Human rights in the modern era: 70th anniversary of the Universal Declaration on Human Rights

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Calendar of Forthcoming Events
Confirmed as of 19 November 2018

2019

January
7 to 9 January CPA Post-Election Seminar for the Parliament of Grenada, St George’s, Grenada

March
Friday 8 March International Women’s Day 2019

September
Dates to be confirmed. 64th Commonwealth Parliamentary Conference (CPC), Kampala, Uganda

The publication of a Calendar of Commonwealth Parliamentary Association (CPA) events is a service intended to foster the exchange of events and activities between Regions and Branches and the encouragement of new ideas and participation. Further information may be obtained from the Branches concerned or the CPA Headquarters Secretariat. Branch Secretaries are requested to send notice of the main CPA events and conferences to hq.sec@cpahq.org in advance of the publication deadline to ensure the Calendar is accurate.

Further information can also be found at www.cpahq.org or by emailing hq.sec@cpahq.org.

STATEMENT OF PURPOSE

The Commonwealth Parliamentary Association (CPA) exists to connect, develop, promote and support Parliamentarians and their staff to identify benchmarks of good governance, and implement the enduring values of the Commonwealth.

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THE ROLE OF PARLIAMENTS AND PARLIAMENTARIANS IN IMPLEMENTING HUMAN RIGHTS AS WE MARK THE 70TH ANNIVERSARY OF THE UNIVERSAL DECLARATION ON HUMAN RIGHTS

The Editor’s Note

The Universal Declaration of Human Rights (UDHR) continues to be a momentous document, which reinforces international human rights law and inspires us to continue to work to ensure everyone can gain their freedom, equality and dignity. The UDHR was drafted by representatives from all across the world with different legal and cultural experiences, and was proclaimed by the United Nations General Assembly in Paris in 1948. It is said to be one of the most translated documents in the world, available in more than 500 languages.

The UDHR has helped people across the world to gain greater freedoms and equality. It has prevented violations of human rights through its enforcement; in some places, independence and autonomy have been achieved. While there are many challenges remaining and not all of the UDHR articles have been fully reached, the Universal Declaration has been a vital tool in securing essential human rights and freedoms.

The Commonwealth Charter provides a commitment to the rights expressed in the Universal Declaration of Human Rights including the commitment to equality and respect for the protection and promotion of civil, political, economic, social and cultural rights, without discrimination.

The Commonwealth Parliamentary Association (CPA) has engaged in the global discourse on a strengthened role for Parliaments and Parliamentarians in the field of human rights for a number of years and this issue of The Parliamentarian explores a wide range of topics linked to human rights as we reach the 70th anniversary of the Universal Declaration of Human Rights.

The Chairperson of the Commonwealth Women Parliamentarians (CWP), Hon. Dr Dato’ Noraini Ahmad, MP (South Africa) pays tribute to Nelson Mandela: a true advocate for human rights when speaking to young leaders at a celebration event for Nelson Mandela International Day on 18 July 2018. Nelson Mandela International Day 2018, designated by the United Nations, marked 100 years since the birth of Nelson Mandela and was an occasion to reflect on his life and legacy.

The Human Rights Unit of the Commonwealth Secretariat provide an examination of the role of Parliament in the promotion and protection of human rights as well as highlighting the launch of a new global report on this topic, in partnership with the Commonwealth Parliamentary Association (CPA) and the International Human Rights Group.

A group of academics have recently published a new book titled Contemporary Human Rights Challenges: The Universal Declaration of Human Rights and its Continuing Relevance and we feature their introduction. A member of the Editorial Advisory Board for The Parliamentarian and Secretary-General Emeritus of the Commonwealth Local Government Forum (CLGF), Dr Carl Wright has been involved in defending and promoting human rights across the Commonwealth for a number of years and he writes for this issue about his personal journey in this quest.

The renowned expert in election observation, Dame Audrey Glover looks at electoral media and manipulation when it comes to elections. The Chair of the Commonwealth Press Union Media Trust, Lord Black of Brentwood (United Kingdom) examines media rights and the battle for press and media freedom in the Commonwealth.

Hon. Denithon Ghati, MP (Kenya) recently represented the CPA and the new Commonwealth Parliamentarians with Disabilities (CPWd) network at the first Global Disabilities Summit and she writes about the summit and disability rights for this issue. Senator Dr Floyd Morris (South Africa) looks at human rights and persons with disabilities in the Anglphone Caribbean.

The South African Human Rights Commission looks at the status of human rights defenders in South Africa and argues that this is essential for ensuring the advancement of a peaceful, just and inclusive society for all.

Hon. Jim Shannon, MP (United Kingdom) is the Chair of the UK Parliament’s All-Party Parliamentary Group (APPG) for International Freedom of Religion or Belief and he writes about realising the rights of freedom of religion and belief in the Commonwealth.

The National Human Rights Institution of Samoa provides an article contextualising human rights from the perspective of a small state while Dr Audrey Amune, Deputy Director-General of the Pacific Community (SPC), a regional organisation representing 26 Pacific Islands and Territories, looks at human rights in the wider Pacific Region.

The Editor’s Note also features many contributions from across the Commonwealth on human rights. Lord Ahmad of Wimbledon is the United Kingdom Minister for the Commonwealth and UN and he writes about human rights in the UK from his unique perspective. RT Hon. Ann Clwyd, MP (United Kingdom) chairs the UK Parliament’s All-Party Parliamentary Human Rights Group and she reflects on the role of Commonwealth Parliamentarians in safeguarding political and civil space.

Hon. Angela Thoko Didiza, MP (South Africa) pays tribute to Nelson Mandela: a true advocate for human rights when speaking to young leaders at a celebration event for Nelson Mandela International Day on 18 July 2018. Nelson Mandela International Day 2018, designated by the United Nations, marked 100 years since the birth of Nelson Mandela and was an occasion to reflect on his life and legacy.

The Parliamentarian is devoted to empowering women’s voices during the Parliamentary Week in the Commonwealth. The Chair of the Commonwealth Women Parliamentarians and Secretary-General Emeritus of the Commonwealth Local Government Forum (CLGF), Dr Carl Wright has been involved in defending and promoting human rights across the Commonwealth for a number of years and he writes for this issue about his personal journey in this quest.

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THE ROLE OF PARLIAMENTS AND PARLIAMENTARIANS IN IMPLEMENTING HUMAN RIGHTS

View from the CPA Chairperson

As institutions whose purpose is to make laws, Parliaments are the branch of government best placed to ensure that laws provide the means to remedy alleged violations, to take measures to prevent abuses and to give effect to human rights. The Commonwealth Parliamentary Association has been developing the ability of Parliamentarians to promote and protect human rights nationally and regionally. Three seminars were organised together with the Commonwealth Secretariat to achieve this with the aim of exchanging information and experiences on the role of Parliaments and regionally. Three seminars were organised together with the Commonwealth Secretariat to achieve this with the aim of exchanging information and experiences on the role of Parliaments and regionally. These seminars resulted in three regional declarations: the Declaration for Africa; the Pipitea Declaration for the Pacific; and the Kotte Declaration for Asia. Currently, approximately 28% of Parliaments in the Commonwealth have established specialised Human Rights Committees. These Committees are well placed to assess human rights treaties and to hold government departments accountable for the implementation of the states’ human rights commitments. Some Commonwealth Parliaments have adopted the approach to mainstream human rights, endeavouring to ensure that every Parliament takes human rights into consideration as they go about their business. An alternative approach is to set up dedicated Human Rights Committees, dealing exclusively with human rights issues. Also related to human rights, the CPA has established the Commonwealth Parliamentary Association with Disabilities (CPAWD) network. It was set up in 2017 at a CPA Conference for Disabled Parliamentarians in Nova Scotia, Canada. The network advocates for greater inclusion of people with disabilities in politics and parliament.

Additionally, the Commonwealth Women Parliamentarians (CWP) was founded in 1989 to increase the number of female elected representatives in Parliaments and legislatures across the Commonwealth and to ensure that women's issues are brought to the fore in parliamentary debate and legislation. The CWP network provides a means of building the capacity of women elected to Parliament to be more effective in their roles; improving the awareness and ability of all Parliamentarians, male and female, and encouraging them to include a gender perspective in all aspects of their role: legislation, oversight and representation and helping Parliaments to become gender-sensitive institutions.

As Parliamentarians, we all have a responsibility and a role in ensuring that human rights are placed at the top of the agenda in all aspects of our work.

During the 31st session of the Human Rights Council in March 2016, former Commonwealth Secretary-General, Kamlesh Sharma, said: "We believe there is merit in considering the potential of a set of international principles or standards, such as the Paris Principles, for Parliaments." Currently, approximately 28% of Parliaments in the Commonwealth have established specialised Human Rights Committees. These Committees are well placed to assess human rights treaties and to hold government departments accountable for the implementation of the states’ human rights commitments. Some Commonwealth Parliaments have adopted the approach to mainstream human rights, endeavouring to ensure that every Parliament takes human rights into consideration as they go about their business. An alternative approach is to set up dedicated Human Rights Committees, dealing exclusively with human rights issues. Also related to human rights, the CPA has established the Commonwealth Parliamentary Association with Disabilities (CPAWD) network. It was set up in 2017 at a CPA Conference for Disabled Parliamentarians in Nova Scotia, Canada. The network advocates for greater inclusion of people with disabilities in politics and parliament.

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Role of Commonwealth Parliamentarians and Parliaments in implementing the human rights agenda emphasised at launch of new report

The Secretary-General of the Commonwealth Parliamentary Association (CPA), Mr Akbar Khan has spoken of the key role of Commonwealth Parliamentarians and Parliaments in implementing the human rights agenda at the launch of a new report titled ‘The Global Human Rights Implementation Agenda: The role of National Parliaments’ alongside the Commonwealth Secretary-General, Rt Hon. Baroness Patricia Scotland, QC. The report was published by the Commonwealth Secretariat’s Human Rights Unit in partnership with the Commonwealth Parliamentary Association (CPA) and the Universal Rights Group.

The CPA Secretary-General, Mr Akbar Khan said: “This publication, which recognises the longstanding collaboration of the Commonwealth Parliamentary Association and the Commonwealth Secretariat in the important area of building the capacity of national Parliaments in the implementation of human rights, is extremely timely as next month marks the 70th anniversary of the adoption of the Universal Declaration of Human Rights in 1948. It is therefore very appropriate for us to take a moment to reflect on this significant milestone in the context of the role of our Commonwealth Parliaments as the natural ‘guardians’ of the universal human rights of Commonwealth citizens. It is very much the role of Parliamentarians and of Parliaments to step up as the key enablers of human rights and to act as a check and balance on the policies of the Executive. The important role of Parliament sitting as it does at the centre of a nation’s domestic and international affairs should not be overlooked or underestimated.”

The Commonwealth Secretary-General, Rt Hon. Patricia Scotland, QC said: “Commonwealth Parliamentarians have a central part to play in the promotion and protection of human rights. The Commonwealth Secretariat has been actively involved in strengthening the role of Parliaments and Parliamentarians in the work of the Human Rights Council. Over recent years, in collaboration with a number of partners - including some who are here today – we have at the Commonwealth Secretariat have been working to build the capacity of Commonwealth Parliamentarians in the area of human rights. This publication documents our distinctive Commonwealth contributions to global efforts which strengthen such engagement, and towards deepening respect and protection of human rights, and the human dignity of all people without distinction.”

The Commonwealth Parliamentary Association has engaged in the global discourse on a strengthened role for Parliaments and Parliamentarians in the field of human rights for a number of years. Between 2013 and 2016, the CPA, in partnership with the Commonwealth Secretariat, convened regional capacity building seminars for Parliamentarians, aimed at strengthening their understanding of their role in the promotion and protection of human rights at the national, regional and international levels. These seminars led to the adoption of three regional declarations: the Mahé Declaration (Africa); the Kotte Declaration (Asia) and the Pipitea Declaration (Pacific). The declarations commit Parliamentarians from the African, Asian and Pacific Regions to active engagement with international and regional human rights mechanisms.

Further outcomes and indicators of impact include the establishment of regional Commonwealth Parliamentary human rights groups; the role of Parliamentary champions who have championed specific human rights causes such as child, early and forced marriage, equality and non-discrimination, and closer links between national human rights commissions and Parliaments; and the establishment of parliamentary human rights caucuses in Kenya and Australia.

This new publication will map and analyse contemporary debates, decisions and initiatives focused on Parliamentary engagement with the global human rights mechanisms, and documents the contribution of the Commonwealth to global efforts to strengthen that engagement, thereby improving respect for human rights and human dignity of people.

Please see page 285 for the Commonwealth Secretariat’s article following the human rights report launch.
View from the Commonwealth Women Parliamentarians (CWP) Chairperson

Introduction

The Universal Declaration on Human Rights (UDHR) celebrates its 70th anniversary on 10th December 2018. The UDHR is a milestone document consisting of international human rights law based on the ideas of freedom, equality and dignity, a living text which is universal in scope and relevant to all individuals. It also contains a common standard of human rights protection for all peoples and all nations. All Member States shall promote and advocate the rights and freedoms contained therein. They shall have progressive measures and mechanisms to secure the effective observance of the UDHR. Over the years, most principles stated in the UDHR have been fully honored. Many lives have been changed, history has been impacted, and people have been able to secure essential rights and freedom.

Nevertheless, there are issues around human rights that remain contentious today, including women and gender issues such as the right to participate in the economy, pay inequality and exploitation. Thus, the primary objective of this article is to highlight the importance of ensuring human rights principles, in particular women’s economic rights, for inclusive development.

Women’s Economic Rights

The rights of women are recognised under various human rights treaties such as the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). These documents uphold the rights to equality between men and women in the enjoyment of all rights. Besides that, other materials like The Convention on the Elimination of All Forms of Discrimination against Women, the Beijing Declaration and Platform for Action, as well as 2030 Development Agenda for Sustainable Development emphasises women’s economic empowerment and integrating women’s economic rights in governance policies, programmes and strategies. This also promotes gender equality and accelerates the implementation of regional gender equality commitments including women’s economic rights.

A stronger role for women in economics will contribute to gender equality and the sustainable development of the nation. Women’s participation in the economy provides a crucial contribution to the economic growth of the country, where higher gender equality in economic participation, education, health and political empowerment has contributed to the Gross Domestic Product (GDP) per capita and development of the nation. According to the World Bank, women’s participation in the economy would add up to US$28 trillion, or 26%, to annual global GDP by 2025 compared to business as usual. In Latin America and the Caribbean, for instance, female labour market income contributed to a 30% reduction in extreme poverty over a ten year period. Therefore, women play a crucial role in the reduction of the poverty rate in the region.

Commonwealth Women Parliamentarians (CWP) Chairperson, Hon. Dr Dato’ Noraini Ahmad, MP, Chairperson of the Commonwealth Women Parliamentarians (CWP) and Member of the Parliament of Malaysia, acknowledges that women’s entrepreneurship is a priority for gender equality as far as economic opportunities are concerned for women. The Commonwealth is at the forefront in promoting sustainable and inclusive development. A Business Survey by International Trade Centre (ITC), a company related to the implementation of the ‘She Tradesh’ Commonwealth programme, surveyed that one-fifth of exporting firms in 11 Commonwealth countries are women-owned and managed. A women-owned business tends to employ women, and the majority of the shareholders are also women. The ‘She Tradesh’ Commonwealth programme promotes women’s participation in trade, particularly in the micro, small, medium-sized enterprises (MSMEs), as well as encouraging all governments and businesses to join its partnership in enhancing women’s economic rights.

Women’s Participation in the Economy in the ASEAN Region

According to the International Monetary Fund (IMF), the economy in the ASEAN region grew at an average of 6% annually between 1990 and 2015. ASEAN consists of 10 countries, including Malaysia and Singapore, and is the third largest labour force in the world. ASEAN’s economy is forecasted to further grow at an average 5% annually until 2020, and its middle-class population is projected to increase by around 70 to 194 million by 2020. The region is also one of the most attractive destinations for foreign investment and trade corporations, and it has embarked on an economic integration project through the ASEAN Economic Community (AEC) since 2015. AEC Blueprint 2025 serves as the main guidelines for the implementation of AEC.

The World Bank’s report on ‘Gender Dimensions of the ASEAN Economic Community’ published in 2016 regards gender equality as part of the ‘smart economics’ agenda. The report emphasised gender equality as an important contributing factor to economic efficiency and to achieving other key development outcomes. However, women’s participation in economics in the region is persistently low across ASEAN, measured by the low level of human capital among women, education attainment and influenced by specific social or cultural factors that hinder women’s participation in the economy.

The World Economic Forum disclosed that the majority of women entrepreneurs run MSMEs, with women owning more than 30% of MSMEs in the ASEAN region. A report jointly published by OECD, the ASEAN Committee on Women (ACW) and the ASEAN Coordinating Committee for MSMEs in September 2017, concluded that “…to tackle remaining gaps in outcomes between men and women in the region, the AEC has begun to increase its focus on supporting women’s entrepreneurship, in particular, within the context of the ASEAN Strategic Action Plan for SME Development 2016-2025.” The report highlights that the average rate of self-employment for women in ASEAN region is about 50%.

However, there are challenges that women have to face such as gaps in education, the labour market barriers and lack of women’s entrepreneurship. Better access to markets, financial resources, business support services and integration of ICT tools in business operations are essential to boosting women’s participation in the economy in the region.

The Role of Women Parliamentarians

As CWP Chairperson, I am of the view that women Parliamentarians in the region play a vital role in promoting women’s participation in the economy. Their participation in Parliament is significant to legislating and to addressing issues on women’s economic rights. They shall stand together to discuss the barriers that impede maximising women’s full economic potential in finance, markets, human capital development and leadership. Women Parliamentarians shall promote women’s participation and skills development in science, technology, engineering and mathematics (STEM). Empowerment of women entrepreneurs and promotion of ICT as enabling tools for the advancement of women are also crucial in their activities.

Women Parliamentarians in the region play a crucial role in promoting women to invest in programs which provide enabling environments for women MSMEs. The Parliamentarian shall address the constraints that limit their integration in the international markets and global value chains. The proper measures and mechanisms should be adopted, such as business initiatives, incentives and favourable tax regulations to assist women to participate in inclusive and innovative business environment.

There is a need to increase women’s representation and leadership both in the workforce and at the executive and managerial positions. Intensifying human capital development and capacity building programmes that empower women to bear equal roles in all sectors, enhance gender equality policies and strategies to close the gender pay gap.

Furthermore, partnerships are a meaningful way to achieve the 2030 Development Agenda for Sustainable Development and to set a direct path towards gender equality, poverty eradication and inclusive economic growth. Strengthening partnerships with other parties is significant to advancing women’s economic rights, building evidence-based and sex-disaggregated data on gender analysis in the economy. Besides that, engagement with young people which constitute 60%, or 2.4 billion, of the population of the Commonwealth is significant to promoting gender equality and women’s economic rights.

In this regard, the CWP South East Asia Region had organised a seminar as a platform of engagement to identify strategies, to reduce the gender gap and promote gender equality in all aspects in the South East Asia Region. Members of Parliament from the Region emphasised the crucial role that CWP plays in supporting women Parliamentarians to raise issues on gender equality in their work. The CWP provides a platform for capacity building to women Parliamentarians in upholding gender equality and women’s economic rights in their role to legislate, maintain oversight and represent their constituents.

Conclusion

In conclusion, the CWP calls for all stakeholders to promote gender equality in all aspects to exercise rights over their lives that will end discriminatory norms, behaviours and regulations. Parliamentarians should play an effective role in creating enabling environments for the economic participation of women towards inclusive economic growth and implementing policies and frameworks, as well as monitoring changes from time to time in line with current developments.
Climate change is considered the greatest existential threat facing our planet today. It is non-negotiable in its reach and impacts every nation in the world. However, given that 31 of the 53 countries of the Commonwealth are deemed small states, which include many island states too, the impact of climate change is acutely felt within the Commonwealth group of nations. It is therefore imperative that the Commonwealth remains at the forefront of global leadership to address climate change.

Campaigns such as the Blue Charter are a great example of this fight. Launched following the Commonwealth Heads of Government Meeting (CHOGM) held in London earlier this year, the Blue Charter seeks to protect the health of the world’s oceans and promote the growth of blue economies. The Blue Charter serves as a platform of co-operation, connection and exchange to guide leaders, organisations, are a true example of the collaborative spirit of the Commonwealth Parliamentary Association and its partner organisations, are a true example of the collaborative spirit of the Commonwealth Parliamentary Association and its partner organisations.

Workshops for Parliamentarians, such as those organised by the Commonwealth Parliamentary Association and its partner organisations, are a true example of the collaborative spirit of the Blue Charter in action. This multi-faceted approach championed by Commonwealth member state provides a fresh and renewed method of combating climate change tailored to Commonwealth countries.

As the heads of government of the world’s largest countries gather to discuss the issue of climate change in temperature with intergovernmental agreements such as the Paris Climate Accords and the recent Commonwealth Blue Charter, it is often forgotten that the world’s smallest nations who are the least polluters are often the first victims of climate change.

Climate change is already acutely impacting states many of our Commonwealth Small Island Developing States (SIDS). According to the United Nations Development Programme, despite contributing less than 1% to the world’s greenhouse gas emissions, SIDS are among the first to experience the worst impacts of climate change.

Climate change affects the development of all nations, regardless of their location or size of economy. Yet, no other group of nations is more vulnerable to its devastating effects than the Small Island Developing States (SIDS), with one-third of the populations of these states residing on land that is less than five meters below sea level. A stark example is the island nation of Tuvalu, with a highest point of 4.5 metres above sea level. Annual sea level rise beside Funafuti, the capital, has been recorded at 0.8mm. The existential threat posed to islands like Tuvalu is not a problem for the next generation. It is a problem for today. Its reality is tangible and severe. It is indeed a fundamental human rights issue that is increasingly gaining attention and importance.

A HUMAN RIGHTS ISSUE: THE IMPACT OF CLIMATE CHANGE ON THE WORLD’S SMALLEST STATES

View from the CPA Small Branches Chairperson

Hon. Angelo Farrugia, MP, Chairperson of the CPA Small Branches and Speaker of the House of Representatives of the Parliament of Malta.

Climate change is a human rights issue that is increasingly gaining attention and importance. Is this not a problem for the next generation? It is a problem for today. Its reality is tangible and severe. It is indeed a fundamental human rights issue that is increasingly gaining attention and importance.

I will take a minute to explain what the European Union is doing on climate change. As a Union, the Commission proposes a number of Climate Change proposals in collaboration with the Paris Agreement, creating the required conditions to continue work in the framework of the reduction of CO2 emissions within a stipulated timeframe, that was adopted. The Commission has pledged that “it will work together and take joint actions” to contribute towards the objectives of the Paris Agreement and to reduce greenhouse gas emissions. In March of this year, the European Council asked for a long-term strategy for reducing emissions and a consultation was launched in July. The EU is also working closely with other countries such as Canada and the United States (SIDS), with one-third of the populations of these states residing on land that is less than five meters below sea level.

According to our preliminary analysis, this raising of ambition would enable the EU to reduce its emissions by at least 45% by 2030, Anna-Kaisa Ikonen - Spokesperson in climate action at the World Wide Fund for Nature (WWF) UK. Similarly, one should take the example of the EU, of which Malta is a member, to work jointly, as having a structure of principles and goals makes achievements more reachable as a group rather than to each own. The CPA should take the opportunity to learn from the initiatives organised by the EU so that we can achieve tangible results as an Association and work together with the Commonwealth as a whole.

The CPA Climate Change Workshop for Small Branches convenes in Kenya with the United Nations Environment Programme (UNEP) presented an invaluable opportunity to understand our role in this fight and enhance our capacity to do our duty as Parliamentarians. As Chairperson of the CPA Small Branches Network, it is always a privilege to meet fellow members from small jurisdictions to discuss shared challenges and see this dynamic network in action.

The support and input we have received from our UNEP colleagues has been instrumental to the development of the programme and the collaboration between our two prestigious organisations, the CPA and UNEP – both respected organisations in their respective fields - demonstrates our joint-commitment to global partnership working, and to the goal of assisting Parliaments and Governments to address the grave threat posed by Climate Change.

The genesis for this workshop could be found within our CPA Small Branches Strategic Plan, In August this year, the CPA was proud to launch the inaugural CPA Small Branches Climate Change Workshop at the Commonwealth Heads of Government Meeting (CHOGM) in Malta in 2015 and in the United Kingdom in 2018.

The CPA Climate Change Workshop for Small Branches has generated fresh ideas and fresh perspectives on this issue and stimulated healthy and lively debate between us all. This workshop also fostered the spirit of solidarity and a mutuality of learning that is the heartbeat of the Commonwealth, the CPA and the CPA Small Branches network.

This article is based on a speech given by the CPA Small Branches Chairperson at the opening of the CPA Climate Change Workshop for Small Branches held in partnership with the United Nations Environment Programme (UNEP) in Nairobi, Kenya from 10-13 October 2018.
THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AT 70 YEARS OLD AND THE ROLE OF PARLIAMENTS

View from the 7th CPA Secretary-General

First Lady Eleanor Roosevelt, the United States delegate to the United Nations in 1946 is famously quoted to have described the 1948 Universal Declaration of Human Rights (UDHR) as a 'Magna Carta' for all mankind. She also said to the UN General Assembly that her government considered the UDHR document to be a ‘good document over a great document and this is why the United States intends to give it our full support.’

Past forward some 70 years and the careful consideration and debate in the absence of respecting the inalienable rights of man seems to be under significant stress, with fractious amongst global players including, between the five permanent members of the Security Council and what seem like different nations as the founding fathers of the UDHR.

This is not just an isolated geopolitical ‘standoff’ amongst world leaders but is symptomatic of the wider breakdown of the international rule-based order that has for so long underpinned western liberalism in the post-Second World War period. The seriousness of the situation was exemplified this year by the early departure of His Excellency Ambassador Ziid Ra‘ad Al Hussein, from the key position of United Nations High Commissioner for Human Rights.

Rights who unusually chose not to stand for a second term of office. In giving his reasons, he said, ‘After reflection, I have decided not to seek a second four-year term. To do so, in the current context, might involve bending a knee in supplication; making a statement of advocacy; lessening the independence and integrity of my voice — which is your voice.

In global era that appears increasingly hostile to upholding human rights, some commentators have observed that the High Commissioner’s stepping down is indicative of this bleak reality. This may well be true, and if so, it calls for an urgent redoubling of our individual and collective efforts to renew our commitment to ensuring respect for human rights for all, everywhere.

The ambition set out in the preamble of the UDHR must be our shared priority-based order that has for so long underpinned western liberalism and the protection and promotion of human rights is no longer the sole preserve of governments or the Executive. Rather, the evolving role of Parliamentarians and of Parliaments is to step up to key enablers of human rights and to act as a check and balance on the policies of the Executive. This important role of Parliament sitting as it does at the centre of a nation’s domestic and international affairs should not be overlooked or under-estimated.

Over the past 70 years of the UDHR, the national and international role of Parliamentarians and of Parliaments has grown significantly, not only in the breadth and depth of topics that routinely form the legislative programme of a 21st century Parliament, but there has been an increasing focus on international human rights issues. Current examples include the role of Parliaments across the Commonwealth in the implementation of the 2015 UN Sustainable Development Goals in the UK, the gradual erosion of the use of the royal prerogative as an Executive blanket power regarding decisions on the use of force. Increasingly, these latter decisions, except in the most urgent of circumstances, are being taken by Parliament resulting in a dismantling of traditional conventions and the narrowing in scope of the prerogative powers in the field of international law and human rights.

The upturn in the overall work of Parliaments in their scrutiny of human rights matters is welcome. But it also represents the complexity of an increasing inter-connectedness between national and international issues and the importance of parliamentary accountability through the scrutiny and monitoring of executive action.

As law-makers, Parliaments help design the national legal framework that is intended to be protected and protected at national levels and promotes adherence of human rights at the international level through the ratification of international instruments and the monitoring of treaty bodies. In this way, Parliaments are connectors of the national protection systems and play a critical role in ensuring a State’s compliance with their international human rights obligations and, critically, share a responsibility with other branches of the state to protect, respect and fulfill human rights.

Human rights constitute a cross cutting issue that should be considered by all Parliamentary Committees. In order to put human rights at the centre of their work, many Parliaments need to further develop the necessary institutional structures, processes and mechanisms and establish Parliamentary Committees as oversight bodies with exclusive human rights mandates.

These oversight bodies should focus first and foremost on national human rights issues in their own jurisdictions, and should be composed in a representative manner to include, women, men, ethnic, religious and other minority groups. Diversity and inclusion is essential for proper oversight.

Parliaments’ overarching oversight functions gives Parliamentarians a central role to identify and address possible violations of human rights and ensure that sufficient funding is allocated to allow for the effective implementation of human rights norms and standards.

Even though the human rights climate may appear bleak, the opportunities for Parliaments and Parliamentarians to step up and realise the ideals of the UDHR for their citizens through the adoption of national progressive measures has never been greater.

In this context, the UN Secretary General has stated (GA Report A/72/357) each of the UN Sustainable Development Goals (SDGs) are closely intertwined with human rights. In effect each of them seeks to realize human rights for all by leaving no one behind. In that regard, a human rights-based approach to the goals helps ensure a non-selective and impartial process based on participation, inclusiveness and transparent governance. This leads to better synergies amongst the three core pillars of the United Nations; human rights, development and peace and security and therefore an opportunity to capitalize on the SDGs as universally accepted commitment and valuable road map to guide development efforts in line with international human rights standards and norms.

In summary, the opportunity exists for Parliaments and Parliamentarians to play a greater role in promoting adherence to human rights norms and standards, including integrating the SDGs within a national human rights plan. Such action offers huge transformative potential for nations and their citizens, even against a bleak backdrop regarding the global respect in some quarters for human rights. As Eleanor Roosevelt wisely once said ‘It isn’t enough to talk about peace. One must also work at it. One must work at it.’ The same sentiment must apply to our collective ambition to fully realise the goals of the UDHR for all peoples. Respect for human rights must be a constant but to ensure this we must never become complacent.

Mr Akbar Khan
7th Secretary-General
Commonwealth Parliamentary Association (CPA)

International Democracy Day 2018 recognises democracy is ‘under strain’ and calls for parliamentary solutions for a changing world

“Democracy is showing greater strain than at any time in decades. The International Day of Democracy should make us think about ways to invigorate democracy and seek answers for the systemic challenges it faces.” — United Nations Secretary-General, Antonio Guterres

In 2007, the United Nations General Assembly reaffirmed the Universal Declaration on Democracy by instituting the International Day of Democracy on 15 September each year. The United Nations theme for International Day of Democracy 2018 was ‘Democracy under Strain: Solutions for a Changing World’. This year’s International Day of Democracy was an opportunity to look for ways to invigorate democracy and seek answers to the systemic challenges it faces. This includes tackling economic and political inequalities, making democracies more inclusive by bringing the young and marginalized into the political system, and making democracies more innovative and responsive to emerging challenges such as migration and climate change.

The Commonwealth Parliamentary Association (CPA) network marked this special day and many of its 180 Branches in Parliaments and Legislatures across the Commonwealth celebrated International Day of Democracy with different events and activities. The CPA supports parliaments and Parliamentarians to play a greater role in promoting adherence to human rights norms and standards, including integrating the SDGs within a national human rights plan. Such action offers huge transformative potential for nations and their citizens, even against a bleak backdrop regarding the global respect in some quarters for human rights. As Eleanor Roosevelt wisely once said ‘It isn’t enough to talk about peace. One must also work at it.’ The same sentiment must apply to our collective ambition to fully realise the goals of the UDHR for all peoples. Respect for human rights must be a constant but to ensure this we must never become complacent.

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7th Secretary-General
Commonwealth Parliamentary Association (CPA)
Commonwealth Parliamentary Association (CPA)
CPA Photo Gallery

Left: Commonwealth partners – the Commonwealth Secretary-General, Rt Hon. Patricia Scotland QC and the Secretary-General of the Commonwealth Parliamentary Association, Mr Akbar Khan met at Marlborough House to discuss ongoing engagement and Commonwealth collaboration.

Left: The Commonwealth Parliamentary Association Secretary-General, Mr Akbar Khan met with CPA Trustee, Robin Swann, MLA from the Northern Ireland Assembly at the CPA Headquarters Secretariat in London to update him on CPA activities and to hold a CPA Trustees meeting online with the CPA Treasurer, Mrs Vicki Dunne, MLA (ACT Legislation).

Left: The Commonwealth Parliamentary Association Secretary-General, Mr Akbar Khan met with Professor Sarah Williams from the University of New South Wales and Mr Michael Mayer, Head of International Law at the British Red Cross at the CPA Headquarters in London, UK to discuss joint projects for Commonwealth parliamentary strengthening in the Commonwealth.

Above and below right: The Commonwealth Parliamentary Association welcomed Senator the Hon. Scott Ryan, President of the Australian Senate to the CPA Headquarters Secretariat. Senator Scott Ryan met with the Secretary-General of the CPA, Mr Akbar Khan together with staff from the CPA Headquarters Secretariat in London, UK to hear about CPA’s programmes and new developments in parliamentary strengthening in the Commonwealth.

Right and below: The Commonwealth Parliamentary Association (CPA) welcomed Senator the Hon. Scott Ryan, President of the Australian Senate to the CPA Headquarters Secretariat in London, UK to discuss Commonwealth parliamentary strengthening ahead of the CPA Executive Committee meetings in London. The CPA Co-ordinating Committee who attended the meeting were: CPA Vice-Chairperson, Hon. Alexandra Mendes, MP (Canada Federal); CPA Small Branches Chairperson, Hon. Angela Farquhar MP, Speaker of the House of Representatives, Malta; Commonwealth Women Parliamentarians (CWP) Chairperson, Hon. Dr Dato’ Noraini Ahmed, MP (Malaysia); and the CPA Treasurer, Mrs Vicki Dunne, MLA, Deputy Speaker of the Legislative Assembly of the Australian Capital Territory.

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Below: Members of the Commonwealth Parliamentary Association Co-ordinating Committee and the CPA Secretary-General, Mr Akbar Khan met with Rt Hon. The Lord Speaker, Lord Fowler, Joint CPA UK President at the House of Lords at the UK Parliament to discuss Commonwealth parliamentary strengthening and new developments in parliamentary strengthening in the Commonwealth.

