

Back to Office Report – CPA Workshop

Strengthening Parliamentary Action to Address Gender-Based Violence

& Modern Day Slavery in Supply Chains

14th – 16th November, 2023

Nairobi, Kenya

Workshop Purpose & Overview

The purpose of the workshop was to enable Commonwealth parliaments to be more active and effective in addressing violence against women and girls (VAWG) and modern slavery, leading to the development of, and advocacy for, robust legislation, scrutiny and other measures to bring about a reduction in Gender-based violence (GBV) and in modern day slavery (MDS) in supply chains.

This workshop was a joint initiative between the Commonwealth Parliamentary Association (CPA) UK, the Parliament of Kenya, and the Kenya Women’s Parliamentary Association (KEWOPA). It was held in Nairobi, Kenya, and attracted approx. 50 Parliamentarians from 12 jurisdictions across the Commonwealth, in regional areas such as; Africa; Asia Pacific; Americas, Caribbean, & Europe (including the UK Parliament); and UK Overseas Territories, albeit that Saint Helena Island was the only UK Overseas Territory represented at the workshop.

Attending a workshop that was not linked to our usual British Islands & Mediterranean Region (BIMR) grouping meant that I was exposed to peers from within the wider Commonwealth family, and in particular our African neighbours, which I found particularly positive, as I was able to promote the island to Parliamentarians and other representatives from the wider Commonwealth of Nations.

Through participation at the workshop, it was intended that Parliamentarians would gain: 1) A greater understanding of gender-based violence, and modern slavery and human trafficking in supply chains; 2) Greater understanding of good practice in developing legislation to address gender-based violence, and modern slavery and human trafficking in supply chains; 3) A strong network of relationships that connect parliaments in the region with experts on these issues, thereby forging a hub of innovation to drive the common causes behind this workshop.

The personal objectives that I set myself in preparation for the workshop were as follows:

Q. What would you like to learn during the workshop?

A. How issues relating to GBV and MDS are dealt with in different jurisdictions, in particular “sensitive scrutiny” of policy and practice within social care setting.

Q. What could you do to enhance your skill and expertise during the workshop?

A. Hear how other Parliamentarians and other relevant bodies (e.g. NGO’s) approach these issues, in particular cultural barriers and historical “norms”.

Q. How can you strengthen your professional network during the workshop?

A. 1. Engage with other participants in an open and pro-active manner, sharing experience gained in STH context, and try to retain contact information.

A. 2. Identify support programmes that would assist Safeguarding Services in absence of UNDP Project, following conclusion last year, where these might be available.

Overall, I feel that all of my own objectives and aspirations were met, alongside those of the workshop itself, with the exception of identifying any direct sources of follow-on project programme funding to support Safeguarding Services. That noted, I did manage to establish contacts with international and regional organisations, including NGO's and CSO's, and I will be sharing these 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 Emara Ole-Sereni Park View Hotel, Nairobi, Kenya.

No delays were experienced and the SA Airlink flight between Johannesburg and Nairobi was of an excellent standard, however there was some confusion when we were about to board the aircraft as to whether or not Yellow Fever vaccination was required, mainly in relation to returning from Kenya to Johannesburg. This similarly arose when checking in again at Nairobi for the return flight to Johannesburg, however, the check-in staff permitted me to travel without vaccination card and I had no difficulty entering either Kenya or South Africa as a result of not having this document.

That noted, whilst I was advised by the Health Service prior to departure that such vaccination was only recommended if visiting certain regions in Kenya, I would suggest that parties travelling from St Helena to Kenya have such a vaccination prior to travelling, in order to avoid potential complications arising during their trip.

The only other concern that I feel is worth mentioning was the time taken to obtain my e-Visa through the US e-Visa online processing centre (visahq.com), whereby the noted 3-4 working days turned into approx. 3 weeks. I would therefore suggest that future applications for e-Visa be made either through the UK equivalent online site, or alternatively directly with the Kenya Government site: <https://evisa.go.ke/>

Finally, I should note that my collection from and subsequent return to Nairobi airport was particularly appreciated, and I again wish to thank the Parliamentary Clerks for how well I was looked after from the moment that I arrived in Kenya right up until my subsequent departure.

Programme of Activities / Sessions

Whilst I had originally anticipated that the workshop would cover both themes within one work stream, shortly prior to attendance I found out that I had been allocated to the Gender-based Violence work stream, which was the most relevant in respect of Select Committee 1, and was therefore completely understandable. That noted, the two work streams regularly interfaced, and there were a number of collaborative sessions along with collective networking opportunities throughout the workshop.

