parliamentary partners" are used throughout the document to refer to those external to parliaments who are engaged on parliamentary support work. "Partnership" refers to the relationship between partners and parliaments. "Support to parliaments" and "parliamentary support" are used interchangeably throughout the text.

Nature

Parliaments are complex organisations with distinct political, procedural and administrative aspects, and this complexity presents significant challenges when devising effective external support.

Parliaments comprise elected politicians, assisted by a range of supporting procedural officials and administrators. They often have a shared goal of ensuring that parliament manages competing social priorities, passes sound laws, holds the government to account, and provides members of parliament with resources to represent their constituents. While these roles are interlinking capacity requirements are often very distinct. Effective parliamentary support needs to be sufficiently sophisticated and responsive to reflect these complex requirements adequately.

To meet the growing requirements for parliamentary support, a range of partners have emerged over the last two or three decades. Established parliaments have provided support to assist their more recent counterparts. In addition, specialized international organizations, training institutes, donors, civil society groups and consultancy firms have come forward to provide niche resources. Parliamentary support has emerged as a recognized field of expertise, and the resources dedicated to it have increased, while the potential of parliaments to promote sound governance, political inclusion, economic prosperity, and social justice has become more widely appreciated.

Parliamentary support requires local, as well as international, input. Just as there has been a growth of international actors recognizing the importance of strong effective parliaments to democratic development, civil society organizations in many countries of the world have also recognized the fundamental importance of parliament to the health of their own democracies, and are increasingly engaged in monitoring parliamentary performance and supporting issues of parliamentary development and reform. Engagement of national actors in parliamentary development is often vital to the success of parliamentary support work.

The fundamental objective of parliamentary support is to assist parliaments to develop to the full, the capacity to perform their basic legislative, oversight and representational roles. This support must also take account of parliaments' potential to aggregate input from individual citizens, civil society organisations, and subordinate oversight and governance bodies such as sub-national legislatures and major municipalities (where those exist). It must also take account of parliament's potential to take the lead nationally in promoting the rule of law, human rights (including women's rights and protection for children) and democracy in their country, and establish themselves as credible national institutions for the peaceful resolution of conflict.

The difficulties inherent in these parliamentary functions, and the complexity of parliamentary institutions, raise many challenges for effective parliamentary support. These include the need to adequately appreciate the national socio-political context, understand the parliament's wider institutional and governance environment, and encourage sound local support. Understanding how to operate effectively within parliaments, and overcoming those challenges, is possible only with strong support from within the country particularly that of parliament itself, at all levels.

Successful parliamentary support journeys therefore need to be led strongly and consensually by the 'family' of stakeholders surrounding a parliament. Internally, this includes both government and opposition parties, leadership and backbenchers, and members and staff. Externally, it also includes citizens and civil society stakeholders that engage with parliament. Whether internal or external, support should be based firmly on parliament's own well defined priorities. A parliament's close and consensual partnership with external support partners in this process will help facilitate the full identification of these priorities, and additionally allow ready access to relevant international norms expected of 21st century democratic parliaments.

The last twenty years has seen increasing demands on parliaments and parliamentarians from ordinary citizens. This pressure for parliaments to live up to their central place within the institutional structure of countries, through demonstrating improved business efficiency and progressively higher standards of personal probity on the part of parliamentarians, is likely to increase in future. Parliamentary support also offers parliaments help in meeting those challenges.

Parliaments are at the heart of political events and parliamentary support activities frequently take place and develop as a result of changing political priorities and dynamic alignments. The range of technical support mechanisms must therefore be designed progressively more imaginatively and appropriately if they are to result in a positive outcome within parliaments.

Multi-party political championing for both the substance and form of parliamentary support will always be essential to a positive outcome. Finally, successful interventions are unlikely to be achieved except as a function of support that is both long-term and matched in sophistication by parliaments' own complexities.

Common Principles – process and form

Process

Acknowledging these challenges, a number of parliaments and parliamentary support partners met in Geneva in October 2013 and agreed that it was timely to find out if devising a set of Common Principles to provide a framework for parliamentary support work would be possible.

The Principles were developed through a consultative process. A five-member working group², convened by the Inter-Parliamentary Union (IPU), led the process with support from an independent consultant. Parliaments provided input during the process through the Association of Secretaries General of Parliament and the governing bodies of the IPU. Partners in parliamentary support provided comments on successive drafts.