Left: Members of the Commonwealth Parliamentary Association welcomed the Speaker of the House of Representatives of Belize, Hon. Laura Tucker-Longsworth and a delegation from the CPA Belize Branch to the CPA Headquarters Secretariat in London, UK. The Speaker was accompanied by Hon. Lee Mark Chang, Senate President; Hon. Dr Omar Antonio Figueroa, Minister of State in the Ministry of Fisheries, Forestry, the Environment and Sustainable Development; Hon. Beverly Diane Williams, Minister of State in the Ministry of Immigration; Hon. Jose Abelnro Masi, Opposition Member; and Mr Eddie Webster, Clerk of the Assembly. The Belize delegation met with the CPA Secretary-General, Mr Akbar Khan together with staff from the CPA Headquarters Secretariat in London, UK to hear about CPA’s programmes and new developments in parliamentary strengthening in the Commonwealth and in the Caribbean Region. The Belize delegation were in London as part of an exchange programme with the CPA UK Branch and the Parliament of the United Kingdom.

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Left: Three members of the Royal Commonwealth Society Barbados visit the Commonwealth Parliamentary Association Headquarters in London to hear about the CPA Roadshows programme for young people and Commonwealth partnerships during their visit to the UK for the 150th anniversary celebrations of the Royal Commonwealth Society.

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Updated CPA Benchmarks for Democratic Legislatures provide framework for Parliaments to meet contemporary challenges across the Commonwealth

A newly updated CPA Recommended Benchmarks for Democratic Legislatures has been launched at an event held by the Commonwealth Parliamentary Association (CPA) and the Westminster Foundation for Democracy (WFD). More than a decade on from the launch of the original CPA Recommended Benchmarks for Democratic Legislatures by the CPA and its partners, an updated Parliamentary Benchmarks has been developed to reflect the changed landscape in which democracies now operate. The updated CPA Benchmarks include measurements for Parliaments to support the implementation of the Sustainable Development Goals (SDGs) and the recommendations contained in the Commonwealth Charter. Effective parliaments are one of the principal institutions of any functioning democracy and they are central to the attainment of SDG 16 on the role of effective, accountable and inclusive institutions at all levels.

Speaking at the launch event for the new CPA Benchmarks, the Chairperson of the Commonwealth Parliamentary Association, Hon. Emilia Litaka, MP, Deputy Speaker of the National Assembly of Cameroon, said: “The pioneering Recommended Benchmarks for Democratic Legislatures is one of the CPA’s most important pieces of parliamentary strengthening work and the updated CPA Benchmarks is vital as we seek to further strengthen Parliaments and Legislatures in line with the aspirations of the Commonwealth Charter, the SDGs and the changing demands of our citizens.”

Lord Ahmad of Wimbledon, UK Minister of State for the Commonwealth and UN said: “The Commonwealth was founded to promote and instil democratic values, and these CPA Benchmarks offer clear standards for us all to adhere to, to help us live up to the Commonwealth’s founding principles. Maintaining, and indeed strengthening, our democratic standards was important twelve years ago when the first set of Benchmarks were launched. It is even more so now, when democracy and democratic values are under threat all over the world.”

Thomas Hughes, speaking on behalf of the Westminster Foundation for Democracy (WFD), said: “We know that Parliaments are a crucial institution that embody representative democracy and are essential in the protection of human rights. In this sense, the updated CPA Benchmarks are an excellent tool to assist legislatures in their efforts to achieve this ambitious goal.”

Guests at the CPA Benchmarks launch event also heard from Dr Roberta Blackman-Woods, MP (United Kingdom) about the benchmarking experience of the UK Parliament and via video presentation, Hon. Jean Watterson, Speaker of the House of Keys at the Tynwald (Isle of Man) about how the Isle of Man Parliament had implemented parliamentary strengthening as a result of their self-assessment against the CPA Benchmarks.

Since the inception of the CPA Benchmarks, many Commonwealth Parliaments throughout the CPA membership of over 180 Legislatures have undertaken self-assessments using the Benchmarks or have incorporated the Benchmarks into their own parliamentary standards. The focus on measuring impact and the need to demonstrate the effectiveness of legislatures is critical at a time of increased scrutiny of Parliaments and of Parliaments and the CPA Recommended Benchmarks for Democratic Legislatures provide a key tool in assisting parliaments to demonstrate their performance, increase their self-awareness and prioritise areas for development.

To access the updated CPA Recommended Benchmarks for Democratic Legislatures please visit www.cpahq.org/cpaehq/Benchmarks.

The CPA Benchmarks for Democratic Legislatures will be implemented in some CPA Branches as an assessment tool in partnership with the new Commonwealth Partnership for Democracy (CP4D) – see page 324 for further details. CPA Branches can contact the CPA Headquarters Secretariat for more information.

Commonwealth Parliamentarians meet in London, UK for CPA Executive Committee meeting to discuss governance matters

Over 40 Commonwealth Speakers, Deputy Speakers and Members of Parliament have met in London, United Kingdom for the Executive Committee of the Commonwealth Parliamentary Association (CPA) from 5 to 9 November 2018. Members of Parliament representing the nine regions of the CPA – Africa; Asia; Australia; British Islands & Mediterranean; Canada; Caribbean; Americas & Atlantic; India; Pacific; and South East Asia – attended the CPA Executive Committee, the governing body of the Association. The CPA meetings enable Commonwealth Parliamentarians to reach beyond their own Parliaments to contribute in a global setting to the development of best parliamentary practices and the most effective policies for parliamentary strengthening.

The Chairperson of the CPA Executive Committee, Hon. Emilia Litaka, MP, Deputy Speaker of the National Assembly of Cameroon said: “The CPA Executive Committee meetings are an essential aspect of the CPA’s governance and also an opportunity for the CPA’s Members to effect change within the organisation.”

A number of governance meetings took place including the Coordinating Committee; Performance and Review Subcommittee; Planning and Review Sub-Committee; and Finance Sub-Committee. The Chairperson of the Commonwealth Women Parliamentarians (CWP), Hon. Dr Datu’ Noraini Ahmed, MP (Malaysia) also held a teleconference of the CWP International Steering Committee during the meetings held in London.

The CPA Vice-President, Rt Hon. Rebecca Kadaga, MP, Speaker of the Parliament of Uganda; CPA Vice-Chairperson, Hon. Alexandra Mendes, MP (Canada Federal); the CPA Treasurer, Mrs Vicki Dunne, MLA (ACT) and Hon. Russell Wortley, MLC (South Australia) joined the CPA Secretary-General at a special Remembrance Assembly at Twickenham Prep School in south-west London to commemorate the 100th anniversary of the end of the First World War and the contribution of Commonwealth soldiers and to unveil a special Tommy tribute status.

For further images please visit www.cpahq.org/cpaehq/llc/
Threats to national and regional security is the focus for Commonwealth Parliamentarians at the 49th CPA Africa Regional Conference in Botswana

Commonwealth Parliamentarians from across Africa have discussed the increasing threats to national and regional security at the 49th Commonwealth Parliamentary Association (CPA) Africa Region Conference held in Gaborone, Botswana from 13 to 22 August 2018. The CPA Africa Regional Conference was hosted by Hon. Gladys K. T. Kokorwe, MP, Speaker of the National Assembly of the Republic of Botswana, Mr Slumber Tsogwane who said: “An effective Parliament is an important element of a vibrant democracy and good governance, all of which are desired principles of the Commonwealth as enshrined in the Commonwealth Charter. It is the principle of the CPA that stronger Parliaments mean stronger democracies, and greater capacity to deliver the benefits that people expect: such as employment opportunities, empowerment of women, food security, health care, education, rural development, a brighter future for children and protection of the environment.”

The opening ceremony heard speeches delivered by the Chairperson of the CPA Africa Region, Hon. Linda M. Maseko, MP (South Africa); and the Chairperson of the Commonwealth Women Parliamentarians (CWP) Africa Region, Hon. Angela Thoko Didiza, MP (South Africa). The Chairperson of the CPA International Executive Committee, Hon. Emilis Morgenya Lutika, MP (Cameroon) gave an address at the opening ceremony of the 49th CPA Africa Regional Conference on behalf of the wider CPA membership when she updated the membership on the work of the CPA Headquarters.

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The Conference delegates also heard the resolutions of the Fourth CPA Africa Regional Youth Parliament, presented by youth delegates, which had been held in April 2018 in Uganda under the theme ‘Securing a better future for Africa: Role of the youth’. The CPA Africa Regional Conference included a number of events and meetings including:

• Meetings of the CPA Africa Regional Executive Committee
• Meetings of the Commonwealth Women Parliamentarians (CWP) Steering Committee chaired by the CWP Africa Regional Chair, Hon. Angela Thoko Didiza, MP (South Africa)
• The Society-of-the-Clerks-at-the-Table (SoCATT) Africa Regional Steering Committee meetings chaired by Adv. Eric Phindela, Chairperson of SoCATT Africa Region.

The CPA Africa Regional Conference was held at the Gaborone International Centre (GICC) and was organised by the CPA Africa Regional Secretariat and CPA Botswana Branch. At the conclusion of the 49th CPA Africa Regional Conference in Botswana, Rt Hon. Justin B. Muturi, MP, Speaker of the National Assembly of the Republic of Kenya was elected as the new Chairperson of the CPA Africa Region in succession to Hon. Lindiwe M. Maseko, MP (South Africa). The new CPA Africa Chairperson was nominated by the Deputy Speaker of the Parliament of Zambia, Hon. Catherine Namugala, MP and was seconded by Hon. Kabiru Mijinyowa, MP, Speaker of Adamawa Regional Assembly in Nigeria.

The CPA Secretary-General Mr Akbar Khan sent his congratulations to Rt Hon. Justin B. Muturi, MP, Speaker of the National Assembly of Kenya on being elected as the new CPA Africa Region Chairperson and said: “Wishing you every success on behalf of the CPA and looking forward to working together to strengthen the CPA.”

For further images please visit www.cpahq.org/copasha/cf_ltvc;

Sustainability and gender equality on the agenda for Commonwealth Parliamentarians at 37th CPA Pacific and Australia Regional Conference in the Cook Islands

Hon. Niki Rattle, Speaker of the Parliament of the Cook Islands and CPA Cook Islands Branch President has reiterated her desire to increase the number of women in the Cook Islands Parliament and across the CPA Pacific Region at the 37th Commonwealth Parliamentary Association (CPA) Pacific and Australia Regional Conference. The three-day regional conference was hosted by the CPA Cook Islands Branch in Rarotonga, Cook Islands from 22 to 24 October 2018.

Speaker Niki Rattle said: “I am elated once again for the third time as the Speaker to warmly welcome delegates to Rarotonga for the 37th CPA Pacific and Australia Regional Conference. The Parliament of the Cook Islands is delighted to host this regional conference to discuss issues of mutual interests for the welfare of our people in our Regions. The theme of ‘Towards a common future for growth and sustainability’ at this regional conference gives us the mandate to have robust and meaningful deliberations for a better future for those we hold close to our hearts.”

“This week, I believe the topics for our regional conference are really relevant in talking about gender equality and my focus while I’m Speaker of Parliament is to increase the number of women in the Parliament. Out of 24 Members, we have four women and there are many women in the Cook Islands who could actually be sitting in the House and sharing the opportunity of making decisions on the welfare of the people of this country.” A meeting of the Commonwealth Women Parliamentarians (CWP) Pacific Region also took place during the regional conference.

Speaker Rattle also paid tribute to the CPA Branches from the wider Australia and Pacific regions for their assistance to their counterparts in the Pacific islands. The regional conference was co-chaired by Speaker Rattle and Hon. Peter Watson, MLA, Speaker of the Legislative Assembly of Western Australia.

Hon. John Ajaka, MLC, President of the Legislative Council of New South Wales, Australia and CPA Executive Committee Member gave the keynote address to the regional conference and said: “The strategic direction established since the appointment of the current CPA Secretary-General is now evident with enhanced professional development opportunities for Members and regular communications from CPA Heads of Office.”

Around 60 Members of Parliament and parliamentary staff attended the regional conference from 17 CPA Branches across the two regions. The CPA Branches attending the 37th CPA Pacific and Australia Regional Conference included: Australia Federal; Australian Capital Territory; Bougainville; Cook Islands; Kiribati; Nauru; New Zealand; Nauru; New South Wales; Papua New Guinea; Queensland; Samoa; Solomon Islands; South Australia; Tasmania; Tuvalu; and Western Australia.

The regional conference held a wide range of workshops over three days including: Parliamentary engagement with the SDGs especially SDG 16 on good governance; climate change; resilient health systems to combat diseases; the separation of powers and the case for financial autonomy; sustainable Parliaments and succession planning for parliamentary staff; engaging young people through youth Parliaments; gender equality in Pacific Parliaments; Parliament’s scrutiny role and tackling corruption; as well as national security and cybersecurity.

Delegates at the regional conference heard from a number of different international and regional organisations including the United Nations Development Programme (UNDP) Pacific Region; the Pacific Islands Forum; Climate Change Cook Islands; Cook Islands Health Department; Cook Islands National Audit Office; the Cook Islands and Australian Federal Police.
Commonwealth Parliaments from across the Commonwealth Parliamentary Association (CPA) Canada Region have examined how Parliaments can reflect the indigenous peoples that they represent through their work and traditions. The workshop session was part of the 40th CPA Canadian Regional Seminar which was held in Iqaluit, Nunavut, Canada from 11 to 14 October 2018.

The annual seminar, organised by the CPA Canada Region, saw the participation of 31 Parliamentarians from nine provinces and territories across Canada and from the Canadian Federal Parliament as well as seven parliamentary staff. Delegates were welcomed to the regional seminar by CPA Nunavut Branch President, Hon. Joe Enook, MLA, Speaker of the Legislative Assembly of Nunavut. Speaker Joe Enook said: "It was an honour to host fellow Parliamentarians from across the nation, and I was proud that our deliberations were conducted in three languages: Inuktitut, which is one of Canada’s indigenous languages, as well as English and French. I am confident that my colleagues who were visiting the Arctic for the first time left with a greater understanding of our culture and environment."

The seminar was attended by Hon. Yasmin Ratani, MP (Canada Federal) who said: "As Chair of the CPA Canadian Region, I attended the 40th CPA Canadian Regional Parliamentary Seminar in Iqaluit. The venue was important as Iqaluit is close to the Arctic Circle and Parliamentarians from across Canada got an opportunity to see first hand the challenges facing the Indigenous communities. The seminar allowed us to learn from each other, share best practices and enhance our understanding and respect for the indigenous way of life."

The 40th CPA Canadian Regional Parliamentary Seminar provided an opportunity to exchange ideas amongst CPA Members on key issues and the delegates held workshops on a number of topics including: Proportional Representation and the Prince Edward Island Referendum; life for a Parliamentarian after office; the impact of social media on the work of Parliamentarians; and mental health and its impact on Parliamentarians and its office staff.

CPA Small Branches Chairperson highlights trade barriers for small jurisdictions at 42nd Steering Committee of the Parliamentary Conference on the World Trade Organisation

The Chairperson of the CPA Small Branches, Hon. Angelo Famagia, MP, Speaker of the Parliament of Malta, participated in the 42nd Session of the Steering Committee of the Parliamentary Conference on the World Trade Organisation (WTO) on behalf of the CPA, which took place in Geneva, Switzerland on 5 October 2018. The Parliamentary Conference on the WTO (PCWTO) is organised jointly by the Inter-Parliamentary Union (IPU) and the European Parliament, and its Steering Committee met ahead of the 2018 annual session of the PCWTO.

The CPA Small Branches Chairperson proposed the enhancement of the PCWTO through the alignment of its agenda with that of the WTO Ministerial Conference, with a view to informing the WTO Ministerial Conference on the parliamentary perspective and mobilising parliamentary action. He also spoke about the participation of the PCWTO in the Commonwealth and reported on discussions that took place on trade at the Commonwealth Heads of Government Meeting (CHOGM) earlier this year in London. The CPA Small Branches Chairperson also highlighted the greater impact of climate change on small states as an important issue in relation to non-discriminatory, multilateral trading systems and the impact of trade processes on smaller jurisdictions.

CPA India Region Chairperson launches North East Chapter of Speaker’s Research Initiative at 17th annual CPA India Region Zone III Conference in Assam

On 8 October 2018, the North East Chapter of Speaker’s Research Initiative (SRI) was inaugurated by the CPA India Regional Chairperson and Speaker of the Lok Sabha, India Parliament, Hon. Sumitra Mahajan, MP at the 17th annual CPA India Region Zone III Conference in Guwahati, the capital city of Assam. Inaugurating the SRI North East Chapter, the Speaker said that it is important for the legislators and Parliamentarians to be equipped with authentic and up-to-date information on critical issues of governance so as to reflect the hopes and aspirations of the people from the floor of the House.

Speaker Mahajan explained that the SRI was established in the Lok Sabha in July 2015 to focus on identifying core areas of long-term, strategic policy; to generate high level research inputs; and to arrange interaction of Members of Parliament with domain experts for information dissemination and capacity building. The popularity of SRI has even reached beyond the shores of India. The Speaker reported that the Presiding Officers of North Eastern States had passed the ImpHAL Resolution in 2017 which urged the establishment of a Chapter of SRI based at Guwahati. The actualization of SRI North East Chapter would provide an opportunity to the legislators and policy makers of the North East Region of India to find acceptable solutions to the vexed issues and to take the region on the path of rapid development.

Earlier, in her inaugural address to the conference, the CPA India Regional Chairperson and Speaker of the Lok Sabha said that the North East Region occupies a pride of place in the country and is one of the most diverse regions of Asia and a meeting point of many communities, faiths and cultures. The entire North East Region of India has been richly endowed with the bounties of nature and blessed with a rich and composite cultural heritage. Thus, while safeguarding the distinctive ethnic and cultural identity of the people of the North East Region, it is equally important to bring about emotional integration between the people of the North East and the rest of the country.

Further, the connectivity of the North East Region by roads, railways and airports would greatly enhance the growth potential of this resourceful region. Appreciating the significant contribution of the women of the North East in various fields, Speaker Mahajan highlighted the achievements of many sportspersons belonging to the North East Region.

The Governor of Assam, Prof. Jagdish Mukhi said that the Commonwealth Parliamentary Association is the fusion of diverse languages, values, culture, creed, colour, tastes, traditions and religion and would also be helpful in fostering the excellent bond amongst the Commonwealth partners. He also said that the North East Chapter of Speakers’ Research Initiative will definitely pave the way for the holistic growth and progress of the Legislative System for the entire region and that the new initiative would play crucial role in helping the legislators in law making, parliamentary debates, good and responsive governance and respond to the ever increasing complex issues of national and international importance.

The Speaker of the Assam Legislative Assembly and CPA Executive Committee Member for the CPA India Region, Hon. Hitendra Nath Goswami attended the conference along with the Speakers of Tripura and Arunachal Pradesh, the Minister of Parliamentary Affairs for Nagaland and Tripura and many other members. Two main themes, Skills Development for Sustainable Growth of Organic Farming in North East Region and Connectivity for Economic Development of North East Region were discussed in the working sessions of the two-day CPA India Region Zone III Conference.

The Commonwealth Parliamentary Association (CPA) India Regional Chairperson, Speaker of the Lok Sabha, India Parliament, Hon. Sumitra Mahajan, MP has backed the concept of ‘one-nation, one-election’, simultaneous national Parliamentary and state Assembly elections. The CPA India Regional Chairperson was speaking at the opening of the two-day CPA India Region Zone IV Conference and workshops on 22 and 23 September 2018 in Shillong, Meghalaya. The CPA India Regional Chairperson was speaking at the opening of the two-day CPA India Region Zone IV Conference and workshops on 22 and 23 September 2018 in Shillong, Meghalaya. The CPA India Regional Chairperson was speaking at the opening of the two-day CPA India Region Zone IV Conference and workshops on 22 and 23 September 2018 in Shillong, Meghalaya. The CPA India Regional Chairperson was speaking at the opening of the two-day CPA India Region Zone IV Conference and workshops on 22 and 23 September 2018 in Shillong, Meghalaya. The CPA India Regional Chairperson was speaking at the opening of the two-day CPA India Region Zone IV Conference and workshops on 22 and 23 September 2018 in Shillong, Meghalaya.
Embracing evaluation for Agenda 2030 is the focus for Parliamentarians at EvaColombo2018 in Sri Lanka

Over 100 Members of Parliament from 70 Parliaments globally, with many Commonwealth Parliaments and Legislatures represented, as well as international agencies, evaluation experts and civil society organisations, attended the first Global Parliamentarians Forum Evaluation (GPFE) EvaColombo2018 global conference in Sri Lanka from 17 to 19 September 2018 on the theme of ‘Responsible Parliaments – Embracing Evaluation for Agenda 2030’.

Over the last ten years, interest has grown steadily amongst Parliamentarians about the role of evaluation as a source of evidence for decision-making on national policy making and development and in appraising progress towards the Sustainable Development Goals. Evaluation provides Parliamentarians with robust evidence on the performance of policies and programmes and allows them to demonstrate achievements, learn from challenges and be accountable and effective leaders.

At the opening of the GPFE forum, Mahinda Siriwardena, the President of the Republic of Sri Lanka said that “As MPs, we have a great responsibility on our shoulders and a priority to the SDGs. For this data, information and statistics have to be used.” Hon. Ranil Wickremesinghe, the Prime Minister of Sri Lanka said that “evaluation is necessary. We will introduce an evaluation culture in Sri Lanka as policy without evaluation puts a huge taxation burden on the people and no return on investment.”

On behalf of Parliament of Sri Lanka, Hon. Karu Jayasuriya, MP addressed the forum and the Commonwealth Parliamentary Association (CPA) was represented by many Commonwealth Parliamentarians attending the forum along with Ms Meenakshi Dhar from the CPA Headquarters Secretariat. Hon. Kabir Hashim, Minister of Public Enterprise Development in Sri Lanka and the Chair of the GPFE recalled the milestones of the Global Parliamentary Forum from 2008 where policy makers were engaged in evaluation and now there is representation from all over the globe. He said: “Our vision is that evaluation becomes so embedded in good governance that no policy maker or manager will dare hold an important meeting or reach an important decision without having reviewed relevant evaluation information.”


Commonwealth Ministers set out plan for implementation of Leaders’ CHOGM 2018 mandates in the margins of 73rd United Nations General Assembly

Commonwealth Foreign Affairs Ministers have reiterated their commitment to work with the Commonwealth Secretariat to deliver the range of initiatives agreed at the Commonwealth Heads of Government Meeting (CHOGM) 2018 in Sri Lanka.

Commonwealth Ministers reflected on the CHOGM 2018 themes of a fairer, more prosperous, more sustainable and more secure future. They examined progress made with the implementation of Leaders’ CHOGM mandates. These include boosting trade and investment through a connectivity agenda to support global growth, create employment and promote sustainable development, and addressing climate change through initiatives such as the flagship Commonwealth Blue Charter programme, set up to protect our ocean from the effects of climate change, pollution and over-fishing. “The meeting of Commonwealth Foreign Ministers is a testament of the power of multilateralism in a week at the United Nations General Assembly where the big question of the value of multilateral organisations was asked and answered,” said the Commonwealth Secretary-General, Rt Hon. Patricia Scotland. “Clearly countries have seen for themselves the great socio-economic benefits of their Commonwealth membership: the convening power, comraderieship, cooperation and the pool of resources to help them achieve their SDGs.”

During the week of the UNGA, a meeting of the Commonwealth Ministers for Trade and Investment was held to enable leaders to provide support to member states with their efforts to uphold the Commonwealth’s shared values and principles, also took place.

CAPAM Conference in Guyana highlights climate governance and role of Parliamentarians

The President of the CPA, Guyana Branch and First Vice-President and Prime Minister of Guyana, Hon. Moses Nagamootoo has spoken of the critical role that Commonwealth Parliamentarians can play alongside governments, ministries and the public sector to ensure that climate considerations are not separated from economics to improve the lives of global citizens. Guyana's Prime Minister also spoke about the need for a combination of both international cooperation and local approaches to tackle these global issues.

Hon. Moses Nagamootoo said: “Climate change is real and all sustainable development will require partnerships and collaborations across borders. This reveals the reality of cross-border implications and the need for inter-state cooperation as climate change can affect countries that may not themselves be internally vulnerable. However, while CAPAM will invariably play its part in assisting with transformational change and international cooperation, a sustained, local multi-stakeholder approach to any green agenda is necessary for its effective and efficient implementation.”

With many nations experiencing both shared and unique climate challenges, the conference heard that effective and efficient climate governance must occur across government systems and through a multitude of sectors and industries in order to better tackle complex environmental matters. Within this context, nations and their public service professionals are increasingly being called upon to urgently address, mitigate and proactively manage this global transformation.

The Commonwealth Association for Public Administration and Management (CAPAM) 2018 Biennial Conference took place in Guyana from 22-24 October 2018 in the theme of ‘Transforming the Public Sector for Climate Governance’. The biennial conference also heard from Tan Sri Dr. AH Hamza, President of the CAPAM Board of Directors and former Chief Secretary of the Government of Malaysia; Ms Gay Hamilton, CAPAM Executive Director and Chief Executive Officer; and Ms Katalinana Sapuloi from the Commonwealth Secretariat.
This year we celebrate the 70th anniversary of the Universal Declaration of Human Rights. Seven decades on, it remains the cornerstone of international human rights. 1948 was the foundation of today’s world in many ways. It was the year in which the UN World Health Organisation was founded. It saw the forerunner to NATO, the Western European Treaty, created in response to the rise of the Soviet threat. And it saw the General Agreement on Tariffs and Trade come into effect. As many readers will know, it was also the year of the first Commonwealth Parliamentary Conference. For 70 years, Commonwealth Parliaments have come together in various member countries to discuss global political issues, share good practice, and build connections with our peers that reinforce the democratic foundations of our countries. I believe one of the topics for the next Commonwealth Parliamentary Conference in Uganda should be the important and unique role of Parliamentarians in realising the ideals and values of the Universal Declaration of Human Rights and the Commonwealth Charter. As a Parliamentarian myself, as well as the UK’s Minister for Cabinet Member in the London Borough of Merton and had a 20 year career in the City of London working in banking and finance.

Lord Ahmad of Wimbledon is the UK Minister for the Commonwealth and UN and the UK Prime Minister’s Special Representative on Preventing Sexual Violence in Conflict. He has previously been the Minister for Aviation and Trade, for Skills and Aviation Security, for Countering Extremism, for Local Government and Communities. He was a Government Whip and Lord in Waiting to HM The Queen. He was previously a Councillor and Cabinet Member in the London Borough of Merton and had a 20 year career in the City of London working in banking and finance.

HUMAN RIGHTS IN THE MODERN ERA

THE MODERN ERA

HUMAN RIGHTS IN THE MODERN ERA: THE VIEW FROM THE UK COMMONWEALTH MINISTER

Lord Ahmad of Wimbledon

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Preventing Sexual Violence in Conflict

Our human rights work also includes preventing gender-based violence in conflict and tackling the consequences of it. In the UN General Assembly last year, in my role as the UK’s Prime Minister’s Special Representative on this issue, I launched the ‘Principles for Global Action’, which are designed to prevent and address stigma associated with conflict-related sexual violence.

Gender Equality

One of the areas I’m focusing gender equality, to ensure more women can play an equal and positive role in society and have a say in the laws and policies that affect their communities and the progress of their countries.

Boosting girls’ schooling is vital. Firstly and simply because it is the right thing to do. Also when girls are given a quality education, they are better equipped as adults to get involved in all walks of life and contribute as equals. With over 130 million of the world’s girls out of school, and almost half of them living in Commonwealth countries, there is a huge amount of work to do. That is why we were delighted that, at the Commonwealth Heads of Government Meeting (CHOGM) this year, leaders endorsed the goal of 12 years of quality education for all by 2030. The UK committed an additional £2.12 million in development funding for the ‘Girls Education Challenge’, to help over a million girls in developing countries across the Commonwealth to receive 12 years of quality education. Together with Kenyan Education Minister, Amina Mohamed, the British Foreign Secretary is co-chairing a Platform for Girls’ Education to support advocacy, action and accountability on this issue ahead of CHOGM 2019.

“Standing up for human rights, whether at home or abroad, is not always an easy thing to do. But it is the right thing to do. It is also the smart thing to do, because there is a clear link between people’s ability to enjoy their human rights and societies that are stable, secure and prosperous.”

Standing up for human rights

Standing up for human rights, whether at home or abroad, is not always an easy thing to do. But it is the right thing to do. It is also the smart thing to do, because there is a clear link between people’s ability to enjoy their human rights and societies that are stable, secure and prosperous.

Freedom of Religion or Belief

We also stand up for people’s freedom to practice a faith, to change one’s faith, and to hold no faith at all. This universal human right is intertwined with other rights, such as freedom of expression and association. Where freedom of religion or belief is violated or constrained, other human rights are also threatened.

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I believe that the religious diversity of a nation is a strength, not a weakness, and that the diversity of religious belief in Commonwealth countries enriches our societies. To emphasise that point, instead of talking about religious ‘tolerance’ and promoting understanding of ‘fear’, I would like us all to raise the bar and talk of religious ‘respect’, because we can only really benefit from our diversity if we respect each other’s differences, no matter what they are. Unfortunately, there are too many places where this is not the case?75% of the world’s population are estimated to be living in countries whose administrations and governments restrict their religious freedoms. The terrible persecution suffered by the Rohingya community in Myanmar is the latest example – and one of the worst the world has seen.

When I travel to other countries in my role as UK Minister for Human Rights and the UK Prime Minister’s Special Envoy on Freedom of Religion or Belief, I actively seek out those who hold different religious beliefs from my own. In doing so, I seek to highlight what we have in common as well as understand and learn from our differences. It is something that we, as the Commonwealth of Nations, should collectively do: embrace our strength as a Commonwealth of Religious Diversity and offer it as a model for the world. Our Charter provides the basis, by emphasising that religious freedom is essential to the development of free and democratic societies – something that the Heads of Government of the Commonwealth have reiterated in their communique in April. We should unite against bigotry and to those in our family of nations who do not respect those freedoms we should be clear in calling out such violations.

Modern Slavery, Forced Labour and Human Trafficking

Another priority area for the UK, and one that the UK Prime Minister has personally championed for many years, is tackling modern slavery. It is a sad fact that in this day and age, no country – the UK included - can claim to be free of this heinous crime. We are working very hard to tackle it at home and abroad. That includes working with businesses to keep forced labour out of their supply chains; training public sector workers and others to spot the signs and report their concerns to a dedicated hotline; giving our police, prosecutors and

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Judges access to training in how to deal with the criminals who carry out this disgusting trade in human lives. Crucially, it also involves tackling the stigma that survivors so often suffer, and which causes them to be rejected by their communities, their faith groups, and even their own families. Modern slavery is an international and national enterprise. The only way to stop it is to take coordinated action with countries at all points of the chain. At the UN General Assembly, a year ago, the UK Prime Minister launched a Call to Action to end forced labour, modern slavery and human trafficking. We asked governments around the world to sign a ‘Call to Action’ to end forced labour, modern slavery and human trafficking. We asked governments around the world to sign up, including many Human Rights Defenders. These brave men and women work selflessly to protect human rights defenders. Taking local circumstances into account, each post will use these guidelines to support human rights defenders, from making representations on specific cases to providing safe spaces for meetings.

The Future

Given all the human rights issues I have outlined above, and the many others I have not mentioned, it would be easy to argue that the UN Declaration of Human Rights has not had the effect its authors intended. It is true that we have a long way to go to achieve the noble ideals expressed in it, about the inherent dignity and equal and inalienable rights of all members of the human family to enjoy freedom of speech and belief and freedom from fear and want. But no matter how distant our goal may seem, we must not lose heart. Those ideals are as worthwhile today as they were 70 years ago. As Parliamentarians representing nearly one in every three people on this planet, it is our special duty to strive to realise them. We can draw on the enthusiasm, expertise and the appetite for action that I know exists among our governments, businesses and civil societies. I have seen it for myself at CHOGM, at the excellent Commonwealth Parliamentary Forum hosted by the CPA UK in February, at the UN Human Rights Council, at the UN General Assembly in New York, and elsewhere.

For our part, the UK, as Chair-in-Office of the Commonwealth, will continue to work hard to promote and defend the principles enshrined in the Universal Declaration. That includes working with the Commonwealth Parliamentary Association, the Commonwealth Local Government Forum and the Westminster Foundation for Democracy to promote more inclusive and accountable democracy; offering support to states who wish to change discriminatory legislation on the grounds of gender and sexual orientation; supporting the Commonwealth Forum of National Human Rights institutions as they share best practice; and supporting the voices of small states on the world stage.

As both a proud citizen of the Commonwealth and a strong advocate for it, I emphatically believe that our unique family of nations can be a powerful force for good. At CHOGM 2011, our leaders are committed to creating a world for our citizens that is fairer, more secure, more prosperous, and more sustainable. It is only by working together – business, Parliamentarians, civil society and government as one – that we can achieve that essential partnership, and realise the noble ideals of the Universal Declaration and the Commonwealth Charter. By putting together our wealth of common interests and common values, and our rich diversity of culture, faith, talent and experience, we can bring about positive change - not just in our own countries, but across the world.

REFLECTIONS ON THE ROLE OF COMMONWEALTH PARLIAMENTARIANS IN SAFEGUARDING POLITICAL AND CIVIL SPACE

Rt Hon. Ann Clwyd, MP is a Member of the UK Parliament, and has represented the Gwyn Valley, a former mining community in the South Wales Valleys, since 1984, after a career in journalism and broadcasting. Whilst an MP, she has been particularly interested in human rights, foreign affairs, Parliamentary diplomacy, women’s issues, health and the arts. She is currently the Vice-Chair of the Foreign Affairs Select Committee and has chaired the All-Party Parliamentary Human Rights Group (PHRG) since 1997. She was the Special Envoy to the UK Prime Minister on Human Rights in Iraq from 2003 to 2010.

The 70th Anniversary of the Universal Declaration of Human Rights is a welcome opportunity, not only to celebrate its adoption and the progress made since in realising the rights of millions of people the world over but also to reflect on its continuing relevance today – including for Parliamentarians throughout the Commonwealth.

As Parliamentarians, we remain the guardians and protectors of fundamental rights, and always need to ensure we are fulfilling our many responsibilities, as legislators, representatives and individuals, to uphold the rights set out in the Declaration, particularly as regards safeguarding political and civil space.

