

Back to Office Report

CPA UK Legislative Strengthening Seminar to Address Gender-Based Violence

22nd – 24th October, 2024

Westminster, London

Seminar Purpose & Overview

The purpose of the seminar was to build on exploratory work previously undertaken at the 2023 awareness-raising workshop in Nairobi, Kenya, and to provide a new opportunity for parliamentarians to share techniques and tactics so that they may more effectively address these issues and ultimately to bring about a reduction in forced labour and violence against women and girls.

The seminar again had two bespoke work streams, one focused on Modern Day Slavery (MDS) in Supply Chains, and the other on Gender-Based Violence (GBV). Whilst there were a small number of overlapping sessions, the two work streams were predominantly separate and bespoke on this occasion. As I attended the Gender-Based Violence work stream, this report focuses on that aspect of the seminar.

The seminar, which was organised by the UK Branch of the Commonwealth Parliamentary Association (CPA UK) with support from the Foreign, Commonwealth & Development Office (FCDO), brought together over 50 parliamentarians from across 17 legislatures, demonstrating the importance of these issues across the Commonwealth, and it was pleasing to reconnect with peers that had attended the Nairobi workshop, whilst also establishing new contacts. Whilst St Helena was again the only UK Overseas Territory represented on the GBV work stream, I did meet up with British Islands & Mediterranean Region (BIMR) colleagues who were attending the MDS work stream from Jersey.

In respect of the GBV work stream, 10 legislatures were represented by 23 delegates, coming from Africa, UK and UK Overseas Territories, and Asia Pacific. It was good to again connect with our African neighbours, representing The Gambia, Kenya, Malawi, Nigeria, Namibia, Sierra Leone, and Zambia, whilst also meeting other small island delegates who were representing Tonga, and Vanuatu.

Through participation at the seminar, it was intended that Commonwealth parliamentarians would become more active and effective in addressing violence against women and girls (VAWG) and modern slavery, leading to the development and advocacy for, robust legislation and scrutiny among other measures to bring about a reduction in gender-based violence and in modern slavery in supply chains.

Intended seminar outputs were:

- 1) Commonwealth parliamentarians and parliamentary officials are equipped with the skills and networks to strengthen policy and legislation against gender-based violence.
- 2) Build a strong network of relationships that connect parliamentarians in the region with experts on these issues, thereby forging a hub of innovation to drive the common causes behind this workshop.

The personal goals that I set myself in respect of the seminar were as follows:

1. To share experiences and address existing gaps in local legislation relating to Female Genital Mutilation (FGM) and Forced Marriage (FM), to include provision within local legislation for preventative orders.
2. To consider future Non-governmental Organisation (NGO) and Civil Society Organisation (CSO) involvement in combatting GBV, and establish peer contacts that could be shared with the island's Domestic Violence Lead and other related parties.

Overall, I feel that all of my own objectives and aspirations were met, alongside those of the seminar itself, again with the exception of identifying any direct sources of follow-on project programme funding to support our own Safeguarding Services. That noted, I did manage to obtain some interesting information from our visit to Newham Council in London, and I will be sharing this directly with relevant parties, whilst also discussing with them where I see opportunities for further collaboration.

Logistics and Travel Arrangements

Overall the arrangements made and the various facilities provided were of a very good standard, in particular the close proximity of the hotel to the venue for the seminar.

No delays were experienced on any of the outbound or return flights, and my only concern was finding that I had been wait listed for the flight back from LHR to JNB, as a result of over selling of seats on the BA flight, although I was fortunately able to still fly as originally scheduled.

Finally, I should note that the whole seminar was very well structured, the facilities were of an exceptional standard, and everything appeared to run smoothly, so I again wish to thank the Parliamentary Clerks for how well I was looked throughout the whole event.

Programme of Activities / Sessions

Again, I would note that this was a very well structured seminar, and that I gained valuable insights as a result of participating in this event. Generally speaking all of the sessions that I attended were of direct relevance to St Helena, and there was a good range of experienced speakers which kept the seminar both interesting and engaging. Most of the sessions were interactive, giving delegates the opportunity to feed in their own experiences, and raise further questions of the panel members in respect of topics discussed.