Form

The document below is the product of that initiative and comprises one over-arching Principle and nine specific Principles, each of which crystalizes one common aspect of parliamentary support. The first Principle provides a rationale for parliamentary support generally. Each Principle is accompanied by a commentary. Parliaments and parliamentary support partners will wish to interpret the Principles in the context of their own work.

The Principles are designed to apply to all activities aimed at strengthening parliament. In addition, the Principles are intended to be relevant to all countries and contexts where support is made available to assist parliaments in strengthening themselves, and to be applicable to the work of all parliamentary support partners.

General Principle of Support to Parliaments

Effective parliaments are essential to democracy, the rule of law, human rights, gender equality, and economic and social development. Parliaments require access to excellent technical support in order to contribute fully in these areas.

Parliaments and democracy

Democracy has many forms but is usually predicated upon an effective separation of powers between executive, judiciary, and parliament in order to spread power and maintain checks and balances. This structure requires a democratic parliament broadly rooted in society, and with internal business structures of sufficient capacity to undertake its functions.

The core legislative, oversight and representational functions of parliaments provide an essential contribution to the quality of a country's overall governance by: adding value to government policy in areas of modern state activity, providing additional legitimisation for government actions and activities, initiating policy independently of government, and enabling policy to be translated into social reality by means of laws.

Underpinning these functions, and providing a benchmark for decision making, a democratic parliament ensures that the rule of law predominates, guards the primacy of human rights, promotes the goal of gender equality, regulates the economy to promote sustainable growth, and is responsive to changes in society requiring social development and modernisation. While aspects of work in these areas are shared with the executive and judiciary, the absence of a strong, effective democratic parliament will deny the state legitimacy.

Democratic parliaments also provide the opportunity for all sections of society to be heard through their representatives, for disputes and disagreements over the direction of policy and issues of national importance to be debated, and for peaceful resolutions to be arrived at and sustained within the rule of law.

Support for parliaments from partners

² Inter-Parliamentary Union, United Nations Development Programme, National Assembly of France, European Parliament, National Democratic Institute

Many parliaments seek external assistance in helping fulfil the complex role of a parliament. External assistance whether in bilateral form or multilateral programmes must be (a) fully appropriate to the requirements of parliament; and (b) of an excellent quality commensurate with the importance of parliament within national governance.

Support to parliamentarians and parliamentary officials should therefore be available across all areas of parliamentary activity both from internal and local sources, and also from other parliaments and the international parliamentary support community. Such international links should stress the integrity and independence that underpins all successful parliamentary institutions. Such support will be conveyed at times through formal meetings, events and processes, at others by means of informal contacts.

Finally, parliamentary support must reflect the reality that irrespective of how long or short the pedigree of a parliament, all parliaments, whether new or long established, are able to learn from each other. Beyond the vital role parliamentary partners have in fulfilling the specialized requirements for support from individual parliaments, the reciprocal sharing of experience among parliamentarians and parliamentary staff is invaluable to the development of democracy throughout the world and should be strongly encouraged.

Specific Principles of Support to Parliaments

PRINCIPLE 1: Parliamentary support partners are guided by the needs of parliament.

A pre-requisite for successful parliamentary support is a trustful, open, and inclusive relationship between parliament and the support partners. This trust must be reflected in the practical implementation arrangements for parliamentary support, for example, the inclusive and open management of activities.

Support to a particular parliament must fully reflect the parliament's needs, and these needs are best articulated through an inclusive process that reflects the diversity of a parliament's members, political parties, parliamentary officials and others. Parliament alone is in the best position to articulate its needs and to define broad strategic objectives, as well as tactical approaches for particular activities -- although external partners can often also be helpful in facilitating a strategic planning process.

Parliaments are not stand-alone institutions, but rather intrinsic parts of wider institutional and other contexts. It follows therefore that interest in the development of parliament and future external support normally extends well beyond parliament. In these circumstances, the views of external institutions and bodies are also relevant, including the executive.

Good national governance depends upon the main state institutions working cooperatively. While it would be inappropriate for the executive to play a direct role in the development of parliamentary support given separation of powers considerations, the development of constructive legislative-executive relations is an important aspect of parliamentary support. Timely consultations with the executive can be helpful in informing parliamentary development efforts.

Parliaments are busy places with often intense and competing daily pressures especially when sitting, and therefore parliamentary support needs to fit well with the demands of a working institution.