The Universal Declaration was, of course, the product of a particular time in history - a way of coming to terms with, and envisioning an alternative to, the horrors of the Second World War, when the wholesale violation of fundamental rights in a number of countries dragged much of the world into an armed conflict which resulted in the death, abuse and exploitation of millions, and even an attempt to annihilate an entire people.

The Declaration was meant to herald the advent of a new world, one in which there would be a common understanding of, and respect for, fundamental rights, including the rights to life, liberty and security of the person; the right not to be subjected to torture or other cruel, inhuman and degrading treatment; equality before the law; the presumption of innocence; freedoms of religion, expression, assembly and association; the right to education and the right to an adequate standard of living. It was also one of the first real attempts to elaborate what human rights meant in practice – or as it says in the Declaration’s preamble: to set “a common standard of achievement for all peoples and all nations.”

But the Declaration is not just a relic: it remains a contemporary benchmark for human rights today. Everyone, at all times, wants to be treated with dignity and to live in secure, peaceful, inclusive and prosperous societies.

The importance of these rights has also been universally recognised by states, which are now obliged to respect, promote and protect them, including through the adherence to an even more detailed treaty system and related mechanisms which have since evolved. And for all countries, the realisation of fundamental rights continues to be a work in progress. There is much to celebrate: many more people can elect their representatives and participate in politics; many more can participate freely in peaceful demonstrations and come together with the like-minded to advance a particular cause or policy; many more children go to school; many more have an adequate standard of living; and many have access to some form of remedy or redress when their fundamental rights are violated.

And yet, rights continue to be systematically violated, resulting in many victims. Right now, the plight of the Rohingyas, the Syrians, the Yemenis, and refugees come immediately to mind.

Parliamentarians have a special role to play in raising awareness of, upholding, and protecting the fundamental rights enshrined in the Universal Declaration, and the anniversary is an opportune time to remind ourselves of our duties in that regard, and particularly to keep political and civil space open and inclusive.

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Democracy is, of course, built upon the non-violent mediation of competing needs, opinions and beliefs, as well as inclusive and participatory governance. That requires space for different people with different backgrounds and views to have a meaningful stake and part in their governance. Without this space created and protected, democracy cannot exist.

Parliamentarians are, and must be, at the heart of any democratic system – as the elected representatives of the people. It is vital therefore that we ensure the political space in our Parliamentary systems is used for the benefit of all, and allows us to represent all our constituents, and to bring up and address their concerns. To bring up and address their concerns, to represent all our constituents, and to promote the benefit of all, and allows us to ensure the political space in our Parliamentary systems.

As legislators, we must also check that our domestic legislation complies with our country’s national and international human rights obligations, and fosters an open, inclusive and enabling environment for all civil and political society.

Legislation which makes it harder – or even unlawful – for people to scrutinise and criticise Government policy, for civil society to organise and fund itself, for trade unions to protect their members does not respect fundamental rights, and does not result in freedom, security and equality for all.

As Parliamentarians we need to remember that whatever short-term gains a Government may have in rigging its legal system to shut down criticism and entrench itself in power – in blatant disregard of the Universal Declaration of Human Rights and related treaties, peace, security and prosperity are likely to be sacrificed for the long-term. We have to be vigilant there are apparently attempted and unwarranted encroachments by the Executive into political and civil society space.

The way we conduct our business in Parliament, whether as representatives or legislators, is also important. We have to ask ourselves whether our Parliamentary discourse is rooted in equality, liberty and justice for all, or potentially inflammatory – seeking to divide, destabilise and endanger. Any attempt to single out any group or minority as less deserving of fundamental rights – and/or less worthy of political inclusion - should immediately ring alarm bells.

I understand the passion behind politics. It is what gets us, and keeps us, going day after day – despite the many challenges and set-backs we face. Most of us enter into politics because we are genuinely passionate about improving conditions for our constituents, communities and countries – and believe that our political approach is the best way to achieve this. We therefore want to persuade and encourage others to buy into our ideas, policies and programs.

But for democracy to work, we need to be tolerant of diverse points of view. People have to be free to express these, to meet with others to discuss and explore these, and to join with others to criticise and protest peacefully when they do not agree with the Government’s and/or our direction of travel.

If we as Parliamentarians truly value democracy and fundamental rights, we have to value opposition, criticism, and equally before the law. Peaceful political opponents and critics therefore need to be respected, as well as given the space within Parliament to be heard and to engage.

That means not delegitimising, stigmatising or demonising them – by referring to them in derogatory terms, such as idiots, charlatans, traitors or even terrorists. That means arguing on the basis of opinions and policies, not about legitimate political affiliation, background, ethnic origin, faith or race. That means working together when an issue or concern transcends party boundaries.

I am sad to say that not all UK Parliamentarians have adhered to these principles, particularly in recent months during the particularly heated debate about the country’s planned departure from the European Union. I am concerned that the disparaging language and violent imagery being used now will only serve to lower the bar in future in terms of what becomes the norm, and is deemed acceptable, in political debate.

As regards our Parliamentary procedures: we have to ask ourselves whether they allow the opposition and backbenchers to play a meaningful role in Parliament – can these Parliamentarians, for example, question Ministers, lead and participate in Select Committees, and table debates and questions?

We also have to ask ourselves whether they discriminate purposefully or not, against any particular group or individuals. If so, we need to look again so we can allow the widest range of people to stand for Parliament and fulfil their Parliamentary mandates, and to follow and get involved in what Parliament is doing.

In the UK Parliament, diversity is improving, as it outreach, including through social media – but that doesn’t mean we don’t have further to go and a lot to learn. All of us within the Commonwealth should be identifying and sharing best practice in this area.

In terms of wider engagement with civil society at the broadest sense, such as academics, NGOs, community leaders, faith-based groups, indigenous groups, charities, and trade unions, I and many of my colleagues meet with as many of them as we can, as often as we can, not at what they think about draft policies and how they are being affected by current policies. These exchanges with those with relevant expertise or experience are, in fact, welcomed because they allow us to develop broader perspectives and to focus on topical issues and concerns. I understand the considerable time pressures that we as Parliamentarians face but strongly believe we have to make the time and the space for civil society – and to constantly stress the legitimacy of their work. It is the right thing, and the smart thing: another very tangible way of upholding the fundamental rights set out in the Declaration, and also making us much better at what we do.

Like it or not, we are potential role models in our communities too, and must be mindful of using that influence in a positive way – including in how we speak and treat each other, our constituents, civil society representatives and the wider public.

But being a role model is more than that: we have to be brave – by engaging with, and opening up political space for, those in our societies who are marginalised or persecuted, and championing their rights.

It takes courage and determination to support those who are looked down upon and even ostracised by wider society. Tra Ig ically every society seems to have engrained prejudices against certain people, often those on the margins, such as the homeless, substance abusers, refugees and/or prisoners.

It takes courage and determination to get people to recognize our common humanity, to understand the universality of rights, and to appreciate that political space has to be truly inclusive.

In this light, and in the centenary of his birth, let us remember and honour Nelson Mandela, an individual and latterly a Parliamentarian who personified the ideals of the Declaration and, in his own words, strived to uphold “the ideal of a democratic and free society in which all persons live together in harmony and with equal opportunities.”

There are also many invisible Mandela’s, referenced to more widely as human rights defenders, often risking their freedom and sometimes even their lives to uphold the rights of others, including the most vulnerable, who merit and require the recognition and support of Parliamentarians and Parliamentarians, particularly given the 20th anniversary of the UN Guidelines on Human Rights Defenders.

Finally, given that Parliamentarians are at the heart of democracy, and can do so much to ensure that fundamental rights are promoted and respected, I would like to emphasise the importance of Parliamentary solidarity, and the need to work together as Parliamentarians to support and help protect our colleagues elsewhere whose rights are being violated and who cannot defend themselves.

Governments intent on monopolising power do not want strong Parliaments and Parliamentarians, they want Parliamentary puppets, limited to peddling Government propaganda, rubber stamping directives, and imposing the Government’s authority, however self-serving and whatever abuses and atrocities may result. Those Parliamentarians who resist, by striving to fulfil their mandates, exercise their fundamental rights and uphold those of others, in defiance of a Government’s or leader’s wishes, often become human rights victims themselves.

By raising awareness of and taking action on these cases, we, as fellow Parliamentarians, not only help our individual colleagues, but also their constituents and their wider communities. By upholding the fundamental rights set out in the Universal Declaration and protecting political space in these situations, we may also be helping to avert longer-term problems, and, in the worst cases, to prevent a gradual descent into full-blown dictatorship, kleptocracy or war.

We should speak up therefore for our Parliamentary colleagues around the world who are being persecuted, prosecuted on politically motivated charges, arbitrarily detained, ill-treated or tortured, or have even been disappeared or murdered, in the knowledge that the silencing of one Parliamentarian’s voice is often the silencing of the constituents and communities they represent, and a brazen attempt to close down political space.

On the 70th anniversary of the Universal Declaration of Human Rights, then, let us acknowledge and be inspired by all those Parliamentarians we know and know of, who have done so much to make the rights in the Universal Declaration really mean something. Let us also remind ourselves of our individual and collective responsibilities to keep the vision of the Universal Declaration of Human Rights alive, particularly by keeping political and civil space open, during a time when authoritarianism, and other damaging political trends, seem to be gaining ground.

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Parliamentarians in Safeguarding Political and Civil Space
TRIBUTE TO NELSON MANDELA

I bring you greetings from South Africa. On this day (18 July 2018), many people are spending time engaged in activities that honour Nelson Mandela that will make an impact in people's lives. As a Member of Parliament, I am equally honoured that we, as the Parliament of South Africa, are hosting young people in partnership with Nelson Mandela Children’s Fund in hosting a Youth Summit which is currently in progress. This Summit is part of the annual activities of our Parliament in which we listen to our children and young people on what their views are about our work as public representatives. They choose their Presiding Officers and run the Parliament on this day by themselves. So, today I am privileged that I am with you today as young leaders of Kenya to reflect together on the life of late President, Nelson Mandela. Tata Nelson Mandela believed that the mirror in which a society can be seen is the way in which it treats its children. To quote him verbatim, he said: “There can be no keener revelation of a society’s soul than the way in which it treats its children.”

Today, I am with you today as young leaders of Kenya to reflect together on the life of late President, Nelson Mandela. Tata Nelson Mandela believed that the mirror in which a society can be seen is the way in which it treats its children. To quote him verbatim, he said: “There can be no keener revelation of a society’s soul than the way in which it treats its children.” He also said: “Our children are our greatest treasure. They are our future. Those who abuse them tear at the fabric of our society and weaken our nation.”

Today, you have spoken to us and we have listened. We have heard your dreams, your aspirations and your concerns. We also heard your commitment on what you will do as part of your contribution to build a better world. Like Mandela, ours will be to create an enabling environment in which you can turn your dreams into visions and ensure that your vision of a better world becomes a reality.

Mandela was a child like you. Born of the Madiba Clan, amongst the nation of Abatshembu, he was shaped by the history of his people. At the age of twelve, when he heard the elders tell of the stories of his ancestors’ valour during the wars of resistance, he dreamt of making his own contribution to the freedom struggle of his people. As he grew up, he experienced the challenges of his own people; he understood their pain and committed himself to do something to change the course of history, and became a freedom fighter for his people and the oppressed people of the world.

To further his childhood dream, he joined the African National Congress and spent his entire life as a member working for the liberation of our country. It is this movement through its policies and values that shaped Madiba and many of his comrades before him and after to be the person we all celebrate today.

In reflecting on his life, there are few things that came to my mind. These are issues that in my young age and adult life, I have continued to grapple with. How was Mandela’s childhood life, how did it contribute to the Mandela we later got to know? What moved him to sacrifice his all for humanity and be prepared to lay down his life if it was necessary? Where did he find the strength to forgive and work for peace even after his almost lifelong imprisonment? What can we as a collective do to create a better life for all the people inspired by the life of Mandela and those of his generation?

Education during his early life

Born in the Royal Household with a possibility of being a traditional leader, one could say he was privileged. But, growing up in that household, exposed him to life and conditions of his people. At an early age he was educated orally about his traditions, the history of his own ancestors and their contribution to the struggle for freedom. He learnt the skills of leadership as he observed the traditional court system and how it adjudicated cases and mediated on conflicts that finally required the intervention of the Royal Household. Through this traditional education, Mandela became conscious of his peoples struggles and aspirations. He was moved by their quest for a better life through their own struggles of resistance. Mandela was therefore rooted amongst his people.

“Mandela believed in the power of education and its contribution to development. In his own words he said ‘Education is the great engine of personal development. It is through education that the daughter of a peasant can become a doctor, that the son of a mineworker can become the head of the mines, a child of farm workers can become a president of a great nation’.”

Formal Schooling

Peter Rule writing on what Nelson Mandela can teach us about lifelong, dialogue-rich learning says that the second layer was a formal primary and secondary schooling at Westerley mission institutions. Although he rebelled against colonial attitudes and authorities, he retained an abiding legacy mission education, a Christian value system of service, decorum and good conduct, and the English language as a unifying force against ethnic divisions. At the University College of Fort Hare, he was exposed to African role models like academic, author and African National Congress stalwart, Z. K. Mathews. At the University of Witwatersrand in Johannesburg he met progressive law students of different races and backgrounds. His professional education included his law degree but more profoundly, his practical law experience.

As a legal clerk at the only white law firm that would take on black employees, he learnt from his mentor Lazar Sideisky to serve our country and that law could be used to change society.

Clearly, we can see from Peter Rule’s study that Mandela’s education was not only found in formal institutions of learning, but from the community and his engagement with their issues became his biggest classroom. It was in his political movement that he took part in political education which helped him to learn strategies and tactics of fighting apartheid. It was through dialogue and engagement with his peers in South Africa and abroad that he learnt through the struggles and triumphs of other nations like here in Kenya through your own armed struggle that was and is known as the Mau-Mau uprising.

Mandela believed in the power of education and its contribution to development. In his own words he said ‘Education is the great engine of personal development. It is through education that the daughter of a peasant can become a doctor, that the son of a mineworker can become the head of the mines, a child of farm workers can become a president of a great nation.’

Today in our reflections we need to reflect how we can utilise education acquired in our homes, society and schools to change the lives of communities.

In his last speech at the United Nations General Assembly, at the celebration of the 50 years of the Universal Declaration of Human Rights, Mandela had this to say: “For those who had to fight for their emancipation, such as ourselves who, with your help, had to free ourselves from the criminal apartheid system, the Universal Declaration of Human Rights served as the vindication of the justice of our cause. At the same time, it constituted a challenge to us that our freedom once achieved, should be dedicated to the implementation of the perspectives of the Universal Declaration in all parts of the world.”
A TRUE ADVOCATE FOR HUMAN RIGHTS: TRIBUTE TO NELSON MANDELA

Science and technology and the entrenchment of the complex process of globalisation. And yet, at the end of it all, the human beings who are the subject of the Universal Declaration of Human Rights continue to be affected by wars and violent conflicts. They have as yet not attained their freedom from fear of death that would be brought about by the use of weapons of mass destruction as well as conventional arms. As I sat in Quunu and grew as an activist in this fight, I could continue to entertain the hope that there has emerged a cadre of leaders in my own country and region, in my own continent and the world which will not allow that any should be denied their freedom as we were; that any would be stripped of their human dignity as we were. 1

I have quoted at length from our First President of a Democratic South Africa, Tata Madiba, as a reminder of how he thought about freedom and justice for all. It is also a reminder of the failures that we still have, albeit the advances in science and technology that globally we have made. It is also a reminder at how he felt that the human beings who are at the centre of the Declaration of Human Rights remain victims of violent wars, and how they continue to go hungry without food amidst plenty in the world.

It is this quest for human rights that moved Mandela to leave the comfort of his Royal Household to join the struggle for liberation. He understood that when we respect each other’s right to humanity, we can live in peace. His beliefs on the universality of human rights saw him speak against those who oppress others. He spoke against those who continued to fuel wars and conflict. He chose to work for peace amongst nations and his society. He believed in dialogue and negotiation in resolving problems. It is this belief that saw him forgive his oppressors and thereby liberating himself.

Mandela understood that our struggle for freedom was waged by both men and women. He therefore believed that the struggle for women’s emancipation was as important as the struggle for freedom and the attainment of human rights for all. In 1995, President Mandela had this to say when he declared 9 August as a national holiday in South Africa in honouring the women of our country: “We have declared this day a national holiday. This is in celebration of the struggles of the women over the decades and a rejuvenation of our commitment to strive for a society free of all kinds of discrimination, more especially discrimination against women. The Constitution writing process is well underway. As a tribute to the legions of women who navigated the path of fighting for justice before us, we sought to impart in the supreme law of the land firm principles upholding the rights of women. The women themselves and the whole of society, must make this a core responsibility.”

It is in part befitting that as we celebrate Mandela’s centenary, we also celebrate Mama Albertina Sisulu, a woman who is one of the legions of women that Mandela referred to in his speech on 9 August 1995. A freedom fighter in her own right, who through her nursing career was moved by the plight of women and children in our country and dedicated her life in creating a better life for all in our country and the world. Common amongst these two noble souls was their quest for a world that honoured their ideals. Mandela’s life and times reminds us of the need for solidarity amongst nations. It is because he understood the need for the impact of collective activism for change; he knew how solidarity with those who are less privileged in our society can move their struggles to greater heights, because he and the South Africa community benefited from the solidarity of many nations in order for our country to be free.

In his own words, he said: “The road we have walked has been marked by the contributions of all of us. The tools we have used on that road have been fashioned by all of us. The future we face is that of all of us.” I quoted Mandela’s speech on the 50th anniversary celebrations of the Universal Declaration of Human Rights at the United Nations because in it, there is hope that Tata Madiba expressed. He was convinced that he leaves behind a cadre of calves in this country, in this continent and in the world, who will not allow that any should be denied their freedom as we were; that any should be stripped of their human dignity as we were. 2

Seated here, are the future leaders that Madiba believed would not allow that any should be denied their freedom as we were; that any should be turned into refugees as we were; that any should be condemned to go hungry as we were.

It is with humility that I stand in front of you today to celebrate Nelson Mandela International Day 2018. In conclusion, as we move out of this celebration let us be the torchbearers of Tata Mandela. Let us always remember his words to us when he said: “As long as poverty, injustice and gross inequality persist in our world, none of us can truly rest.”

Seventy years ago, the UN General Assembly adopted the Universal Declaration of Human Rights (UDHR), proclaiming it a common standard of achievement for all peoples and all nations.3 The Declaration is the formal expression of the human rights and fundamental freedoms referred to in the United Nations Charter, the promotion of which is identified as one of the purposes of the UN in Article 1(3) of the Charter. At the United Nations Assembly declaration, the UDHR has since gone on to assume a significant degree of weight order in the world.

There has long existed a broad consensus that, at minimum, some of the Declaration’s provisions have evolved into customary international law.4 The Declaration’s 30 articles, combined with its special legal significance, form the normative development of international human rights law in subsequent decades, resulting in the elaboration and adoption of the nine core international human rights treaties, a remarkable achievement given the geopolitical realities of the Cold War, decolonisation, and the increasing global sway of emerging markets. To this day the UDHR remains a universal yardstick by which to measure respect for and enjoyment of human rights. The success of the UDHR’s normative achievements in standard setting has not, however, been matched in the levels of implementation and realising the UDHR’s normative intent.

Parliamentarians are central to addressing this implementation gap. The legislature is the branch of government uniquely placed to give effect to human rights commitments and obligations, take practical measures to prevent abuses, and to ensure that law provides practical means through which remedies may be sought for alleged violations of rights. To this end, Parliamentarians are able to influence policies and budgets at the national level. They have the oversight on policy makers, monitor policy implementation programmes at local levels, and are repositories of information of their constituents, and act as a catalyst in the realization of human rights domestically and internationally.

From a parliamentary perspective this may seem obvious, yet this view has only recently gained broad recognition from the Commonwealth.5 The legislature is the branch of government uniquely placed to give effect to human rights commitments and obligations, take practical measures to prevent abuses, and to ensure that law provides practical means through which remedies may be sought for alleged violations of rights. To this end, Parliamentarians are able to influence policies and budgets at the national level. They have the oversight on policy makers, monitor policy implementation programmes at local levels, and are repositories of information of their constituents, and act as a catalyst in the realization of human rights domestically and internationally.

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Central to the role of ensuring strong democratic institutions, the Commonwealth Secretariat has undertaken a number of activities to advance the role of Parliamentarians in the promotion and protection of human rights. From 2013 to 2016 the Commonwealth Secretariat, Charged with the promotion, protection and assistance of human rights. The Commonwealth has a strong mandate for meeting the SDGs. At the 2018 Heads of Government Meeting (CHOGM), Heads affirmed their unwavering commitment to the Commonwealth’s Fundamental Political Values, reflected in the Commonwealth Charter. They recalled the Commonwealth’s proud history of acting to strengthen good governance and the rule of law, to protect and promote democratic principles and human rights, to promote peace and security and to strengthen democratic institutions. 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in partnership with the Commonwealth Parliamentary Association (CPA), convened regional seminars for Parliamentarians on their role in the promotion and protection of human rights. Seminars were held in Trinidad and Tobago (2013), Seychelles (2014), New Zealand (2015), and Sri Lanka (2016).

The Commonwealth Secretariat’s normative work in the latter three seminars resulted in commitments made by participating Parliamentarians framed in declarations: the Mahé Declaration (Africa), the Pipitea Declaration (Pacific), and the Kotte Declaration (Asia). The Mahé Declaration also established a regional parliamentary human rights group, the Commonwealth Africa Parliamentary Human Rights Group (CAPHRG). Subsequently, regional groups for the Pacific and Asia were also established.

Through continued technical support, the Commonwealth Secretariat has ensured that the regional human rights groups have continued to progress and popularize the agreed declarations, promote better inter-parliamentary dialogue and ensure strengthened engagement with the UPR.

The aforementioned work has resulted in regional parliamentary champions who have been central to the international dialogue on human rights protections. Commonwealth parliamentary human rights champions have spoken at notable international gatherings, like the Global Human Rights Dialogue in Geneva, hosted by the governments of Norway and Switzerland; the International Gay and Lesbian Human Rights Commission World Conference in Thailand; the Global LGBTI Human Rights Conference in Uruguay; the margins of the Commonwealth Heads of Government Meeting in London; and in various side events in Geneva arranged by the Office of the High Commissioner for Human Rights as well as the Commonwealth Secretariat. Additionally, the Commonwealth Secretariat has added its voice to global advocacy in the role of Parliaments in the promotion and protection of human rights. For instance, in 2013, the Commonwealth Secretariat supported the participation of a Commonwealth Parliamentarian in the Human Rights Council (HRC) panel discussion on the relationship between Parliaments and civil society actors and the added value of enhancing cooperation in the area of human rights and the role of Parliaments in the preparation and presentation of national reports and in the implementation of UPR recommendations. A Member of the Parliament of Antigua and Barbuda and Chairperson of the Commonwealth Caribbean Parliamentary Human Rights Group contributed to the discussion as a panelist. More recently, our advocacy efforts have included those undertaken through partnerships with Parliamentarians for Global Action, the Bingham Centre for the Rule of Law, the Universal Rights Group and the Convention against Torture Initiative.

The Commonwealth’s increasing engagement on the role of Parliamentarians in the promotion and protection of human rights has coincided with a broader international push to develop a set of international guidelines and principles for Parliamentarians in the protection of human rights. Accordingly, the Commonwealth has undertaken advocacy work to this end. In September 2015, Professor Murray Hunt, Legal Adviser to the UK Parliament’s Joint Committee on Human Rights, convened an international conference in London. The conference focused on the desirability and feasibility of developing a set of international guidelines. The Commonwealth Secretariat secured and supported the participation of Parliamentarians from Kenya, Seychelles, Tonga and Samoa.

The conference concluded with general agreement that international guidelines would be useful for Parliaments. Professor Hunt has developed a set of draft principles and guidelines for Parliamentarians. It is important to note that these principles and guidelines were developed based on his research projects and not through consultation. They are offered to stimulate conversation and momentum on the topic, rather than form the basis of any effort to develop international standards.

In September 2015, at the 30th session of the Human Rights Council, Resolution A/ HRC/30/14 was adopted. In the resolution, the Council decided to convene a panel discussion on the contribution of Parliamentarians to its work. The panel discussion took place in June 2016 at the Council’s 32nd session. On the margins of the Human Rights Council session, the Commonwealth Secretariat also convened a side event on international guidelines and the role of Parliamentarians in the protection of human rights. The year of the Commonwealth Secretariat, in collaboration with the Universal Rights Group, launched a new publication, The Global Human Rights Implementation Agenda: The role of national parliamentarians. This new publication looks at, amongst others, the value and role of the regional parliamentary groups and the work they do in relation to salient thematic issues such as child marriage; freedom of expression, association and assembly; sexual orientation and gender identity; and torture prevention and prohibition. Moreover, the publication maps and analyses contemporary debates, decisions and initiatives focused on parliamentary engagement with the global human rights mechanisms and documents the contribution of the Commonwealth to global efforts to strengthen that engagement and thereby improving the respect for human rights and human dignity of all people. The publication provides a blueprint for Parliamentarians in the Commonwealth to effectively engage on important human rights issues.

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The global human rights implementation agenda: the role of national parliamentarians

References:
1 UDHR, last preambular paragraph.
4 See e.g. Human Rights Council resolutions 22/15, 26/25, 30/14 and 38/5. See also General Assembly resolutions 65/L25, 66/L261 and 68/L272.
5 UN Doc. A/HRC/38/25/alp.5a. ibid, at para. 11.
6 See e.g. UN Doc. A/ HRC/38/25. Available at https://www.ohchr.org/EN/HRBodies/HRC/ RegularSessions/Session38/Pages/ LitReports.aspx.

This article is co-authored by Karen McKenzie, Head of Human Rights, Justin Pettit, Human Rights Adviser and Gary Rhoda, Human Rights Officer from the Commonwealth Secretariat Human Rights Unit.
There were significant gaps in wealth and opportunity and deep imbalances between the recognition of the rights of men and women. These and many other limitations continue to frame our understanding of the meaning, role and purpose of human rights and their relative importance in a world weighted down by power, politics, poverty, conflict and division.

The belief in the power of human rights as a positive regulating force is a key inspiration behind the Universal Human Rights Challenges: The Universal Declaration of Human Rights and its Continuing Relevance, which assesses the impact of human rights in several areas of life. The authors have been motivated by the optimism of the UDHR drafters and their adherents whom, they argue, were anything but naïve. The drafters of the UDHR exhibited a fatalistic and prescient optimism – a pragmatic recognition that adherence to fundamental principles of universal human rights and dignity was and continues to be a necessary precondition for the human race to survive and to thrive in pluralistic societies and in a complex and increasingly inter-connected world. The hope for the human rights project is not a product of fervour or dogma.

Professor Bertrand Ramcharans, former UN High Commissioner for Human Rights, explains that the only moral gift that can unite humanity remains the Universal Declaration of Human Rights. "We are failed to hope and human rights because we are wed to the present and to the future. We simply must be."

As Lord Woolf reminds us, "human rights, as they did in the past, will need the support of champions." In this, the authors of the new book have been inspired by the life and advocacy work of Clemens Nathan, a philanthropist and humanitarian whose memory serves as the catalyst for the new book. The themes of dignity and hope, on which he talked often, pervade the new collection of essays.

The book includes essays written on the UDHR drafting process, the precursors or antecedents to the Declaration and its philosophical underpinnings, and have sought to define and clarify the meaning of the different articles.

There have been important advances in protections, including the recognition of the obligations to respect, protect and fulfil human rights and the progressive understanding of the role of non-state actors. Yet clearly key blind spots remain.

Many of the ideals that the Universal Declaration espouses have continued to be subject to debate and are regularly thwarted in all parts of the world.

1. The significant disparities between and within countries and regions, which impede the realisation of rights for all. Despite the laudable statement in Article 1 of the Declaration that "All human beings are born free and equal in dignity and rights," access to rights depends far too often on relative privilege defined by gender, race, class, wealth and where one is born.

2. The difficult to keep pace with the practical and ethical challenges posed by modern technological advances, including cyber-warfare and information technology.

3. The extent to which the human rights framework has accounted for the evolution of public-private division.

4. The impact of environmental degradation and climate change on natural habitats, causing competition over dwindling resources. These factors have contributed to poverty, increased inequities and conflict, and have fuelled the mass movement of peoples across borders and continents.

The human rights framework has more to do to address practically the causes or consequences of displacement.

5. The work of the UN and other multilateral projects as well as ombudspersons and promoters of human rights has been thwarted by selective application, political and bureaucratic forces and by the intensification of nationalism and xenophobia in many countries and regions. It has undermined the collective security agenda and impeded international solidarity.

As noted by Professor Kugel: "A backlash against the post-war human rights architecture, with its universal, transcendental ethic, is gaining momentum; not least amongst some of the democracies which played a crucial role in its creation."

6. War, oppression and systemic violence are constant features of the international landscape. As is noted by Michael Newman: "Stemming from a response to the atrocities of the Holocaust and Second World War, the Declaration itself has not been enough to prevent further genocide in disproportionate areas of the world. The crimes perpetuated by the Khmer Rouge in Cambodia, against the Tutsis in Rwanda and against Muslims in Bosnia are three inedible stains on the post-war international community that has repeatedly called for 'never again'."

The extent to which the 30 articles of the Universal Declaration have been enforced by governments and other actors on the international plane is not the litmus test to assess the relevance of the text in the modern day. One responds to the usual challenges of implementation depends on where one is situated on the pendulum of pessimism or optimism. While the gaps in enforcement can serve to de-legitimise the rules, the continued battle to secure basic human rights in all parts of the world underscores our collective responsibility to keep fighting. Not only must we keep our heads up above the parapet, but it is only slowly adapting to capture these facets.

The Universal Declaration of Human Rights (UDHR) was adopted by the United Nations General Assembly 70 years ago, on 10 December 1948. The Declaration epitomised the aspirations of the immediate post-war period and seized upon the collective desire to chart a new path based on universal respect for common values and recognition of the inherent dignity of the individual.

With the embers of war still burning, the UDHR boldly asserted the indivisibility and interdependence of all human rights, the fundamental principles of equality and non-discrimination as well as a communitarian vision of mutual respect and solidarity. It signified a bold, moral shift in consciousness.

While not formally binding, the Declaration was designed to inspire a new code of behaviour and to serve as a blueprint for later binding treaties and national laws – its own words, “a common standard of achievement for all peoples and all Nations.”

The Declaration is an iconic and visionary text, but at the same time it is a product of the imperfect time in which it was drafted. A good part of the world was still under colonial rule. There was limited mutual respect for diversity in legal and political systems and disparities among cultures, ideologies, languages and religions.

CONTEMPORARY HUMAN RIGHTS CHALLENGES: THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND ITS CONTINUING RELEVANCE

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DEFENDING HUMAN RIGHTS AND DEMOCRACY IN THE COMMONWEALTH: A PERSONAL JOURNEY

Human rights have all their core the defence of individual freedoms and liberties as set out in the UN Charter and the 1948 Universal Declaration of Human Rights. They are also enshrined in the 2019 Commonwealth Charter and previous Commonwealth Declarations such as the 1991 Harare Declaration and a wide range of international instruments.

Human rights are defined in relation to security rights, for example protection against torture; liberty rights which protect belief/religion, association and assembly; political rights dealing with representation in politics; due process and legal rights; equality and non-discrimination rights; welfare or economic rights, which include protection against extreme poverty and employment rights; and group rights, especially protection against ethnic genocide. They, therefore, cover a broad range political, economic and social rights. The Commonwealth Charter explicitly affirms the right of every citizen to participate in the democratic process, notably through free and fair elections; Parliamentarians and representatives and other forms of local governance are deemed ‘essential elements in the exercise of democratic governance’.

My personal and professional journey in support of human rights started nearly 50 years ago with a focus on welfare and economic rights, especially in the defence of labour and trade union rights. I also soon met representatives of the black trade unions from South Africa and Namibia and sought to marshal global solidarity for their heroic fight against apartheid – a system which extreme form of racial discrimination represented the ultimate denial of human rights. In this advocacy, Parliamentarians were a key ally – in fact, in the case of the plantation workers, a British Parliamentary Committee was sent to investigate and produced a damning report of the conditions on the estates, calling for major improvements in wages and employment conditions. Likewise, I was to testify and provide evidence to a number of parliamentary and inter-parliamentary committees dealing with apartheid and racism.

This work brought me into close contact with the International Labour Organisation (ILO) in Geneva and its valuable work, notably seeking to enforce international conventions on fair labour standards – Core labour standards are set out in eight key ILO conventions, ratified by all of its 140 members, including most Commonwealth countries. They entail minimum working age/child labour regulations; prohibition of forced labour; non-discrimination in employment; freedom of association (right to form trade unions); and the right to collective bargaining. The ILO seeks to monitor and enforce these key conventions and over the years there have been repeated attempts to secure their incorporation in the trade and other agreements, notably under the World Trade Organisation (WTO) through including so-called social clauses, a concept I helped to develop and popularise back in the 1970s. Around this time, too, there was much discussion around basic human needs and establishing a ‘New International Economic Order’, where economic and social rights featured alongside the more traditional political and individual human rights. The concept of basic needs was agreed at the 1978 UN Conference on Employment where I served on the drafting committee and was defined in terms of food, housing, education and public transportation, alongside employment. Significantly, it was proposed to pursue basic needs not just by economic growth, but also by income distribution, in other words, seeking greater equality within countries as well as between countries. The basic needs concept was however to find its reflection again in the annual UNDP Human Development Reports after 1990 and in the later Millennium Development Goals (MDGs) which addressed such core needs as education, health and shelter.

Human rights in their broadest sense are comprehensively addressed within the UN Convention on the Rights of the Child (CRC); the Universal Declaration of Human Rights (UDHR); the Universal Declaration of Principles and the Recommendations of the New International Economic Order of some 25 years earlier. I was pleased that during the period 2012-15, I was able to contribute to the negotiations on the SDGs, in particular the adoption of SDG 10 on reducing inequality within and among countries, thereby reflecting the concerns and language of basic needs and non-discrimination in employment, freedom of association, freedom from exploitation, and the right to own and use the means of production.

In 1987, CTUC joined with other Commonwealth organisations in setting up the Commonwealth Human Rights Initiative (CHR). Since 1966, CHR has been headquartered in New Delhi, India and has gone from strength to strength – as shown by its daily comprehensive human rights email briefing which should be essential reading for any Commonwealth Parliamentarian. It was later to lead to the formal establishment of the Human Rights Unit within the Commonwealth Secretariat, which has also done valuable work over the years.