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 workshop interesting. Most of the sessions were interactive, giving delegates the opportunity to feed in their own experiences, and raise further questions of the experts in respect of topics discussed.

It was particularly interesting to hear the experiences of panel members, many of whom spoke of very personal experiences that they have faced and drew on particular cases that they had been directly involved with that related to Gender-based Violence, and in particular the subjects of Forced Marriage (FM), Female Genital Mutilation (FGM), and other practices that relate either culturally or religiously to initiation practices that mark a child's progression into perceived adulthood. In this respect, I was quite taken aback to learn about a practice that is referred to as "beading", which is apparently still commonplace amongst certain cultural groups.

Because of the sensitivities surrounding the topics that we were discussing, and the fact that a large number of delegates came from jurisdictions where such practices are yet to be completely eradicated, there was a general embargo on any external publicity prior to the completion of the workshop and disbandment of delegates from the host venue.

In preparation for the workshop, delegates were tasked with undertaking an analysis of the existing legislative and policy framework within their own jurisdiction relating to addressing GBV, which I did with the kind support of both the Health and Social Care Portfolio and Judicial Services. The summary report that I submitted to the CPA UK prior to my departure for the workshop is enclosed at Annex A.

Of the sessions held during the workshop, I 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 generally speaking had very little prior knowledge of St Helena Island. Of particular note was the relationship that I was able to build with a number of delegates from African states, the Caribbean, North America, and Asia Pacific. It was similarly positive to meet up with delegates from the UK Parliament, including the Chair of CPA UK, the Rt Hon Dame Maria Miller MP, who I had met previously in the UK.

An overview of the sessions held is as follows:

Day 1 of the workshop focused on setting the scene for the key themes, and ensuring that there was a collective understanding of how the workshop would progress, particularly from an ethical standpoint noting that as this was an interactive workshop we would be engaging with survivors and effected stakeholders, whilst also being encouraged to share our own views and experiences during sessions.

Having constructed a collective “Ethical Agreement”, delegates moved into two separate work streams for the majority of subsequent sessions, and in this respect I participated in the Gender-based Violence Programme.

Prior to doing so, the workshop was formally opened by Mr Samuel Njoroge, Clerk of the National Assembly of Kenya, and CPA Branch Secretary, and then Mr Jeremiah Nyegenye CBS, Clerk of the Senate, and CPA Kenya Branch Treasurer, followed by Hon. George Murugara MP, Chairperson of the Departmental Committee on Justice and Legal Affairs, National Assembly of Kenya; Rt Hon. Dame Maria Miller MP, Chair of CPA UK; and Rt Hon. Dr. Moses M. Wetang’ula EGH MP, Speaker of the National Assembly of Kenya.

Gender-based Violence Programme:

Day 1 - Session 1 was focused on ensuring that there was a common, shared and consistent understanding of the definitions that applied to violence against women and girls (VAWG), by providing an overview of those definitions that are included within key international and regional conventions, in particular the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Maputo Protocol. In addition, consideration was given to the various types of GBV, along with the socio-economic cost of these both on an individual and on a community level. Consideration was also given to how separated VAWG should be from issues relating to cultural practices against young boys (i.e. initiation ceremonies), particularly where these then interfaced with violent practices against young women and girls (i.e. beading), how relevant and/or important it is for men to be involved in leading on the elimination of such practices, and the discourse surrounding gender-based violence in an African context.

It was recognised that GBV relates to power over somebody of a particular gender, so not specifically limited to women and young girls, however, it was noted the prevalence rates were significantly higher in this respect, with Global estimates of 1 in 3 women versus 1 in 7 men suffering from some form of GBV in their lifetime. It was also recognised that GBV can take many forms, including; physical, economic, sexual and reproductive, psychological, and cultural. The session concluded by noting that in terms of eliminating such practices education is critical.

Session 2 focused on Risk Identification and Prevention: Socio-economic Factors, during which we considered the impact of the recent Covid pandemic in relation to increased rates of GBV and also mental health issues. In this respect, whilst increases were noted, of growing concern was the anticipated levels of concealment and under-reporting, noting that what is not measured is often not accounted for in terms of legislation, policy and related support. There was also discussion around the subject of teenage pregnancy as a form of GBV, and the fact when a girl is under-aged this is actually defilement. In terms of addressing GBV, it was noted that legislation should be “human centred”.