In preparation for the seminar, a series of questions were presented to delegates, and these were shared with the Health and Social Care Portfolio, the Chief of Police, and the Crown Prosecutor within the Attorney General's Chambers for a combined response. A copy of the response sent to CPA HQ staff in preparation for the seminar can be found at Annex A, and I would like to thank all those involved in collating this.

Of the sessions held during the workshop, I again found those that related to sensitive scrutiny of the most direct benefit and interest, particularly in my own role as the Chair of Select Committee 1.

The whole workshop provided me with a wonderful opportunity to network with peers from across the Commonwealth who again, generally speaking, had very little prior knowledge of St Helena Island. Of particular note was the relationship that I was able to build with the delegates from Tonga and Vanuatu, both of which are small islands in Asia Pacific. It was similarly positive to meet up with delegates from the African states whom I had met previously during my visit to Nairobi.

An overview of the sessions held is as follows:

Official Welcome – this was delivered by Sarah Dickson, CEO of CPA UK, who made reference to the previous workshop in Nairobi, and how it was intended that this seminar would build upon the previous sessions and review the undertakings previously made.

Keynote Address – this was delivered by The Rt Hon. The Baroness (Theresa) May who spoke about the extent of both Gender-Based Violence and Modern Day Slavery across the globe, despite the efforts made by the UN General Assembly and others to address these issues. She spoke of the UK Modern Slavery Act 2015, and the Commission for Modern Slavery & Supply Chains that was established in 2023.

Day 1 - Session 1 was focused on revisiting the pledges made by those who had attended the workshop in Nairobi, and delegates were given the opportunity to provide updates on progress that they had made in respect of their action plans. Delegates were then encouraged to set goals that they wished to achieve from attending the seminar in respect of their own personal legislatures. Following this session, the seminar broke into the two key work streams.

Gender-based Violence Programme:

Session 2 was entitled Examination of Existing National Legislation & Policies Addressing GBV: A Comparative Analysis of GBV Laws and Best Practices From Other Jurisdictions and this focused on the pre-attendance work that we were tasked with, as shown at Annex A. During this session I made reference to the experience that I had earlier this year when trying to bring a Private Member's Bill to the House in respect of FGM, what had transpired in respect of the English Law (Application) Ordinance, 2005, and how I was now seeking to address gaps here in St Helena by bringing the most current UK FGM and Forced Marriage legislation into force on the island.

Session 3 focused on the Influence of International Conventions on National Legislation Addressing Gender-Based Violence, where we explored the purpose and impact of key international conventions, such as the Maputo Protocol and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Of particular note in this respect was that despite this UN Convention being agreed by member states in December 1979, and brought into force in the UK in 1981, it wasn't officially adopted in St Helena until much later, around 2014. Within this session we also considered the Istanbul Convention of 2015, and the Family Protection Act of 2013, and also "coercive control" within the family environment.

Session 4 saw the work stream break out into two groups as follows:

Session 4a – Fundamentals of Gender-Sensitive Scrutiny (Pre-Legislative)

Session 4b – Legislative Drafters and Clerks: Learning from one another.

I participated in Session 4a, during which we discussed the fundamental principle that need to be considered when creating legislation that is gender-sensitive, especially to try and ensure that legislation drafted is gender-inclusive. During this session we discussed how to go about empowering women when there is an imbalance of power within the parliamentary system itself, whilst also creating appropriate mechanisms that encourage victims to come forward and report crimes of a domestic or gender based nature. The question was raised of men within the group to reflect on how legislation relating to women could affect them if the tables were turned, for example legislation to protect women from stalkers. We also discussed how cultural practices need to be addressed, such as coercion within the family setting, and I made mention of the impact that releasing prisoners early due to overcrowding of prisons, some having served only 40% of their sentences, would potentially have on victims and survivors of domestic abuse. This discussion then ventured towards having bespoke sentences for certain criminal acts committed "in a domestic setting".

Day 1 concluded with a brief tour of Parliament and a reception at Speaker's House, hosted by The Rt Hon Sir Lindsay Hoyle MP, at which I was able to speak with Senior Clerk, Liam Laurence Smyth CB, and also SHG UK Representative Mrs Kedell Worboys.