Inevitably, a key issue in the 1980s was the on-going struggle for human rights in South Africa and Namibia. I recall my first visit to the apartheid state in 1987 to address the Congress of South African Trade Unions (COSATU) in Johannesburg the COSATU office had just been bombed by the police and other union officials were in jail – it was a tough time. One of my counterparts was a young Cyril Ramaphosa, who was heading up the Mineworkers Union and was at the forefront of the anti-apartheid struggle. My visit had only been agreed to by the Pretoria regime after much external pressure and was strictly limited to three days, but it achieved a lot in demonstrating global solidarity and gathering evidence about the appalling abuses of apartheid.

The CTUC was to take a lead in applying political pressure for sanctions on Pretoria through economic, sports and other sanctions, designed to force the regime to release Nelson Mandela and political prisoners, and to enter into meaningful negotiations about political changes and giving direct support to the Liberation Movements, SWAPO (in Namibia) and ANC and PAC (in South Africa). A key component of this strategy was the Commonwealth Eminent Persons Group established at the 1985 Commonwealth Summit in Nassau, idea of which was first
"It is my experience that human rights, whether trade union rights or the right to local democracy, are best guaranteed and defended through the establishment of strong, representative civil society, unions and local democratic structures."

Dame Audrey Glover, DBE is a renowned expert in election observation and since 2004 she has headed 18 election observation missions on behalf of the Organisation for Security and Co-operation in Europe (OSCE) including the presidential elections in the USA (2016), Albania (2015), Spain (2015), Hungary (2014), Bulgaria (2014), Ukraine (2012) and Azerbaijan (2011). After reading law at King’s College, London, Dame Audrey was called to the Bar where she practiced before joining the UK Foreign and Commonwealth Office as a legal adviser. In 1998 Dame Audrey left the ODHR to become the Leader of the UK Delegation to the UN Human Rights Commission, a post she held for six years.

At the beginning of the 1990s a great deal of attention was devoted to be shown in Presidential, parliamentary and local elections worldwide. They were regarded as the pathway to democracy based on the exercise of some human rights for which people had long suffered and struggled, and were regarded as festive occasions and opportunities for them to be palpable and infectious. The basic rights involved were those of association and assembly, freedom of the media and of expression and most critically the right to vote. Elections were recognised as an important step in a country’s development.

These rights translate into the voter having the opportunity to vote freely without any pressure; to make a real and informed choice of a candidate thanks to an independent media, and equally important all candidates being able to campaign on the same footing against a backdrop of equal and universal suffrage. Voters must be confident that their vote can be cast freely and counted correctly. The voter must also have confidence that the elections will be organised in a neutral and unbiased manner with an independent and impartial judiciary which will swiftly hear complaints.

These are the basic principles which should apply to all elections worldwide – local, parliamentary and Presidential. Principles which ensure there are no ‘cultural differences or traditions’ or ‘regional specifics’ in regard to the basic requirements for an election.

At that time in the 1990s procedures for organising and conducting elections and the principles governing them began to emerge and evolve. Election observation missions were started and parliamentary organisations formed. Gradually, the practice developed that, after elections had been observed, recommendations were made to assist States in implementing and adhering to these principles. Large numbers of voters celebrated being able to vote for the first time.

However, nearly 30 years later times have decidedly changed. Many elections now do not see the large turnout of voters nor the same enthusiasm as before. For the first time we have heard some leaders claim that elections are too pivotal to be left to voters which is obviously the antithesis of what an election should be. So, what has happened since the initial euphoria gripped States in the 1990s and now?

What has brought about the change? How has this happened and who has done it?

As a generalisation, I think it boils down to the fact that those who are in power want to stay in the electoral control and do whatever they think is necessary in order to do so. Corruption appears to be rife and truth in short supply. In addition, there seems to be an apparent lack of understanding by those in power of a very large number of voters particularly the younger ones – frequently highlighted by an absence of contact. There appears to be a gulf between the rulers and the ruled and a consequent feeling of disconnection and lack of representation. This, amongst other causes, has helped to fuel the rise of populism.

So what do those in power do in order to keep themselves in power? Large scale ballot box stuffing or tricking their contents in the river and other obvious methods of interfering with an election to a large extent are no longer prevalent. The methods now used to arrange the outcome of an election are more sophisticated. In fact, the outcome of an election can often be determined long before election day.

Let us look now at some of the methods that are used:

• Voter registration – By deleting bona fide voters from the electoral roll and not adhering to the procedures that are used.

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ELECTION RIGHTS: PREVENTING FRAUD AND MANIPULATION

DEFENDING HUMAN RIGHTS AND DEMOCRACY IN THE COMMONWEALTH: A PERSONAL JOURNEY

programmes to support the Commonwealth’s efforts to support the victims of Apartheid, aimed at giving support to ANC, PAC and SWAPO, including the black anti-apartheid movement. I was especially proud that during these years we provided extensive opportunities for the Denkstumgeleistentheorie to come to together in places like Harare. Here they agreed joint strategy and tactics and helped keep up the pressure through sanctions and solidarity actions.

I was also closely involved in the provision of subsequent support, notably through the Commonwealth Expert Group on ‘Beyond Apartheid: Human Resources for a New South Africa’. Apart from these tasks, I was also closely involved in the establishment of the Commonwealth African National Congress Support Trust. I was especially proud as a direct infringement of the principles. In this respect we

I was also closely involved in the establishment of the Commonwealth African National Congress Support Trust. I was especially proud by Sir Shridath in his memoirs.

Nassau, as was generously noted

The Maldives and the Solomon Islands. Malawi was a case where many countries had abandoned systems of local democracy. I was especially proud the close links between CLGF and the Commonwealth.

Like the CPA, CLGF has done this at the national and international level. Apart from from the Commonwealth, this has had interaction with key UN and regional intergovernmental organisations such as the EUL, ACP, AU, CARICOM and SAARC. We have sought to highlight the role mayors and local government have in combating violent extremism, given that most terrorist attacks, designed to undermine democratic systems of democracy. In this respect we have encouraged recognition of the principles of local democracy and its practical application, at national and international level. Apart from the Commonwealth Charter, this has had interaction with key UN and regional intergovernmental organisations such as the EUL, ACP, AU, CARICOM and SAARC.

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make use of those votes to their own advantage.
- Making it difficult for opposition candidates to register, or rejecting their applications on flimsy grounds, or intimidating them or even imprisoning them. All such methods reduce an opposition’s ability to compete on a level playing field.
- Vote buying still takes place but a more sophisticated approach now prevails in the form of pressure. This is often targeted towards students, teachers, university lecturers, military personnel and factory workers by pressuring them to vote in a particular way or else they will suffer adverse consequences.
- Forcing the opposition to hold rallies in the outskirts of towns – thereby inhibiting supporters from attending – limits the opposition’s ability to campaign effectively.
- Feeding to voters slanted information, buying up media outlets, restricting the opposition’s ownership of the press, seizing print runs, preventing reporters collecting and reporting information, intimidating journalists or forcing them to self-censor by making libel a criminal offence and preventing candidates’ access to paid advertising – these are all tactics calculated to reduce the ability of the opposition to campaign and voters to hear their campaigning.
- An ineffective legal system which does not deal with complaints swiftly may prevent people being able to vote and contributes to an overall lack of confidence in the system.
- The vote count at the polling station level gives the possibility of manipulation when votes might be changed from one pile to another. There is even greater opportunity to massage the figures when this comes to the tabulation. This again undermines confidence in the system.
- A candidate may have an unfair advantage if there is a lack of transparency and accountability in party funding.
- Another instance is the abuse of incumbency. A government has the responsibility not to abuse state resources in order to support the ruling party’s candidates, e.g., using government vehicles, office space, opening roads and airports for campaign purposes. These are all forms of abuse.
- Lack of training of election commissions so that mistakes are made and procedures are not followed properly or delayed is another method.
- Fake news, social media, identity politics and even cyber-attacks can also affect elections’ outcomes and referenda.

These are some of the examples used by incumbent parties and their international allies to influence the results of elections. The suspicion by voters that the elections have been interfered with often leads to unpleasant violence.

Any suggestion of sustained and planned ‘vote rigging’ unfortunately calls into question the integrity of the electoral system of a country as a whole. How can these problems be removed in order that fraud and manipulation are at least reduced if not totally eliminated?

One way to do so is to have more accuracy and detail in reporting on the implementation of election standards. We all know of elections where there has been an unconvincing election assessment – whether because of cronyism or politicisation – which is blatantly untrue, where the assessment does not fit the facts. To overcome this, I believe it is necessary to secure agreement to assess elections systematically against accepted international standards and to produce a report. Such reports must be based on verified data and carefully presented in a concise yet comprehensive manner. It should also include recommendations for improving the electoral process.

This most certainly is not rocket science because standards exist already in the Universal Declaration of Human Rights, regarded by many as customary international law, and in the International Covenant on Civil and Political Rights to which the majority of States around the world are parties and thereby bound by its provisions.

In addition, there are already regional agreements with provisions relating to elections. The OSCE has its commitments in the Copenhagen Document which all the participating States have committed to uphold – for their elections to be monitored and reported on by election observers. There is also the European Convention on Human Rights which the EU follows and the African Charter on Elections, Democracy and Governance. There are also the Bangkok Declaration for Free and Fair Elections and the Declaration of Principles for International Election Observation for Free and Fair Elections. There is even the Declaration of Global Principles for Nonpartisan Election Observation. It is obvious therefore, there is no lack of international standards.

It is also encouraging to see that there has been increasing interest in electoral integrity at the civil society and international organisation level drawing up the wealth of material that exists to scrutinise elections more closely.

What would indeed also be effective is for observation to be taken more seriously. Men in dark suits strolling into a polling station on election day, staying for a few minutes and nodding that everything is satisfactory before going on to the next is not an acceptable standard of observation. Observation missions need to arrive in a country well in advance of an election in order to observe the whole electoral cycle and to stay long enough after the election to observe the complaints and appeals being addressed by the relevant judicial bodies.

Didactic though it may sound, the most effective way to observe an election is to complete a form in each polling station – a form which requires detailed information. When collected, these forms provide an accurate picture of what happens in polling stations throughout the country with regard to voter registration, the operation of the electoral commissions, if voters were influenced, counting the votes and other aspects of the election process. With this information, it is possible to identify the shortfalls in the operation of the election and to make practical recommendations to improve the system.

Suggestions can also be made in relation to improving election legislation, executive decisions, the role of the judiciary and the actions of the government. This can assist the country concerned in its journey down the democratic pathway.

Unfortunately, recommendations that are made are rarely acted upon by the States concerned. In order for recommendations to be effective, there should be periodic reviews of the country concerned to see if and how they are implementing them, including visits and mid-term public reports. These reports on implementation compiled by observers should be discussed on a regular basis by the sending body in order to make observation efficacious.

With the general turmoil for elections seemingly dwindling for one reason or another and not having the time to queue for hours to vote, what else can be done to reverse this trend? If this indifference continues countries are likely to store up difficulties and problems for themselves in the future.

Electronic voting and counting is one way of speeding up the electoral process and limits the ability of election staff to interfere in the process. But the important issue here is to ensure that the voters have confidence in the electronic system and can be sure that it has not been programmed to allow one party to receive more votes than others. In countries where there is such confidence the system works well and saves a great deal of time. Where confidence is lacking it obviously does not.

One of the reasons for the reduction in voter turnout is the disconnect which many voters feel exists between themselves and the politicians. To overcome this alienism governing parties need to reach out more to the public to find out what are their concerns, what are their needs and requirements rather than rely on their own interpretation of what the voter wants. This is particularly important with younger generations who in many instances do not find resonance with any party and feel discarded and abandoned.

Consideration could perhaps be given to allowing 16-year olds to vote to help reduce this disconnect. After all there are many things that 16-year olds can do legally. So why not have the right to vote? As potential future politicians in their country, they need the experience and opportunity to become involved in politics at an early age.

What one has to bear in mind however is that, despite the attempts to undermine, marginalise and even eliminate oppositions around the world, voters in many instances are making a greater effort than ever before to coordinate among themselves and to turn out and vote in order to seek more effective representation. The young, in particular, along with many other people in society are tired of being under represented in Parliament and are becoming more vocal in expressing their views. Their greater participation and engagement with elections gives us hope that corruption will not prevail in the long term. International assistance should be given to them. We must not disappoint those who are prepared to fight for meaningful elections and integrity in the electoral process. We owe it to them to ensure that they will succeed. As citizens energetically demonstrate their commitment to democracy, so the authorities in different countries need to step up and make the effort to meet those demands.”
The Commonwealth Press Union Media Trust was founded more than a century ago. As one of the oldest press freedom organisations in the world, our purpose is a simple yet profoundly important one: to seek to preserve, enhance and extend press freedom throughout the Commonwealth. Like a lot of organisations and institutions in the media world, times have been tough for us and it is a great deal more difficult than it ever was to keep the flame burning. But what we lack in resources, we make up for with a burning passion for the cause of media freedom. Much of our work is now based on partnerships with others who share our values – the International Press Institute, the Committee to Protect Journalists and the Commonwealth Journalists Association. Between us all, we do what we can to fight for free and independent journalism, to stand up for the safety of journalists, and to champion the investigative reporting which lies at the heart of any democratic society.

Media freedom matters in every Commonwealth country for three reasons. First, it is only a free press which has the power to hold Government, public authorities and other parts of the State – in other words, those who exercise power over citizens – to account. It is the watchdog of the public interest, a guardian against corruption, incompetence, waste, hypocrisy and greed; it is, in a phrase, the arsenal of democracy – and that’s what the Commonwealth needs. Second, unless any form of regulated media, the free press has the ability to conduct long term investigations, unhindered for the most part by the fear of prior restraint. Campaigning on issues of real importance to citizens in Commonwealth countries is profoundly important. And third, in any state where there are free and fair elections, the free press has a fundamental role in transmitting information to voters, independently of political interests, and explaining often complex policy issues in a way which is understandable to the great majority of electors. Free elections simply can’t take place without a free media.

Those three issues go to the heart of what any democracy and free society in the Commonwealth should be about. It was in fact summed up very well by one of the founding fathers of the United States, Thomas Jefferson, when he wrote, “Pleasure can be guarded but by the freedom of the press, nor that be limited without danger of losing it.” He said that two centuries ago but the reality of his words for us in the UK and throughout the Commonwealth is timeless. But tragically media freedom is under direct – even deadly – attack in so much of the Commonwealth, every day, every week and every month of the year. A culture of widespread impunity now flourishes in many places. In 2017, eight Commonwealth journalists were killed in the line of duty, including four in India and one – the fearless campaigner Daphne Caruana Galizia, the crusading scourge of official corruption, corymption and incompetence – right at the heart of one of the European Union’s biggest questions of the day: what is left of European statehood, a continent whose temporarily joined hands have been set to drive a carriage into the sea.

“Media freedom matters because it is the engine of democratic growth and renewal, and also a crucial spur to economic development. Both of these should be key priorities for the Commonwealth.”

What is vital now is that the initiative of the CJA and other Commonwealth organisations is followed up by concrete action – in other words that it is adopted by the Commonwealth in the manner of the Latimer House Principles. It needs to become a road map to improving governance and media freedom right across the world. We also need to measure success against it and hold people to account for delivering it.

Media freedom matters because it is the engine of democratic growth and renewal, and also a crucial spur to economic development. Both of these should be key priorities for the Commonwealth.
GLOBAL DISABILITY SUMMIT AND DISABILITY RIGHTS: A WAKE UP CALL TO PUT DISABILITIES AT THE CENTRE OF DEVELOPMENT

In July 2018, representatives from across the world were in London, UK for the first ever Global Disability Summit 2018, a summit that was graciously hosted by the UK and Kenya governments. I was privileged to attend and participate as a Member of Parliament in the Kenya Parliament, representing persons with disabilities and as the Executive Member of the CPA Kenya Branch, and as a member of the newly formed CPwD (Commonwealth Parliamentarians with Disabilities) Network. The summit brought together dignitaries from all spheres including: a President with a disability, a female Vice-President with a disability, more than 25 Ministers of various Governments, Permanent Secretaries, Senators, MPs, the World Bank, Heads of UN Agencies, International NGOs, Disabled Peoples’ Organisations (DPOs) and other actors. The Kenya delegation included MPs, Senators, the Ministry of Labour and Kenyan DPOs.

It was hosted by the UK and Kenya Governments in collaboration with the International Disability Alliance (IDA) and the UK Department for International Development (DFID). The summit hoped to achieve new levels of global commitment in mainstreaming disability into development cooperation as per article 29 of the Convention on the Rights of Persons with Disabilities (CRPD). The summit helped achieve new levels of global commitment in mainstreaming disability into development cooperation as per article 29 of the Convention on the Rights of Persons with Disabilities (CRPD), the Sustainable Development Goals (SDGs) and Agenda 2030 which is an important opportunity to promote the rights of persons with disabilities globally.

The main objectives of the Global Disability Summit were:

1. To raise global attention and focus on a neglected area – Disabilities
2. To bring in new voices and approaches to broaden engagement on disability issues
3. To mobilise new global and national commitments to the realization of Article 32 of the UN Convention on the Rights of Persons with Disabilities (UNCRPD).

The meeting also saw signing of the Charter for Change – a document pledging to put disability at the centre of the development agenda. It is estimated that one in eight persons is living with some form of disability (15% of the world’s population), corresponding to over 1 billion in the world having a form of disability. A majority of these people with disabilities are living in the developing and mid-income countries, particularly in Africa. These disabilities are varied in nature from physical, hearing, seeing, speaking, and many other hidden disabilities.

Among all of these global statistics, women with disabilities are disproportionately represented, with the majority of the disabled women and girls rejected by family and the community, literate and unemployed. For far too long, disability has remained absent from the international, and even national, discourses in many countries. Many countries of the world are still ‘developing countries’ when it comes to disability issues and the Global Disabilities Summit gave us the forum to lay forth strategies on how best to harness the relevant strategies. To date, 177 countries, including Kenya, have ratified the UN Convention on the Rights of Persons with Disabilities. This is a legal framework that provides commitment to the advancements of the rights and welfare of persons with disabilities.

There are many challenges in raising awareness of the rights of persons with disabilities in the international arena. Unfortunately, the Millennium Development Goals (MDGs) in 2000 made no actual mention of disability to discuss. In some countries, the political goodwill in their implementation is still lacking and it needs to be strengthened. As with many other recommendations that have been made, we need to invest in improving the availability of disability data - segregated by age and gender among other variables - to ensure that appropriate interventions are designed. Household surveys and national censuses will, for instance, need to be conducted to strengthen these interventions.

Kenya has approximately 6.5 million persons with disabilities. Kenya has ratified the UNCRPD and the Constitution of Kenya, through Chapter 4 of Rights, extensively outlines the rights of persons with disabilities. Kenya has also established the National Council for Persons with Disabilities through which issues around disabilities is addressed. There is no shortage of laws in Kenya and many other countries of the world. However, in some countries, the political goodwill in their implementation is still lacking and it needs to be strengthened. As with many other recommendations that have been made, we need to invest in improving the availability of disability data - segregated by age and gender among other variables - to ensure that appropriate interventions are designed.

Kenya is preparing to undertake a national census in 2019 and thus, there is a need to mobilize communities to ensure that persons with disabilities are counted in this census. I have launched in Kenya, a project dubbed ‘You can’t count if you are not counted’ which is aimed at mobilizing persons with disabilities to come out in their numbers and participate in the census next year.

As an Executive Member of the CPA Kenya Branch and a Member of the CPA, the opportunity accorded to me to attend the Global Disability Summit and the chance to discuss further the new Commonwealth Parliamentarians with Disabilities (CPwD) network, with an aim to domesticate it in Africa and promote the network to the East Africa and Southern Africa sub-regions of the Commonwealth Parliamentary Association. I am spearheading the actualization of this network in the wider CPA Africa Region to promote the advancement of Parliamentarians with disabilities across the CPA Africa Region. It is therefore my wish that Commonwealth governments ensure the inclusivity of persons with disabilities (PWDs) in all our development agendas, making sure that persons with disabilities are fully engaged. This can be achieved by:

1. Categorising political will towards change and building collective responsibility
2. Improving disability data and evidence to raise awareness of the scale of the problem and learning on how to address barriers and ensure proper programming
3. Supporting the leadership and representation of people disabilities to increase voice, choice and control
4. Disaggregating disability data in the basis of gender, nature of disability and age for proper programming.

Moving forward, I will be seeking the actualization of a regional disabilities hub to be created and hosted in Kenya with the aim of providing a one-stop shop for disability issues, including the implementation of the Persons with Disabilities Act of Kenya. The creation of regional groups of the Commonwealth Parliamentarians with Disabilities (CPwD) network will also provide opportunities for legislators of each CPA Region to positively address disabilities issues in their region.
HUMAN RIGHTS AND PERSONS WITH DISABILITIES IN THE ANGLOPHONE CARIBBEAN

Introduction
According to the United Nations (UN), all citizens are entitled to certain inalienable rights and freedoms. These rights and freedoms were enshrined in the Universal Declaration of Human Rights and the International Covenants on Human Rights (United Nations, 1948). Persons with disabilities are entitled to these fundamental rights and freedoms as they are human beings (Ghiglia Schunkl-Vial, 2017). However, their rights and freedoms have been violated in countries that have signed and ratified these UN conventions.

Countries within the Anglophone Caribbean have signed and ratified the UN Convention that recognizes these fundamental rights and freedoms. As a matter of fact, these countries have gone as far as entrenching these inalienable rights and freedoms in their constitutions. But in spite of this constitutional entrenchment, we are still seeing blatant violation of the indisputable rights and freedoms of certain groups within Caribbean societies. One such group is persons with disabilities.

In this article, I will examine the situation of persons with disabilities in the region from a human rights perspective in the Anglophone Caribbean. These are countries that were once subjects of the British Empire and who adopted the British Westminster system. They form the core of the regional body known as the Caribbean Community (CARICOM). I will focus on certain fundamental rights and freedoms that are of significant importance to the development of persons with disabilities and examine how these rights are being violated in the context of the Anglophone Caribbean. I have populated the article with some suggestions for action.

Persons with Disabilities in the Anglophone Caribbean
It is estimated that there are approximately 7.5 million persons with disabilities living in the Anglophone Caribbean. This is approximately 15% of the population of individuals living within the region. For clarity, the countries within the Anglophone Caribbean include: Jamaica, Bahamas, Cayman Islands, Turks and Caicos, Antigua and Barbuda, Dominica, St Lucia, St Kitts and Nevis, St Vincent and the Grenadines, Grenada, Trinidad and Tobago, Guyana, Belize and Montserrat.

All these countries came out of a certain colonial experience as they were all under British hegemony. They all subscribe to a democratic tradition that has been very rich in the region. They all embrace the inalienable rights and freedoms contained in the UN Covenant on Civil and Political Rights and most recently, the UN Convention on the Rights of Persons with Disabilities (CRPD).

The CRPD
In 2006, the CRPD was established with the aim of ensuring that the rights and freedoms of persons with disabilities are protected. The CRPD has not accorded any new rights to persons with disabilities. Neither has it taken away any of the rights articulated in the previous conventions (Equality and Human Rights Commission, 2018). According to the CRPD, its purpose is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities and to promote respect for their inherent dignity (United Nations, 2006). Since its formation, most countries within the Caribbean Community (CARICOM) have signed and ratified this global treaty, signaling their commitment to preserving and protecting the rights and freedoms of persons with disabilities (ECLAC, 2017).

Regional Support for Human Rights
The CARICOM Members (as Member Countries) have developed their own frameworks for supporting the human rights of persons with disabilities. The Kingston Accord that was formulated in 2004, even though preceding the CRPD, expressed its support for the process that would ultimately lead to the development of this global treaty (MLSS, 2004). Subsequent to the Kingston Accord, Member Countries of CARICOM gathered in Haiti in 2013 and formulated the Declaration of Petion-Ville (CARICOM, 2013). This regional instrument seeks to support governments in their efforts to work with persons with disabilities, to reorient the government’s commitment to the human rights of persons with disabilities.

But what is the reality of the human rights situation of persons with disabilities in the Anglophone Caribbean today? In answering this question, I will examine five fundamental areas that are germane to the sustainable development of persons with disabilities. These are: right to education, right to work and employment, right to information, right to justice and the right to political participation and public affairs.

Right to Education
Education is a quintessential means to empowerment and transformation. It is the best means of empowering citizens within a society (Mandela, 1994). This is even more so for persons with disabilities who are poor and vulnerable. This is why the CRPD of 2006 reaffirmed the right of persons with disabilities to a decent education. It states: ‘States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and lifelong learning directed to: a. The full development of human potential and some of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms, and human diversity; b. The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential; c. Enabling persons with disabilities to participate effectively in a free society (CRPD, 2006, p. 12).

Both the Kingston Accord and the Declaration of Petion-Ville stress the rights of persons with disabilities to work, on an equal basis with others; and the right to an effective access to the system (CARICOM, 2013). The CRPD also states that States Parties shall promote the right of persons with disabilities to education to be respected. The ECLAC 2017 report on the situation of persons with disabilities in the Caribbean also underscores the fundamental challenge to the rights and dignity of persons with disabilities in the region. ECLAC 2017. 2017. It states that persons with disabilities are not able to access educational institutions, then they will continue to be among the poorest in the region. World Bank data is showing that over 85% of persons with disabilities within the region are poor (World Bank, 2018).

Objective, some efforts are being made to create greater access to educational institutions for persons with disabilities within the region. More persons with disabilities are graduating from tertiary institutions and this is an indication that persons with disabilities are being included at different levels of the education system. However, the majority of persons with disabilities are not at the level educationally that can cause Caribbean countries to boast of any major accomplishments in this regard. Caribbean countries therefore have to redouble their efforts to make educational institutions throughout the region more accessible and inclusive of persons with disabilities in order for their rights to education to be respected.

Right to Work and Employment
Every citizen has the right to work and employment according to the United Nations Covenant on Civil and Political Rights. Work and employment are also rights declared under the CRPD. The CRPD states (States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation (ECLAC, 2006, p. 15).

If persons with disabilities are not working or employed, then they will be unable to take care of themselves and their families (Bertouch, 2017). This happens, they will become dependent on the State and others within society to survive. This is an undesirable outcome. In the Anglophone Caribbean, the employment situation is very disturbing as the right to work and be employed by persons with disabilities is being consistently violated. Data from ECLAC is...
HUMAN RIGHTS AND PERSONS WITH DISABILITIES IN THE ANGLOPHONE CARIBBEAN

showing up to 90% of persons with disabilities unemployed (CGLAC, 2017). This is a crisis situation and explains the reason why members of this vulnerable community are among the poorest in the region. If they are not able to access the educational institutions and to get employment, then perpetual poverty will be the ultimate result. Governments within the region, therefore have to take immediate and practical steps to correct this violation of the human rights of persons with disabilities. Some of these practical steps should involve affirmative actions that will ensure that persons with disabilities have access on an annual basis and is therefore unable to secure what has now become a basic tool for survival in a globalized world. This is a human rights violation.

According to Article 9 of the CRPD, persons with disabilities have the right to access information. It states: ‘To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure that persons with disabilities have access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and rural areas’ (United Nations, 2006, p. 6).

Despite the legal commitment by countries within the Anglophone Caribbean, we are still seeing persons with disabilities having difficulties accessing the justice system. Court houses are still inaccessible to persons with disabilities; staff of the police forces and judges do not know how to relate with persons with disabilities; Sign Language for deaf persons is not readily available; and the absence of these basic services for persons with disabilities in the Anglophone Caribbean makes a mockery of the rights of these individuals to justice. This is not to say that none of these services are available to these vulnerable individuals. However, it is not an entrenched or standardised feature of the system. The recognition by the CRPD that persons with disability has a problem with the law, these services will be provided automatically.

Right to Participate in Political and Public Life

Another indispensable right is entrenched in various human rights treaties that is that of the right to participate in the political process. Every citizen of a democratic society has this right. Persons with disabilities also have this right and it must be preserved and respected. In the CRPD, this right is reaffirmed in Article 29 states: ‘States Parties shall guarantee to persons with disabilities political rights and the opportunity to exercise them on an equal basis with others, and shall undertake to:

a. Ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, and including in investigatory and other preliminary stages’ (United Nations, 2006, p. 6).

In any democratic society, justice is one of the most important principles. This is built-in institutional mechanism that has been created to protect citizens from the abuse of power and to ensure that fairness will be observed in all. Article 29 states: ‘States Parties shall guarantee to persons with disabilities political rights and the opportunity to exercise them on an equal basis with others, and shall undertake to:

b. Ensure that persons with disabilities have the right to access for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, and including in investigatory and other preliminary stages’ (United Nations, 2006, p. 6).

It must be noted that in the Anglophone Caribbean, we are still seeing individuals actively participating in the political process at a leadership level. Persons with disabilities have been elected or appointed to the positions of political leadership at various levels of government in the Anglophone Caribbean. Significantly, within the past 10 years (2009-2019), two persons with disabilities have been elevated to the top position in the Senate of Barbados and Jamaica. This has been a unique situation in the Caribbean. Most persons with disabilities in the Anglophone Caribbean make a mockery of the rights of these individuals to justice. This is not to say that none of these services are available to these vulnerable individuals. However, it is not an entrenched or standardised feature of the system. The recognition by the CRPD that persons with disability has a problem with the law, these services will be provided automatically.

Conclusion

It is without doubt that persons with disabilities are human beings and are therefore entitled to the human rights that are prescribed in various international treaties. Notwithstanding this fact, we are seeing the transgressions of these rights in the Anglophone Caribbean today. In areas of education, employment, access to information, justice and political and public life, we are still seeing fundamental human rights violations. Governments within the Anglophone Caribbean will have to make a deliberate effort to ensure that educational institutions are more accessible and inclusive of persons with disabilities. They have to ensure that persons with disabilities are included in the labor-force through initiatives such as affirmative action. Greater inclusion and participation in the justice and political process is a must if the human rights of these vulnerable citizens are to be preserved. And, they must be provided with the means to access information so that they can make pragmatic decisions in a globalised world where access to information is quintessential.

Human rights are for all in Anglophone Caribbean societies and these must include persons with disabilities.

References


ENSURING THE ADVANCEMENT OF A PEACEFUL, JUST AND INCLUSIVE SOCIETY FOR ALL: THE STATUS OF HUMAN RIGHTS DEFENDERS IN SOUTH AFRICA

Introduction

The Constitution of the Republic of South Africa, 1996 (Constitution) is widely celebrated for its progressive content, and recognises the equal protection of civil, political, economic, social and cultural rights. Yet, South Africans frequently experience numerous human rights violations by the State. In the 2015/2016 financial year, the South African Human Rights Commission (SAHRC) recorded 3,207 complaints related to human rights and specifically with regard to civil and political rights. These violations related to issues of personal security and survival, political violence, excessive use of force during protests, freedom of association, access to justice, and administrative action and freedom of expression. The cross-cutting nature of these violations affects individuals and organisations working to advance civil, political, social, economic and cultural rights in South Africa, and contributes to the closing of political space. This has become increasingly more worrying as the country grapples with the triple threat of unsustainable levels of inequality, high unemployment and extreme forms of poverty.

South Africa has also been expressed by international and regional human rights bodies regarding xenophobia and associated violence, the treatment of prisoners and conditions of detention, the rights of migrants and the rights of indigenous communities in South Africa. Gender-based violence remains rife, with limited information available on the prevalence and forms of domestic violence, inadequate national statistics, and a lack of accountability for victims of violence. Children and people with disabilities continue to bear the brunt of extreme forms of violence, and are unable to access a host of socio-economic rights, such as education, health care and basic services.

The work of human rights defenders (HRDs) is universally recognised as fundamental for the establishment of a society rooted in peace, stability and security. Through strategic activism, they contribute toward the development of new ideas, deepening the human rights framework and making human rights a lived reality. The State has a duty to protect, promote and implement all human rights and fundamental freedoms, and ensure that all persons under its jurisdiction are able to enjoy those rights and freedoms in practice. This obligation is derived from the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights, 1966 (CCPR), the International Covenant on Economic, Social and Cultural Rights, 1966 (CESCRC), the Convention on the Elimination of All Forms of Discrimination against Women, 1979 (CEDAW), and the African Charter on Human and People’s Rights, 1981 (African Charter).

In addition, the Sustainable Development Goals (SDGs), specifically SDG 16, calls for the promotion of peaceful and inclusive societies for sustainable development, providing access to justice for all and establishing effective, accountable and inclusive institutions at all levels. It is in this context that the SAHRC has highlighted the current landscape of human rights activism in South Africa. The SAHRC has been concerned that despite the recognition and protection of rights afforded in the Constitution, due to the lack of a clear domestic legal definition as to who constitutes an HRD, there is a glaring lack of information on the status of HRDs in South Africa. This gap creates a vacuum in understanding the State’s obligation to promote and protect the rights of HRDs. The SAHRC report further highlights the complex manner in which the deliberate application of a number of laws, policies and practices by the government, limitation of citizens’ engagement of various constitutionally guaranteed human rights, particularly as it relates to freedom of assembly, association, expression, access to information, and access to justice.

Freedom of Assembly
The right of everyone to freedom of assembly includes the right to assemble, demonstrate, picket and present petitions, peacefully and unarmed. The State has a duty to actively protect gatherings that are lawful and peaceful, including protecting people when threatened with violence. However, civil society organisations (CSOs) interviewed by the SAHRC have highlighted the criminalisation of protest action undertaken by citizens seeking to hold the government accountable to delivering on its obligations. Protestors demanding the delivery of housing, education, and basic services such as water, sanitation and electricity, are shot at by the police with water cannons, tear gas, stun grenades, and rubber bullets. Between 2004 and 2014, media reports estimate that at least 43 protestors were killed by police.

Public demonstrations in South Africa are regulated by the Regulations of Gathering Act, 1993 (RGA). In terms of the RGA, legitimate use of force by the police against protestors is only applicable in instances where it is necessary to prevent injury or death to a person or destruction of property, and all other measures have failed. Flowing from the country’s apartheid past, the RGA was drafted with the intention of recognising public demonstrations as essential forms of democratic expression, requiring the State to facilitate rather than repress gatherings, and to be handled with tolerance and empathy to avoid providing confrontation that may result in violence.

