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UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

Parliaments and Human Rights

**A self-assessment
toolkit**

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This publication has been edited in accordance with IPU's editorial house style and naming conventions.

The IPU gratefully acknowledges the financial support of the Swedish International Development Cooperation Agency (SIDA) towards the production of this joint publication.

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ISBN: 978-92-9142-860-1 (IPU)
HR/PUB/23/01 (OHCHR)

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Printed in France by ICA

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Introduction

Respect for human rights is a critical foundation of strong democratic societies. Yet, while their fundamental importance is universally recognized, human rights continue to be under strain across the world. International and national conflicts, humanitarian crises, rising authoritarianism, racism and xenophobia, climate change, widening inequalities and, most recently, a global pandemic all pose formidable challenges and underscore the need for parliaments to double their efforts to place human rights at the centre of their work.

What contribution can parliaments make in this regard? Parliaments have a central role to play in building strong national human rights protection systems by adopting human rights-sensitive laws, by supporting the ratification of human rights treaties, by holding governments to account and by approving national budgets that promote human rights. Parliaments are also well-positioned to work with national and international human rights stakeholders, and to implement, directly and indirectly, international human rights standards, with a full understanding of the local context.

Against this backdrop, this self-assessment toolkit sets out to assist parliaments in assessing the extent to which international human rights norms and mechanisms are fully known inside parliament and are integrated into parliamentary processes, procedures and structures. This internal reflection exercise should empower parliaments to identify good practices, gaps and lessons learned, and enable them to chart a course of action to ensure better awareness and mainstreaming of human rights in their work.

The publication draws on the extensive experience of the Inter-Parliamentary Union (IPU) and the Office of the United Nations High Commissioner for Human Rights (OHCHR) in supporting national parliaments through human rights capacity-building activities, and is aligned with the IPU **Common Principles for Support to Parliaments**, which empower parliaments to take ownership of their own development. It is also intended to complement the joint IPU and OHCHR publication **Human Rights: Handbook for Parliamentarians No. 26**.

The toolkit has been designed to be relevant to all parliaments, irrespective of their political system. In addition, it aims to support parliaments in ensuring that the recommendations of international human rights mechanisms are taken into account in the implementation of the 2030 Agenda for Sustainable Development, given the link between human rights and the Sustainable Development Goals (SDGs).

The self-assessment is a voluntary exercise and is not intended to rank parliaments. Parliaments do not need to discuss all the questions proposed and they are highly encouraged to tailor the toolkit to fit their national context. Moreover, the effectiveness of the self-assessment derives from parliament's level of commitment and willingness to reflect on how human rights norms and mechanisms are integrated into parliamentary work, and to take the necessary follow-up action that emerges from this exercise in order to strengthen the protection and promotion of human rights. Therefore, leading and taking part in a self-assessment exercise provides a unique opportunity for parliaments to work together in an inclusive environment to set their human rights goals.

What are human rights?

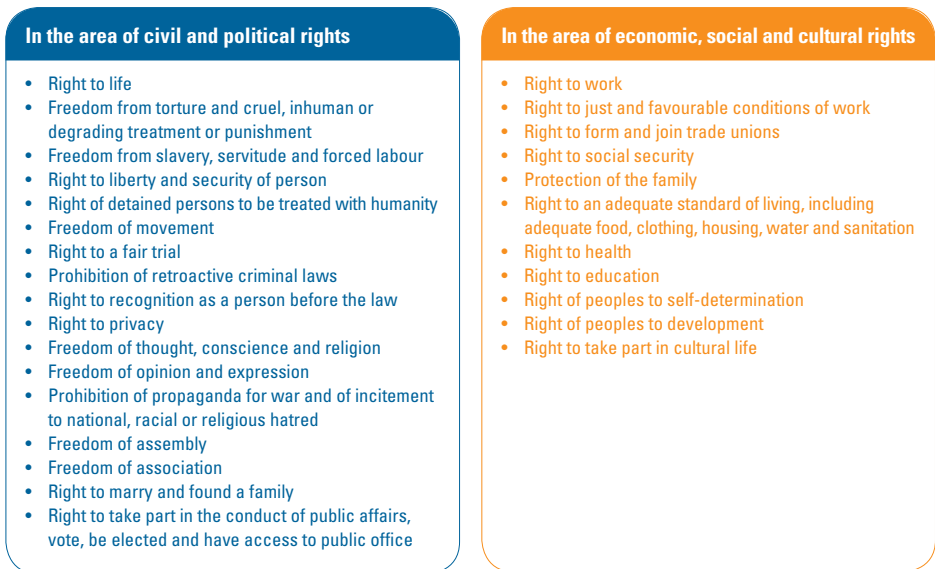
“People – and their rights – must be front and centre. A human rights lens puts everyone in the picture and ensures that no one is left behind.”