Session 3 focused on Navigating Cultural and Religious Factors in Addressing VAWG, which led to much discussion around how patriarchal systems can lead to an imbalance of power between men and women, and how this can help to perpetuate VAWG. During this session we heard about the work of the Samburu Girls Foundation in rescuing young girls, and heard about the practices of Female Genital Mutilation (FGM) and also Beading (i.e. forced abortion) within certain cultural groups. For me, this was a very moving session where victims of such practices shared their own personal experiences, and I have so much respect that they were willing to not only stand up and speak out, but are also leading change by active participation within groups that are trying to protect others.

Session 4 was on the subject of Collaborating with Multi-disciplined Stakeholders in Addressing Barriers to Legislative Implementation. It was suggested that in this respect it was important to identify and engage with the main gatekeepers, such as teaching staff. It was recognised that in order to ensure that Legislation is implemented effectively, there needed to be adequate funding and other resources, such as capacity and capability. There were suggestions that one of the barriers to Legislative implementation could be corruption, where it might potentially not be in a politician’s or public servant’s interest to see Legislation being enforced within certain communities or constituencies. It was noted that technology based GBV, such as cyber bullying, is becoming an increasing issue, and also that GBV Legislation relating to sexual offences needs to be self-executing. In Kenya SGBV is addressed through the Sexual Offences Act and the Prohibition of FGM Act.

Session 5 focused on the Impact of Gender-specific Parliamentary Bodies, where we considered the work that women’s parliamentary bodies do in leading on issues relating to GBV, including how female Parliamentarians are treated both by their male colleagues and also their communities.

Session 6 was a briefing in relation to the Committee Exercise that would be held on Day 2, after which a welcome reception was held at the hotel, and all delegates came back together.

Day 2 – Following a re-cap and reflections on the sessions from the previous day, we commenced Session 7 on the subject of Gender-sensitive Legislative Scrutiny in Practice. I personally found this one of the most interesting and relevant sessions, particularly in relation to developing future Legislation in St Helena. During this session a particularly pertinent statement was made by one of the panel members, Sarata Bojang, Lead Clerk, Select Committee on Gender, Children and Social Welfare, National Assembly of The Gambia, namely “we all have different needs”, and in this respect when we are considering Legislation we need to look at the impact this will have on BOTH genders.

The example used was the significant disparity between female Maternity Leave of circa 6 months versus male Paternity Leave of circa 10 days, particularly in the context of modern society whereby gender roles and responsibilities are no longer “fixed” in the manner that they once were, so why shouldn’t a couple be able to decide between them how this should be apportioned between them, based on their own personal circumstances, for example 6 months split evenly at 3 months each, if that is what a couple wishes to do?

The question of equality impact assessments arose, particularly in relation to checking what accountability measures are in place, and also ensuring that where gender equality issues were being considered as a priority area there should be a proportionate budget allocation applied to ensure that these were adequately addressed, for example awareness funding for protection mechanisms in respect of Domestic Violence, and special areas of GBV, such as GBV against people with disabilities (PWD).

Session 8 was a combined session between the two work streams, which went on to explore what different jurisdictions had in place to address GBV and MDS through an Interactive Legislative Analysis Exercise. In preparation for this session I had reached out to various on-island stakeholders, and received feedback from both Adult and Children’s Services, and also the Judicial Service, whose input was much appreciated. A copy of the summary that I provided to CPA UK in advance of my attendance is shown at Annex A - Parliamentary Action to Address Gender-Based Violence in St Helena Island.

Put simply, the main questions for this session were “What do you have in place now?” and “What do you want to affect?” In this respect I identified that there is no specific Legislation in St Helena that relates to Forced Marriage (FM) or Female Genital Mutilation (FGM), both of which I feel are important to put in place, bearing in mind the need to look towards bringing in increased numbers of migrant workers as our working aged population declines. I have therefore taken it upon myself to action these, including through Private Members Bills, as necessary.

Further areas of concern identified by the work stream delegates were as follows:

1. Online safety and freedom from gender based violence, whereby it was proposed that a push needed to be made towards removing the right to anonymity in order to improve protection for women in particular.
2. The attitude towards teenage marriage and teenage pregnancy, which was leading to a drop in school attendance by young women, whereby it was noted that a number of jurisdictions were already in the process of reviewing legislation with a view to increasing the legal age at which a person may get married to 18.

Something that was generally agreed within the work stream was the importance of ensuring that Sexual Reproductive Health and Rights (SRHR) awareness raising programmes are facilitated, and that information is shared across related agencies in order to ensure protection measures are effective.