Yet, rather than facilitating the right to freely assemble, many local government authorities have interpreted the provisions of the RGA in a manner that restricts its intended implementation. Bureaucratic obstacles and misinterpretations of the RGA have led to an increasing number of unauthorised and unexpected gatherings, taking place without police intervention. The failure to allow protected demonstrations and the breakdown in police community relationships, has had significant consequences, including the destruction of both private and public property, such as schools, libraries and hospitals, and increasingly more loss of lives. In order to address these regulations, the SAHRC has recommended that the Minister of Police and South African Police Service take the necessary measures to halt the excessive and disproportionate use of force by law enforcement officials in the context of public protests, through strengthening front line supervision and officers accountability mechanisms, so that public ordering policy is improved. In addition, the government must prioritise training for civil servants to ensure that the RGA is understood in the context of facilitating the right to freedom of assembly.

Freedom of Association
The work of human rights defenders (HRDs) is universally recognised as fundamental for the establishment of a society rooted in peace, stability and security. Through strategic activism, they contribute toward the development of new ideas, deepening the human rights framework and making human rights a lived reality.

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Freedom of Expression and Access to Information
A central to the right to freedom of expression is the ability to access information. The right to access information (ATI) entitles the right to know, seek and hold information about all human rights. In addition, everyone has the right to freely publish, impart or disseminate to others their views, information and knowledge on all human rights, and draw public attention to these matters. These rights are essential for citizens to make informed decisions when claiming rights toward the advancement of a democratic society.

Numerous challenges have been identified with South Africa’s existing access to information laws, including that information from public and private bodies is only available on request as opposed to proactive release. The legislative challenges inherent to the Promotion of Access to Information Act, 2000 (PAIA) include the formalised nature of the process that has limited the ability of communities to utilise the right independently without assistance from lawyers; the inconsistency and uncertainty of grounds of refusal of disclosure of information; and the lack of an independent, swift and inexpensive appeal mechanism. Consequently, not only is information to which communities are entitled denied as a result of bureaucratic failures, but the uncertainty surrounding reasons for the lack of disclosure prevents fertile ground for secrecy, leading to individuals and groups taking risks at great personal cost to ensure that the public is able to make an informed assessment of the current status of South Africa’s democracy.

During 2016, the South African Broadcasting Corporation (SABC), a public broadcaster tasked with providing a platform to all in the country to participate in the country’s democracy, has come under scrutiny amidst claims of political interference. In September 2016, the Supreme Court of Appeal found that the use of a ‘signal jammer’ by the State Security Agency to prevent journalists from recording screening scenes of disorder in
revealed that British public relations in African society. In 2017, it was used as a tool to advance political agendas and sow division in South Africa.

While freedom of the press is essential to ensure a transparent and accountable democracy, the media has also had a national role to play in highlighting to the public the plight and vulnerability of HRDs seeking to advance human rights. An attempt to do so actively can reinforce the negative stereotypes often associated to HRDs in the mainstream media. Moreover, researchers must be given to language and discourse used by political leaders and other authoritative figures of society that may lead to the perpetuation of violations meted out towards HRDs and other vulnerable groups.

Access to Justice

Obtaining justice for victims of human rights violations is dependent on the ability of victims to access the legal system or independent tribunals, and exercise the right to just administrative action and procedural fairness. HRDs are dependent on the availability of human rights lawyers (who are themselves HRDs) to protect their rights. The SAHRC has found that access to legal aid, HRDs are available to those who however, become increasingly difficult. Donor-funded organisations have a limited capacity to seek redress for those HRDs. Moreover, despite the establishment of strong institutions of justice, access to justice for victims of human rights, is slow and at times inaccessible, resulting in a lack of accountability for perpetrators of violations. It thus become crucial that South African citizens remain resolute in their support and protection of HRDs, who are the drivers of ensuring that we achieve the vision of a democratic society infused with the values of justice, equality and peace.

Article on behalf of the South African Human Rights Commission by Mr. Thandile Mathews, Senior Researcher: Civil and Political Rights. In 2018, she was selected as a PhD candidate to participate in a joint scholarship programme between the International Institute of Social Studies, Erasmus University Rotterdam and the University of the Witwatersrand’s School of Law. Her research will explore the role of constitutions in addressing human rights inequalities.

References:
10.1. SAHRC, Status of Human Rights Defenders in South Africa, 2018
5. Article 2.
7. Constitution, section 17. See also UN Declaration on Human Rights Defenders, Articles 5 and 12.
8. Right2Know Campaign, RGK Statement: We are concerned over the shrinking space for dissent in South Africa.
10. See also: SAHRC, Resolving high cases of sisonko in service delivery protests, Mail & Guardian (12 February 2014).
12. See also: Right2Know, Understanding the Regulation of Gatherings Act, arrests and court processes, 2016.
13. See also: SAHRC, Struggle for Street Politics (2012).
17. See Note 4 above.
18. Ibid.
19. EWN, Minister Malhotra has evidence: there are NGOs destabilising SA (29 April 2016).
20. Article 13, Article 144.
21. See Note 4 above.
23. See Note 4 above.
24. SAHRC, South Africa’s Right to Know? Reviewing the power of PM44 as an agent for change (2013).
25. SAHRC, street protests: freedom of expression and incitement to hostility against and between religious and cultural communities.
26. Article 18 of the Universal Declaration of Human Rights and International Covenant of Civil and Political Rights has never been more needed. Article 18 upholds the right to Freedom of Religion or Belief (FoRB), giving everyone the right to have and to practice their beliefs in private or public. FoRB does not, however, allow believers to disregard the interests of those around them, nor does it grant any rights or privileges to religions or beliefs themselves. These limitations ensure that the right cannot be used by groups to suppress or harm others. FoRB is therefore a powerful tool in tackling stigma, hate and violence towards those with other beliefs and there are an increasing number of those within the Commonwealth who are working hard to ensure that this is recognised.

Acts of intolerance involving religion or belief across the Commonwealth and wider world have emerged as a critical issue of our time. A climate of intolerance has been fostered in many nations through state-sponsored and nationalistic narratives. As a result, the general public across the Commonwealth is even more de-sensitised to stigmatisation and incitement to hostility against those with different beliefs. In such a climate, Article 19 of the Universal Declaration of Human Rights and International Covenant of Civil and Political Rights has never been more needed.

Conclusions

In such a climate, Article 19 of the Universal Declaration of Human Rights and International Covenant of Civil and Political Rights has never been more needed. Article 18 upholds the right to Freedom of Religion or Belief (FoRB), giving everyone the right to have and to practice their beliefs in private or public. FoRB does not, however, allow believers to disregard the interests of those around them, nor does it grant any rights or privileges to religions or beliefs themselves. These limitations ensure that the right cannot be used by groups to suppress or harm others. FoRB is therefore a powerful tool in tackling stigma, hate and violence towards those with other beliefs and there are an increasing number of those within the Commonwealth who are working hard to ensure that this is recognised.

Sadly, violations of FoRB remain truly global, occurring in most continents and in many different cultures - from the systematic crimes committed against Rohingya Muslims in Myanmar, mass-scale violence between predominantly Muslim heretics and Christian farmers in Nigeria’s Middle Belt, to the large number of abductions and rape of religious minority women in Pakistan. There is no one type of perpetrator or victim of FoRB that face persecution in one country may be the perpetrators in others. Perpetrators may also be state or non-state actors, with both condoning mob violence in some incidents to enforcing religious or social norms.

The Commonwealth is a unique and extensive family of nations bonded by history, embodying a commitment to free, open and democratic societies. With more than 2.4 billion people in 53 countries spanning six continents, ensuring that all people within the Commonwealth’s right to FoRB is critical for its flourishing. Failing to uphold this right could be a serious impediment to the future that we hope to build together. Failing to uphold this right could be a serious impediment to the future that we hope to build together.
Acts of intolerance involving religion or belief across the Commonwealth and wider world have emerged as a critical issue of our time. A climate of intolerance has been fostered in many nations by xenophobic rhetoric and nationalistic narratives. As a result, the general public across the Commonwealth is ever more de-sensitised to stigmatisation and incitement to hostility against those with different beliefs.

In such a climate, Article 18 of the Universal Declaration of Human Rights and International Covenant of Civil and Political Rights has never been so vitally needed. Article 18 upholds the right to Freedom of Religion or Belief (FoRB), giving everyone the right to have and to practice their beliefs in public or private, foRB does not, however, allow believers to disregard the interests of those around them, nor does it grant any rights or privileges to religions or belief systems. These limitations ensure that this right cannot be corrupted or used by groups to suppress or harm others. FoRB is therefore a powerful tool in tackling stigma, hate and violence towards those with other beliefs and there are an increasing number of those within the Commonwealth who are working hard to ensure that this is recognised.

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Tackling this problem is crucial for the Commonwealth’s future generations. More than 60% of the Commonwealth are under 30 years old, an important fact that the 2018 Commonwealth Heads of Government Meeting recognised through its ‘Towards a common future’ theme. Too many young people across the Commonwealth are growing up without their Article 18 rights and thinking of those who hold no faith or have a different faith.

Ensuring children obtain a quality education (Sustainable Development Goal 4) helps to enable them to not fear others, breaking down future exclusion and marginalisation. Many children from religious minority and indigenous groups, however, still face barriers to education. For example, the Aurat Foundation finds that the 1,000 or so Christian and Hindu girls who are kidnapped, raped and forcibly converted to Islam each year has led to many families being too afraid to send their girls to school.

The Commonwealth Charter includes a pledge to promote human rights which, in turn, include FoRB. To be a member of the Commonwealth, governments must uphold this pledge. As the balance of power world shifts away from Europe, Commonwealth member states are in most important commons, empowering these states to take a lead on human rights on the world stage.

Parliamentarians have a key role to play in holding their respective Executives to account to fulfil their pledges to protect the human rights of their citizens. FoRB is a powerful tool in the Commonwealth and it is the job of all parliamentarians to ensure that those who violate FoRB are held accountable.

The All-Party Parliamentary Group for International Freedom of Religion or Belief (APPG FoRB) in the United Kingdom has empowered Parliamentarians to advocate consistently for FoRB in the UK through compelling evidence. It is speaking out against the rise in UK hate crime. The APPG has also been instrumental in developing the one-day corporate training module for all Home Office employees dealing with asylum claims in the UK on grounds of religious persecution. There are lessons that citizens of the Commonwealth can learn from each other to make FoRB a reality for all, safeguarding the Commonwealth’s peace, stability and prosperity in the future.

The Commonwealth has many problems concerning FoRB but there are shining examples from every corner of the globe. Jamaica, Ghana, Mozambique, Malta and New Zealand have extremely low levels of government restrictions and social hostility towards religions. The strength of the Commonwealth lies in its ability to share best practice between these and other nations, harnessing the role of governments, civil society and peoples.

In July 2018, the UK Prime Minister appointed Lord Ahmad as his Special Envoy for FoRB, joining special envoys or rapporteurs on FoRB in the United States, Denmark, New Zealand and Rwanda. The UK has led the creation of a Human Rights Action Team and social media platform to raise awareness of the issue. The Commonwealth is a powerful tool in tackling stigma, hate and violence towards those with other beliefs.

The APPG has worked with its 25 human rights and faith-based stakeholder organisations to draft a new Domestic Person Resettlement Scheme to allow non-Syrian nationals, including the persecuted Yazidis, to be resettled in the UK.

For more information on the work of the UK APPG for International Freedom of Religion or Belief, please email katharinee.thane@parliament.uk.

*IPPFoRB: http://www.ippforb.com
CONTEXTUALISING HUMAN RIGHTS IS CRUCIAL FROM THE PERSPECTIVE OF A SMALL STATE

The Independent State of Samoa located in the Pacific Islands gained its independence in 1962. It has a total population of approximately 200,000. The Constitution of the Independent State of Samoa (1960) is the supreme law with authority over the fundamental rights recognized by Samoa which includes the right to life, freedom from inhuman treatment, freedom from forced labor, right of fair trial, rights concerning criminal law, freedom of religion, rights concerning religious instruction, freedom of speech, assembly, association, movement and residence, a person’s right to invoke the law, and freedom from discrimination from fundamental or discriminatory legislation.

These fundamental rights also correspond directly with the principles determined by the United Nations Universal Declaration of Human Rights (UDHR) and the international human rights instruments already ratified by Samoa. Despite its Constitution declaring the protection of fundamental rights, discussions about the protection of human rights as a foreign construct remain a challenge. The introduction of the UDHR and other international instruments in Samoa saw the idea of individualism introduced and continues to meet with mixed responses and feelings of fear of threat to the Fa’asamoa. These discussions are not new and the dialogue had already taken place during the inception of Lafaialii v Attorney General [2003] 1 Allie where the Supreme Court outlined the boundaries of human rights and its application to Samoan way of life. The Supreme Court declared that human rights are underpinning by core values of respect, dignity, equality and security for everyone. Similarly, Fa’asamoa holds core values that guide social interaction such as respect, inclusivity, dignity, love, protection, and service, which mutually reinforce human rights. It is no surprise that the relationship between human rights and Fa’asamoa can be mutually reinforcing given they are both rooted in the dignity of the person, love and respect. An example, looking at the issue of family violence – human rights are based on the notion of rights and responsibilities – you cannot have rights without the responsibility to uphold the rights of others.

The article is by the National Human Rights Institution Samoa (NHRI) and the Ombudsman of the Independent State of Samoa. The Ombudsman was established in 1990 by virtue of law to investigate complaints about decisions, actions or inaction of officers of a legislation or organisation in matters of administration. The good governance core function of the Office promotes transparency, accountability, integrity, and fairness in public administration. The Samoan Parliament repealed the Office’s founding law in 2013 and replaced it with the Ombudsman (Komesina Act) 2013. This new Act creates the original function and purpose of the Office with two additional core functions; 1. Promotion and protection of an individual’s perspective (the very nature of them being indivisible, interrelated, and interdependent, meaning that if you protect one individual you are also helping to protect the rights of a community and vice versa. By better protecting rights of individuals from violence, we will also be protecting the collective rights of others including women and children. The NHRI acknowledges that: 1. Continuing education and awareness on the topic of human rights and its application to Samoan way of life is of critical importance; 2. the interconnectedness of its principles as it can lead to an understanding and ultimately set a foundation on the right to an equal customary human rights.

It takes time to get past the hurdles of misunderstanding and lack of pure resistance but the work we are doing now through human rights education and awareness can lead to new attitudes and realisation of human rights in our society. Increased awareness of responsibilities that go hand in hand with exercising of rights and universal rights at all village level can enhance understanding and allow people to grasp how human rights can/might benefit the Fa’asamoa rather than hinder it.

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HUMAN RIGHTS IN THE PACIFIC: THE PACIFIC COMMUNITY’S VIEW

HUMAN RIGHTS IN THE PACIFIC ON THE 70TH ANNIVERSARY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS: THE PACIFIC COMMUNITY’S VIEW

Introduction

Tiny specks cast wide across the expansive waters of the Pacific, each Pacific Island Country or Territory (PICT) is distinct yet forever bound to each other by the Pacific Ocean and as well as by commonalties in culture, traditions and values. Covering the largest area of the globe, with the smallest and most isolated populations, the Pacific is home to a diversity of cultures which speak more than one quarter of the world’s languages. The region comprises 22 countries and territories of which 15 are former colonies and several free associations of territories of the United Kingdom, the United States and France. While the Pacific evokes images of sun, sand, friendly faces, and a way of life encapsulated by ‘Pacific time’, this popular image only tells part of a story – a story which includes complex sub-plots covering issues like inequality, gender-based violence, sustainability, globalisation, ethnic tensions, and the growing threats arising out of climate change. Where does human rights fit into the Pacific narrative and where is this story headed?

Human Rights in the Pacific

Human rights is a concept relatively new to the Pacific and the question of its place amongst the region’s cultures, traditions and values has prompted much discussion. Ratu Joni Madraiwiwi, the late High Chief and former Vice-President of Fiji and Chief Justice of Nauru, spent much time thinking about this issue:

“Customs and human rights both concern rights. Human rights are understood to be the rights that are innate and inherent to each of us as individuals. Customary, traditional and cultural rights relate to our roles as a distinct people or community. They include the ownership of land and natural resources, folk lore, traditional knowledge and social systems. Both these species of rights belong to us by virtue of who and what we are.”

Today, the appreciation amongst Pacific Island governments of the importance of human rights and the positive role they can play in helping to achieve sustainable development outcomes, appears to be escalating. From 2019-2021, for example, Fiji will sit on the United Nations Human Rights Council; the first Pacific to do so, while the Republic of the Marshall Islands has announced its candidacy to be a Council member from 2020-2022.

Interest amongst PICTs in establishing national human rights institutions (NHRIIs) has also increased in recent years – for example, Samoa (2013) and Tuvalu (2017) have joined Fiji in establishing such bodies while several other PICTs are investigating whether they should establish NHRIIs. The rate of PICTs’ reporting against treaties has increased significantly in recent years while participation on the Human Rights Periodic Review process has been positive although implementation of recommendations from the Human Rights Coordinating Body is variable. Both these species of rights belong to us by virtue of who and what we are.”

The 2014 Framework for Pacific Regionalism, which replaced the 2008 Pacific Plan, embraced “good governance, the full observance of democratic values, the rule of law, the defence and promotion of all human rights and gender equality, and commitment to just societies” as well as “full inclusivity, equity, equality for all people of the Pacific.” In 2015, Members of Parliaments from 11 PICTs adopted the Denarau Declaration on Human Rights and Good Governance which recognised that human rights (and good governance) are essential cornerstones for social, economic and cultural development in the region. And in 2016, the Pacific Framework on the Rights of Persons with Disabilities was adopted by Pacific Leaders as their commitment to a build a Pacific which is inclusive and equitable for all persons with disabilities.

Key human rights issues

While governments appear to increasingly appreciate human rights, much still needs to be done to address certain human rights concerns in the region. Key regional issues with significant human rights dimensions and implications include high rates of violence against both women and children, the rights of persons with disabilities, and climate change.

The Family Health and Safety Studies in 11 PICTs2 since 2008 show that 17% of women in Melanesia, 44% in Micronesia and 43% in Polynesia, have experienced physical and sexual violence against them in their lifetime. Notwithstanding some progress towards women’s empowerment and participation in decision making, Pacific women hold only 7.7% of seats in national parliaments in PICTs, the lowest percentage of Parliamentary seats worldwide. Laws still exist in the Pacific which treat women and girls differently and restrict their opportunities and rights in areas such as employment, social protection, decision making, land ownership, education, and social, health and family status. Women’s labour force participation rates remain low across the Pacific – in a number of countries, men’s participation in the formal economy is almost double that of women (in Melanesia, the ratio is three to one in favour of men).

Despite the commitments made by Pacific Leaders under the 2014 Gender Equality Declaration and the 2012 Denarau Declaration on Human Rights and Good Governance, women’s participation in political decision making remains low. Women and girls with some form of disability are far less likely to be elected than those without a disability. In the 2013 Pacific Leaders summit, governments allocate only 0.2% of national appropriations to initiatives in support of persons with disabilities.

The climate crisis and the impact of climate change on the wellbeing of the peoples of the Pacific “is the single greatest threat to the livelihoods, security and wellbeing of the peoples of the Pacific.”9 A host of human rights concerns (right to life, right to an adequate standard of living, etc) are linked to the already well-documented current and future impacts of climate change, including economic impacts such as a decrease of 20% and 30% respectively in fisheries and tourism earnings.

The Pacific Community and Human Rights

The Pacific Community (SPC) is a regional inter-governmental organisation comprising 22 PICTs, as well as Australia, New Zealand, France and the United States. SPC shares the vision for the region adopted by Pacific Leaders under the Framework for Pacific Cooperation and Integration of “a region of peace, harmony, security, social inclusion and prosperity (in which) all Pacific people can lead free, healthy and productive lives.” One of the ways in which SPC seeks to achieve this vision is through ‘advancing social development’ and ensuring the promotion of human rights, gender equality, cultural diversity and opportunities for the young.10

SPC has oversight of SPC’s work in geoscience, energy & maritime, land resources, education, social development and regional and national human rights issues. Formerly in the Pacific, we have included WHO Regional Representative in Samoa and Director of Knowledge and Innovation at the University of Queensland.

Dr Audrey Aumua is the Deputy Director-General of the Pacific Community (SPC), a regional organisation representing 26 Pacific Islands and Territories. Based in Suva, Fiji, Dr Aumua has oversight of SPC’s work in geoscience, energy & maritime, land resources, education, social development and regional and national human rights issues. Formerly in the Pacific, we have included WHO Regional Representative in Samoa and Director of Knowledge and Innovation at the University of Queensland.

Human Rights in the Pacific

Human rights is a concept relatively new to the Pacific and the question of its place amongst the region’s cultures, traditions and values has prompted much discussion. Ratu Joni Madraiwiwi, the late High Chief and former Vice-President of Fiji and Chief Justice of Nauru, spent much time thinking about this issue:

“Customs and human rights both concern rights. Human rights are understood to be the rights that are innate and inherent to each of us as individuals. Customary, traditional and cultural rights relate to our roles as a distinct people or community. They include the ownership of land and natural resources, folk lore, traditional knowledge and social systems. Both these species of rights belong to us by virtue of who and what we are.”

Today, the appreciation amongst Pacific Island governments of the importance of human rights and the positive role they can play in helping to achieve sustainable development outcomes, appears to be escalating. From 2019-2021, for example, Fiji will sit on the United Nations Human Rights Council; the first Pacific to do so, while the Republic of the Marshall Islands has announced its candidacy to be a Council member from 2020-2022.

Interest amongst PICTs in establishing national human rights institutions (NHRIIs) has also increased in recent years – for example, Samoa (2013) and Tuvalu (2017) have joined Fiji in establishing such bodies while several other PICTs are investigating whether they should establish NHRIIs. The rate of PICTs' reporting against treaties has increased significantly in recent years while participation on the Human Rights Periodic Review process has been positive although implementation of recommendations from the Human Rights Coordinating Body is variable. Both these species of rights belong to us by virtue of who and what we are.”

The 2014 Framework for Pacific Regionalism, which replaced the 2008 Pacific Plan, embraced “good governance, the full observance of democratic values, the rule of law, the defence and promotion of all human rights and gender equality, and commitment to just societies” as well as “full inclusivity, equity, equality for all people of the Pacific.” In 2015, Members of Parliaments from 11 PICTs adopted the Denarau Declaration on Human Rights and Good Governance which recognised that human rights (and good governance) are essential cornerstones for social, economic and cultural development in the region. And in 2016, the Pacific Framework on the Rights of Persons with Disabilities was adopted by Pacific Leaders as their commitment to a build a Pacific which is inclusive and equitable for all persons with disabilities.

Key human rights issues

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Access to justice is a rubric deployed by many commentators, but not always with the same connotation. So far as concerns access to the courts, au fond, it must mean that those who have recourse to the law for the redressing of wrongs done to them, or to defend themselves against accusations made against them should have unimpeded erithee to the judicial system. Of, if not unimpeded access, at least access with no unwarrantable impediment, which, as we shall see, is at the heart of contemporary debate on this subject.

Two principal themes emerge. First, the need to ensure that excessive court fees are not imposed which prevent or unduly discourage litigants from bringing a claim. The second, interrelated, theme is that litigants should have available to them legal representation in appropriate cases, where they cannot afford that representation from their personal resources.

Excessive court fees

The courts have been prepared to intervene when satisfied that excessive court fees operate to deny or even impede access to justice.4 In R v Lord Chancellor ex p. Witham5 Laws J described access to the courts as ‘a constitutional right’, well-recognised by — indeed, enshrined and deeply embedded in — the common law. That right could only be denied by the government if it persuades Parliament to pass legislation which specifically — and effectively — precludes provision which permits the executive to turn away from the court door.6

In that case, Mr Witham, who was unemployed, challenged the decision of the Lord Chancellor to amend the Supreme Court Fees Order 1980 by imposing fees of £100 or £500 for bringing relevant claims. Laws J said: ‘In my view, it is clear on the evidence before us that there is a wide-ranging variety of situations in which persons on very low incomes are in practice denied access to the courts to prosecute claims or, in some circumstances, to take steps to resist the effects of claims brought against them.’7

While, in general, it is for the Executive and Legislature to decide how public resources are to be expended and replenished, provisions such as that which amended the 1980 Order required explicit Parliamentary authorisation in the form of legislation. Since there had been no such authorisation, the amendment to the 1980 Order was held to be unlawful.

A recent example of the common law principle in play is to be found in the unanimous decision of the Supreme Court in R (Union of London Teachers’ Associations) v Secretary of State for Education and Skills (the ‘Ught总工会’ case).8 In that case the trade union challenged the lawfulness of the Employment Tribunals and the Employment Appeal Tribunal Fees Order 2013, which had introduced charges of £500 or £1,000 to bring a case before an Employment Tribunal.

The judgment of Lord Reed [now the Deputy President of the Supreme Court] is a rubric of the law that underpins everyday economic and social relations.”9 It is that knowledge which underpins everyday economic and social relations. 10

The importance of the right of access to the courts is therefore, at least, two-dimensional. It provides resolution of individual disputes. More importantly from a societal viewpoint, it charts the way forward for clients and their lawyers who wish to either to avoid contentious litigation or who want to know whether their rights have been infringed.

As it happens, the UK Supreme Court in Ught总工会 held that the imposition of the relevant fees by the Executive, without the express sanction of Parliament, effectively prevented access to justice and was therefore unlawful. In Lord Reed’s view, the decision will resonate for reasons other than those directly associated with the particular circumstances of the case, not least in its championing the principle of the common law and the importance of the right of access to justice within it.

Legal Aid

Challenges to legal aid provisions have proved more problematic. The lack of success of such challenges is perhaps most evident in the Family Court.

In R v (Children) (Unrepresented Father: Cross-Examination of Child),9 the father of two children was accused of having sexually abused their older half-sibling. The key issue, in the case, was the level and type of contact which the father should have with the two younger children. The judge felt unable to reach a conclusion on that without first deciding whether the allegation against the father was true. A hearing to determine this question was listed, therefore. The older half-sibling was to give evidence at a hearing. The father did not have legal aid for representation in the proceedings and did not meet the ‘means test’ set out in the relevant regulations. The judge considered that it would not be appropriate for the father to cross examine the child directly. Since the father could not afford to pay privately for legal representation, the judge directed that a legal representative should be appointed by the court to cross-examine the child on behalf of the father. He ordered that the costs of legal representation of the father should be borne by Her Majesty’s Courts and Tribunals Service. He considered that the court had jurisdiction to make such an order because of observations made by the President of the Family Division, Sir James Munby P in two earlier cases: Ov Q (No 2) (Practice Note)10 and Re D (A Child).11

The judge’s decision was appealed to the Court of Appeal. That court decided that the judge did not have power to make the order. Lord Dyson MR explained: “As the judge acknowledged, LASPO [the Legal Aid, Sentencing and Punishment of Offenders Act 2012] provides a comprehensive code for the funding of litigants whose cases are within the scope of the scheme. It is a detailed scheme. I do not consider that it is possible to interpret section 7 of the 2003 Act [the Courts Act 2003] or section 31 (6) of the 1984

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THE RIGHT TO JUSTICE: ACCESS TO JUSTICE AND LEGAL AID IN THE UNITED KINGDOM

THE RIGHT TO JUSTICE

Rt Hon. Lord Kerr of Tonaghmore is a Justice of the UK Supreme Court, a position he has held since 2009. Lord Kerr served as Lord Chief Justice of Northern Ireland from 2004 to 2009, and was the last Lord of Appeal in Ordinary appointed before the creation of the Supreme Court. Lord Kerr was called to the Bar of Northern Ireland in 1970, and to the Bar of England and Wales at Gray’s Inn in 1974. In 1993 he was appointed a judge of the High Court and knighted. He became Lord Chief Justice and joined the Privy Council in 2004.
But it sounded a cautionary note
that the father’s rights under
judicial legislation. “It amounts to
the interpretation adopted by the
Parliament for public funding of
legal representation. In my view,
the European Convention on
human rights and obligations of
any criminal charge against him.
He is not as an element of
the objective of a fair trial that the
right to have counsel of one’s choice
arises.” 44

The review of legal aid
legislation
LASPO is undergoing a review
but it is not as an element of
the determination of his
choice of counsel must be taken
into account but these are properly
subordinate to the overall aim
of achieving a fair trial. Thus, it is not a
question of the defendant enjoying a
right to choose his own counsel
which is an essential part of a
fair trial goal. Rather it is as an element of
the objective of a fair trial that the
right to have counsel of one’s choice
arises.” 44

Introduction
The doyens of 20th century
human rights declarations and
covenants could never have envisaged a world so interconnected as ours, where
information is shared globally and
instantaneously, and many people
live their lives online. As the digital age expands
into homes, between businesses and
across borders, legislators are
struggling to strike a balance
between guaranteeing freedom of
expression and protecting
privacy, respecting the limits of international
jurisdiction, and ensuring that citizens remain safe.
Achieving an effective balance will be one of the great
human rights challenges of the 21st century.

The use of bilateral and
multilateral mutual legal assistance
agreements (MLA’s), with their
provisions limiting violations
of the right to privacy and freedom
of speech, is an essential part of
that process, but as international
organised crime escalates and
requests for assistance become
more numerous and complex,
these systems have become
overburdened and other solutions
are being sought.

The Commonwealth
cybercrime and privacy
framework
On 20 April 2018, at their
meeting in London, 53 Heads of
Commonwealth Governments,
including the Heads of 31 Small
Commonwealth and Island States,
unanimously adopted a landmark
Commonwealth Cyber Declaration
cumulating themselves to:

- A cyberspace that supports
economic and social
development and rights online.
- Building the foundations of
an effective national cyber
security response;
- Requiring cyber security
frameworks to promote
stability in cyberspace through
international cooperation.

The Declaration, which has
been described as “the world’s
darkest and most geographically
diverse commitment to
cyberspace cooperation”, followed
immediately after the UK
Government’s announcement
to pledge up to £15 million to
help Commonwealth countries
strengthen their cybersecurity
capabilities. It was accompanied
by an Implementation Plan for the
Period 2018–2020, in which the
Heads of Governments agreed
to examine and assess their
cybersecurity frameworks and to
determine their capacity needs.

Commonwealth countries have
long recognised the importance of
the right of the public to access
information held by the government and the
need to protect the privacy
of individuals whose personal
information is held by public or
private organisations. Between
2002 and 2005, Law Ministers
adopted three inter-related bills
to assist Commonwealth member
countries, which had led to enact
laws providing for access to
information. The Model Privacy
Bill (2002), The Model Freedom
of Information Bill (2002); and
The Model Bill on the Protection
of Personal Information (2005).
Each of them draws largely from
the core principles set out in the
OECD Privacy Guidelines 1980,
updated in 2013. 18

The Commonwealth also
has The Harare Scheme, an
established framework of mutual
legal assistance, updated in
2011 to include preservation of
computer data, interception
of telecommunications and
cryptic electronic surveillance.

12  [2015] EWCA Civ 543 at [62]
11  [2015] EWCA Civ 543 at [31]
7  [2017] UKSC 51 at [7]
6  [2017] UKSC 51 at [68]
5  [2017] UKSC 51 at [69]
4  [2018] UKSC 17
3  [2018] UKSC 17 at [34]
2  [2000] 43 IHR
1  [2018] UKSC 17 at [35]

References:
[1998] QB 575
[1998] QB 575
[1998] QB 575 at [27]
[2017] UKSC 51
[2017] UKSC 51
[2017] UKSC 51
[2015]  WLR 204
[2015] 1 FLR 531
[2015] EWCA Civ 543 at [31]
[2015] EWCA Civ 543 at [62]
[2018] UKSC 17
[2018] Application No 19924/92
[2018] Application No 61059/09, 9
December 2009
[2018] UKSC 17 at [34]
[2018] EWFC B16 at [35].
noted in its current MLA treaties.8

The US has enacted and the UK is seeking other solutions. The
prosecutors are challenging the... the State certify that among other things, the foreign government provides robust substantive and procedural protections for privacy and civil liberties and that it has adopted procedures to minimize the acquisition, retention, and dissemination of information concerning United States persons.10

The UK Solution: Overseas Production Orders
On 27 June 2017 the UK Government introduced in the House of Lords the Crime (Overseas Production Orders) Bill 2017. The Commons power to make Production Orders issued under the CCA 1986, and held that in... world over documents held outside the UK. The notice had been served on a representative of KBR Inc whilst the company is currently facing... to domestic court for an order authorizing them to obtain... service from service providers based outside the UK. As with the CLOUD Act, the US Order may only be made where an agreement, in this case an international agreement is in place with the country from which the order is issued. The court held that the SFO may compel the production of documents by an overseas company... compliance may be regarded as a drastic incursion into international... critical to the erosion of media’s independence. As in the Microsoft case, the ruling in the KBR Case demonstrates the difficulty issues which can arise in the interpretation of pre-Internet statutes and which may only be... the SFO’s second powers are not subject to the safeguards provided... by the SFO, requires KBR Inc., the US parent company of KBR Ltd, which was accused of making payments to secure a contract and... News.com, znet.com

There is no question that legislative changes are needed to bring prosecutorial powers up to date with new technology and to supplement the current system of mutual legal assistance. However, the risks to privacy and sovereignty in creating alternative frameworks are apparent and there are no easy answers.13

References:
[10] The US Government obtained in the Cloud, and they are negotiating an international cooperation agreement to give it effect. Similarly, a European Union instrument that would allow Member States to obtain data directly from a foreign Member State is making its way through the European Parliament, although the UK will need to forge foreign agreements with other Member States post-Brexit.9

Two recent cases, one in the US and one in the UK, illustrate the difficulties which have arisen in resolving issues of territoriality in pre-Internet age statutes and which demonstrate the need for legislative intervention.

The US Solution: The Microsoft Litigation and the CLOUD Act
On 14 July 2016, in Microsoft v US 829 F 3d (2016), the Court of Appeals for the Second Circuit in a majority judgment, allowed an appeal by Microsoft against a decision of the United States District Court in a case involving whether the EDWA 1986 (a pre-Internet age statute) permits the US Government to compel by an overseas company... to the House for all or part of the order to be revisited, but makes no provision for the executing state to make any objection.