Indeed, long term parliamentary support may best be approached through embedding it within an overall parliament 'owned' strategic plan, developed through an inclusive process. Such a plan may cover all areas of a parliament's work and may usefully identify priority areas for intervention, the interests of those in parliament, and the best entry points for support. (The drafting of such a strategic plan might itself be a feature of external support.)

While recognizing that parliamentary support must be driven by the parliament's needs, the relationship between parliament and partners should also help to ensure that the latter's expertise is used well and given full weight and that advice offered is carefully considered. Parliamentary support partners often possess deep knowledge of, and reflect extensive experience with, parliaments. It is therefore clearly in the best interests of the overall work of developing parliament that such expertise is utilized to the maximum degree.

The basic conditions identified above are important both in determining a successful overall outcome for parliamentary support activities and also in identifying the practical arrangements required to drive that success. Practical arrangements for successful implementation 'on the ground' include:

- Establishing sound management, (including financial and administrative management) for activities, in which the diversity of parliamentary perspectives are appropriately represented. Such management

structures should be the minimum required and should be streamlined within parliament's existing administrative architecture, to the extent possible.

- Fully reflecting the structure of parliament (e.g., its unicameral or bicameral structure), in program design and engaging the secretariat in the delivery of parliamentary support.
- Encouraging the practical involvement of parliament where possible in support activities including periodic staff participation, sharing costs, or in-kind contributions.
- Ensuring that support activities are coordinated with the daily work of parliament, and the work of members and parliamentary officials who most closely determine parliament's program. This will normally mean, for example, the close involvement of the Speaker and Secretary General or their representatives, though the input of other parliamentary stakeholders is also vital.
- Pacing support activities at a rate with which all partners and parliament are comfortable, and avoiding over-ambitious plans or timetables.
- Frequently reassessing the strategic objectives of support and the tactical approaches adopted to ensure that the quality of outputs is progressively improved.
- Conducting 'final' evaluations of specific interventions to assess value for money and impact and to inform future support work.

PRINCIPLE 2: Parliamentary support partners are attentive to the multiple, overlapping social, economic and political contexts in which parliaments operate.

However complex parliaments may appear their fundamental rationale resides in the role of transforming the political, economic, and social aspirations of citizens into legal and social realities by means of legislation, oversight, and representation.

The more deeply embedded a parliament is in society's fabric, and the more sensitive to its multiple contexts, the greater will be its capacity to contribute peaceful and politically acceptable solutions to the country's urgent challenges.

Parliamentary support partners have a role in assisting parliaments to work towards developing a positive profile within their contextual environments by encouraging a parliament's efforts to deepen its relevance to all citizens.

Therefore, successful parliamentary support operations take close account both of the interior constitutional, institutional, and procedural architecture of parliament, but also the multiple exterior social and political contexts in which parliaments are situated, and which act upon parliament and parliamentarians on a daily basis. Sound support will involve assistance to parliament in its drive to be inclusive and to reach out to and engage within all social and political contexts.

There is an important role for parliamentary outreach activity in providing opportunities to demonstrate a parliament's relevance to citizens. In particular, partners require a keen appreciation of a country's political economy context, including the nature and role of political parties, in addition to understanding the country's constitutional position.

Parliamentary outreach – the country as context: engaging all citizens

Parliaments functioning optimally are highly accessible national centres where the issues of national and often individual significance for citizens, irrespective of sex, ethnic background, social status, or political beliefs, may be debated and resolved.

This is unlikely to be possible in the absence of substantial, vigorous parliament-driven outreach programmes in which citizens and civil society organizations are strongly encouraged to relate to their parliament, and where parliaments and parliamentarians are expected to be outward looking and responsive both to their constituents and the overall national interest.

Parliamentary outreach is relatively new to many parliaments (including some long established) but is now considered a normal part of parliamentary life. Outreach may take a variety of forms, from straightforward reciprocal visits to complex engagement on issues of policy.

It will always be important to consider outreach from the point of view of gender relations and the particular challenges to women and youth, and to reflect carefully on ways in which such development support may be

offered. Women's participation may be encouraged by systematically engaging with women's grassroots organizations, women leaders of the community, gender-focused research institutes and think-tanks

Equally important is youth outreach. Youth may be drawn into a parliamentary environment including the establishment of parliamentary internships for students at national universities and colleges as a means of promoting openness, cooperation and learning, and the creation of youth parliaments.

