



Parliamentary engagement on human rights: Identifying good practices and new opportunities for action

Seminar for members of parliamentary human rights committees organized by the Inter-Parliamentary Union in collaboration with the Office of the United Nations High Commissioner for Human Rights

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EMERGING GOOD NATIONAL PARLIAMENTARY PRACTICES AND LIST OF RECOMMENDATIONS FOR ACTION

- **Good national parliamentary practices to protect and promote human rights**

Parliamentary involvement in the work of the UN human rights mechanisms:

- Several parliaments participated in the different stages of the reporting process before the UN Human Rights Council (HRC) and the UN human rights treaty bodies. For example, the Uzbek Parliament was involved in all the stages of the most recent universal periodic review (UPR) and the Chair of a Parliamentary Committee headed the country's delegation. Before submitting the national report for review by the HRC, in April 2018, the Uzbek Parliament held hearings on the draft report with the participation of representatives of state bodies and civil society. The suggestions and comments by parliamentarians were taken into account when finalizing the report. Following the HRC's review of the report in Geneva on 9 May 2018, a briefing was held in Tashkent on 23 May 2018 to inform parliamentarians of the HRC's recommendations. After the Council approved the recommendations in September 2018, they were sent to the Uzbek Parliament. Moreover, the Uzbek Parliament is actively involved in the process of discussing the draft National Action Plan which is designed to ensure full implementation of the recommendations.
- In Uganda, members of the Parliament's Human Rights Committee participated in the review of the national report submitted to the Council's UPR session in 2016 to ensure that it was reflective of the situation on the ground. Members of the Ugandan Committee also attended the session in Geneva to enhance their engagement in the reporting process.
- The National Assembly of the Republic of Korea adopted the Framework Act on Gender Equality (2014) which stipulates (under Article 40(5)) that the Government's reports to the UN Committee on the Elimination of Discrimination against Women (CEDAW) must first be submitted to the National Assembly.

- The Korean National Assembly created a sub-committee (to its Gender Equality Committee) on monitoring the implementation of the CEDAW Convention (it was suggested that a mechanism under the Speaker's office be created to help ensure systematic monitoring of implementation of all human rights treaties).
- The Chairperson of the Human Rights and Foreign Affairs Committee of the National Assembly of Bhutan met in early 2019 with the UN Working Group on Arbitrary Detention (one of HRC's special procedures) during its visit to Bhutan.

Regarding the use of parliament's constitutional powers in support of human rights

- Canada's Standing Senate Committee on Human Rights carried out several in-depth studies as a way to highlight particular human rights issues and make concrete recommendations for action. Mention was made of its studies on the situation of prisoners (2017-2019), on cyberbullying (2011) and on the impact of international children's rights instruments on Canadian law (2004-2006).
- The human rights committees of the Canadian Senate and the Ugandan Parliament regularly conduct on-site monitoring visits (to prisons, refugee settlements, etc.).
- The Parliament of Bahrain insisted that the draft national budget presented by the Government include adequate funds to protect and promote human rights.
- The Ugandan Parliament's Human Rights Committee pursue strong cooperation with the country's National Human Rights Institution (NHRI) and namely the Uganda Human Rights Commission (UHRC). Since 2010 the Committee has scrutinized the UHRC's annual reports, in particular its findings and recommendations, and has conducted regularly hearings with representatives of government ministries and other relevant stakeholders regarding the status of implementation or actions taken to implement the UHRC's recommendations. The Committee's constant engagement with government leaders and institutions to ensure commitment to reform and act on areas recommended in the UHRC annual reports has to a certain extent helped check abuses by state agencies.
- The Ugandan Parliament's Human Rights Committee developed a human rights checklist against which an assessment of human rights compliance can be made. The checklist offers concrete guidance to parliamentarians to spot possible inconsistencies in bills, petitions, policy statements, budgets or other business handled by parliament. All committees of parliament have used the checklist when analysing bills and other business before them so as to ensure human rights compliance.
- The Ugandan Parliament's Human Rights Committee has mobilized public opinion on important human rights issues through public hearings and consultations with stakeholders in the different regions of the country, talk shows on radio and television programmes, and annual human rights events. The Human Rights Committee's public dialogues have increased awareness of rights enabling some sections of the public to heighten the demand and respect for their rights and better service delivery.
- The Ugandan Parliament's Human Rights Committee systematically applies a human rights-based approach to legislation.
- The parliamentary human rights committee of the National Assembly of Burkina Faso was instrumental in overcoming resistance to the recent abolition of the death penalty by engaging directly with religious leaders.
- The Iraqi Parliament carried out post-legislative scrutiny of the implementation of the anti-human trafficking law and found that there were a number of irregularities, for instance, that shelters for victims of trafficking had not been provided and that there was no general awareness about the existence of human trafficking. The Parliament's human rights committee insisted and obtained that these shelters be provided and was also successful in raising general awareness on the issue.