At the time of writing the Bill has passed the Report Stage in the House of Lords and after a Third-Reading, will be considered by the House of Commons. The Government has asserted that the Bill’s compatibility with the Human Rights Act 19989, stating that although it overrides Articles 8 and 10 of the European Convention on Human Rights, ‘those intrusions into ECHR rights can be justified as necessary in a democratic society for the prevention of disorder and crime and in the interests of national security and public safety and are proportionate in light of the requirements that must be considered the original appeal. The Cloud Act created an alternative legal framework... be of substantial value to the proceedings or the investigation, and that its production will be in the public interest. It may also include a requirement that no other person shall be prejudiced by the order’. While the Bill includes safeguards... the Cloud Act has raised serious human rights concerns. The Bill as passed provides that the personal, confidential and journalistic data, and the allows persons affected by the order to apply for its be revised or amended, but the process of review is one-sided and places considerable trust in the law enforcement agencies of the requesting state. The US courts have ruled that the US statute relevant to investigating a UK subsidiary of a group may well be spread between the UK and one or more overseas jurisdictions. There would be a very real risk that the purpose of section 2(3) would be frustrated if... the jurisdictional bar, the SFO was preceded from seeking documents folded abroad from any foreign company. There is, accordingly, an extremely strong public interest in the extraterritorial ambit of section 2(3).’,[8] There remain concerns about the logistics of enforcing section 2 notices on persons abroad and the High Court decision may yet be appealed, but the... the SFO issued section 2 notices threatening overseas corporations or individuals with fines or imprisonment for non-compliance may be regarded as a drastic incursion into international comity and could lead to the erosion of media’s independence. As in the Microsoft case, the ruling in the KBR Case demonstrates the difficulty issues which can arise in the interpretation of pre-Internet statutes and which may only be definitively resolved by the legislature. The SFO’s second powers are not subject to the safeguards provided by the MLA safeguards provided by the Budapest Convention and the Harare Scheme, which were carefully drafted to satisfy the need to balance law enforcement with respect for the sovereignty of foreign states. Instead, a domestic law enforcement agency has been empowered unilaterally to access overseas materials and threatening foreign corporations with criminal sanctions without seeking the consent of the relevant states.

Conclusion
There is no question that legislative changes are needed to bring prosecutorial powers up to date with new technology and to supplement the current system of mutual legal assistance. There are no easy answers. The US Bill and the CLOUD Act, together with the proposed European Production Order, are important steps towards creating a effective international information-sharing scheme, but they are limited and lack the global response that is required. The pool of participating states is yearly restricted to those countries which are able to satisfy the respective governments that they are suitable treaty partners by demonstrating their compliance with the safeguards provided by MLA and international agreements such as the Budapest Convention and the CTO. However, as the UK warned in its 2013, these emerging networks of selected continents are limited in scope and are not always well suited to the global nature of cybercrime.[13]

Small and developing Commonwealth countries may struggle to persuade the US, the UK, and the European Union to agree to their participation in agreements of the types proposed, in which case they must continue to use the current system of MLA to move towards the creation of regional arrangements. Even then, however, the information sharing to be tempted to launch challenges similar to those in the Microsoft and KBR cases. As a result the Commonwealth Model Laws, together with other Commonwealth schemes, may help to provide a solution to the emerging human rights problems of the 21st century – the protection of citizens online and of their online rights.
Guernsey is a flourishing community with latent peace, safety and trust which could be the envy of many other nations. It has long enjoyed the prosperous born of thriving finance sector, which continues to carefully cultivate, although its national wealth of over £3bn is far from evenly distributed amongst the 63,000 people who call this island home.

At the time of writing this article, the government’s Committee for Employment & Social Security, of which I am a Member, had just warned that over 700 children in more than 200 households would remain in intolerable poverty unless undue restrictions on welfare benefits were lifted.

The existence of material deprivation in Guernsey is important, and the particular place it occupies in our society is significant, but the overall picture is undoubtedly one of a small, comfortable community where people have the opportunity to thrive. Our average life expectancy is one of the highest in the world, free primary and secondary education is available to all students, and unemployment rate hovers around one percent of the working population. In a world where scarcity, disease, violence and discrimination shape the lives of far too many, we have little to complain of. The acceptance of human rights should have been the easiest thing in the world for Guernsey.

The recent relative unharmed, and without unjust limits on individual liberty, which form the first half of the Universal Declaration on Human Rights, are seldom threatened here. Protections offered by the second half of the Declaration – including fair pay, social security, decent healthcare and access to education – would incur little new cost to the community, yet are vital to establish public services already deliver on many of those ambitions. Personal responsibility and duty towards the community, which concludes the Declaration, is a longstanding pillar of people’s behaviour in an island where almost five hundred voluntary organisations exist to give service at home and abroad.

The really is somewhat different. For years, Guernsey’s politicians and political commentators held a hesitant, if not begrudging, attitude towards making formal commitments to the protection of human rights. The island’s Human Rights Law, incorporating the European Convention for the Protection of Human Rights and Fundamental Freedoms, only came into force in January 2001. A framework for non-discrimination laws followed in 2004, but the only legislation made under it to date is a somewhat circumscribed provision offering some protection in the workplace against discrimination based on gender, marital status, or gender reassignment. The argument runs that such laws are small steps, too peaceful and prosperous, we have little need of the legal protections which safeguard citizens of other nations from discriminatory informal and formal actions to human rights, equality and non-discrimination has, until far too recently, been perceived only as box-ticking and bureaucratic red tape.

The tide is turning. In November 2013, to the cheers of more than two hundred disabled people gathered on the steps of Parliament with their families and friends, the States of Guernsey approved a Disability and Inclusion Strategy – the first time the government had made a comprehensive political commitment to improving the quality of life of disabled individuals, changing the way government services already deliver on many of those ambitions. Personal responsibility and duty towards the community, which concludes the Declaration, is a longstanding pillar of people’s behaviour in an island where almost five hundred voluntary organisations exist to give service at home and abroad.

Deputy Emilie Werby was elected to the States of Deliberation in Guernsey in 2016, and is a Member of the Committee for Health & Social Care, the Committee for Employment & Social Security, and the President of the Overseas Aid & Development Commission. Prior to entering politics, she worked in the voluntary sector and in the civil service, principally on disability, health and welfare policies.

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INTRODUCING THE NEW COMMONWEALTH PARTNERSHIP FOR DEMOCRACY (CP4D):
BE PART OF THE CHANGE!

Colleagues reading this edition of The Parliamentarian will appreciate the challenge of improving citizens’ lives through parliamentary processes. Change takes time to trickle down into everyday life. And faced with pressing emergencies, the fine-tuning of how democracy works too often takes a backseat.

I am sure colleagues will welcome the launch of a new Commonwealth Partnership for Democracy (CP4D). The initiative was announced earlier this year and is funded by the UK Government, as Chair-in-Office of the Commonwealth, with £4m over two years. Initially, it will work in 18 countries and support public participation as well as improvements to parliamentary practices.

CP4D is implemented by the Westminster Foundation for Democracy (WFD) in partnership with project partners, the Commonwealth Parliamentary Association (CPA Headquarters), the CPA UK Branch and the Commonwealth Local Government Forum (CLGF). This will enable colleagues working at the national and, in some cases, subnational and local levels, to take part in activities. These include involving more young people, persons living with disabilities, religious minorities and the LGBT+ community in politics as well as improving Parliamentary practices. The CP4D partnership will offer support to share best practice among us.

Investing in democracy across the Commonwealth

Investing in democracy across our Commonwealth enables us to fight the apathy and lack of trust which undermines the work of democracy. It is also key to seizing opportunities for greater freedom and equality of opportunity.

Recently, I was in Malaysia where an unexpected and remarkable election has given the Opposition a first-ever election victory in Malaysia’s 60 years since independence. The country’s recent political history was dominated by corruption allegations and such a reduction of parliamentary democracy and sovereignty that the Economist Intelligence Unit dubbed the nation a “flawed democracy.”

During my visit to the Malaysian Parliament in August, I was able to discuss tangible plans from the new Malaysian Government and Speaker to make the Parliament more independent from the machinery of government and increase transparency. It is now important to support our Malaysian colleagues as they work to make these important internal reforms a reality.

When space for progress opens, initiatives like the CP4D project, offering practical support, can make all the difference.

What is the Commonwealth Partnership for Democracy?

The Commonwealth Partnership for Democracy (CP4D) brings together the expertise and knowledge of four organisations concerned with global democratic development: the Westminster Foundation for Democracy (WFD); the Commonwealth Parliamentary Association (CPA Headquarters); the CPA UK Branch; and the Commonwealth Local Government Forum (CLGF).

WFD is the UK public body responsible for supporting democracy around the world. We provide access to UK democratic culture by sharing how we engage citizens, make laws and hold government to account. This approach, combined with the expertise of our partners, means that the CP4D has a lot to offer to the Commonwealth over the next two years. And with your active participation and support, we can make sure this investment into our democracies continues well into 2020, when the President of Commonwealth Chair-in-Office currently held by UK Prime Minister, Mr. Boris Johnson, will hand over.

Working together to tackle challenges to democracy

CP4D recognises Parliaments have an important role to play in the international community to meet the Sustainable Development Goals. We have specific responsibility towards SDG 16: building effective and accountable institutions at all levels.

An important tool to help the Commonwealth legislatures in this direction is the CPA Recommended Benchmarks on Democratic Legislatures, which have recently been revised and published (www cpahq.org/ recommendedbenchmarks - turn to page 268 for full report). This provides a minimum standard for all Commonwealth Parliaments and a description of how a Parliament should act, behave and function. From direct universal suffrage and a secret ballot for elections, to establishing clear procedures for structuring debate, the benchmarks offer invaluable terms of reference and guidance for parliaments to monitor their performance and prioritise areas for development.

The CP4D project will support partner Parliaments who wish to carry out assessments of their own parliamentary culture, functioning and development based on the CPA Benchmarks.

I believe much of our work for CP4D, as well as Goal 16 of the Sustainable Development Goals, underpins the sustainable development of the countries in which we work. Good governance means a more equitable distribution of resources.

However, the role of legislators goes beyond improving the process of democracy in Goal 16. Reducing inequalities (Goal 10) and achieving equality for disabilities (Goal 8) are two additional Sustainable Development Goals our partnership will actively work towards.

Improving public participation in politics

Inclusion is vital to feeling valued in a democratic society. This is an area where we can all improve, for example by engaging minorities and vulnerable groups in politics. In many Commonwealth democracies, the representation of women, young people, people with disabilities and the LGBT+ community remains limited. These facts give us all food for thought:

- Women are dramatically under-represented throughout Commonwealth legislative bodies, with only 12 countries having representation greater than the CEDAW-recommended minimum of 30%.
- Over 60% of the Commonwealth population is under the age of 30, meaning it is vital their interests are properly represented.
- Only 50% of Commonwealth Member States have ratified international commitments that prohibit all forms of discrimination based on disability.
- As many as 70% of Commonwealth Member States still have laws that discriminate against LGBT citizens.
- So, we should all focus on encouraging more women to become politically active, on promoting political rights and engagement of young, LGBT+ and communities, and people with disabilities, as well as defending Freedom of Religion and Belief.

At a country level, the CP4D project will look to promote gender equality by providing support to local organisations campaigning for a Gender Equality Bill.

Work on equality will also take place at the regional level. In February 2019, CP4D will organise an international conference on “Commonwealth Women’s Political Leadership,” building on the ambition of the 2018 Commonwealth Women’s Forum dedicated to ensuring a better future for women and girls and through the advancement of gender equality.

Where persons living with disabilities are concerned, CP4D initiatives in Kenya and Mozambique will ensure this community is not left behind by policies and institutions. In Kenya, for example, WFD is working with the Action Network for the Disabled and local Disabled Persons Organisations to ensure legislators consult those living with disabilities on relevant legislation. In Mozambique, a partnership with the Human Rights Centre of the University of Pretoria and the National Association of People with Disability seeks to improve the social, political and economic inclusion of the many who do live with disabilities in the country.

Where possible, CP4D will complement existing efforts to strengthen youth representation and engagement. In Uganda, support to the Uganda Parliamentary Forum on Youth Affairs (UPFYA) is helping to advocate for youth interests.

How can Commonwealth Parliaments and Parliamentarians get involved?

The Commonwealth Partnership for Democracy will organise activities throughout the Commonwealth. It will also organise regional conferences in addition to country-specific programmes in 18 countries in Asia and sub-Saharan Africa. This means virtually all Commonwealth Parliamentarians can get involved at various times.

In time, I hope CP4D will become a strong example of how we can all work together to achieve a democratic culture delivering security, prosperity and sustainable development for all. UK Parliamentarians have a lot to share and learn from their Commonwealth colleagues and as Chair of WFD, I very much look forward to working with you all.

References:
It seems that every week there is greater tension within the global rules-based trade system. The US and China embarked on a trade war. The US applying tariffs on the EU which are unjustified and most likely illegal. An undermining of the WTO dispute system. Given the challenges and untold opportunities that exist in the new economy of the 21st century, the reversion to transactional and protectionist practices allows space for the Commonwealth to consider its role.

Earlier this year with Hon. Okechukwu Enelamah, the Minister of Industry and Trade of Nigeria, I chaired a geographically and gender-balanced eminent persons panel for the UK All-Party Group on Trade Out of Poverty, in partnership with the Overseas Development Institute, which focused on how trade and investment can remove people in the Commonwealth out of poverty. Our report was published on 3 April, in advance of CHOGM 2018. The inquiry was informed by a wide range of witnesses from across the Commonwealth and by many discussions that I had with a large number of Ministers of Trade from Commonwealth countries. Titled ‘Our Shared Prosperous Future: An Agenda for Values-led Trade, Inclusive Growth and Sustainable Jobs for the Commonwealth’ the report responded to the worrying trend we are seeing.

In essence, our report made the case for the summit to agree a new agenda for trade and development in the Commonwealth, with a series of recommendations to Commonwealth Members and to the Commonwealth Secretariat, and specifically to the UK Government as chair-in-office, leading to the next CHOGM in Rwanda in 2020. We also made the case for greater alignment of Commonwealth development to the global goals period leading up to 2030.

There is incredible value in taking the core principles of the Commonwealth: respect, equality and equity, common purpose and shared values, and seeing how a consensus body could also have a role in framing the tone of discussions in rule making bodies such as the WTO and the UN.

We recommended a step change in activity, with more targeted outcomes, to bring this about. It is worth remembering that 13 of the Commonwealth’s Members are among the UN’s least developed countries. Clearly one in five - some 440 million women, men and children - in the Commonwealth live below the international poverty line of $1.90 a day. That is almost twice the global average, so, unless we take action, people born in the Commonwealth today are on average twice as likely to live a life in extreme poverty as people around the world as a whole.

Two-thirds of the world’s small states - states with populations of less than 1.5 million people - are Members of the Commonwealth, but in one Commonwealth country, India, the workforce alone is expected to grow by 138 million people by 2050. That shows not only the breadth but the complexity of the Commonwealth. Many of the small states are also highly vulnerable to climate change. There are immense development challenges but opportunities of equal scale to utilise the regional networks of relationships for a better kind of trade and development relationship.

We should also recall that two of the G7 and a quarter of the G20 are Commonwealth Members. The Commonwealth as a network can lead at all the top tables of the economies around the world and be a conscience, setting the values for the development agenda. We therefore need to see a greatly enhanced cross-regional and cross-country level of participation in removing trade barriers, sharing legislative good practice and supporting wider economic participation. For example, in the World Bank’s flagship index of ease of doing business, which captures a range of barriers, from corruption to bureaucracy at borders, Commonwealth countries ranked first, with New Zealand, but also 77th with South Africa.

Our report focused on five areas where our many recommendations fell. The first is reducing the costs and risks of trade and investment and it is necessary for the Commonwealth to work with the WTO and other organisations around the world, assisting the development of trade facilitation support for vulnerable countries. We were delighted that some of our recommendations in this area were adopted by the UK Government at CHOGM 2018.

The second area was boosting services trade through regulatory co-operation, utilising the network characteristics of the Commonwealth and, in particular, its relations with APEC, ASEAN, the OECD and others. The respective regional summits next year are a real opportunity to spread this Commonwealth value.

The third area focused on making trade more inclusive. Quite rightly, we heard in our inquiry about the need for much more work to be done to support not just the Commonwealth’s minorities but, in many respects, the majority, with economic participation by women and, of course, young people. The report highlights the International Trade Centre’s ‘SheTrades’ initiative, and scaling that up is critical.

Quite frankly, the Commonwealth will not be relevant in the future if it does not focus on young people’s and women’s fair participation across the board - at the political and business levels and in society. We also proposed a Commonwealth fair and sustainable trade initiative, capturing not only fair trade and values but also the spirit of the Commonwealth Charter in the way businesses trade.

The fourth area addressed the special needs of small and vulnerable states, and in particular, the need to redefine vulnerability and offer continuing capacity building support.

The fifth and final area was one we can see progress most easily, but can be the most enduring: strengthening partnerships, through Governments, business and diaspora in particular. We need to move away from locking at the Commonwealth diaspora as one that simply sends remittances back to countries and instead see it as a network within each of the Commonwealth countries that can enhance our shared agenda - and of course including the valuable role of the CPA.

There should also be a greater focus on coordinating regulations, standards and capacity. We cannot forget that many of our Commonwealth countries have a very weak capacity in trade ministries and development ministries, and the larger and more developed economies can focus much more on that.

Finally, we also wanted to see values-led trade. I had the good fortune, through the support of the CPA, to attend the Ministerial Conference MCl1 for the WTO in Buenos Aires last year and meeting many Commonwealth Members, I saw first-hand the valuable role of the CPA. To access the report ‘Our Shared Prosperous Future: An Agenda for Values-led Trade, Inclusive Growth and Sustainable Jobs for the Commonwealth’ by the UK All-Party Parliamentary Group on Trade Out of Poverty in partnership with the Overseas Development Institute please visit http://chodesoutofpoverty.org
Over the last ten years, each State and Territory Branch of the Commonwealth Parliamentary Association (CPA) in Australian jurisdictions has taken up a ‘branch-level’ twinning relationship with a jurisdiction in the CPA Pacific Region, some of them multiples.

Historically, closer relationships with these nations were mostly left to New Zealand to manage, however, in more recent years, the Australian Government has pursued a more active agenda of a focus on the Pacific Region, as its wider backyard. The strong representation within Australia’s multi-cultural population originating from our South Pacific neighbours suggests that our relationship with these nations is supported by wide family connections.

The idea of ‘twinning’ of two Branches of CPA Members was not unique to Australia. I first learned of this possibility at a CPA annual conference in Abuja, Nigeria, some 12 years ago, when the Scottish Parliament delegate advised that they were considering twinning with the CPA Malawi Branch. Since then, I am aware that an extraordinary, wider multi-lateral relationship has developed between these two CPA Branches, with the famous Scot and explorer of Africa, Dr David Livingston being the mascot for the program!

On returning from that CPA conference, we wrote to the Speaker of the Parliament of Western Samoa proposing discussions on a ‘twinning’ relationship between our two CPA Branches. Tasmania already had some strong connections with Samoa with a retired Supreme Court Justice serving on the Samoa Bench, and the University of Tasmania being engaged then and since with the Samoan Parliament via a Professor experienced in South Pacific politics and the Westminster system. The twinning proposal was received with very warm interest and once announced publicly, all other Australian jurisdictions moved to establish similar arrangements with other Pacific nations.

The first ten-year period of our friendly, practical relationship between the Members of the Tasmanian and Samoan CPA Branches has seen organisations such as the UNDP and others, utilise this connection by being able to focus capacity building activities on a single Australian jurisdiction.

It is now a common sight to see smiling Samoan faces around the halls of the Tasmanian Parliament, some spending time in our Library, others in the research section and yet others with our Clerks at the Table. There are also regular exchange visits of delegations of MPs to their opposite Parliament.

It is not a one-way street. Samoan MPs who have visited Tasmania are given extra attention due to our relationship and those Tasmanian MPs lucky enough to have done an inbound visit to Samoa have become enchanted and inspired by the strong values-based nature of the local political discourse as well as the thought-provoking social and community structure of Samoa.

The twinning process has needed no formally documented structure and is conducted between the Presidents of the two respective CPA Branches directly.

Recently, I led the most recent delegation to Samoa, which acknowledged the 10-year anniversary of our partnership, and attracted some local media attention when they became aware that the Tasmanian Parliament recently, for the first time in its 162-year history, returned a majority of women to its House of Assembly (13 out of 25 Members), and currently has an overall percentage of 50% of women Members across both Houses of Parliament. We were able to congratulate the Samoan Parliament on its recent, ground breaking legislation ensuring a minimum number of women would be elected at its last national election.

We also proffered the opinion that, if this major policy breakthrough were to produce even more female MPs at the next election in 2023, then there needed to be active and practical development occurring in the meantime.

The early identification of talent, the promotion to the wider population of the innate value of having an elected body with gender balance, along with the encouragement to understand that this gender balance could enhance, not erode, the traditional and rich fa’a Samoa, the revered national culture.

Of course, a CPA twinning relationship is not about providing commentary on each other’s public policy settings. On the matter of gender balance in Parliament, however, every member of the Samoan Parliament who has been to a CPA annual conference for the last 15 years will be only too aware that women in Parliament has been a key matter on the agenda almost every time especially through the work of the Commonwealth Women Parliamentarians (CWP).

The consistent aspiration of the CPA and CWP to increase the participation of women in Westminster Parliaments around the world is bearing fruit and Samoans, and its twinned CPA partner Tasmania, are both examples of this positive outcome.
Sir David Natzler is the Clerk of the House of Commons in the Parliament of the United Kingdom, a position he has held since 2014. He entered the House Service in 1975 and has held a number of senior appointments within the Departments of Chamber and Committee Services and as Clerk to a number of Select Committees. The Clerk of the House of Commons is appointed by the Crown as the chief adviser to the House on matters of parliamentary procedure, privilege and broader constitutional issues.

Although the Society of Clerks-at-the-Table (SoCATT) of Commonwealth Parliaments is a separate body from the Commonwealth Parliamentary Association (CPA), it normally holds its annual meeting at the same time and place as the annual Commonwealth Parliamentary Conference (CPC). Not least because a number of those participating are also engaged in supporting their delegations at the CPC. But as will be well known to readers of The Parliamentarian, no CPC has been held in 2018 and so SoCATT therefore decided to meet independently of the CPC for the first time in its history.

The Legislative Assembly of Ontario very generously agreed to host the 54th General Meeting of SoCATT from 4-7 September 2018 in Toronto, Canada including a meeting in the historic Chamber of the Ontario Legislature at Queen’s Park. Sixty-eight delegates attended the event, from forty-six national and sub-national Commonwealth legislatures, for a packed programme, coinciding with an unexpected heatwave followed by a tropical downpour: truly Commonwealth weather! SoCATT meetings start with a brief description of the hosting legislature’s situation. Todd Decker, Clerk of the House in Ontario, set the conference off with an interesting sketch of recent events, notably the decimation of the former governing Liberal Party at the recent election, resulting in their having insufficient Members to gain formal recognition as a party within the Assembly. We had a lively discussion on this and other issues.

Parliaments: the wider context
On the first morning, two papers addressed much comment and subsequent discussion: the first from Arjendr Pervez Malik, Secretary-General of the Senate of Pakistan on ‘Social media:bane or boon for democracy’, underlining the exaggerated expectations originally entertained of the potential for social media to help Parliaments connect with the public, while noting the potential benefits for engagement.

The second paper from Susan Duffy, Head of Committees and Outreach at the Scottish Parliament on fairness, respect and equality, particularly in relation to women and the issue of sexual harassment. We spent some of the afternoon in breakout groups discussing these topics in depth and then reporting back the outcome of those discussions, which demonstrated the extent to which all Commonwealth Parliaments are affected by such issues and are dealing with them in broadly similar ways.

Foreign Powers and Family Ties
We were all fascinated by the account given by Catherine Corriss, Clerk Assistant (Procedure) from the Australian Federal Parliament’s House of Representatives on the recent cases of the disqualification of Members and Senators in Australia by reason of dual citizenship. Like many parliamentary colleagues, I had read this in the press but not appreciated the details.

The disqualifications affected a handful of people who were either unaware of having other (mainly British) citizenship or had made unwavering or ineffective attempts to divest themselves of it. Section 44(1) of the Australian Constitution disqualifies people ‘under any acknowledgment of allegiance, obedience or allegiance to a foreign power’. That section can itself only be amended by a complex super majority across a number of electorates, which is very hard to achieve. At the time of these provisions being agreed 120 years ago, nobody could have imagined that it would be held by the High Court to apply to British or Canadian or New Zealand citizens, as at that time they all shared the same status under the Crown.

As Clerks we are rigidly neutral on such political questions, but as a Commonwealth Clerk (and myself of mixed European heritage) I felt some dismay that Australian citizens who happened to have been born in the United Kingdom or Canada while their parents were working or studying there, were thereby disqualified to serve in the Australian Federal Parliament, especially given the multicultural nature of modern Australia. And of course, we are all now checking our own rules.

Parliamentary business: sitting frequency, non-government business, voting
We had several papers on broad aspects of parliamentary business, which stimulated not only immediate discussion but also subsequent reflection and ideas for our own local circumstances.

Pradeep Kumar Dubey, Principal Secretary at the Uttar Pradesh Legislative Assembly, presented his thorough research on the patterns of the number of sittings of legislatures not only at national and provincial level in India, but also in other Commonwealth countries, drawing attention to a noticeable reduction in recent years in some such settings, for a variety of reasons. It raised the question of how far a legislature should be able to control the number and times of its own sittings, independent of the Executive.

Vupani Mapolisa, Secretary to the Eastern Cape Provincial Legislature, South Africa updated us on plans to provide a common framework covering the national and provincial legislatures in South Africa, with legislatures clustering to offer services to each other.

Other Topics
There are opportunities to make short oral reports on matters of interest, such as recent privilege cases which raise wider issues. Colleagues heard with particular concern from Mohammed Atala, Sergeant at Arms of the Nigerian National Assembly, about the violent theft of the mace during a sitting of the Senate, and expressed their sympathies: there are now a number of Parliaments who have been subject to physical attack and security is an ever-present worry. We also heard of plans in the Canadian House of Commons to produce a plain English (and French) version of the Standing Orders. Some amendments to tidy up SoCATT’s rules were passed unanimously – as might be expected of a gathering of Parliamentary Clerks.

The Commonwealth family
Anyone who doubts the strength of the Commonwealth in bringing and keeping people together from all over the world would have learned something from this SoCATT conference. It is not just that a shared language means that we can communicate easily and frankly in formal and informal settings; it also springs from a shared parliamentary heritage and aspirations for the future. Meetings at mealtimes and at tea breaks reinforce that shared experience. Trusting connections are formed which can ripen into friendship sustained by email for example, one Commonwealth colleague from a small legislature has an email group to consult on matters of difficulty, and we all benefit from the answers. As I write I have just exchanged an email on a procedural dilemma with a Commonwealth colleague. I wish I could be in Kampala at the 64th Commonwealth Parliamentary Conference in Uganda in 2019. I am sure that SoCATT will continue to thrive for many years to come.

For further information about SoCATT please visit http://www.socatt.org.uk or email socatt@parliament.co.uk.
BUSINESS CONTINUITY FOR COMMONWEALTH PARLIAMENTS: ESTABLISHING THE LEGISLATIVE ASSEMBLIES BUSINESS CONTINUITY NETWORK (LABCoN)

A group of Commonwealth Legislatures have been working together over the last few years to create guidelines that will help similar organisations in considering the necessary business continuity planning they need to undertake to maintain operations. This article will outline how that work has progressed and how readers of The Parliamentarian can get hold of the guide.

In May 2014, the Clerk of the Scottish Parliament, Sir Paul Grice, met with counterparts in Ottawa, Canada where the topic of business continuity cropped up. During the discussion it was clear that there would be mutual benefit in the House of Commons in Ottawa and the Scottish Parliament sharing information on strategy, plans, resources and issues on how both organisations approached business continuity.

Over the following months, there were conference calls, regular email correspondence and the bilateral sharing of information between Ottawa and Edinburgh. This mutual benefit led to a first set of meetings focussed on direct comparison of our approaches to business continuity and sharing the good stories – and the lessons we’ve learned from work that could have gone better – around what we do. To help with this the group created a questionnaire that was based on the international standard for business continuity, ISO 22307. The meetings in Ottawa were very positive and the group, as well as sharing expertise and enthusiasm for business continuity, also hit it off personally too. The amount of learning gained over those two days drove home to the group that there will undoubtedly be other legislatures that could benefit if the knowledge and experience of the participants could be captured and shared in some fashion.

Over the following months, it was agreed that creating a business continuity guide specifically created for legislatures was the way forward. It was recognised that this should be based on sound business continuity planning processes and that real value could be gained from exploring legislature-specific aspects of what has worked well and where things haven’t quite turned out as planned in our various business continuity programmes.

Our technical guide was created by Martin Fenlon, previously of the UK Houses of Parliament and, by the summer of 2016, now working at the Emergency Planning College. This was reviewed and other areas to include in our guide were discussed by the group at a 3-day meeting in Edinburgh during August 2016. These days also included training on incident communications and incident management as well as exploring the welfare aspects of how to look after people - Members, staff and visitors – at the Parliament after a disruptive event.

As well as the technical element of guide one of the main outputs from the Edinburgh meetings were that we should all concentrate on capturing ‘case study’ information to help show the resources, approaches, challenges and benefits that business continuity thinking and planning could bring to a legislature.

These ‘case study’ materials were reviewed by the group when meeting in Victoria, British Columbia, Canada in August 2017 where the group also had the opportunity to explore the planning and resources that the Legislative Assembly use in their earthquake planning: we also got to discuss the impact of the 2011 Tsunami earthquake with colleagues from the State Legislature in Olympia, Washington State who had to carry out extensive repair work to their capitol building and decant their Chambers during that time.

The most recent LABCoN conference, which took place in Ottawa, Canada in July 2018, focussed on the finishing touches to the guide, which as well as a technical business continuity chapter, also includes chapters on:

- Governance & Resources
- Planning Approach
- Assessing Business Continuity plans

The content of the guide is now complete and we are applying the finishing touches to give it a bit of style, translate it into French and creating a hub website for the work we have been doing. The website will also have information to allow those interested in LABCoN to contact the authors and ask questions on what has been set out. We are aiming to ‘publish’ this guide in early 2019 and LABCoN members will be using contacts established by their own organisations to advertise the availability of the guide.

All participants in LABCoN have benefitted from the discussions, the sharing of information and the opportunity to work with cross-legislative colleagues in a very specialist area. Michelle Hegarty, Assistant Chief Executive for the Scottish Parliament says "I hope that the information in our guide can help other legislatures plan for the delivery of their services and make their overall operations more robust, not just for their benefit but to also demonstrate that to politicians and to the public. I think all of us who have been involved with the work have learnt a lot and we look forward to making that available to others.”

Next Steps

LABCoN members would love to hear from other legislatures if this guide would be of interest to them and to take feedback on how the guide can be improved over time. LABCoN is also keen to continually improve the quantity and quality of knowledge and information available on legislature-specific aspects of business continuity, resilience and other related topics. Depending upon interest and feedback, LABCoN may look to schedule a conference focussed on education for interested legislatures, later in 2019.

For further information on LABCoN, you can contact the current members of the network:

- House of Commons in the Canada Federal Parliament (Erin Anne Joseph and Jose Cadorette) – labcon@parl.gc.ca
- Senate in the Canada Federal Parliament (Marc McGreechan and Mark Laverenge) – labcon@sen.parl.gc.ca
- Legislative Assembly of British Columbia – labcon@leg.bc.ca
- New Zealand House of Representatives (Shere Streeten) – labcon@parliament.govt.nz
- Legislative Assembly of Ontario, Canada (Hugh McGrewchan and Nancy Marling) – labcon@ola.org
- The Scottish Parliament (Tommie Lynch and Michelle Hegarty) – labcon@parliament.scot
- The new website will also be available soon at: www.labcon.network

Above: Members of the Legislative Assemblies Business Continuity Network (LABCoN) visit the renovation works in the nearly completed House of Commons Chamber in Ottawa, Canada.

Left: Members of the Legislative Assemblies Business Continuity Network (LABCoN) enjoy some fresh air during a break in the 2018 meetings in Galatiou, Canada.
Democracy in India has always been closely intertwined with the creative accommodation of diversity and a resolute commitment to development. The founding fathers of the Republic of India had a vision of universal adult franchise in a country left impoverished and largely illiterate at the end of colonial rule. The Lok Sabha or the House of the People has been constituted sixteen times since independence through the exercise of this franchise in general elections. Yet the leaders of India’s freedom struggle saw political freedom to be a means towards the larger goal of all-round social and economic development. They knew that the success of the bold experiment with democracy depended on the ability to craft unity by respecting and thereby transcending India’s myriad diversity.

Jawaharlal Nehru’s famous “trust with silence” speech at the midnight hour of freedom began with a confession. The pledge of fidelity the ideals and forms of the Mahatma’s moral force that ensured peace prevailed in Calcutta on 15 August 1947. Gandhi’s message of universal brotherhood in India faces today. While Nehru tended to blame religion for fomenting social and political conflict, Gandhi was an “antimetaphysician” who taught his countrymen to cleanse their “hearts of all communal bitterness.” The specter of a great communal divide has often obscured the other key dynamic – the interplay of center and region – that influenced the expeditious decision to partition India and the provinces.

Music: “India, that is Bharat.”

In an era of modern democracy the union government needs to see itself as a government at the centre of a circle of state governments in order to ensure unity in diversity.

Punjabi and Bengal. Paying the price of partition enabled the Indian National Congress to inherit the centralized structure of the British Raj along with its accompanying ideology of unitary sovereignty. Yet anti-colonial thinkers had a different concept of layered and shared sovereignty. The preamble to the Indian Constitution mentions the country as “India, that is Bharat,” Bharat, from whom the name Bharatvarsha is derived, had been described in ancient texts as rajachakrawart. The Swadeshi leader Bipin Chandra Pal explained in his book: “The Soul of India that the literal meaning of the term is not emperor, but only a king ‘established at the centre of a circle of kings’.” King Ranajit was a great prince of this order. His position was not that of the administrative head of any large and centralized government, but only that of the recognized and respected centre which was the “general character” of all great princely states and kingdoms. Under Muslim rule, according to Pal, Indian unity, “always more or less of a federal type,” became “still more pronouncedly so.”

The federalism of India that respectfully accommodated the myriad internal differences of language, region and religion was a general characteristic of the most sophisticated political thought in India during the early decades of the twentieth century. In a major speech to the Mahatmaja Political Conference in 1909, Subhas Chandra Bose envisioned India of the future as “an independent federal republic” even as he called for “cultural intimacy” among India’s different communities. Sidelined in 1947, the federal idea has acquired renewed urgency at present to maintain the link between democracy and diversity. The federalist strand of thought permeated ideas about economic development as well.