Day 2 - Session 5 was a combined GBV & MDS session that focused on Effective Evidence Gathering, and this session was broken into two parts.

Firstly there was a panel session around the question "*How can effective evidence gathering make legislation more targeted, representative and effective?*" During this session panel members shared their experiences in respect of developing legislation and the importance of gathering strong evidence from

key stakeholders early on in the process, noting how this can change legislation before it potentially even reaches the Chamber. I was asked to be a panel member for this session, during which I spoke about the process that I went through trying to bring a Private Members Bill to the House relating to FGM, what had transpired in this respect, and how this was now being taken forward.

The second part of this session focused on how evidence may be gathered using Artificial Intelligence (AI) in support of interventions, and influencing decisions around developing appropriate policy and legislation to address in particular Modern Day Slavery. During this session we were given a presentation by Neil Giles, Director of Intelligence at “Stop The Traffik” which showed how effective their “Traffik Analysis Hub” can be at gathering intelligence regarding human trafficking around the world, identifying patterns and hotspots. It was noted that it is estimated that there are currently some 50 million people who are in some form of servitude and that this generates an estimated \$498 Billion per annum of untaxed revenue for those parties who are participating in the acts of human trafficking and MDS.

Session 6 saw us break into separate work streams again, with two separate sessions for parliamentarians and clerks / legislative drafters, as follows:

Session 6a – Importance of Multi-sectoral Collaboration within the Legislative Process.

Session 6b – Effective Research and Consultation Techniques

I took part in Session 6a, during the first part of which we engaged with a number of key GBV stakeholders, including law enforcement, response and referral organisations, and Civil Society Organisations that champion gender-based issues, looking at how they are able to influence the development of gender-sensitive legislation.

During the second part of this session, entitled “*Building Alliances: Stakeholder Mapping Exercise*” we undertook a stakeholder identification exercise, where each legislature had to develop (as a part of an action plan) a stakeholder analysis, looking at the level of influence that each could potentially bring to bear when developing legislation.

Session 7 was a Reporting Back, Sharing Knowledge and Providing Instructions session where we were joined by the Clerks / Legislative Drafters, and fed back to them the various discussions that we had since Day 1, sharing our thoughts and providing guidance to them.

Session 8 was again broken into two, as follows:

Session 8a – Influencing Techniques and Building an Argument (parliamentarians)

Session 8b – Practical Exercise: Gender-Sensitive Legislative Drafting (clerks / legislative drafters)

I attended Session 8a, which was a further panel discussion, where we considered the skills needed by legislators during the drafting process, in particular when it comes to lobbying effectively and gaining consensus from peers and external stakeholders. Points of note were that when drafting legislation and trying to gain consensus a legislator should “leave your ego at the door”. We should also give due consideration to who we are generating the legislation for and what outcomes are we trying to achieve, whilst also ensuring that we give due consideration to minority groups and how they are impacted by what is being proposed. We also need to consider who is gathering what evidence base, and how they might influence the process by doing so e.g. police service and crime statistics versus refuge centres supporting victims and survivors of domestic abuse.

Session 9 was a Bilateral Meeting Focus for partner parliaments to confirm their bilateral focus post-seminar, and I was not included in this session.

Day 3 – Session 10, was again split into two sub-groups as follows:

Session 10a – Practical Impact? Exploring the application of legislation via Local Council Strategy. This took the form of a Constituency Visit to Newham Council by Legislators.

Session 10b – Drafters Visit: A Comparative Review of Historic Legislation. This took the form of a Study Visit to the National Archive by Clerks / Legislative Drafters.

I participated in the visit to the London Borough of Newham, where we met with the Mayor and the Domestic Abuse Commissioner team, to explore how national legislation influences VAWG strategies within local government. This was the pinnacle of the seminar for me, as it was really good to see how the Borough Council had adopted their Domestic Abuse Strategy (2022-25) and were implementing this on the ground. During this session members of the team were keen to hear about what we have in place in St Helena, as a UK Overseas Territory, and appeared keen to explore possible networking opportunities with the island. As such, I left business cards with both the team lead and also the CID officer responsible for supporting the Borough Council, and they said that they would contact me. I have since received eCopies of the presentation we were given and the Domestic Abuse Strategy, which I have forwarded to the island's DV lead for information.