António Guterres,
Secretary-General of the United Nations, 2020¹

What makes human rights what they are?

Declarations, charters, resolutions and treaties have been developed to define human rights, including their universality, inalienability, indivisibility and interdependence. In order to enable members of parliament (MPs) to respect, protect and fulfil human rights, parliaments must ensure that their members are aware of human rights standards and of their countries’ obligations to respect them.

Figure 1. Examples of human rights²



¹ OHCHR, “We are all in this together: UNSG delivers policy brief on COVID-19 and human rights”, 23 April 2020.

² For further examples of human rights, cross-cutting rights and human rights pillars, see IPU and OHCHR, [Human Rights: Handbook for Parliamentarians No. 26](#) (Geneva: IPU and OHCHR, 2016).

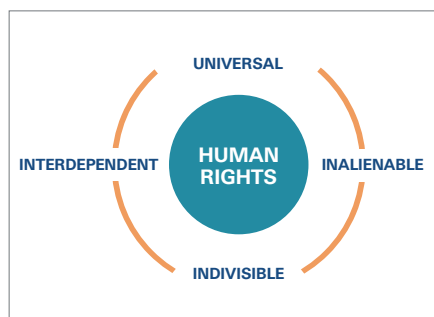
The notion of rights-holders and duty-bearers

Human rights define relationships between individuals (rights-holders) and States and other power structures (duty-bearers). Individuals are therefore active beneficiaries who can hold governments and other actors wielding power to account for their action or inaction to promote and protect human rights. As such, accountability is an essential principle of human rights: it helps to ensure that all individuals, including the most vulnerable, are at the centre of public policies. Parliaments have a crucial role to play in this regard, given their constitutional power to monitor the State's compliance with its international human rights obligations.

Universality and inalienability of human rights

All human beings are entitled to human rights by virtue of their dignity. All individuals are born with human rights, regardless of their race, gender, religion, colour, sex, social or ethnic origin, nationality, sexual orientation, disability, or any other distinguishing characteristic. Since

they are accepted by all States and peoples, human rights apply equally and indiscriminately to every person. In other words, they are the same for everyone everywhere. As such, no persons may be deprived of their human rights except under clearly defined parameters under international law, such as in the case of a guilty verdict by a court of law at the closure of a fair trial.



Indivisibility and interdependence of human rights

Human rights should be seen as a system in which all rights are interrelated, interdependent and indivisible, as the realization of one right often has an impact on others. This integrated approach ensures the equality of human rights and discredits the assumption that certain human rights are more important than others. For example, the right to life presupposes respect for the right to food and to an adequate standard of living. Denial of the right to basic education may affect a person's access to justice and participation in public life. The promotion and protection of economic and social

rights presupposes freedom of expression, of peaceful assembly and of association. Accordingly, civil, cultural, economic, political and social rights are complementary and equally essential to the dignity and integrity of every person. Moreover, respect for all rights is a prerequisite for sustainable peace and development. The notion of interdependency has been systematically reaffirmed by the international community.

Human rights are interdependent – and so are human rights violations

Arguably, human rights violations are also interdependent because the infringement of one right often leads to the infringement of others. Researchers from the Interdisciplinary Institute of Ethics and Human Rights, at the University of Fribourg, Switzerland, have proposed the concept of “comprehensive contamination”,³ whereby the violation of one right and the lack of an adequate response to safeguard that right heightens the risk of further violations and enables the reoccurrence of such acts in a climate of impunity.

Equality and non-discrimination

The principles of equality and non-discrimination are at the heart of human rights and help to reduce disadvantage on numerous grounds and in many areas. Human rights are not reserved for special groups. They are for everyone, throughout society and across the globe. However, discrimination persists against various groups, including women, children and youth, religious, ethnic and national minorities, persons of African descent, indigenous peoples, persons with disabilities, migrants, older persons, and lesbian, gay, bisexual, transgender, queer and intersex (LGBTQI+) persons. The 2030 Agenda and its commitment to “leave no one behind” have created momentum in favour of equality and non-discrimination. Laws, policies and practices should effectively combat discrimination on all grounds, including sex, race, colour, language, religion, political or other opinions, national, ethnic or social origin, membership of a national minority, property, birth, age, disability, sexual orientation, and social or other status.

³ Johanne Bouchard and Patrice Meyer-Bisch, [“Intersectionality and Interdependence of Human Rights: Same or Different?”](#), *The Equal Rights Review*, vol. 16 (2016).

What are the main human rights and where can you find them?

The Universal Declaration of Human Rights

“I am convinced that the human rights ideal, laid down in this Declaration, has been one of the most constructive advances of ideas in human history – as well as one of the most successful.”