It is worth recalling that even a figure like Mahatman Mohan Malaviya, founder of Banaras Hindu University, subscribed to a notion of fiscal federalism. He told the Decentralization Commission of 1910: “The unitary form of Government which prevails at present should be converted into a federal system. The Provincial Governments should cease to be mere delegates of the Supreme Government, but should be made semi-independent Governments.”

As President of the Congress at its 1909 session in Lahore he declared: “What is needed is that the Government of India should require a reasonable amount of contribution to be made [for Imperial purposes] and should leave the rest of the revenues to be spent for Provincial purposes.”

Two years before the passage of the landmark British Colonial Development and Welfare Act of 1940, the Indian National Congress set up a National Planning Committee to draw up blueprints for the economic and social development of India once independence was won. By contrast with Africa, the institutional expression of the concept of “national development” predated that of “colonial development” in India. Subordinated social groups were the focus of development in Indian political thought. “Let New India arise,” Swami Vivekananda had proclaimed, “arise out of the peasants’ cottages, grasping the plough; out of the huts of the fisherman, the cobbler, and the sweeper.” His message of equality went beyond class to encompass gender and caste as well. “In India there are two great evils,” in his view, “trampling on the women and grinding the poor through caste restrictions.” Vivekananda’s vision was also fundamentally one of religious harmony that was respectful of diversity. It was this profound understanding that led him to proclaim in Chicago: “We believe not only in universal toleration, but we accept all religions as true.”

He suggested the possibility of “harmonizing the Vedas, the Bible and the Koran.” Vivekananda

THE 3Ds: DEMOCRACY, DIVERSITY AND DEVELOPMENT IN INDIAN POLITICAL THOUGHT

Sugata Bose, MP is a Member of Parliament elected to the 16th Lok Sabha. India in 2014 from the Jadavpur constituency in Bengal. He is a Member of the Standing Committee on External Affairs. He is the Gardiner Professor of Oceanic History and Affairs at Harvard University and served as Founding Director of Harvard’s South Asia Institute. He has contributed to a deeper understanding of the colonial and post-colonial political economy and the inter-regional arenas of travel, trade and imagination across the Indian Ocean, and he has written many books on these topics.

Accordingly, he has written many inter-regional arenas of the colonial and post-colonial periods. Apanayal Bose’s birthday, even though he “generously did not remember such dates” and “the deceased patriot believed in violence,” while he was wedded to non-violence, Subhas, according to the Mahatma, “lives no provincial nor communal differences” and “had no brute army men and women drawn from all over India without distinction and evoked affection and loyalty, which very few have been able to evoke.”

“In memory of that great pace” he called upon his countrymen to “cleanse their hearts of all communal bitterness.”

It was the Mahatma’s moral force that ensured peace prevailed in Calcutta on 15 August 1947. Gandhi published an editorial titled ‘Miracle or Accident’ on 16 August, the first anniversary of the Great Calcutta Killing, in which he narrated how Hindus and Muslims changed “Jai Hind” (Victory to India) in unison. It was neither miracle, nor accident, but the willingness of human beings to dance to God’s tune. “We have drunk the poison of mutual hatred. Gandhi wrote in an ancient and so-called nectar of hatred tasting all the sweeter, and the sweetness should never wear out.”

The final five and a half months of Gandhi’s life, whose 150th birth anniversary we have started celebrating, constitute a message for the challenges India faces today. While Nehru tended to blame religion for fomenting social and political conflict, Gandhi was an “antimetaphysician” who taught his countrymen to cleanse their “hearts of all communal bitterness.”

The specter of a great communal divide has often obscured the other key dynamic – the interplay of center and region – that influenced the expeditious decision to partition India and the provinces of the 3Ds: Democracy, Diversity and Development in Indian Political Thought.

THE 3Ds: DEMOCRACY, DIVERSITY AND DEVELOPMENT IN INDIAN POLITICAL THOUGHT
according to Vivekananda, good things in the ancient times,” he believed, “but the pioneer among Swadeshi universalists who went out to do well to heed. “There were many good things in the ancient times,” according to Vivekananda, but there were bad things too. The good things are to be retained, but the India that is to be, the future India, must be much greater than ancient India.”

It was this quest for a better India of the future that guided the framers of the Indian Constitution. On 26 November 1949, the founding fathers of the republic adopted a set of principles enshrined in a lengthy written document that have guided India’s political destiny for nearly seven decades. The Indian Constitution was being drafted at roughly the same time as the Universal Declaration of Human Rights. The Chairman of the drafting committee was the indubitable Dr B. R. Ambedkar. India was extremely fortunate that as stringent a critic of mainstream nationalism as Dr Ambedkar placed his intellectual prowess at the service of the nation for five crucial years from 9 December 1946 to 12 October 1951, when he resigned as Law Minister from Nehru’s cabinet in protest against conservative opposition to the Hindu Code Bill.

It is pertinent to recall what Dr Ambedkar said on the question of minority protection while introducing the draft constitution on 4 November 1948. “To discriminate against minorities, I think, is to discriminate against humanity itself…” Dr Ambedkar declared, “I would like to say two things. One is that minorities are an explosive force which, if it erupts, can blow up the whole fabric of the State… The other is that the minorities in India have agreed to place their existence in the hands of the majority… It is for the majority to realize its duty not to discriminate against minorities.”

In the same speech, Dr Ambedkar tried to respond to critics who asserted that there was “nothing new in the Draft Constitution, that about half of it has been copied from the Government of India Act of 1935 and that the rest of it has been borrowed from the Constitutions of other countries.” Dr Ambedkar explained that he had borrowed and not plagiarized. He was only sorry that the provisions taken from the Government of India Act, 1935, related mostly to the details of administration. He agreed that ideally administrative details should have no place in the Constitution but argued that it was necessary in the Indian situation. It was in this context that Dr Ambedkar invoked the concept of constitutional morality described by Grote, the historian of Greece, as “a paramount reverence for the forms of the Constitution, enforcing obedience to authority acting under and within these forms yet combined with the habit of open speech, of actions subject only to definite legal control, and unstrained censure of those very authorities as to all their public acts.”

However, Grote had written of a situation where people were saturated with constitutional morality and could, therefore, take the risk of omitting details of the administration from the Constitution. In India of the late 1940s, Dr Ambedkar seemed to believe such a diffusion of Constitutional morality could not be presumed. “Constitutional morality,” he contended, “is not a natural sentiment. It has to be cultivated. We must realize that our people have to learn it.” As a mature democracy India has to ponder over this remark and embrace the value of constitutional morality as respect for forms and processes that enable us to negotiate, adjudicate and resolve differences by transcending what Grote described as “the bitterness of party contest.” In the course of the constituent assembly debates, Zarrur-Hassan Lari pointed out that constitutional morality was a value that not just citizens but also the government must learn. If Dr Ambedkar had profound insights into freedom of conscience, minority protection and constitutional morality, he and the Constituent Assembly collectively felt somewhat short on the question of federalism. The Constitution was framed under the dark shadow of the dislocations wrought by partition. Dr Ambedkar candidly acknowledged that the Indian Constitution, unlike the American one, was cast in the pure federal mold. “Once the President issues a Proclamation which he is authorised to do under the Provisions of Article 275,” he went on to say, “the whole scene can become transformed and the State becomes a unitary state.”

We all know from an episode in subsequent history how this lacuna in the form of emergency provisions can allow authoritarianism to get the better of both federalism and democracy. Even fundamental rights as they are enshrined in the Indian Constitution as the Bill of Rights in the United States. “Though imbibing the principles of democratic Constitutions,” Aziz Chanda wrote in his 1965 book Federalism in India, “the Indian Constitution is not altogether free from authoritarian tendencies which it inherited in accepting the basis of the 1935 Act.”

The truly redeeming feature of the Indian Constitution is that the founding fathers conceived of it as a living organism that could take account of changing needs in the future. By elaborating three types of amendments, the constituent assembly bequeathed to the Indian Parliament some of the functions of a continuing constitutional body. If that legacy is used with wisdom Parliament can become transformed and the ends of respecting diversity and achieving development would be well served.

Commonwealth Women Parliamentarians in New Zealand unite to celebrate 125 years of women’s suffrage and historic milestones in politics

New Zealand Members of Parliament, both male and female, and from all political parties of the left and right, gathered for a special event on 19 September 2018 to celebrate 125 years of women’s suffrage in New Zealand. The breakfast event was convened by the Co-Chairpersons of the New Zealand group of the Commonwealth Women Parliamentarians (CWP), Louisa Wall, MP and Jo Hayes, MP, and the Deputy Speaker of the New Zealand Parliament, Hon. Anne Tolley, as a poignant start to an important day of celebration and reflection. New Zealand women first achieved the right to vote in 1893.

The CWP New Zealand is part of one of the largest international women’s organisations in the world. Founded in 1989, with a mandate to work towards increasing women’s participation in Parliament, the Commonwealth Women Parliamentarians act on gender-related issues, and mainstream gender considerations in the development of policy and legislation. It is a unique forum for women Parliamentarians from across the political spectrum to come together and promote gender equality.

The CWP New Zealand Co-Chairpersons, Louisa Wall, MP and Jo Hayes, MP said: “We were privileged to hear from the first woman Prime Minister of New Zealand, Rt Hon Dame, Jenny Shipley, and Dame Ann Hercus, the first women Minister for Women and the first woman to hold the Police Ministerial portfolio. All 48 current women Parliamentarians were presented with a symbolic gift commemorating their service in the New Zealand Parliament, along with their unique number representing their place out of the 149 women who have been elected to Parliament in our history.”

Past and present New Zealand women MPs were presented with #Suffrage125 brooches in the shape of a carnella, crafted by Whakatane artist Robyn Watchom. “We are heartened that in 2018, 40% of the New Zealand Parliament’s MPs are women: a record for our Parliament, which places us at number 20 in the world for gender equality in Parliament.”

We boast a woman Prime Minister, G G P o r- General, Chief Justice, Deputy Speaker, Deputy Leader of the Opposition, and two senior Whips are women, in addition to three Chairs of Select Committees. As we acknowledge all of the strong, pioneering women who have come before us, and reflect on their journeys, we must gather momentum to break inequalities and stereotypes that still hold us back today. Despite how far we have come in 125 years, there is still ground to be broken and this will only happen when women and men from all sides of the political spectrum come together and advocate for change.”

A panel discussion was also held at the New Zealand Parliament for #Suffrage125 – please subscribe to the following to view the video: https://www.facebook.com/NZParliament/videos/551221186467386/
Celebrating Women's Suffrage in the Isle of Man with the Suffrage Flag

The CPA Isle of Man Branch was proud to host the United Kingdom Suffragette Flag in September 2018, part of the Suffragette Flag Relay arranged by the UK Cabinet Office. The flag relay was a component of the one-year campaign of events through the Suffrage Centenary Volunteer group and activities linked to the centenary of the UK’s Representation of the People Act 1918: the law that gave some women the right to vote for the first time in the UK. The Suffrage Centenary Volunteer group won the Championing Gender Equality Award at the UK Civil Service Diversity and Inclusion Awards 2018.

The visit of the Suffragette Flag provided an opportunity for the Isle of Man to reflect on its own journey towards universal suffrage. It is still not widely known that the Isle of Man was the first place in the world where women could vote in a national election. As a result of its constitutional position as a Crown Dependency, the Island was able to enact reforming legislation before the same changes were made in the United Kingdom. By 1918, women householders in the Isle of Man had been able to vote in elections to the House of Keys for 37 years, and women leaseholders had been able to do so for 26 years. A year later, in 1919, all women residents in the Isle of Man would have been given both the vote and the right to stand for election, regardless of their property status.

The 1881 Reforms

Unlike in the United Kingdom, there was no mass campaigning of the sort organised by the UK suffragettes and no Women’s Suffrage Bill as such was ever brought before Tynwald, the Parliament of the Isle of Man. Giving women the right to vote was instead debated as part of wider reforms to elections in the Isle of Man - and it was achieved through the removal of a single word from a Bill. At the House of Keys Election Bill’s Second Reading in the House of Keys (the Isle of Man’s Lower House) on 5 November 1880, Richard Sherwood, MHK moved that the word ‘male’ be removed from clause 8, which set out the qualifications for voters. After some debate, the House of Keys voted in favour of Sherwood’s amendment by 16 votes to 3. This meant that the Keys had decided that householders, leaseholders, and lodgers - regardless of their gender - would have the right to vote.

However, the Lieutenant-Governor at the time, unwilling to give women the vote before it had been granted in the United Kingdom, later restricted the franchise to unmarried women householders. In early 1881, the House of Keys accepted this as a necessary compromise, resolving that ‘the opinion already expressed by the House that male and female occupiers are equally entitled to vote, remains unaltered. Unmarried women householders were able to cast their first votes in an election to the House of Keys in November of that year.

House that male and female occupiers are equally entitled to vote, remains unaltered. Unmarried women householders were able to cast their first votes in an election to the House of Keys in November of that year.

‘No taxation without representation’ Giving women householders the vote in 1881 was the first in a long line of extensions to the franchise, all of which can be summarised by the principle of ‘no taxation without representation’.

Today’s Tynwald President, Hon. Steve Rodan, MHK, said: ‘I am proud to have made my own contribution to the development of the Isle of Man’s democracy when I successfully moved an amendment to the Registration of Electors Bill 2006. This lowered the voting age to 16 years old, making us the first country in western Europe to do so. The ability to influence government-introduced legislation in this way is a great strength of our consensus democracy and parliamentary system. The early enfranchisement of women in the Isle of Man has unfortunately not translated directly into parliamentary representation. Until the General Election in 2016 and the Legislative Council election in 2018, there had only been 12 women Members of Tynwald in total. While ability must remain the most important qualification of any Member of the Legislature, I hope that recent developments will not prove to be an anomaly in the history of Tynwald.’

Above: The UK Suffragette Flag during its tour of the Isle of Man pictured with Hon. Julian Waterson, SHK, Speaker of the House of Keys; Hon. Ann Corlett, MHK; Hon. Jane Poole-Wilson, MHK; Hon. Marlene Hendy, MHK; Hon. Kate Lord-Brennan, MHK; Hon. Kate Beacom, MHK; Hon. Daphne Cain, MHK; Hon. Claire Bettinson, MHK; and the President of Tynwald, Hon. Steve Rodan, MHK.

Commonwealth Women Parliamentarians from across the CPA Pacific Region meet in the Cook Islands

The Commonwealth Women Parliamentarians (CWP) Pacific Region held a meeting of women Members from across the region in the Cook Islands in October 2018. The meeting was held in the margins of the 37th CPA Pacific and Australia Regional Conference where Members represented many Pacific jurisdictions including: Bougainville; Cook Islands; Kiribati; Nauru; New Zealand; Niue; Papua New Guinea; Samoa; Solomon Islands; Tonga; Tuvalu.

Hon. Niki Rattle, Speaker of the Parliament of the Cook Islands and CPA Cook Islands Branch President chaired the conference and reiterated her desire to increase the number of women in the Cook Islands Parliament and across the CPA Pacific Region. Speaker Niki Rattle said: “I believe the topics for our regional conference are really relevant in talking about gender equality and my focus while I’m Speaker of Parliament is to increase the number of women in Parliament. Out of 24 Members, we have four women and there are many women in the Cook Islands who could actually be sitting in the House and sharing the opportunity of making decisions on the welfare of the people of this country.”

For the full report of the 37th CPA Pacific and Australia Regional Conference in the Cook Islands, please turn to page 271.
Commonwealth Women Parliamentarians from across the world attend the inaugural International Congress of Parliamentary Women’s Caucuses in Ireland

The inaugural International Congress of Parliamentary Women’s Caucuses was held at Dublin Castle on 9 and 10 September 2018. The first-of-its-kind event brought together women Parliamentarians, leaders and experts from more than 45 Parliaments and Assemblies across the globe to discuss issues facing women and how Parliamentarians can work to address them. Parliamentarians came from more than 40 jurisdictions including Commonwealth Parliamentary Association Branches: Australia, Ghana, Kenya, Malawi, New Zealand, Northern Ireland, Pakistan, Scotland, Sierra Leone, South Africa, Tanzania, United Kingdom and Wales – and from non-Commonwealth countries like Argentina, Mongolia, Turkey and the United States.

Delegates to the congress were welcomed by The President of the Republic of Ireland, Mr Michael Higgins and Sean Ó Fearghaill, TD, Ceané Corrhaíre of Dáil Éireann (Speaker of Dáil Éireann, Ireland’s lower house of parliament). The Speaker said: “Our aim in hosting this International Congress is to empower delegates, when you return home, to advance the cause of promoting women as agents of change, from the grass roots of political movements to the pinnacle of power. Our International Congress takes place at a significant moment in the history of Ireland, on the 100th anniversary year of women gaining the right to vote. Over the past century of dynamic change, women have attained many – but not all – of Ireland’s highest positions of leadership. It is widely accepted that much work remains to lower barriers to participation and increase equity of opportunity.”

The Irish Parliament, also known as Houses of the Oireachtas, has two houses – the Dáil Éireann (lower house) and Seanad Éireann (upper house). At present, Ireland has a total of 208 Parliamentarians of which 63 are women.

In January 2017, sixteen of the sixty-three women Parliamentarians met to establish the first Irish Women’s Parliamentary Caucus in the Oireachtas. The idea came from Green Party MP and Deputy Leader, Catherine Martin, TD, who became the first Chairperson of the Irish Women’s Parliamentary Caucus. Catherine Martin said: “It was the first time that women Parliamentarians had come together in a formal way to highlight, and campaign, in this manner. Even though there was jubilation that there were 35 women Dáil deputies, the highest ever, we were still very much a minority in the Oireachtas.” She also said that the gender imbalance was most visible during walk-through votes in Parliament when the relatively small number of female TDs became apparent among a “sea of suits”.

The Speaker of Dáil Éireann, Sean Ó Fearghaill, TD, said: “I want to pay tribute to the Irish Women’s Parliamentary Caucus, a new force in Irish politics that did so much in recent months to transform this Dublin Castle gathering from dream to reality. Under its Chairperson, Catherine Martin, TD, the Women’s Parliamentary Caucus has forged a persuasive all-party voice on policy matters of particular importance to Irish women. They are playing a leadership role in organising initiatives such as this International Congress to build socio-political alliances that will advance the goal of gender equality across the globe.”

The aim of the inaugural International Congress of Parliamentary Women’s Caucuses was to:

- bring together representatives of international women’s caucuses to provide an opportunity for learning and exchange and reflect on progress of women in politics.
- set the agenda for women’s politics.
- launch a declaration for women in politics 2018.

The keynote speakers at the congress included Rt Hon. Harriet Harman, QC, MP (United Kingdom); the Taoiseach (Prime Minister) of Ireland, Leo Varadkar, TD; Hon. Dr Jessie Kabwila, MP (Malawi); and Professor Mary Beard. A panel chaired by author Marina Diefen discussed their vision for women in 2118, one hundred years from today. Attendees at the International Congress of Parliamentary Women’s Caucuses adopted the Dublin Declaration, a proposal for action on women in politics. The declaration includes a commitment to working across party and ideological lines in pursuit of gender equality.

Declaration of the International Congress of Parliamentary Women’s Caucuses

Dublin, Ireland, 10 September 2018

Today, in Dublin, the International Congress of Parliamentary Women’s Caucuses held its inaugural meeting. As members of women’s parliamentary caucuses and cross-party groups in Parliaments around the world, we came together to learn from each other, to strengthen global ties and to share information key to tackling issues which affect women across the globe.

Women represent more than half of the world’s population and we are committed to work in order to build a fair society for all. We are committed to working across party and ideological lines in pursuit of gender equality goals, to increase the capacity and influence of women Parliamentarians, and to lobby for adequate budgetary allocations for gender policies and gender-equal reforms in political and parliamentary rules and procedures.

We are committed to equalising women’s political representation and furthering women’s policy interests at a global, national and local level.

We are committed to bridging the gap between women’s civil society groups and the formal political system.

And most importantly, we are committed to advancing empowerment, equality, safety, security, dignity and respect for all women in every country in every aspect of life.

1. working towards the establishment of a Women’s Caucus in every Parliament by 2020;
2. the creation of a network of women’s caucuses which can meet on a regular basis to further the aims of the Congress;
3. that all Parliaments encourage the continuity of their caucuses by investing in institutional memory and adequate resourcing which would support their work;
4. that each caucus would develop a clear plan of action aimed at influencing policies and actions which encourage greater participation by women in politics and other areas of relevance to each society;
5. that each caucus would strengthen links with civil society groups working in areas that affect women;
6. that each caucus and Parliamentarian will continue to strive in their representative roles to improve the lives of women throughout the world.

Agreed by all attendees at the International Congress of Parliamentary Women’s Caucuses.

For further information about this event please visit www.oireachtas.ie/en/inter-parliamentary-work/womens-caucus/programme/.
Commonwealth African Women Parliamentarians help to strengthen Women's Parliamentary Caucuses in Lesotho

The Chairperson of the Commonwealth Women Parliamentarians (CWP) Africa Region, who is also the Deputy Chairperson of Committees in the South Africa Parliament, Hon. Angela Thoko Didiza, MP, has visited Lesotho to share experiences of gender equality and to help to strengthen the Women’s Multi-Party Parliamentary Caucus. This initiative aims to help Commonwealth Women Parliamentarians to appreciate their role in advancing women’s interests through legislation and to work across regional and national borders to share positive experiences that can advance women’s interests and equality.

Addressing the Women’s Parliamentary Caucus in Maseru, Lesotho on 31 August 2018 on the functions of national women’s caucuses, Hon. Angela Thoko Didiza, MP said that women can achieve more when they work together even when it is across party lines. The CWP Africa Region Chairperson also spoke about the work of the CWP and its programmes across the Africa Region and beyond and concluded by saying: “It might be the end of Women’s Month in terms of the calendar, but every day must be Women’s Month. Particularly with issues of gender-based violence, men need to partner with women to ensure that we actually remove this scourge in our society.”

In response, the Chairperson of the Women’s Parliamentary Caucus in Lesotho, Hon Matšepo Ramakoae said that women play an important role in society although they are aware of the many challenges facing Basotho women and girls which include poverty, child marriage, gender-based violence and maternal death. Hon Matšepo Ramakoae said: “We are many in numbers; we are the ones who go for elections and we are the ones who are bringing up families and if we don’t do that, we are not going anywhere. So, if the Commonwealth has realised that, I think we are going somewhere else. We are going to go to a point where this region or the African continent will change from where it is, if we, as women, stand up to the point where we want to go.”

Commonwealth Women Parliamentarians UK Members hold a panel discussion on empowering women’s voices during UK Parliament Week

Members of the Commonwealth Women Parliamentarians (CWP) from the CPA UK Branch held a panel discussion event on ‘Empowering Women’s Voices in Parliament’ in November 2018 as part of the UK Parliament’s ‘Parliament Week’. The panel debate was held against the background of the Vote100 campaign celebrating the centenary of women’s suffrage in the UK. The panellists were: Rt Hon. Maria Miller, MP, Chair of the Women and Equalities Select Committee who highlighted the Committee’s work; Baroness Jenkin of Kennington who discussed the importance of encouraging and supporting women to stand for public office; and Hon. Angela Rayner, MP who spoke about her own journey in becoming an MP.

A key focus of the CWP’s work is achieving representative democracies by helping women promote themselves in Parliaments across the Commonwealth, and developing the skills they need to succeed in their work. The panel event also looked at how women can effectively access, connect with and influence politics both outside and inside Parliament.
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REPORT PARLIAMENTARY

The same day, Minister of a legal marijuana marketplace. On 17 October 2018, the Prime Minister expressed that a Dutch prime minister addressed the Canadian Parliament. Legislation Since Parliament resumed sitting on 14 September, two Bills have been introduced: C-79, Comprehensive and Progressive Agreement for Trans-Pacific Partnership Implementation Act, which implements the Comprehensive and Progressive Agreement for Trans-Pacific Partnership, done at Santiago on 8 March 2018. This agreement includes Canada, Australia, Brunei, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore and Vietnam. C-86, An Act to amend the Canada Labour Code (harassment and violence), the Parliamentary Employment and Staff Relations Act and the Budget Implementation Act, which protects all federal employees, including parliamentary staff from harassment and violence in the workplace. The Bill includes measures to prevent harassment and violence in the workplace, creating timely and effective response measures and support for affected employees. During the fall session, several government Bills were introduced, including: • Bill C-85, An Act to amend Canada-Israel Free Trade Agreement Implementation Act, which modernizes the text of the Act and reflect the amendments brought about by the Canada - Israel Free Trade Amending Protocol 2018 signed on 28 May 2018. • Bill C-84, An Act to amend the Criminal Code (bestiality and animal fighting), which broadens the definitions of bestiality and expands protections for animals on activities related to animal fighting. • Bill C-83, An Act to amend the Corrections and Conditional Release Act, which would end the Correctional Service of Canada’s use of solitary confinement in Canadian prisons. • Bill C-56, Canada–Madagascar Tax Convention Implementation Act, 2018, which implements the Convention between Canada and the Republic of Madagascar for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income. Committee Hearings and Reports A number of reports were presented in the fall by House Committees, including: • Experiential Learning and Pathways to Employment for Canadian Youth (Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities) • Child Labour and Modern Slavery (Standing Committee on Foreign Affairs and International Development) • The State of Canadian Fine Art Museums (Standing Committee on Canadian Heritage) • Organ Donation (Standing Committee on Health) • Current State and Future of National Energy Data (Standing Committee on Natural Resources) • The government intends to consult with Indigenous groups and there is no binding duty to lawmaking stage in this case, the Crown act honourably towards Cree First Nation (a band whose federal budget that the Mikisew Cree First Nation (a band whose community leader, longtime academic researcher, and to fill a vacancy in Alberta. • Hon. Paula Simons, an established print, television and radio journalist and producer, to fill a vacancy in Alberta. • Hon. Peter Boehm, a long-serving foreign service officer and public servant, to fill a vacancy in Ontario. On 11 August, independent Senator Hon. Anne Cools who served 34 years, retired upon reaching the mandatory retirement age of 75. On 21 August, Conservative Senator Hon. Betty Seniors who served six years, retired upon reaching the mandatory retirement age of 75. On 28 September, 2018, Liberal Senator Hon. Art Eggleton who served 13 years, retired upon reaching the mandatory retirement age of 75. As of 26 October, party standings in the Senate were: Independent Senators Group 52; Conservative Party 31; Liberal Party 10; non-affiliated 8; vacancies 4. Currently, 45.5% of senators are women. Changes in the House of Commons On 23 August 2018, former Conservative Cabinet Minister, Hon. Maxime Bernier, MP, left the Conservative Party of Canada. In September, Mr Bernier was announced as forming a new federal party - the People’s Party of Canada, which he said intends to run candidates in every federal riding in the 2019 federal election. On 17 September, former Liberal Member of the House of Commons, Leona Alleslev, MP, crossed the floor and joined the Conservative Party caucus. On 30 September, Hon. Peter Van Loan, MP, and the former House Leader for the Conservative Party retired after serving as a Member of the House of Commons for 14 years.

Opioid Damages and Health Care Costs Recovery Act Bill C-96, Opioid Damages and Health Care Costs Recovery Act establishes a new statutory tort of an opioid-related wrong and establishes that government has a direct cause of action to recover the cost of health care benefits from those who have committed an opioid-related wrong. This is similar to the Tobacco Damages and Health Care Costs Recovery Act which established a statutory tort of a tobacco-related wrong. During the Second Reading debate, Hon. David Eby, QC, Attorney-General, explained that the legislation enables government to proceed with their class action lawsuit announced on 29 August 2018 against forty manufacturers, wholesalers and distributors of brand-name and generic opioid medications in Canada. The lawsuit seeks to recover health care costs incurred as a result of these companies’ actions to market, promote and sell opioid products as less addictive and less likely to cause tolerance and withdrawal than other pain medications. He noted that the Bill permits government to proceed by way of an aggregate action, meaning that population-based evidence, including statistical data and budget information can be used to establish causation and quantify damages, rather than identifying and relying on the extent and magnitude of damages suffered by any one particular individual. The Official Opposition critic for Public Safety and Solicitor-General, Michael Lee, MLA, expressed his support for those responsible for the opioid crisis to account for their actions. Hon. David Eby, QC, Attorney-General, in a written statement, said that the Bill provides a mechanism to address the harm caused by opioids. The Leader of the Third Party, Andrew Weaver, MLA, voiced his support for the amendments, noting that they could streamline processes related to court proceedings and provide for independent and anticipated ability to recover costs as an important advancement. He also suggested that any remuneration recovered should go directly to helping the most vulnerable, including those impacted by the opioid crisis.

Miscellaneous Statutes Amendment Act (No. 3) 2018 Bill C-96, Miscellaneous Statutes Amendment Act (No. 3) 2018 amends a number of statutes, including the College and Institute Act and the University Act. Other sections of the Bill related to post-secondary institutions removes certain restrictions which will result in allowing students to be able to sit for exams while studying. Other provisions of the Bill include minor updates to a number of statutes, including, but not limited to: • MIK Industry Act; • Mental Health Act; • Offence Act; • Supreme Court Act; and • Satislity Standards Act. During the Second Reading debate, Hon. David Eby, QC, Attorney-General explained that the removal of the restrictions will support broader representation on public post-secondary institutional boards and ensure that such boards have appointment process, especially at institutions with smaller populations from which to select board members. During the Second Reading and Committee Stage debates, the Official Opposition critic for Advanced Education, Stephanie Cadieux, MLA, noted that the current restrictions with respect to board membership serve to avoid real or perceived conflicts of interest amongst board members, and suggested that government look at alternative ways to ensure increased diversity, such as reserving board seats for Indigenous or female members.

Miscellaneous Statutes Amendment Act (No. 2) 2018 The Leader of the Third Party, Andrew Weaver, MLA, voiced his support for the amendments, noting that they could streamline processes related to court proceedings and provide for independent and anticipated ability to recover costs as an important advancement. He also suggested that any remuneration recovered should go directly to helping the most vulnerable, including those impacted by the opioid crisis.

The Opioid Damages and Health Care Costs Recovery Act received Third Reading on 3 October 2018.

On 25 October 2018, the Prime Minister of the Netherlands, His Excellency Mark Rutte, addressed a joint session of Parliament in the House of Commons Chamber. This was the first time that a Dutch prime minister addressed the Canadian Parliament.

Legislation of recreational marijuana use On 17 October 2018, the Canadian Parliament passed legislation that became the largest country in the world with a legal marijuana marketplace. The same day, Minister of Public Safety and Emergency Preparedness, Hon. Ralph Goodale, MP, announced that the government intends to table legislation that will pardon Canadian who have past marijuana possession charges.

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AUSTRALIAN PRIME MINISTER MALCOLM TURNBULL REMOVED BY HIS PARTY IN WEEK OF ‘MADNESS’

Australia’s recent history of Prime Ministers being removed by their parties continues. The Australian Prime Minister, Hon. Malcolm Turnbull, MP, was deposed by his party on 24 August 2018 in what is possibly the ugliest leadership battle in living memory. Mr Turnbull’s hold on his Prime Ministership was wounded following the dismal results of the super Saturday by-elections on 28 July. Ironically, the leadership of the Opposition, Hon. Bill Shorten, MP, was under pressure going into the by-elections should he lose any Labor held seats. But not for long. Mr Shorten prevailed and the Prime Minister was now in serious trouble. In the Queensland seat of Longman, the Liberal primary vote fell to 29% and panic set in. If this vote was replicated at a Federal election, then the government could lose up to eight members in Queensland held seats.

On the policy front, Mr Turnbull was also under mounting pressure from his conservative Members opposed to the government’s climate and energy policy – the New Energy Guarantee (NEG). The NEG, amongst other things, included an emissions target of 26% reductions against 2005 levels by 2030. This policy received support by the conservative Members of the party who were not prepared to see the NEG as an emissions target. Their focus is on energy security and price even if this means the government is committing coal fired power stations.

The conservatives indicated that they would cross the floor in the House of Representatives and, as a result, Mr Turnbull put the NEG on hold to avoid a challenge to his leadership, but he was deposed anyway.

A further factor contributing to Mr Turnbull’s demise are the actions and ongoing criticism of the former Prime Minister, Hon. Tony Abbott, MP, who himself was deposed in a leadership contest by Mr Turnbull in August 2015. Mr Abbott was accused by Turnbull supporters of being a self-proclaimed power-broker and, as a result, Mr Turnbull put the NEG on hold to avoid a challenge to his leadership, but he was deposed anyway.

Mr Turnbull’s decision to insist on the maximum number required to elect a new leader was highly critical of the bullying and intimidation and was so disgusting that she will not contest the next election. She stated: “I have always listened to the people who elected me and put Australia’s national interest above internal political games. I am a very deliberate, self-proclaimed power-brokers and certain media personalities who bear vindictive, mean spirited and bullying people who have been involved in this.” Mr Turnbull indicated that he would be resigning from his seat imminently.

Notwithstanding these events, the Prime Minister did not budge on his demand for a petition to be provided to him by 43 Australians to reportedly considering his future ahead of the next election.

On the morning of Friday 24 August, the petition was still not ready, and Mr Turnbull was holding fast to his threat not to call a party room meeting until he had a petition with 43 names. In the end, a few Members signed the petition to ensure that the matter would be resolved and so the meeting to make the phone call to show up his numbers for the ballot. Mr Turnbull has outlined today at Parliament that the petition to get the 43 signatures was accused of bullying and coercing Turnbull supporters to change their vote. Turnbull supporters of being a self-proclaimed power-broker and, as a result, Mr Turnbull put the NEG on hold to avoid a challenge to his leadership, but he was deposed anyway.

Mr Turnbull’s decision to insist on the maximum number required to elect a new leader was highly critical of the bullying and intimidation and was so disgusting that she will not contest the next election. She stated: “I have always listened to the people who elected me and put Australia’s national interest above internal political games. I am a very deliberate, self-proclaimed power-brokers and certain media personalities who bear vindictive, mean spirited and bullying people who have been involved in this.” Mr Turnbull indicated that he would be resigning from his seat imminently.

Similarly, Hon. Craig Laundy, MP, a Turnbull supporter, was so appalled by the events that he chose not to sit on the front bench at a press conference considering his future ahead of the next election.