- The Iraqi parliamentary service committee found that, despite significant investment in the drinking water system, drinking water remained largely inaccessible due to large-scale corruption. The government sorted out the problem simply because the parliament was going to look into it.

Parliamentary action specifically with regard to the Sustainable Development Goals (SDGs):

- The National Assembly of Mali and the Senate of Zimbabwe set up a committee exclusively dedicated to the SDGs. The Malian committee adopted a detailed plan of action outlining the various steps that the parliament should take to oversee implementation of the SDGs. The National Assembly of Suriname organized several hearings to discuss SDGs implementation. The Parliament of Bhutan also started to hold similar meetings.

- **Recommendations for action by parliaments:**

Regarding parliamentary involvement in the work of the UN human rights mechanisms:

- Participate in all the stages of the reporting procedures of the UN Human Rights Council UPR and the UN human rights treaty bodies, namely:
 - Discussion and/or drafting of the national report: So far, it is the government which drafts the report. Parliaments could, however, encourage their own governments to include a short section, either in the report or as an annex that would offer a parliamentary perspective or analysis of the UPR process. The example of the Korean National Assembly on the government's reports to the CEDAW Committee shows that parliaments can decide to enshrine in law an obligation for their governments to submit the report to parliament first.
 - Inclusion in the national delegation presenting the national report to the UN human rights mechanisms.¹
 - Overseeing implementation of their recommendations: The OHCHR Universal Human Rights Index is designed to facilitate access to human rights recommendations issued for each country (see: <https://uhri.ohchr.org/en/>) by the UN human rights treaty bodies as well as the Special Procedures and the UPR of the Human Rights Council.
- Familiarize yourself fully with the information contained on the UN and OHCHR websites regarding the work of the UN Human Rights Council and the UN human rights treaty bodies (<http://webtv.un.org> and <https://www.ohchr.org/EN/HRBodies>). With respect to the UPR, information including on National Mechanisms for Reporting and Follow-Up (NMRF), National Recommendations Tracking Database (NRTD) and on human rights and the SDGs can be found at: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>. UPR third cycle related information including the letters from the UN High Commissioner for Human Rights, matrices and infographics country by country can be found at: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/CyclesUPR.aspx>.
- Encourage the submission and be informed of the text of mid-term reports voluntarily prepared by your government to the Human Rights Council prior to the next cycle of the UPR.

¹ OHCHR has limited funds available to cover the costs of participation of an MP from certain countries in their official national delegation to the UN Human Rights Council (see: <https://www.ohchr.org/EN/HRBodies/HRC/TrustFund/Pages/SIDS-LDCs.aspx>). However, a request for inclusion needs to come from the Government or its Permanent Mission in Geneva. Parliaments, in particular their human rights committees, are therefore encouraged to point their Governments and Permanent Missions to this possibility. OHCHR also has voluntary funds to support participation in the UPR WG as well as in the HRC adoption: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRTrustFunds.aspx>.

- Familiarize yourself with and seek updates on the status of implementation of recommendations that have been supported or accepted by your country (see "Matrice", at: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>).
- Taking into account that most UPR recommendations require parliamentary action, call on your ministers heading UPR delegations to the UN Human Rights Council to report to parliament – especially parliamentary human rights committees – after the adoption of the UPR Working Group's report and prior to the State taking a final position in the Council on the recommendations that the State will accept.
- Inform the IPU (hrteam@ipu.org) and OHCHR regularly of concrete parliamentary involvement in any of the stages of these UN human rights reporting procedures. The IPU, which is entitled to speak at the sessions of the UN Human Rights Council, can relay to the Council information on significant examples of such parliamentary involvement.

Regarding parliamentary human rights committees:

- Establish strong and effective parliamentary human rights committees (see also the "Draft Principles on Parliaments and Human Rights" contained in Annex I of this report of the UN Human Rights Council: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/38/25).
- Invest in a strong committee system in which committee members feel jointly responsible, irrespective of their political affiliation, for carrying out parliamentary oversight the focus being consensual and evidence-based decision-making, inclusivity and the full involvement of all members, and a regular and public exchange with other human rights stakeholders.
- Provide (updated) information on the work of your parliamentary human rights committee to the IPU for inclusion in the IPU database (see: <https://data.ipu.org/>). For those committees which have not yet provided such information, the online questionnaire can be found at this link: <https://data.ipu.org/content/questionnaires-parliaments>, under number 3, specialized bodies - human rights.
- Systematically share with the IPU (hrteam@ipu.org) and OHCHR good practices of engagement and concrete impact of the work of your parliamentary human rights committee that has led to the direct improvement of human rights in your country. Efforts will be made to give visibility to good examples on the IPU website.