Parliaments also have a special responsibility to ensure that the voice of minorities and the marginalized are heard, and support activities should take strong account of the requirement to reach out to those vulnerable constituencies. Where a country has a challenging geography, a fragile transport system, or contains far flung and distinct ethnic groups, strong outreach will be of especial importance.

There are a multitude of practical ways in which outreach can be conducted and supported, and the priorities agreed will depend largely on the national and regional modes of communication habitually used: radio, television, dedicated parliamentary media channels, a meaningful parliament website, newsletters in the relevant range of languages, inward and outward visits by citizens and local and international parliamentarians respectively, seminars, and conferences.

Whatever the exact forms of the outreach engagement appropriate in particular cases, parliamentary support partners should invariably consider a parliament's capacity to engage with its citizenry as a foremost priority for action.

Outreach support activities should:

- Promote a strong spirit of parliamentary inclusiveness, and strengthen links to the citizens.
- Ensure that participation in support activities reflects national diversity.
- Include specific training to address diversity issues in parliament where required.
- Assist parliaments and parliamentarians in promoting an awareness of equal opportunities and tackling discrimination in all forms in its legislative, oversight and representational work, and within its own secretariat administration.

Constitutional and political economy contexts

Parliaments are a part of, and operate within a formal constitutional and institutional context. At the same time, parliaments are a dynamic part of a less transparent, overlapping political economy context extending beyond parliament.

Support partners must always seek to take account of both the surface constitutional/institutional and political economy contexts within which a parliament exists. Appropriately designed activities to assist parliaments to design suitable support programmes will be contingent on such understanding.

Parliamentary support partners have an obligation, therefore, to inform themselves about the country's institutional history; and should also appreciate the country's general political environment (electoral system, political parties, relevant provisions of the constitution, human rights situation, gender equality, recent experience of conflict), the budgetary and fiscal situation, the economic context and national development plans.

Partners also need to consider international and regional issues (trade, political, economic, cultural regional relations) and disputes, and the country's international and regional obligations, all of which are likely to be continuing features of parliament's interest and concern.

The institution of political parties is the bridge between organized political opinion and the institutions of the state, including parliament. Parliament is where major national political tendencies are represented, in line with the country's electoral law, and political parties are vital features of a country's political economy.

The capacity of a parliament to operate well rests partly on well-designed procedural rules, but to a considerable extent upon the stability, disciplines and capacities of the political parties, groupings, and alignments. Where parties are weak or even non-existent, parliament is unlikely to be able to effectively represent its citizens. The political parties, as crucial players in national democratic life and parliamentary democracy, are therefore an additional key context and focus for support. It will be important for partners to be aware of the history and political background of the main parties represented in parliament.

PRINCIPLE 3: Parliamentary support aims for sustainable outcomes.

Sustainability of parliamentary support means that the benefits of external assistance continue to accrue to the institution after the assistance ceases. This implies that parliaments develop the capacity to manage change and renewal processes.

Parliamentary support should focus on tools to sustain development assistance and on institutionalizing a process for continued institutional development. These tools include (1) a strategic approach to development; and (2) deepened effectiveness of parliamentary staff.

Strategic planning for sustainability

While parliaments may be functionally unique, they behave in many ways like other institutions, in particular they demonstrate evolution, whether planned or not.

Parliaments should therefore invariably be encouraged to adopt strategic and corporate management techniques to exert control over their own development by: prioritizing activities, managing external support and, in the context of overall institutional objectives, revisiting and revising previous initiatives and reforms, ensuring resources are used with value for money, accountability and transparency.

Such techniques also provide parliaments with the opportunity to showcase to citizens progress in agreed national institutional targets and objectives, and therefore to develop a progressively more positive public image for parliament.

Strategic planning is the main tool a parliament has for managing rational and sustainable change by establishing consensus over strategic objectives and consequential annualized corporate and operational planning.

Where no parliament strategy exists, therefore, support partners should encourage parliaments to agree to an early assessment of whether it is timely to begin planning for one, and stand ready to assist with the lengthy process of embedding a strategic outlook in Parliament. Where there is a strategy, then a priority will be review and update where required.

Staff and institutional continuity

Parliaments exist to enable members to exercise their democratic mandate. This cannot be carried through effectively in the absence of a cadre of permanent staff. The main potential resource for continuity and sustainable change in a parliament is the permanent secretariat, although many other actors, namely, the Speaker and party leaders, and members (especially those re-elected) also have extremely important roles.