Session 11 - This was a Report Back and Presentations session for both Parliamentarians and Legislative Drafters, where experiences were shared and work undertaken during Day 2 on drafting / amending policies / legislation was presented. Delegates then shared key learning acquired during the seminar.

Session 12 – Develop Action Plans for Legislative Reform. Delegates were encouraged to discuss their legislative drafters' proposals in more depth, find consensus, and agree next steps. We were then encouraged to develop our own strategic plans further, identifying SMART goals or concrete actions that we could pursue upon returning to our parliaments.

The day concluded with Session 13: Feedback, Pledges and Post-Seminar Assessment, during which it was agreed that a collective letter from delegates attending the seminar would be forwarded by CPA UK to the Commonwealth Heads of Government meeting in Samoa, a copy of which is enclosed at Annex B.

The overall experience gained from meeting peers from across the Commonwealth and sharing experiences in a face-2-face manner such as this was as ever invaluable, and I would therefore highly recommend attendance at future thematic workshops by other members of Legislative Council, Select Committees, and Parliamentary Clerks. In this respect, whilst it is understandable that this workshop was limited to Parliamentarians and associated Clerks, I would again note that it was unfortunate that the workshop was not open to associated Public Servants, as I believe that the DV Lead within Social Care would have found the workshop both immensely rewarding and entirely relevant. It was however open to Legislative Drafters and, in the absence of a representative from the island attending these sessions, there was an offer from CPA UK to have someone attending the seminar liaise with the AG's Chambers here, something that I will follow up on now that I am back.

In closing, I would like to take this opportunity to thank all of those involved in the organisation and facilitation of this workshop, in particular CPA UK. At a local level, I would like to thank the Clerk of Councils, Ms Anita Legg, for her assistance in organising travel and other associated arrangements.

Hon. Robert Midwinter MLC

Chair of Select Committee 1

St Helena Legislative Council

14th November 2024

Gender Based Violence – Policy, Scrutiny and Assessment

Question 1. How is GBV addressed from a policy and monitoring perspective in your legislature?

- Does your legislature have a national strategy/action plan to combat GBV?

GBV features within government aims – “altogether safer” and within the Royal St Helena Police policing plan.

- Is there a government department/s that is/are responsible for GBV and how is GBV defined for these purposes?

The Royal St Helena Police, Attorney General’s Chambers, Housing Department, Health & Social care Portfolio

- How are Government actions on GBV scrutinized and monitored? E.g are there specific Parliamentary committees that hold responsibility for GBV?

Safeguarding Board, Human Rights, MAPPA, MARAC & MACE.

- What partnerships exist between Government and NGO’s working on GBV to facilitate policy making and monitoring of Government policies?

Equality & Human Rights Commission

- How is the prevalence of GBV assessed and by which body?

The Royal St Helena Police

Gender Based Violence – the Legislative framework and International Standards

Question 2. How is GBV addressed in your legislature? What civil and criminal laws address GBV and what specific forms of GBV are addressed? What do you consider are the gaps?

The Criminal Law on St Helena relies heavily on the adoption of the English Law as it stood on 1/1/2006. Furthermore, there are some local “Ordinances” which contain relevant provisions. St Helena is well-equipped to prosecute cases which involve Gender Bases Violence. In pursuing and assessing cases for prosecution, both the Police and Attorney General’s Chambers adopt the English “Code for Crown Prosecutors”. The Code , at 4.14 c) makes clear that decision makers should consider a prosecution “more likely” , when assessing the Public Interest, if the Crime is motivated by any form of prejudice against the victims gender or gender identity.

Furthermore, in sentencing, the sentencing guidelines inqorate GBV as an aggravating feature which the courts must take into account when sentencing.