Michelle Bachelet,
United Nations High Commissioner for Human Rights, 2018⁴

Atrocities caused by the First and Second World Wars generated a sentiment of disbelief in the capacity of humankind to value and respect human life. In an effort to protect the sanctity of human dignity and prevent the reoccurrence of deadly wars, the international community came together to draft a document providing the first authoritative elaboration of the term “human rights,” as used in the Charter of the United Nations. Drafted by the Commission on Human Rights, the Universal Declaration of Human Rights (UDHR) was adopted by the General Assembly in Paris on 10 December 1948. Although it was not conceived of or voted upon as a legally binding instrument, the Declaration now serves as a general standard on human rights.

“Where, after all, do human rights begin? In small places, close to home – so close and so small that they cannot be seen on any maps of the world.”

Eleanor Roosevelt,
Chair of the Universal Declaration of Human Rights Drafting Committee, 1958⁵

⁴ OHCHR, “70th Anniversary of the Universal Declaration of Human Rights: Statement by UN High Commissioner for Human Rights Michelle Bachelet”, 6 December 2018. See, also, OHCHR, “Universal Declaration of Human Rights”.

⁵ See, for example, United Nations, “Teaching guide and resources: Human Rights”.

Figure 2. The Universal Declaration of Human Rights



Source: This illustration has been adapted, with permission, from the [original interactive infographic of the Universal Declaration of Human Rights](#), developed by TERMCAT, Centre de Terminologia (2017).

The International Bill of Human Rights

The UDHR was groundbreaking on several levels. Not only did it provide the first authoritative definition of the term “human rights”, as used in the Charter of the United Nations, but it also paved the way for two seminal multilateral treaties: the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). It took almost 20 years to agree on the texts of these Covenants, which entered into force in 1976. The Declaration and the two Covenants are referred to collectively as the International Bill of Human Rights.

The Covenants are complemented by eight other international human rights treaties, which address specific phenomena such as racial discrimination and torture, or protect the rights of specific groups such as women and persons with disabilities. States that ratify these treaties have a legally binding obligation to respect, protect and fulfil the human rights that they protect.

Several regional organizations have adopted human rights treaties. Examples include the European Convention for the Protection of Human Rights and Fundamental Freedoms (more commonly known as the European Convention on Human Rights),⁶ the American Convention on Human Rights,⁷ the African Charter on Human and Peoples’ Rights⁸ and the Arab Charter on Human Rights.⁹ Implementation of these instruments is monitored through regional human rights mechanisms.

⁶ [Convention for the Protection of Human Rights and Fundamental Freedoms \(1950\)](#).

⁷ [American Convention on Human Rights \(1969\)](#).

⁸ [African Charter on Human and Peoples’ Rights \(1981\)](#).

⁹ [Arab Charter on Human Rights \(2004\)](#).

The International Covenant on Civil and Political Rights

Civil and political rights are essential to the realization of all human rights. They include the right to participate in public affairs and related fundamental freedoms, which lie at the core of democratic government based on the consent of the people. These rights are all the more essential for parliamentarians, since they are indispensable for the effective exercise of their parliamentary mandate.

States party to the International Covenant on Civil and Political Rights are obliged to protect the rights enshrined in the treaty and to provide an effective remedy in the event that a specific right is infringed. Two optional protocols¹⁰ widen the scope of the Covenant and reinforce the protection of human rights. The first Optional Protocol enables individuals, whose States have ratified the protocol, to submit complaints to the Human Rights Committee – the United Nations treaty body in charge of monitoring implementation of the Covenant – alleging that their rights under the Covenant have been violated. The second Optional Protocol aims to abolish the death penalty.¹¹

10 An optional protocol is a legal instrument related to an existing treaty which provides for new substantive obligations or provides for protection mechanisms such as complaints procedures. It is usually, although not always, open to ratification or accession only by States that are parties to the parent treaty. It is “optional” in the sense that States are not obliged to become parties to the protocol, even if they are party to the parent treaty.

11 First Optional Protocol to the ICCPR (adoption in 1966; entry into force in 1976); second Optional Protocol to the ICCPR aiming at the abolition of the death penalty (adoption in 1989; entry into force in 1991).

The International Covenant on Economic, Social and Cultural Rights

As the second pillar of the International Bill of Human Rights, the International Covenant on Economic, Social and Cultural Rights recognizes that the ideal of human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy their economic, social and cultural rights, as well as their civil and political rights.¹² The Covenant requires States parties to create an enabling environment for the achievement of economic, social and cultural rights, bearing in mind their respective economic resources as well as international minimum standards. States parties have the positive obligation to respect, protect and fulfil the rights enshrined in the Covenant at the national level and to report on their concrete implementation through regular reports to the Committee on Economic, Social and Cultural Rights.¹³

The International Bill of Human Rights has also been supplemented with other specific, binding instruments, which both include substantive human rights norms and establish mechanisms for complaints, reporting and inquiry procedures, and other matters. With the two Covenants, these treaties and their optional protocols form what are usually referred to as the “core human rights treaties”

¹² See articles 6, 9, 11 and 13 of ICESCR.