Strong parliaments need impartial, highly professional and qualified staff that are loyal to the parliamentary institution. Parliamentary support activities may help achieve this aim by promoting staff selection and careers based on merit and by ensuring that employment contracts or regulations contain appropriate employee protection guarantees. Parliamentary support may promote measures intended to encourage women's promotion to leadership positions in the secretariat.

Every parliament finds an institutional memory invaluable; that memory invests primarily in the staff, mainly in senior procedural positions. This does not necessarily mean that all individuals will stay in the secretariat for their entire working lives. Indeed, taken to extreme this could result in an institution resistant to evolution. A balance of continuity and change in parliament staff is required.

Assistance in the form of ongoing training and mentoring of procedural staff, possibly the development of a parliament research or training centre, the production of handbooks or facilitating parliament's access to independent qualified expertise are all initiatives in which partners might engage with parliamentary staff, alongside targeted support for members of parliament.

Partners' role in promoting sustainable parliamentary development

To promote sustainability, partner support activities must be a clear part of the development process agreed and driven by parliament itself. Such a position:

- Ensures that partners are genuinely supporting parliament's own development vision and confirms the legitimacy of this support.
- Allows the closest co-ordination between activities and parliament's overall development, and
- Enables a holistic approach to be taken to parliamentary support in which all parts of parliament gain from partners' support. Sustainable parliamentary support activities imply capacity building that benefits the whole institution, its different components, members and staff.

Members and staff are normally substantially more likely to enter willingly and enthusiastically into partner sponsored activities, contribute to their success, and take real ownership of the results if those are part of a process of sustainable development owned and directed locally.

That said, there are often instances where when there may be demands for support activities which might not be foreseen as part of a longer-term planning document. Not all parliaments may have had the opportunity to develop a long-term development plan through an inclusive process. Even where this exists, there are often gaps between an election and the development of a new parliamentary development plan, and institutional development priorities may sometimes change with new political leadership. Legislatures are often in the position of adapting their schedule and priorities in response to emerging needs of the country, as well as to new political developments. To be effective, parliamentary support activities must also be responsive to emerging needs expressed by parliament and parliamentarians, even if not reflected during a long-term strategic planning document.

PRINCIPLE 4: Parliamentary support is inclusive of all political tendencies.

Parliament is where all political tendencies are represented, in line with the country's electoral law. Political parties are crucial players in democratic life, and parliamentary democracy is intended to give a voice to all groups with significant electoral support. While the primary focus of parliamentary support must be the effective functioning of parliament as a whole, it is important for parliamentary support partners to be aware of the history and political background of the main parties represented in the parliament in question.

Inclusiveness means providing opportunities, wherever possible, for support and assistance to all political tendencies represented in parliament, to the extent that they abide by generally accepted democratic practice, such as respect for the rule of law and for the rights and privileges of political opponents. Members of the majority and of the opposition should both benefit from parliamentary support activities, and no group should be entitled to veto support for others.

Some foundations and organizations involved in parliamentary support are tied to specific political parties. While there is an appropriate role for party-to-party assistance and exchanges among parties sharing similar ideology or affiliations, political inclusiveness should be reflected in the design and implementation of parliamentary support activities -- recognizing that the overall goal of parliamentary support is to strengthen the democratic functioning of parliament as a whole.

Inclusiveness does not require that identical assistance be provided to each political party group, since the needs and priorities of these groups may differ substantially depending on their role in parliament (ruling party, opposition, junior coalition partner, etc.). In some contexts, parliamentary support partners need to have an understanding of and engage with significant political groups or tendencies that are absent from parliament, for example because they did not meet the threshold to sit in parliament or were unable to fully participate in the electoral process.

PRINCIPLE 5: Parliamentary support is grounded in emerging international democratic parliamentary standards.

National democratic parliaments are each unique, made so by their evolution, the place they hold in their national governance structure, and their individual and characteristic conventions and procedures. Nevertheless aspects of parliamentary practice are universal, and it is this that enables us to refer to a genuine international parliamentary community.