The following is a non-exhaustive list of offences that could be utilized to combat GBV:

English offences against the person:

Common assault: Criminal Justice Act 1988

Assault Occasioning Actual Bodily Harm

Assault occasioning grievous bodily harm (with and without intent)

Manslaughter

Murder

Harassment with or without Violence. Restraining Orders are available on Conviction. Protection from Harassment Act (UK) 1997

St Helena Public Order Ordinance 1997

Causing Harassment Alarm or Distress

Affray

Violent disorder

Local DV:

Domestic Violence Ordinance- allows application o me made for protective orders to protect the victim of DV form perpetrator. Orders can be sought by individuals / police. Social care.

Rape and sexual assaults: The English Sexual Offences Act 2003

<https://www.legislation.gov.uk/ukpga/2003/42/contents/enacted> (with updates adopted as per the English Law application ordinance) is adopted effectively on island. There have been many successful prosecutions utilising this legislation. It is well known the legislation is adopted by the community on island.

Sexual Offences (communications with a child) Ordinance. Imports into local legislation updates to SOA 2003 so as to specifically criminalise any sexual communications with children.

Female genital mutilation

Adopt the English framework as it stood 1/1/2006. We cannot simply use the UK legislation that has been brought in post 2006. Female genital Mutilation Act 2003 adopted as stood 1.1.06
<https://www.legislation.gov.uk/ukpga/2003/31/contents>

GAPS:

No St Helena legislation specific to Stalking or Coercive & Controlling behaviour- these offences have been introduced in more recent years in England and have not been adopted by St Helena.

Updated to FGM legislation in England not adopted so as to include specific protective orders (however civil protective orders are available on island and could be utilized is such a need arose).

Legislation equivalent to the English “Modern Slavery Act” is not in place, albeit this gap has been identified to the legislative council on island.

CIVIL legislative framework on island provides further protective measures:

Protection from Harassment Act- allows for the grant of civil protective orders to prevent harassment of the person.

The Welfare of Children Ordinance provides framework and enables “stop” orders should there be concerns over the welfare of any child or young persons.

We also have the safety net of civil applications made under the “inherent jurisdiction” principle, akin to the high court in England.

The Islands Constitution protects the human rights and freedoms of individuals, legislation as such must enshrine the provisions of the constitution.

Question 3. How does your legislation comply with international standards on due diligence to prevent, investigate, prosecute, and compensate for GBV? Or with the Maputo Protocol

See response to Q2 above. Much of the legislative framework adopts, or is based on, the English position.

“The Maputo Protocol “ to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, better known as the Maputo Protocol, is an international human rights instrument established by the African Union that went into effect in 2005. It was adopted by the African Union in Maputo, Mozambique, in 2003 in the form of a protocol to the African Charter on Human and Peoples' Rights (adopted in 1981, enacted in 1986). ST HELENA is NOT part of the “African Union” as the Protocol does not extend to island, and is not a signatory. It is not a member of the African union, which is part of the G20 akin to the EU.

Given we are a British overseas territory, the framework is largely in line with the English position. That said, the framework in place would be largely compliant with Maputo Protocol as well as other recognised imitational standards.

Question 4. Are there any existing laws in your country that might be easily amended to give you a starting place to address international obligations on GBV?

We have the ability to adopt relevant English Legislation, insofar as it is compatible with island circumstances, by utilising the English Law Adoption ordinance.

Question 5. If you are considering amending/strengthening existing laws or drafting a new law, please share with us your first thoughts/solutions and why?

New legislation in respect of vulnerable adults is under development at this stage. Discussions regarding comprehensive updates to the criminal law have begun.

Question 6. What would be the cultural impediments/barriers to amending a current law or drafting a new law to combat the GBV issue that you have identified? How would you address those barriers?

Intimacy of a small community, pride/embarrassment to disclose, dependency on ‘bread winners’/those with main household incomes, hidden ‘known’ in a small community. On-going issues relating to misogyny.

Low reporting of DV incidents for reasons outlined above.

Continue to promote awareness through international days such as White Ribbon Day, further promote what GBV is through radio discussions, newspaper articles and signposting.