A further gap that I noted, following references made to PWD in the previous session, is the fact that St Helena does not yet have a Disability Act in place, which is something else that I intend to follow up on, especially in the context of young people with Special Educational Needs and Disabilities (SEND).

A particular theme that continued to be raised throughout the session was how to challenge and change cultural norms; it was noted that influencing Legislation was simply not enough, we need to identify who we need to educate and how to reach them, such as Parliamentarians, Parents, Children, and the Gate Keepers who can help the process.

In this respect the value of working with and through Non-governmental Organisations (NGO's) and Civil Society Organisations (CSO's) was highlighted, where these are available, and in particular empowering them to be agents of change. It was also seen important to ensure that there is common Legislation across the Commonwealth, particularly in respect of addressing MDS in supply chains, which is another area that I identified as being currently deficient in St Helena, albeit that I understand that there are currently moves underway to strengthen our Legislation in this area.

Session 9, Navigating Sensitive Subjects in Parliamentary Inquiries, was another area of particular interest to me as Chair of SC1, and I learnt from panel members a number of techniques that may be applied when questioning victims and survivors of GBV / MDS, in particular measures that may be used in order to create safe spaces, including consideration in respect of the venue itself and whether or not informal private sessions with victims and survivors would prove more valuable in terms of obtaining relevant information than holding formal public hearings. It was also noted that on occasions there may be value in questioning aggressors, however, of critical importance when undertaking inquiries of this nature is to ensure that victims do not continue to feel victimised through the process of inquiry, so it is extremely important to consider how to protect and respect, whilst also ensuring dignity and privacy are maintained. In this respect, an important factor is to ensure that Standing Orders for Select Committees contain Non-disclosure Agreements (NDA's).

Following Session 9, we travelled to the Parliament of Kenya, where we were invited to witness the planting of two new palm trees within the garden courtyard, one by the Rt Hon Dame Maria Miller MP, and the other by Rt Hon Baroness Butler-Sloss, GBE, and this was followed by a brief period where we were able to observe from the gallery responses by Members of the House of Assembly to the recent Annual Presidential Address to Parliament, during which the presiding Speaker welcomed the various delegates to the House.

Session 10 was a committee hearing exercise using freeze framework methodology, held in one of the Select Committee chambers at the National Assembly. This was a particularly useful session, as I was able to both practice questioning and also offer advice to peers based on my own experience. This was closely followed by Session 11: Feedback and lessons learned from the committee hearing exercise prior to leaving the National Assembly, and returning to our hotel.

Day 3 – This commenced with a recap and reflection session on Day 2, during which I noted that Session 8, Interactive Legislation, and Session 9, Navigating Sensitive Subjects, were of particular use to me, especially the analysis exercise during which I had made certain commitments to take action against upon my return to St Helena.

Session 12 was a further interactive discussion, this time on the subject of engaging young people in eliminating violence against women and girls. During this it was noted that technology based violence is on the rise, in particular online harassment and cyber stalking, so Legislation needed to be sufficiently robust to deal with such forms of cyber-crime, which is again an area where St Helena would appear to be currently deficient based on my own knowledge and experience.

During the session we heard that the previous President of Kenya had made a statement to the effect that FGM would be eliminated with the Republic by 2026, however, despite good progress having been made, this particular practice is still going on, only it has become hidden away. It was noted that in order to address this it really needed young people to stand up and speak out against this practice. Other areas raised during this session were the lack of funding priorities within budgets to support awareness raising, how to address the growing numbers of teenage pregnancies, and also how we ensure that men not only help to champion women's rights issues, but also start to speak out regarding violence against boys and men.

During this session, I made mention of this year's Movember Campaign, which focused on male mental health and in particular male suicide, as this often has a devastating mental and socio-economic impact on those who are left behind.

We also discussed the impact that witnessing GBV in the home has on boys, and how we can encourage positive male role models to interact with young men as a part of ensuring that there is zero tolerance against any form of GBV, and we heard briefly about the MenEngage Africa Alliance (See: <https://menengageafrica.org/>), *“part of a global alliance of organisations that engage men and boys to achieve gender equality, promote health, reduce violence and to question and address the structural barriers to achieving gender equality.”*

In terms of the “Zero Tolerance” approach, the Rt Hon Dame Maria Millar MP proposed presenting a collective resolution from members of the VAWG work stream to the CPA ExCo, in order to establish a working group to develop evidence-based policies alongside implementation plans, to be part of the deliberation of the next CHOGM in 2024 in Samoa. I was very pleased to both sign up to this collective resolution, and also to give consideration to being involved in such a working group.