Parliamentary support partners recognize the unique character of each parliament but also seek to reinforce these universal practices that are grounded in emerging international standards for democratic parliaments. The commendable efforts of the IPU,³ of parliamentary associations such as the Commonwealth Parliamentary Association (CPA)⁴ and the Assemblée parlementaire de la Francophonie (APF)⁵ to develop such international standards have been significant and should be expanded.⁶

Any tendency for parliamentary support partners to approach parliamentary democracy in terms of a single model or system is likely to be harmful. The strength of democracy is its ability to fulfil fundamental aspects of

³ www.ipu.org/

⁴ www.cpahq.org

⁵ apf.francophonie.org

⁶ Access to documentation on emerging international standards may be accessed on the IPU, CPA, APF web sites; many helpful documents are brought together on agora-parl.org

inclusion and engagement within a shared political process while respecting the wide variety of traditions across the world.

The emerging international standards for democratic parliaments, which ultimately come from parliaments themselves facilitated through organizations like the CPA, IPU, SADAC and APF, will help avoid any tendency for parliamentary support to focus on a single model of parliamentary democracy, and instead base support efforts on those elements of parliamentary practice that are universal across constitutional systems.

Purpose of international standards

International standards are a common language that enables the parliamentary community to find common pathways for future development in response to the changing needs of national populations.

A number of publications in recent years have provided sophisticated analyses of parliaments and parliamentary democracy with the objective of seeking broad discussion of, and emerging consensus on, relevant standards for democratic legislatures,⁷ identifying benchmarks for democratic legislatures,⁸ providing innovative approaches to parliamentary accountability in developing countries.⁹

Other important work enables parliaments to commence the process of self- development by providing a rational and universal approach to self-assessment, the first, essential stage in identifying the starting point for current and future needs.¹⁰

There are many other enhancements to democratic parliamentary life that may arise from this work. Agreed international guidelines, standards and assessment frameworks can, for example:

- Enable parliaments to check the state of their own development and to provide clarity about the nature of support required.
- Provide an objective measure of the effectiveness of parliament.
- Constitute useful reference points for conducting evaluations.
- Help establish a baseline for support work with a parliament.
- Assist in developing a roadmap for future support.
- Contribute to parliaments' self-evaluation and reform efforts.

Those involved in parliamentary support, led by parliaments themselves, should promote the emerging international norms and standards for democratic parliaments, based on universal parliamentary practice and support their further development.

PRINCIPLE 6: Parliamentary support addresses the needs and potential of women and men equally in the structure, operation, methods and work of parliament.

Rationale

The political enfranchisement of women constituted one of the greatest changes to democracy around the world in the 20th century. Responding to this change continues to require support; both in working towards the goal of gender balance in women's parliamentary representation, and in ensuring that the legislative and oversight work of parliaments reflect the principle of gender equality.

Where women's contributions are blocked, educational and working opportunities denied, or barriers placed to women's participation in governance leadership and decision-making institutions, countries deny themselves the full potential capacities of roughly half the population. Gender equality is therefore a crucial factor in driving sustainable development, economic growth and poverty reduction.

The importance of gender equality for parliaments is threefold:

⁷ For example, NDI, *Towards the Development of International Standards for Democratic Legislatures* (2007) at <http://www.agora-parl.org/resources/aoe/standardsfordemocraticparliaments>

⁸ SADAC, *Benchmarks for Democratic Legislatures in Southern Africa* (2010) at <http://www.agora-parl.org/sites/default/files/SADC%20PF%20%E2%80%93%20Benchmarks%20for%20Democratic%20Legislatures%20in%20Southern%20Africa.pdf>

⁹ OECD, *Accountability and Democratic Governance: Orientations and principles for development*, at www.oecd.org_dac_governance-development_For WEB Accountability and democratic governance Orientations and principles for development.pdf

¹⁰ IPU, *Evaluating Parliament: A Self Assessment Tool Kit for Parliament* (2008); and UNDP, *Benchmarks and Self Assessment Frameworks for Democratic Parliaments* (2010) both at <http://www.agora-parl.org/resources/aoe/standardsfordemocraticparliaments>

First, democratic parliaments derive their legitimacy from the ability to represent all the citizens of their country. Therefore where the role of women is constrained overall institutional legitimacy suffers.

Second, the small number, or even absence of women in some parliaments undermines parliaments' institutional ability to take full account of the needs and interests of a major part of the population when undertaking its core legislative, oversight and representational tasks. This seriously degrades the quality of a parliament's legislative and other core output.