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All of this was being heavily reported by the media to a shocked nation disbeliefing that this was happening again.

Mr Turnbull moved to call another party meeting for Thursday. Mr Turnbull, however, is not a person that can be easily intimidated. He calmly fronted the media and called on Mr Dutton to produce the petition to him with the number names on it which was the minimum number required to elect a new leader. This action moved that the House do now adjourn ensuring that Question Time would not proceed. There was instant uproar from the Opposition and claims that the government could not perform its functions. The Senate would not proceed. There was instant uproar from the Opposition and claims that the government could not perform its functions. The Senate would not proceed. There was instant uproar from the Opposition and claims that the government could not perform its functions. The Senate would not proceed. There was instant uproar from the Opposition and claims that the government could not perform its functions. The Senate would not proceed. There was instant uproar from the Opposition and claims that the government could not perform its functions. The Senate would not proceed. There was instant uproar from the Opposition and claims that the government could not perform its functions. The Senate would not proceed. There was instant uproar from the Opposition and claims that the government could not perform its functions. The Senate would not proceed. There was instant uproar from the Opposition and claims that the government could not perform its functions. The Senate would not proceed. There was instant uproar from the Opposition and claims that the government could not perform its functions. The Senate would not proceed. There was instant uproar from the Opposition and claims that the government could not perform its functions. The Senate would not proceed.
Space Activities Amendment (Launches and Returns) Act 2018
In October 2015, the then Turnbull Government announced a review of the Space Activities Act 1968. The then Minister for Social Services, Hon. Dan Tehan, MP, explained that “the aim of the review was to ensure that Australia’s space regulation accommodates technological advancements and does not unnecessarily inhibit innovation in Australia’s space capabilities.” The review found that “the Space Activities Act should have additional flexibility to accommodate the changing operating environment for space activities and support innovation and investment in the sector.”

Mr Tehan noted that “the global space sector is worth over US$345 billion, and growing at 10% annually. Australian businesses represent just 0.3% of this industry internationally; a disproportionately small share considering our immense capability in space-related sectors, including our immense advanced manufacturing capability, and our world-leading work in fields such as automated mining and precision agriculture.”

Mr Tehan commented that the legislation “will bring us in line with agreed international practice and standards by streamlining the approvals process and insurance requirements for launches and returns.”

The Minister concluded that the legislation “will allow our emerging space industry to keep pace with international and technological developments, while updating and streamlining regulation to encourage private investment.”

Criminal Code Amendment (Food Contamination) Act 2018
During September 2018, the Australian strawberry industry was sabotaged by people placing needles into random strawberries destined for consumers. There were reports of over 100 incidents of needles being discovered. As a result of the contamination, strawberries were recalled from supermarkets and many farmers were forced to destroy their crop. The Federal Government, with support of the Opposition, acted quickly to amend the criminal code to increase the maximum penalty for food contamination.

The Attorney-General, Hon. Christian Porter, MP, commented that “the consequences we have witnessed from the contamination of strawberries demonstrate the public safety, the economic loss and the terrible real-world harm that one rogue actor can cause. This harm has been amplified by a rapid escalation in copycat offenders and the perpetrators of hoaxes. This Bill is intended to send the simplest, clearest and strongest message. The behaviour we are now witnessing is not a joke. It is not funny. It is a serious criminal offence, and we denounce it. We see this as a serious legislative change to do what we can to ensure a strong legislative framework in this area. But, let’s face it, to describe the Criminal Code Amendment (Food Contamination) Bill 2018 as a rushed job would be an understatement.”

The Leader of the Opposition, Hon. Bill Shorten, MP, noted that this was a serious matter and the Opposition would support the legislation. Mr Shorten stated “to all Australians, I simply say: we have encountered food scares before and we’ve come through the other side with no wones whatsoever. So, on the way home tonight, or if you’re in the supermarket on the weekend, we encourage people to grab a punnet for yourself and a punnet for the nation. We encourage them to them fresh or go into the favourite recipe, to put them to use. We would encourage the major supermarket chains: now is not the time to be hurting the best bargains you can off strawberry growers, but, instead, to recognise that we need to reassure people about the quality and confidence of our food chain. So we say to Australians: cut your strawberries up; don’t cut your farmers out. Chop the strawberries up; don’t throw them out.”

The Prime Minister, Hon. Scott Morrison, MP, thanked all Members for their support of the legislation and the prompt passage of the legislation through the Parliament. Mr Morrison stated that “the Criminal Code Amendment (Food Contamination) Bill is a powerful denunciation of the deplorable, cowardly and idiotic conduct that we’ve seen. It’s not just about the initial intentional act that has caused this crisis and this anxiety and concern, but it is also the follow-up actions of people who should know better, and if they don’t know better they should now know better. It’s important for our law enforcement agencies, whether at the state level or at the Commonwealth level, to have the powers, the tools, the penalties and the support of this Parliament and of the government to get on and do their job and keep our community safe, keep Australian families safe, keep kids safe, and also keep our farmers’ livelihoods safe.”

Senator Nicholas McKim, Australian Greens, commented that “the Australian Greens utterly condemn any tampering with food in a dangerous way in our country, as we have seen recently around strawberries. We regard that kind of action as completely unacceptable. As such, we are very open to supporting reasonable legislative change to do what we can to ensure a strong legislative framework in this area. But, let’s face it, to describe the Criminal Code Amendment (Food Contamination) Bill 2018 as a rushed job would be an understatement.”

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This legislation increases this penalty to 15 years imprisonment. The legislation increases this penalty to 15 years imprisonment. The legislation increases this penalty to 15 years imprisonment. The legislation increases this penalty to 15 years imprisonment. The legislation increases this penalty to 15 years imprisonment. The legislation increases this penalty to 15 years imprisonment. The legislation increases this penalty to 15 years imprisonment. The legislation increases this penalty to 15 years imprisonment. The legislation increases this penalty to 15 years imprisonment.

The Government loses Turnbull’s seat of Wentworth in massive swing
Former Prime Minister, Hon. Malcolm Turnbull always said that if he was removed as Prime Minister he would resign as the Member for Wentworth immediately. And he did just that, bringing on an early election for one of the safest Liberal seats in the country which he won at the 2016 election with a margin of 18%. For the Government by-election was a high-stakes contest because if they lost then they would lose their one seat majority on the floor of the House of Representatives and then need to govern for the remainder of the Parliament with the support of the crossbench.

The threat to the Government did not come from Labor or the Greens but from a high profile independent, Ms Karen Phelps, a medical practitioner and former President of the Australian Medical Association. She is currently the Deputy Lord Mayor of the Sydney City Council. In 2011, she was appointed a Member of the Order of Australia for her services to medicine. Ms Phelps benefited from the loyal Turnbull supporters who were outraged that he was removed and were bent on delivering the Government a clear message that disloyalty will not be tolerated in the electorate. At the same time, Ms Phelps was able to connect with the progressive values of the electorate which include the need for action on climate change and support for renewable energy sources. These issues came together to deliver Ms Phelps a massive swing of 20% to win the seat. This is the largest swing ever recorded in a by-election against a government. It has sent an ominous warning to the Morrison Government ahead of the Federal Election which needs to be held by 18 May 2019.

The Bill is intended to prejudice our national security.”

It is not funny. It is a serious criminal offence, and we denounce it, but we also see demonstrated by recent events appears to be inspiring hoaxes and copycat offenders. These people need to know that if they engage in such conduct they will be committing a very serious crime.”

In addition, Mr Porter noted that new offences will be created “that apply where a person contaminates goods, threatens to contaminate goods or makes false statements about the contamination of goods and is reckless as to the causing of public alarm or anxiety, of economic loss, or of harm to public health.” These offences will attract a maximum penalty of 10 years imprisonment.

The legislation also expands the “ sabotage offences so that they would cover the sabotage of Australia’s food supply, where such conduct is intended to prejudice our national security.” Mr Porter concluded that “strong action is required to deter and punish those who target our food supply infrastructure. Their actions hurt the Australian community. They sabotage the livelihoods of growers, communities, towns and whole regions. They unnecessarily frighten people away from enjoying the beautiful, fresh and healthy produce on offer farmers grow. This Bill demonstrates that the government will not stand for it.”

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Electoral (Integrity) Amendment Bill

The Electoral (Integrity) Amendment Bill passed its Third Reading in the New Zealand House of Representatives on 27 September 2018 with 63 votes in favour to 57 opposed. The Bill amends the Electoral Act 1993 and aims to enhance public confidence in the integrity of the electoral system by upholding the proportionality of political party representation.

Mr Greg O’Connor, MP (Labour) explained to the House that the Bill: “provides that the seat of a Member of Parliament, other electorate or list, will become vacant when the Member ceases to be a parliamentary Member of a political party for which he or she was elected.”

The Bill sponsors, the Minister of Justice, Hon. Andrew Little, MP (Labour), added: “a balance has to be drawn between the freedom of individual MPs to act on their own judgment, which is important, and the principle that voters and only voters … should determine the parties represented in this House. The Bill draws a better balance by providing a means to correct distortions of proportionality where an MP leaves the party under whose banner they stood for representation in this House. The Bill draws a balance has to be drawn between the freedom or list, will become vacant when the Member to the House that the Bill:

The Bill received the Royal Assent on 3 October 2018.

The sponsor of the Bill, Parliamentary Under-Secretary to the Minister of Justice, Ms Jan Lopie, MP (Green), commented in the Bill’s Third Reading that: “Domestic violence isn’t restricted to the home; it reaches into workplaces all over our country. Stalking, constant, endless, attacks to or threats and violence at the workplace, making her hate or making her risk altogether, punishing her for being late - these are common tactics of abuse … All too often, victims have to leave their jobs because of this, and it makes them more reliant on their authentic partner and means their employer has to recruit and train up new staff. It’s a lose-lose situation … This Bill is a win for victims, a win for business, and, ultimately, a win for all of us.”

Hon. Andrew Little, MP (Labour), in his role as Minister of Justice, shared his concerns for the impact that domestic violence has on the criminal justice system, saying: “unless we get on top of domestic violence … we are just going to keep filling up our criminal justice facilities – whether the youth justice facilities or the big prisons - with more and more people.” Highlighting the financial implications of the Bill, Mr Little commented: “There is no doubt about it: this will add costs and responsibilities to small-business owners and that is what we are building into this legislation with the existing search and surveillance legislation” – “simply aligns with the legislation with the existing search and surveillance legislation”.

Domestic Violence: Victims’ Protection Bill

On 25 July 2018, the Domestic Violence: Victims’ Protection Bill passed its Third Reading. The Bill was supported by both sides of the House, and given its cross-party agreement.

The Bill’s sponsor, the Minister of Justice, Hon. Amy Adams, MP (National) stated: “There is no objection on this side of the Chamber whatsoever to improving the National Animal Identification and Tracing (NAIT) Act legislation to ensure that the NAIT legislation is properly complied with, that the officers have the appropriate range of powers and that the response to M. bovis is robust and effective.”

However, Hon. Gerry Brownlee, MP (National) asked: “why is it necessary for a NAIT Officer to have search and seizure powers greater than a police officer conducting a criminal investigation?”

Green Party Member, Gareth Hughes, MP (Green) explained: “The Bill amends the NAIT Act to improve traceability of animals and their movements in the wake of last year’s Mycoplasma bovis outbreak and gives NAIT officers the authority for lawful seizure when noncompliance is suspected. The Mycoplasma bovis outbreak was described by MPs from across the House as a “crisis” in a sector that brings in around $20 billion of revenue a year for New Zealand.”

The Minister for Children, Hon. Tracey Martin, MP (Labour), in her role as Minister of Children, shared her concerns for the impact that domestic violence has on the criminal justice system, saying: “unless we get on top of domestic violence … we are just going to keep filling up our criminal justice facilities – whether the youth justice facilities or the big prisons - with more and more people.” Highlighting the financial implications of the Bill, Mr Little commented: “There is no doubt about it: this will add costs and responsibilities to small-business owners and that is what we are building into this legislation with the existing search and surveillance legislation” – “simply aligns with the legislation with the existing search and surveillance legislation”.

Domestic Violence: Victims’ Protection Bill

On 25 July 2018, the Domestic Violence: Victims’ Protection Bill passed its Third Reading. The Bill is an omnibus Bill that amends the Domestic Violence Act 1995, the Employment Relations Act 2000, the Health and Safety at Work Act 2015, the Holidays Act 2003 and the Human Rights Act 1993. The purpose of the Bill is to provide workplace protections for victims of domestic violence through imposing new obligations on the Bill prohibits an employee from being adversely treated as a result of domestic violence. It achieves this by giving employees the right to take up to 10 days paid domestic violence leave per year. It allows victims of domestic violence to request flexible working arrangements, such as a variation in hours, days, place of work, duties, or that their employer help fund that, but also it is the responsibility of the Government because it is the responsibility of small-business owners. It is simply not fair that the burden is shifted yet again to them.”

The Minister for Children, Hon. Tracey Martin, MP (NZ First) stated that NZ First supported the Bill, but raised concerns about the financial burden placed on small to medium business but said: “we have a commitment from the Minister of Finance that the Tax Working Group, well, as part of the work they are doing, be looking at the tax deductibility of any leave taken under this piece of legislation.”

The Bill passed with 65 votes to 56 and received Royal Assent on 30 July 2018. The commencement date for the Bill is 1 April 2019, allowing time for employers and payroll providers to learn about and implement these new obligations under the Holidays Act.
Another benefit proposed through this Bill is that providing two nursing intervals, each not less than half-an-hour where a crèche is provided and where a crèche is not available, two nursing hours of which one shall not be less than one hour, to feeding mothers who are governed by the Shop and Office Employees Act.

He concluded his speech by stating that the amendments initiate the process of equalizing the standard and improving prevailing anomalies based on granting benefits on number of children, at the request of OLO, several labour organisations, trade unions and women organisations.

Hon. Eran Wickramaratne, MP State Minister of Finance appreciates the amendments conferring equal rights to all female employees who are governed by the two Acts under discussion. The amendments are progressive recommendations on maternity benefits, which remove the limitation of 84 days’ maternity leave only for the first two children. With amending these Acts, female employees will be entitled for 84 days maternity leave for issue of any number of child.

The Minister stated that according to a World Bank report in 2017 titled ‘Getting to Work: Unlocking Women’s Potential’ in Sri Lanka’s Labour Force, 20 Between 2006 – 2017, the female workforce in Sri Lanka has decreased 10% due to the reason of disparity in household responsibility sharing and gender discrimination. He further stated these legislations would be beneficial for the business and for the finance sector of the country as they have provisions to increase the maternity benefits for the female workers, which increase the female workforce of the country.

The Minister proposed for paternity leave. Hon. Dr. Nalinda Jayathissa, MP stated that the world has progressed and Sri Lanka is late in adopting these provisions. He pointed out the insufficient legal provisions prevailing in the apparel, tea and foreign employment where women are mostly employed. He further added that in Sri Lanka, the child mortality rate is 18% and this situation correlates to maternity leave and stressed that leave before delivery is very important as it relates to child weight. He also raised the issue of breastfeeding.

Hon. Rauff Hakeem, MP Minister of Water Resources and Management pointed out that Maternity Benefits Ordinance did not cover the casual workers and therefore an anomalous treatment prevailed for casual workers who have been working in factories and other industries, as they do not get the Maternity Benefits. He highlighted the plight of casual female workers largely employed in many garment factories as they do not get the maternity benefits and most of these casual workers tend to be hired and fired at the whims and fancies of the factory owners and they are also in an unfortunate situation where their casual period is extended without making them permanent. This demeans their rights. He drew the attention of the Minister to bring the necessary amendments to the Maternity Benefits Ordinance so as to remove the anomalous situation that prevailed for the casual female workers who work in the factories and in the industries.

Hon. Shehan Semasinghe, MP while appreciating the Minister for bringing these legislations as women are respected through these amending Acts, pointed out that a mother who delivers a stillbirth child is granted only six weeks of leave which is not sufficient as the health condition of the mother, and the family is in an unfortunate situation. He further suggested for paternity leave also.

Hon. Thilakaratne, MP thanked the Government and the Minister for increasing the maternity benefits for female employees and making provisions for nursing intervals for the mothers. However, he stated that only 30% of women are covered under this scheme while there are a crèche and pointed out that the field where the female employees are working is three to five kilometres away from the creche or the child development centre and it is impossible for the plantation sector female employees to utilize this benefit and requested the Minister to look into this matter and bring the necessary amendments.

The above two Bills were passed by Parliament on 6 June 2018 without a division and came into operation with effect from 18 June 2018.

HUMAN TRAFFICKING BILL IN THE PARLIAMENT OF INDIA

On 26 July 2018, the Lok Sabha passed the Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2018. The Bill provides for the prevention, rescue, and rehabilitation of trafficked persons and the establishment of a National Anti-Trafficking Bureau to investigate trafficking cases and implement provisions of the Bill.

The functions of the Bureau include: (i) coordinating and monitoring surveillance along known routes, facilitating surveillance, enforcement and preventive steps at source, transit and destination points, maintaining coordination between law enforcement agencies and non-governmental organizations and other stakeholders, and increasing international cooperation with authorities abroad for intelligence sharing, and mutual legal assistance.

The State Nodal Officer to be appointed by the State government will be responsible for follow up action under the Bill, as per the instructions of the State Anti-Trafficking Committee, and for providing relief and rehabilitation services.

The Bill provides for the setting up of Anti-Trafficking Units (ATUs) at the district level which will deal with the prevention, rescue, and protection of victims and witnesses, and for the investigation and prosecution of trafficking offences. It also provides for establishment of Anti-Trafficking Relief and Rehabilitation Committees (ATRCs) at the national, state, and district levels. These Committees will be responsible for providing compensation to victims, repatriation of victims, and re-integration of victims in society, among others.

The Bill requires the central or state government to set up Protection Homes for providing shelter, food, counselling, and medical services to victims. The central government will also create a Rehabilitation Fund, which will be used to set up the Protection and Rehabilitation Homes. The Bill provides for setting up designated courts in each district, which will work to complete trial within a year. The Bill also specifies the penalties for various offences.

Moving the motion for consideration of the Bill on 26 July, Smt. Maneka Sanjay Gandhi, the Minister of Women and Child Development, said the government cannot sit silent and let women and children be bought and sold. Relief and rehabilitation of the rescued person is a matter of right. Since human trafficking is a borderless crime, a National Anti-Trafficking Bureau will be set up to effectively address this aspect. The setting up of special Anti-Human Trafficking Units all over the country is an important step. The Bill also provides for freezing and confiscating illicit assets, born out of trafficking crimes. Since the crime of trafficking is hugely organized and largely invisible, its backbone needs to be targeted, said the Minister.

Initiating the debate, Dr Shashi Tharoor (INC) termed the Bill as a rehash of existing laws and does not provide for follow up action with trafficking. He termed the Bill as a Bill of the bureaucracy, drafted by the bureaucracy and for the bureaucracy. The Bill talks about the repatriation of victims of trafficking, while it should have actually prescribed restoration which mandates the government to help the persons, reunite them with their family from which they have been separated. Trafficking is not merely a law and order issue and has its roots in socioeconomic realities of our country.

Therefore, the need is to improve the socioeconomic condition of women and children. The Bill overemphasizes the criminal response and does not give due consideration to the rights and needs of victims and their effective protection and rehabilitation. He requested for referring the Bill to a Standing Committee to address the deficiencies.

Shri Om Birla (BJP) described the Bill as a comprehensive one which will be able to check human trafficking effectively in the country. The Bill carries several provisions relating to the welfare of the victims and their protection and rehabilitation. However, the problems of poverty and lack of education need to be
addressed for checking human trafficking effectively. Smt. Pratima Mondal (AIADMK) said while the Bill proposes to address one of the most pervasive crimes affecting the most vulnerable persons, it does not propose many new things than what already existed. The new anti-trafficking Bill appears to be flawed as there are provisions that are both problematic and make no sense. Instead of streamlining enforcement, the Bill encourages institutional bureaucracy by creating different agencies which will result in chaos, policy indecision as well as passing the buck on the question of accountability. Thanking the government for bringing the anti-trafficking Bill, Smt. V. Sathyabama (AIDMK) urged the union government to ensure that the provisions of the Bill are not misused or abused for personal vengeance or vendetta.

For Shri Tagattara Satpathy (BJD) the Bill seems to have two main angles. One is the rehabilitation of unwanted bureaucrats who will be adjusted in various Anti-Trafficking Committees and the other is the excessive powers given to the police to search, seize, rescue, investigate, collect evidences, etc. Although the intention of the Bill is extremely good, it does not focus on human rights and lacks a victim-centric approach.

Shri Vinayak Bhauroo Raut (Shiv Sena) gave emphasis on proper implementation of different provisions of the Bill. Shri H. Srinivas Rao (TDP) welcomed the provision of designated courts in each district for the speedy trial of the cases. Highlighting that poverty, lack of education and lack of knowledge in society contribute to trafficking, he suggested for referring it to the Standing Committees for further improvement.

Smt. Kavitha Kalvakuntla (TRS) welcomed the Bill said the Bill provides for a proper legal framework to prevent trafficking, protect the victims and witnesses, prosecute the offenders in a time bound manner and also a mechanism for rehabilitation and repatriation of victims. The best part of the Bill is that offenders would be brought to justice within a period of one year. For Shri Md. Badruddoza Khan (CPM) the absence of a comprehensive definition of trafficking is the biggest lacuna in the Bill. There is a need to create awareness about trafficking among school children through teachers and special educators. He extended his support with his request to refer the Bill to the Standing Committees for examination.

Shri Pratima Mondal (AIADMK) said the Bill will face the consequences of the law. Referring to the Bill, Smt. Supryta Sule (NCP) said trafficking is a social issue and when anybody is trafficked, it is merely a compulsion on that person. The police and anti-trafficking units need to be sensitized about the sensitivity of the issue as women and children who are victims of trafficking go through a lot of mental trauma. Shrimati Kothapalli Geetha (YSR Congress) said the Bill goes a step further in addressing the issues of trafficking from the point of view of prevention, rescue and rehabilitation. She wanted an MP to be the Chairperson of the District Anti-Trafficking Committee instead of the District Magistrate as this is a mostly social evil.

Dr Dharan Vira Gandhi (AAP) emphasized on creating an equitable society for eliminating trafficking. He was apprehensive that the powers given to the police and the bureaucracy may be misused for political reasons.

Smt. Meenakshi Bekhi (BJP) said by tightening the screws on the traffickers involved in the sex trade and bringing them to book, it is inevitable to eliminate trafficking as a time-bound mechanism is required to be evolved where MPs, State governments and District Committees will have to discharge their respective duties.

Shri Vincent H. Pala (INC) wanted the Bill to be sent to the Standing Committees for examination framing of rules and regulations in consultation with the State governments and other stakeholders.

Shri N.K. Premachandran (RSP) observed the Bill is more crime-centric than human right-centric. The amount provided for the Rehabilitation Fund for the victims of trafficking is not sufficient and there should be more clarity about coordination among various agencies to prevent, investigate, prosecute and provide care and protection. He also wanted the Bill to be referred to the Standing Committees.

Shri Jay Prakash Narayan Yadav (RJD) congratulated the Minister for bringing such a good piece of legislation. Dr Harsh Vardhan Gavit (BJP) said while the Bill is silent on prevention of re-trafficking, it is good that a dedicated team of police officers will be working on this issue. The need is to dismantle the entire syndicate rather than getting hold of one person. Shri Goyal Gavai (INLD) welcomed the provision of giving decision in a time-bound manner. He suggested that the cases should be entrusted to the police of other districts instead of local police.

Smt. Kaushalendra Kumar (JD-U) believed the legislation will be able to halt human trafficking and facilitate care and rehabilitation of the victims. The Bill will be an effective instrument in dismantling the organized nexus at national and international level.

Smt. Satabdi Roy (AITC) requested the government to ensure that the Bill provides adequate rescue of victims of trafficking.

Dr Prasanna Kumar Patasani (UD) pointed out that people working in the field of anti-trafficking face a lot of threats. Smt. Butta Renuka (YSR Congress) said violations sections should be identified and offered various welfare schemes so that they do not fall into the trap of traffickers. Shri E. T. Mohammad Bashker (IJM) said human trafficking situation is very alarming and stringent action should be taken against the offenders.

Shri. P. K. Shreemathi Teacher (CPI-M), supporting the Bill, said the Bill provides that if not in the Bill will go into the rules and the Government will still try and make it better.

THE FUGITIVE ECONOMIC OFFENDERS BILL, 2018

There had been several instances of economic offenders fleeing the jurisdiction of Indian courts during the commencement of proceedings or sometimes during the pendency of such proceedings. The existence of such offenders from Indian courts had several deleterious consequences, such as, it obstructed the investigation in criminal cases, it wasted precious time of courts and it undermined the rule of law in India. Further, most of such cases of economic offences involved national and international linkages, thereby exposing the financial health of the banking sector in India. It was felt that the existing civil and criminal provisions were inadequate to deal with the severity of the problem.

In order to address the said problem and lay down measures to deter economic offenders from evading the process of Indian law by remaining outside the jurisdiction of Indian courts, the Government proposed to enact a legislation, namely, the Fugitive Economic Offenders Bill, 2018 to ensure that economic offenders residing outside India face the action in accordance with law.

BROAD OUTLINE OF LEGISLATIVE PROPOSALS

The definition of the fugitive economic offender has been provided to mean as an individual who has committed a scheduled offence or offences involving an amount of one hundred crore rupees or more and has absconded from India or refused to come back to India to avoid or face criminal prosecution in India.

The definition has also been made for attachment of the property of a fugitive economic offender and proceeds of crime.

The powers of Director relating to survey, search and seizure of assets of the offender have been provided for.

The Government has also been made for confiscation of the property of a fugitive economic offender and proceeds of crime.

It has been provided for disentitlement of the fugitive economic offender from putting forward or defending any civil claim.

There is provision for appointment of an Administrator for the purposes of the proposed legislation.

ECONOMIC OFFENDERS BILL, 2018

Chapter II of the Bill pertains to declaration of fugitive economic offenders and confiscation of property. Detailed provisions have been made in regard to application for declaration of fugitive economic offender and procedure therefor; attachment of property; powers of Director and Administrator including enforcement of the provisions of the Bill; and seizure and search of persons. Provisions have also been made for service of notice, procedure for hearing; application; declaration of fugitive economic offender and protection of the power to disallow civil claims and management of properties confiscated under the legislation.

Chapter III of the legislative provisions have been made for establishment of a special Tribunal. It also provides for the speedy trial of the cases. It further empowers the Director to refer or transfer a case to a designated court of investigation for holding an inquiry or investigation for the purpose of confiscation of property of a fugitive economic offender. A special Tribunal or a designated court, as the case may be, may, by an order, authorize an officer to execute and implement the provisions of the legislation.

Chapter IV of the Bill provides for the punishment of a fugitive economic offender or a person (a) who aids or abets the offender in an escape or an attempt to escape or (b) who fabricates or falsifies documents or other means or devices in order to aid or abet the offender in an escape or an attempt to escape. Subsections (2) and (3) of Section 60 of the Code of Criminal Procedure, 1973 have been made applicable for the purpose of punishing the person as aforesaid, who aids or abets the offender in an escape or an attempt to escape.

Chapter V of the Bill provides for creation of Special Tribunals. It empowers the government to create a Special Tribunal for the purpose of hearing a case, in which a fugitive economic offender is involved. The Bill also provides for the powers of the Special Tribunal, such as, jurisdiction, punishment, confiscation and other matters.

Chapter VI of the Bill provides for the establishment of the Central Authority. It is empowered with various powers, such as, to make rules and regulations, to issue directions, to appoint officers and staff, to arrange and create effective structures, etc.

Chapter VII of the Bill contains the provisions for protection of civil claims, if any, and of the right of persons affected by the confiscation of property of a fugitive economic offender. It also contains the provisions for appeal against the order of the Special Tribunal and the Central Authority.

Chapter VIII of the Bill contains the provisions for appeal against the order of the Special Tribunal. It also contains the provisions for enforcement of the order of confiscation.

Chapter IX of the Bill contains the provisions for the carrying out of the provisions of the Bill. It contains the provisions for service of notice, procedure for hearing, application for declaration of fugitive economic offender, protection of power to disallow civil claims and management of properties confiscated under the legislation. It also contains the provisions for the establishment of a Special Tribunal for the purpose of hearing a case, in which a fugitive economic offender is involved.

Chapter X of the Bill provides for the protection of civil claims, if any, and of the right of persons affected by the confiscation of property of a fugitive economic offender. It also contains the provisions for appeal against the order of the Special Tribunal and the Central Authority.
Minister stated that this provision has been taken from the Money Laundering Act, 2002. The provision of two or more than two witnesses had been made for search and seizure in the Section 9(b) of the Bill. As far as the disposal of the confiscated properties was concerned, the Minister clarified that Section 15(2) of the Act had been inserted for this purpose which will manage the property under the direction of the court. A special court would be constituted to focus on big cases.

The Minister also stated that by going through the clause 3 of the Bill it could be understood how the Government is going to clamp down on the offenders by bringing the prospective law. The clause 3 of the Bill clearly provides that the provisions of the Act shall apply to any individual who becomes a fugitive offender. As regards the question raised as to how the order of Indian court will be effective on the foreign land, the Minister stated that Section 14(1) of the Principal Act provides for the confiscation of the property under the directions of the court. A new Section 14 has been made to bring it in line with the current international practice and also to meet more effectively, the country’s obligations under the aforementioned Convention. The Government, therefore, brought forward the Amending Bill.

### Highlights of the Amending Bill

- **Section 7 of the Principal Act at present covered the offence of public servant taking gratification other than legal remuneration in respect of an official act.** The definition of offence has been substituted by a new comprehensive definition which covers all aspects of passive bribery, including the solicitation and acceptance of bribe through intermediaries and also acts of public servants acting outside their competence.

- **The Principal Act did not contain any provisions dealing with active domestic bribery, that is, the offence of giving bribe. Section 12 of the Amending Bill defines that the act made by a bribe giver in any proceeding against a public servant for an offence under sections 7 to 11, 13 and 15 of the Act shall not subject him to prosecution under section 12. Experience had shown that in a vast majority of cases, the bribe-giver goes scot free by taking resort to the provisions of section 24 and it becomes increasingly difficult to tackle consensual bribery.**

### Matters connected therewith

- **The ratification of the Convention on Corruption, the international practice on treatment of the offence of bribery and corruption and judicial pronouncements had necessitated a review of the existing provisions of the Act and the need to amend it so as to fill in gaps in description and coverage of the offence of bribery as so to bring it in line with the current international practice and also to meet more effectively, the country’s obligations under the aforementioned Convention. The Government, therefore, brought forward the Amending Bill.**

- **The Bill was passed by Lok Sabha on 19 July 2018 and by Rajya Sabha on 26 July 2018.** The Bill as passed by both Houses of Parliament was assented to by the President of India on 26 July 2018.

### The Prevention of Corruption (Amendment) Bill, 2018

The Prevention of Corruption Act, 1988, provided for prevention of corruption and for matters connected therewith. The ratification by India of the United Nations Convention Against Corruption, the international practice on treatment of the offence of bribery and corruption and judicial pronouncements had necessitated a review of the existing provisions of the Act and the need to amend it so as to fill in gaps in description and coverage of the offence of bribery as so to bring it in line with the current international practice and also to meet more effectively, the country’s obligations under the aforementioned Convention. The Government, therefore, brought forward the Amending Bill.

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- **The Prevention of Corruption (Amendment) Bill, 2018, had proposed an amendment to section 19 of the Act on the lines of section 197 of the Code of Criminal Procedure, 1973, for extending the protection of prior sanction of the Government in respect of officers working at policy making levels in the Central Government before any inquiry or investigation is conducted against them by the Delhi Special Police Establishment. The basic principle behind the protection under section 19 of the Prevention of Corruption Act, 1946, and section 37 of the Delhi Special Police Establishment Act, 1946, being the same, namely, protection of honest civil servants from harassment by way of investigation or prosecution for things done in bona fide performance of public duty, it was felt that the protection under both these provisions should be available to public servants as well. A similar provision was, therefore, proposed to be inserted in the act.**

- **The Bill was passed by Rajya Sabha on 19 July 2018 and by Lok Sabha on 24 July 2018. The Bill as passed by both Houses of Parliament was assented to by the President of India on 26 July 2018.**

### The Specific Relief (Amendment) Bill, 2017

The Specific Relief Act, 1963 was enacted to define and amend the law relating to certain kinds of specific relief. It contains provisions, inter alia, specific performance of contracts not specifically enforceable, parties who might obtain and against whom specific performance might be obtained, etc. It also conferred the power of the State Courts to grant such specific reliefs. The Bill as passed by both Houses of Parliament was assented to by the President of India on 21 July 2018.
Somnath Chatterjee, the legendary Speaker of India (1929–2018)

Somnath Chatterjee, the Speaker of the 14th Lok Sabha (2004–2009), born on 25 July 1929, passed away on 9 May 2018 at the age of 89. On his passing, a great Indian lost. It was, therefore, considered that the matter requires to be referred to a Janshaharpraya Committee of eminent people was formed and that Committee recommended that this requires proper amendment. Hence, the Government’s efforts are that for substituted performance of contracts, the parties who suffers such breach shall have the option of substituted performance through a third party by his own agency, and, recover the expenses and other costs actually incurred, except suffered by him, from the party committing such breach.

Further, a new section 20A has been inserted for infrastructure project contracts which provides that the court shall not grant injunction in any suit, where it appears that granting injunction would cause hindrance or delay in the continuance or completion of the infrastructure project. The Department of Economic Affairs, Government of India has made the nodal agency for specifying various categories of projects and infrastructure sub-sectors, which is provided as Schedule to the Bill and has been inserted. It is provided that the said Department may amend the Schedule relating to any such category or sub-sectors.

Finally, it has also been provided that special courts be designated to try suits in respect of contracts relating to the infrastructure projects and dispose of such suits within a period of twelve months from the date of service of summons to the defendant and also to extend the said period for another six months in aggregate, after recordings reasons therefor.

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In view of the above, the Government took a considered view. The Amendment Act 14(contracts not specifically enforceable) and 16 (personal bars to relief) respectively in the Indian Contract Act, 1872, and except as otherwise agreed upon by the parties, where the contract is broken due to non-performance of promise by any party, the party who suffers such breach shall have the option of substituted performance through a third party by his own agency, and, recover the expenses and other costs actually incurred, except suffered by him, from the party committing such breach.

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