Session 13 was an interactive learning session where we explored various communication techniques and strategies that may be used when targeting different audiences, during which delegates discussed what mediums are available within their own jurisdictions and how effective these were at reaching the right audience, particularly in relation to the previous session on engaging with young people.

The penultimate session of the day, Session 14, was entitled “Engaging with NGOs in Practice”, and this involved a visit to Kazuri Beads in Nairobi (See: <https://kazuri.com/>). Kazuri, which means “small and beautiful” in Swahili, is a ceramic bead workshop that operates as a social enterprise, employing single mothers from villages in the area of Nairobi. This was another highlight of the workshop, particularly from the perspective of my own experience of working with both social enterprises and SME's here in St Helena.

The day concluded upon return to our hotel with Session 15: Final Monitoring and Evaluation; Feedback Session, after which delegates were free to either depart or to stay and explore a number of stands that had been organised by participating and/or supporting parties, such as NGO's involved in combatting the issues being addressed during the workshop.

The overall experience gained from meeting peers from across the Commonwealth and sharing experiences in a face-2-face manner such as this was 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 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.

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, Kenya Parliament, and KEWOPA. At a local level, I would like to thank Acting 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

5th December 2023

Parliamentary Action to Address Gender-Based Violence in St Helena Island

The principal instrument that relates to protecting members of the St Helena community against Human Rights related offences, thus including Gender-Based Violence (GBV), is the Constitution of St Helena, Ascension Island and Tristan da Cunha (2009). These protections are effectively enshrined within Part 2 – Fundamental Rights and Freedoms of the Individual, however a number of specific Legislative Instruments have been enacted in recent years in order to further strengthen particular areas of previously identified weakness specific to the island, such as:

- Welfare of Children Ordinance, 2008
- Domestic Abuse Ordinance, 2017
- Sexual Offences (Communication With A Child) Ordinance, 2022

Whilst no specific Legislation has been enacted relating to Adult Social Care, this is currently in the process of being developed, and in the absence of such Legislation the island endeavours to adopt good practice from the United Kingdom, in particular the Community Care Act, 1990, and the Care Act, 2014.

Additionally, a Safeguarding Board has been established in St Helena, which adopts a multi-agency risk assessment conference (MARAC) approach to such matters, particularly where cases involve a high risk of domestic abuse. This process is regularly used on the island in order to safeguard children and vulnerable adults, albeit that the number of reported cases of GBV in adults is relatively low (circa 3 or 4 referrals per annum), and in the main referrals are not necessarily specific to Domestic Violence (DV), but are more often linked to alcohol abuse / neglect. As an example, St Helena currently has 5 children who are subject to child protection planning and all have an element of DV where alcohol misuse is a contributing factor. Domestic Abuse Protection Notices and Orders (DAPN / DAPO) are available through the St Helena Magistrates Court, however the numbers used in St Helena are relatively low.

A number of policy areas have also been developed locally to assist in minimising risk, such as an Exploitation Prevention and Response Policy for children under the age of 18 years old. Another example of how the island is trying to respond to the need for change is that the Media Services Commission have only this year updated their Codes of Practice for Media Standards, in order to further protect children and vulnerable adults.

There are however a number of gaps in local Legislation in areas that have not historically been seen as a particular issue, such as Forced Marriage, Female Genital Mutilation, and even Modern Day Slavery. That noted, recent on-island events have led to concerns regarding the lack of Legislation relating to Modern Day Slavery, and consideration is also currently being given to developing specific laws around Coercion and Control.

The greatest barriers to reducing GBV in St Helena would however appear to be in terms of changing attitudes towards GBV itself, such as victim blaming and minimisation. Additionally, perpetrators of child sex offences tend to view teenage girls as women as opposed to being children and, due to the small community, people do not readily raise their concerns for fear of retribution. These particular areas of concern have been the subject of educational and training programmes related to various areas of safeguarding over a number of years, with promotional activity and awareness raising campaigns continuing alongside of programmes of activity aimed at supporting victims of abuse. In this respect, St Helena has in place a designated “Safe Haven” for victims of domestic violence, and a dedicated domestic violence lead who regularly supports the victims of DV through direct work and the completion of a

freedom programme, healthy relationships and other bespoke packages of support. The DV lead, where appropriate, can and does also work directly with perpetrators of DV, and is currently co-ordinating a week of public awareness raising activity which will take place on the island to coincide with International White Ribbon Day 2023, on Saturday 25th November.

Hon. Robert Midwinter MLC, St Helena Legislative Council

31 October 2023