Third, parliaments are a country's mirror to the international community. Most countries seek to demonstrate and promote the operation of international norms in social and economic policy and benefit fully from participating actively in the community of nations. Parliaments reflecting gender imbalance present a distorted image of their country

These are powerful incentives for parliamentary authorities to promote measures to transform the institution into a gender-sensitive one, that ensures balanced participation in parliament, sets the example by ensuring respect for gender equality in its functioning and mainstreams gender throughout its work so as to deliver on gender equality goals.

Where women are under-represented in parliaments, or the means for their voices to be heard are weak, as they are in many parliaments, it is essential for parliamentary support partners to seek to assist parliaments in promoting activities to encourage more equal gender participation and mainstreaming of gender in parliament's work.

Action

Conducting an assessment of a parliament's gender sensitivity can be a useful first step in establishing the facts and identifying actions to encourage and improve the participation of women – both as members and as parliamentary staff – and to ensure that parliament's outputs address the needs and interests of men and women equally.

Parliament's strategic plans should be written with the objective of mainstreaming gender awareness and equality work throughout all parliamentary objectives. The strategy itself should be an exemplar of the objective of gender equality. Drafting plans in this way will assist enormously partners' work with parliaments in legitimizing tactics to promote a gender balance in all aspects of parliamentary life and work, particularly core parliamentary business outputs.

Mainstreaming gender throughout all aspects of parliamentary support and securing equal participation by men and women in activity design, implementation and results monitoring and evaluation processes results in more effective programmes because objectives and results will take into account and meet the needs of both women and men.

Parliamentary support activities should address gender equality issues from at least two distinct, complementary points of view. First, activities should aim to support and respond to the current specific needs of women parliamentarians, secretariat staff, and specific parliamentary bodies working on gender equality/women's rights issues such as a women's parliamentary caucus or parliamentary committees dedicated to gender equality.

Second, activities should aim to advance gender equality and women's rights into the future by supporting the efforts of both men and women, and the institution of parliament as whole, to develop ever stronger policies and working cultures to that end. Parliamentary support partners should assist all parliaments' efforts to review and assess how they function, their internal rules, as well as their facilities and infrastructure procedures and practices, from a gender perspective, on a regular basis, and to ensure that these are gender-sensitive and non-discriminatory.

In carrying out activities, partners need to work hard to ensure that women and men are well represented in all support activities at equivalent levels, including in project decision-making structures.

Support activities should have as constant objectives the following:

- Ensure that both women and men are effectively represented in parliament at all levels, both as members and parliament secretariat staff.
- To increase the number of women elected to parliament and to strengthen their effectiveness once elected.

- To ensure that parliament's secretariat reflects gender balance at directing as well as in middle and junior ranks.
- Ensure that dedicated gender mainstreaming mechanisms such as committees or caucuses have a legitimate and inclusive role in the overall institutional framework of the parliament.
- Ensure that parliaments are willing and have the capacity (including financial and human resources) to develop public policies tackling gender-based discrimination. For example, activities aiming to promote gender-sensitive/disaggregated statutory impact assessments of bills and budgets, and include a gender approach in the evaluation of public policy implementation, should be adequately resourced.

It is essential that parliamentary support partners assist parliaments in their objective of becoming gender-sensitive institutions, i.e. institutions that respect and embody gender equality in the way they function and that advance gender equality in their work and outputs. The *Plan of Action for Gender-Sensitive Parliaments*, adopted by the IPU's Member Parliaments in 2012, is a useful reference tool.¹¹

PRINCIPLE 7: Parliamentary support utilizes locally and regionally available expertise.

Rationale

External support to any parliament, however well informed and expert, requires guidance and practical assistance from within the immediate operating environment.

Long term partner engagement will require contracted national staff and resources to complement the sharing of international experience and enhance the knowledge of international staff on the local context. National expertise within partner sponsored work normally permits a much richer mix of support than would be available from the international experts alone.

Parliamentary support cannot be effective without a genuine local/international partnership at the heart of the support delivery mechanism whether *ad hoc*, project, programme, or in some other mode.

Parliament as a resource

It goes without saying that parliament is also a source of local expertise which should be effectively integrated into parliamentary support activities, where possible.

Such support should not be confined to one source within parliament but should be widely drawn from amongst administrative and political stakeholders whose 'championing' of activities will be essential to their success.

Ultimately, the doors of the Speaker, Secretary General and others should be open to the partners to seek support for specific activities where required, or to overcome particular challenges.