With respect to the use of parliament's constitutional powers:

- Domesticating international human rights obligations through the enactment of relevant legislation that seeks to promote and protect fundamental rights and freedoms as well as the proactive review of existing legislation to ensure harmonization with international human rights norms and standards.
- Mainstream human rights in the work of parliament by ensuring that all business before parliament – for example, bills, motions, petitions and policy statements – is examined through a human rights lens and is consistent with the national constitution and international human rights treaties.
- Create the possibility of having and/or make full use of parliamentary monitoring/on-spot visits in places where violations are likely to occur (e.g. prisons, police cells, refugee settlements). Such visits enable parliaments to identify any violations and/or, examine the extent of implementation by the executive bodies of human rights obligations.
- Ensure that the annual budget allocates appropriate funds to ensure proper respect for human rights.

- Conduct in-depth studies (by parliamentary human rights committees) on urgent and important human rights topics so as to give visibility to human rights challenges that merit action and attention; and help address any shortcomings in the government's performance through the adoption of concrete recommendations for action.
- Urge your government to ratify human rights treaties (and, where they exist, their protocols) to which their country is not yet a State Party, and to withdraw any unnecessary reservations to treaties which it has already ratified.
- Promote an effective system of parliamentary oversight by: (i) establishing a strong mandate with clearly defined powers to hold government to account; (ii) having committed and willing members of parliament who are prepared to use the powers available to them to hold government to account; and (iii) dedicating sufficient capacity in parliament to give teeth to these powers, including independent sources of research and analysis and a sliding scale of possible sanctions.
- Consider having a member of the opposition chair the parliamentary human rights committee (as is the case for many Public Accounts Committees in Commonwealth countries).
- Provide assistance to the IPU and OHCHR in the development of a self-assessment toolkit for parliaments in the area of human rights and consider volunteering in the use of the (draft) toolkit.

Promote a conducive human rights environment and strong cooperation with other human rights stakeholders:

- Put in place an independent and effective National Human Rights Institution (NHRI) that is in full conformity with the Paris Principles (see: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfNationalInstitutions.aspx>).
- Establish sound cooperation between the parliament and the NHRI in conformity with the Belgrade Principles. This cooperation should entail regular reporting by the NHRI to parliament, the discussion of its findings and recommendations in parliament, as well as the use of its expertise by parliament during the consideration of draft legislation that may have human rights implications. For the content of the Belgrade Principles, see: <https://nhri.ohchr.org/EN/Themes/Portuguese/DocumentsPage/Belgrade%20Principles%20Final.pdf>;
- Establish strong links with civil society, academia and the public at large by organizing evidence-taking hearings and awareness-raising events.
- Put in place appropriate legislation for civil society and the press to perform their functions freely and effectively.
- Promote cooperation between majority and opposition parties when addressing human rights.
- Develop a code of conduct for your parliamentarians.
- Establish parliamentary cooperation on human rights at the regional and institutional level.

Parliamentary action specifically with regard to the SDGs:

- Consider the creation of a dedicated parliamentary committee on the implementation of the SDGs.

- Consider the adoption of a parliamentary action plan in support of the full implementation of the SDGs by 2030 and the organization of regular hearings in parliament around the SDGs.
- Ensure that implementation of the SDGs is aligned with international human rights norms and standards, it being understood that, unlike the SDGs agenda, States have mandatory obligations under the UN human rights treaties to which they are a Party and that the UN human rights treaty bodies, which oversee implementation of these treaties, as well as the UN Human Rights Council, regularly adopt recommendations for action at the national level. Moreover, the UN human rights treaty bodies have developed substantive jurisprudence with regard to each of the human rights covered by the SDGs which clearly defines exactly what States are obliged to do.
- Encourage the integration and coherence of any National Human Rights Action Plan with domestic efforts to achieve the SDGs targets, taking into account the indicators at the international level.

Parliamentary action to promote freedom of expression, parliamentary work and ban hate speech:

- Ensure that parliamentarians are allowed to carry out their work without fear of reprisals and reach out to the IPU Committee on the Human Rights of Parliamentarians (hrteam@ipu.org) should you know of a member of parliament who is at risk.
 - Promote the adoption of legislation that bans hate speech including against women.
 - Lead by example by engaging constructive criticism and by calling out hate speech whenever it occurs.
- **Recommendations for action by the IPU and OHCHR:**
 - Organize regular regional seminars for parliamentarians working on human rights with focus on particular human rights challenges in each region; and invite NHRIs to participate to strengthen their cooperation as recommended by the Belgrade Principles.
 - Support the contribution of parliamentary human rights committees in the preparation of the UPR national reports.
 - Set up an international network and an e-mail group of parliamentarians working on human rights.
 - Support the participation of parliamentarians in their national delegations to the session of the UPR Working Group and the session for the adoption by the Human Rights of the UPR outcome report.
 - Support the inclusion of representatives of parliamentary human rights committees in National Mechanisms for Reporting and Follow-Up.
 - Support the establishment or strengthening of parliamentary human rights committees in line with HRC 38/25 and its draft principles.
 - Continue to explore further avenues to enhance access for parliaments to the work of the UN human rights mechanisms.