Question 7. What structural/institutional reforms are required to ensure that any new legislation would be a success? E.g shelters/creation of a specific department etc Training of relevant actors Budgeting etc

Review Working Together arrangements – multi agency approach, reporting and disclosure procedures to encourage victims to come forward, review location of the women’s refuge to maximize safety.

Safeguarding training has already been widely rolled-out across on-island professionals.

Question 8. How would you ensure that women and girls are made aware of any new legislation and how to access their rights?

Through the work undertaken by the Independent Domestic Violence Advocate, joined up working with Attorney General Chambers, the Equality & Human Rights Commission, The Royal St Helena Police Force, Youth Parliament, Children services – social care, Adult services – social care, Mental

health team, press releases, radio discussions, increased awareness via Chief Minister's question time, Older Person's champion, Children's Champion, workshops, and focus groups. Local press is widely accessed and the source of most community information.



Thursday 24/10/2024

To the Heads of Government of the 56 Commonwealth Nations,

As you meet in Samoa for the Commonwealth Heads of Government Meeting this week, in the UK Parliament almost 50 parliamentarians representing 17 Commonwealth parliaments have participated in a three-day day Legislative Strengthening Seminar to Address Gender-Based Violence and Modern Slavery in Supply Chains, organised by the UK Branch of the Commonwealth Parliamentary Association.

We have come together to share our experiences of legislating against these issues, hopeful that by learning from one another we can make progress at a faster rate. We have been scrutinising the existing laws in place across our jurisdictions and assessing changes to make them more effective. Our purpose is clear: we are working toward the ultimate eradication of modern slavery, human trafficking and forced labour, and violence against women and girls.

This work goes to the heart of the United Nations' Agenda for Sustainable Development which aims to:

- Achieve gender equality and empower all women and girls (Sustainable Development Goal 5).
- Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking (Sustainable Development Goal 8.7).
- Promote peaceful and inclusive societies (Sustainable Development Goal 16).

All of our Commonwealth nations have committed to achieve these goals by 2030.

Despite progress across our nations, with 28 million people living in forced labour and one in three women worldwide experiencing violence due to their gender, our end target remains concerningly distant.

If we are to stand a chance of reaching the deadlines we have set ourselves, we must summon our political will and take further action now.

Therefore, as you formally meet as Heads of Government tomorrow, representing the Commonwealth at the highest international level, we ask you to:

- Commit to supporting parliamentary time to debate a national strategy to achieve Sustainable Development Goals 5, 8.7 and 16 by 2030 and allows votes on substantive motions.
- Review existing legislative frameworks on modern slavery in supply chains and gender-based violence and strengthen as needed.
- Use your unique platforms to raise awareness of these issues.
- Commit to supporting provisions so that Parliament can engage with vulnerable and young people in the legislative-making process as part of a wider evidence-based and gender-sensitive approach.
- Ensure gender-based violence is taught on the national curriculum in order to break the generational inheritance of cultural attitudes that perpetuates violence against women and girls.



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one another. And we have a duty to the next generation to ensure that no one else suffers from these devastating crimes. We will rightly be remembered if we fail.

We urge you to consider our request with the utmost haste.

Sincerely,


 24/10/2024 | HEADS OF DELEGATES NAMIBIA


 Head of Delegates Gambia (Hon. Madi Mike Conry Reynolds) - Hon Alviria Reynolds - President of Senate (Saint Helena)


 24/10/24 MP for Vanuatu Parliament. Barr. Hon Blessing Chigera Amadi National Assembly HON Nigeria's BOA 24/10


Hon Malungo Chesangano (Head of Delegation - Zambian Parliament) Ahusangano

Hon Dr Sarah Kaine (NSW Legislative Council) Sarah Kaine


 Dr. Joe M'Gonigle NSW Legislative Assembly

 Hon Robert McDONALD MLC ST. HELENA ISLAND

 Nawabzada Jamal Rasani Pakistan

 HON. FRANCESCA MUKAMBA (MALAWI)

Hon Benedict Chombo (Malawi) Tulin Agha M.N.A Pakistan

 Biorée (States of Jersey Deputy)

24/10/2024
Hon. Dulcie Elaine Zwi (TONGA)
Hon Ireen Mambala (Malawi)