Non-parliamentary sources of local expertise

Parliamentary partners should also help vibrant and independent civil society organizations to work effectively with parliaments. They should seek to work with and support such organizations where they exist, first taking care to understand the existing dynamics between parliament and such civil society organizations in order to create the best conditions for success.

They should also foster or reinforce strong links between parliament and local universities, national and foreign experts based in the country, and think tanks, to help parliament benefit from local expertise.

Looking further out from parliament, parliamentary support partners should strive to harness the expertise available not only in the country but, where politically and practically acceptable, promote regional cooperation, especially with parliaments of neighbouring countries, relevant regional parliamentary and governance co-operation structures, and parliamentary training centres of excellence.

While great care needs to be taken over the involvement of the national government and national judicial bodies in parliamentary support work, such involvement does reflect the aspiration of 'joined up government' and institutional harmony which, if implemented, help enormously to promote better overall national governance.

¹¹ 127th IPU Assembly in Quebec City, 26 October 2012, at, <http://www.ipu.org/conf-e/127/res-plan.htm>

PRINCIPLE 9: Parliamentary support partners act ethically and responsibly.

Just as the design and staffing of parliamentary support activities will have a significant effect upon the success of the partnership, similarly, the ethical position of partners in carrying forward such activities bears significantly on the relative success of their work.

Parliament's role and responsibility as a national exemplar of integrity, an institution adhering to and acting upon a comprehensive and transparent code of ethics, is absolutely fundamental to its democratic purpose and has never been more needed around the world, where many countries suffer the blight of corruption.

Scrutiny of parliament from civil society and media means that apparent lapses in ethical standards are likely to erode public trust in confidence in parliament as a whole.

Parliamentary support programming has as one of its major aims the promotion of parliamentary integrity and reference may be made to relevant documents for comprehensive treatments on parliamentary ethics.¹³

It follows therefore that partners must adhere to and demonstrate the same high standards of ethical behaviour and integrity that they themselves are advocating. Parliaments and partners should be fully in step with each other in maintaining an exemplary standard of ethical and responsible behaviour. There are several aspects to ethical and responsible behaviour on the part of parliaments and parliamentary support partners.

The following examples are intended to be a helpful, though not exhaustive, illustration of the behaviour required of partners:

- Parliamentary support partners must adhere to principles of financial probity, especially since one of the primary purposes of parliamentary support is to improve parliamentary financial accountability and openness.
- Parliamentary support activities should not be used to advance commercial interests. While for-profit players may have a role to play in parliamentary development, their activities should be limited in the interests of probity and transparency and should be driven by the goal of parliamentary support, not by a business or profit motive.
- Parliamentary support activities should be inclusive of all political tendencies in the parliament.
- Parliaments and parliamentary support providers should be transparent about the types of assistance received and provided. The effectiveness and efficiency of such support requires parliaments to deal fairly with all stakeholders, and not to use one against the other or seek similar assistance from multiple partners without disclosure.
- Parliamentary support partners should abide by the general principles embodied in the internal codes of conduct of parliaments, for example by not engaging in nepotism or other practices that are inconsistent with the standards of conduct that parliaments have defined for themselves.
- Parliamentary support partners should promote the sustainable enhancement of parliament's capacities. This implies that they should avoid "hiring away" existing parliamentary staff to work for parliamentary support programmes.

Establishing parliamentary ethical codes of behaviour and ensuring good implementation is one of the most demanding, as well as an important element of parliamentary support.

Where no such parliamentary code presently exists, support partners should encourage the drafting and adoption in an inclusive and locally led process. Where a code is in place, they should consider support for its effective implementation in parliament and support partners should also set an example by adhering to the strictest norms of ethical behaviour.

¹³ For example, OSCE, *Background Study: Professional and Ethical Standards for Parliamentarians* (Warsaw, 2012) at http://www.agora-parl.org/sites/default/files/background_study.pdf and European Parliament - Office for Promotion of Parliamentary Democracy, *Parliamentary Ethics: A Question of Trust* (OPPD, 2011) at http://www.agora-parl.org/sites/default/files/codes_of_conduct_final-enforweb.pdf

ANNEXURE 5

MANILA SEMINAR FOR ASIA-PACIFIC PARLIAMENTS

26TH – 27TH FEBRUARY 2015



Madam Speaker, Hon. Dr. Jiko Luveni moderating Session IV





Madam Speaker with the Deputy Speaker of the Samoan Parliament



Group Photo