¹³ Optional Protocol to the ICESCR (OP-ICESCR; adoption in 2008; entry into force in 2013).

Figure 3. The United Nations Human Rights Treaties



The concept of progressive realization

The concept of progressive realization refers to the obligation of States party to the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities to take steps immediately and in the future, and to the maximum of their available resources, to progressively achieve the full realization of economic, social and cultural rights. The reference to “resource availability” acknowledges that the realization of these rights can be hampered due to a lack of resources and can be achieved only over a period of time. For instance, the right to health does not guarantee an immediate entitlement to the best available medical treatment for everyone. However, it obliges States, in accordance with their respective economic capabilities, and with international minimum standards, to establish and maintain a public health system that can, in principle, safeguard access to minimum health services, and to gradually expand those services. The concept of progressive realization also underlines the obligation of States parties to the International Covenant on Economic, Social and Cultural Rights not to take regressive steps that would deprive people of their economic, social and cultural rights. A lack of resources can hamper the realization of these rights and can be achieved only over a period of time. Equally, a lack of resource cannot justify inaction or indefinite postponement of measures to implement these rights. States must demonstrate that they are making every effort to improve the enjoyment of economic, social and cultural rights, even when resources are scarce.

See OHCHR, [Fact Sheet No. 33, Frequently Asked Questions on Economic, Social and Cultural Rights](#), New York and Geneva: United Nations, 2008; the Committee on Economic, Social and Cultural Rights, [General Comment No. 3](#); and the Committee on the Rights of the Child, [General Comment No. 5](#).

Human rights and the Sustainable Development Goals

An undeniable link: Human rights are inherent to the universal realization of the 2030 Agenda

The 2030 Agenda for Sustainable Development is firmly grounded in international human rights standards. It aspires to the realization of human rights for all by emphasizing the principles of equality, non-discrimination and inclusion, leaving no one behind. The 17 SDGs and their 169 targets were designed to encapsulate all three pillars of sustainable development – economic, social and environmental.¹⁴ Several targets explicitly mirror the content of corresponding human rights, while many of the SDGs relate closely to economic, social and cultural, as well as civil and political rights. For instance, Goal 16 on peaceful and inclusive societies, also known as the “governance goal,” covers many dimensions of civil and political rights, including personal security, access to justice and fundamental freedoms.¹⁵

Figure 4. SDG 16 and related human rights¹⁶



16 PEACE, JUSTICE AND STRONG INSTITUTIONS

Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels

Targets include reducing all forms of violence; ending violence against and trafficking of children; promoting rule of law and justice for all; reducing illicit financial and arms flows, corruption and bribery; developing effective institutions; participation in decision making at all levels; legal identity for all.

- **Right to life, liberty and security of the person** [UDHR art. 3; ICCPR arts. 6(1), 9(1); ICPPED art. 1] including freedom from torture [UDHR art. 5; ICCPR art. 7; CAT art. 2; CRC art. 37(a)]
- **Protection of children from all forms of violence, abuse or exploitation** [CRC arts. 19, 37(a)], including trafficking (CRC arts. 34-36; CRC-OP1)]
- **Right to access to justice and due process** [UDHR arts. 8, 10; ICCPR arts. 2(3), 14-15; CEDAW art. 2(c)]
- **Right to legal personality** [UDHR art. 6; ICCPR art. 16; CRPD art. 12]
- **Right to participate in public affairs** [UDHR art. 21; ICCPR art. 25]
- **Right to access to information** [UDHR art. 19; ICCPR art. 19(2)]

14 For further information on the IPU's work on the SDGs, see IPU, *Parliaments and the Sustainable Development Goals: A self-assessment toolkit* (Geneva: IPU, 2016).

15 OHCHR, *Transforming our World: Human Rights in the 2030 Agenda for Sustainable Development* (Geneva: OHCHR, 2015).

16 OHCHR has created a [table identifying examples of linkages between the SDGs and related human rights](#).

Figure 5. Human Rights and the Sustainable Development Goals



A complementary and mutually reinforcing approach

The 2030 Agenda places a great responsibility on Member States to achieve the 17 SDGs and 169 targets. The progressive implementation of the SDGs is contingent on each State's resources and its willingness to make effective progress. The 2030 Agenda acknowledges the essential role parliaments can play in advancing the SDGs by adopting enabling legislation, including provisions contained in key budget bills. Parliaments need to ensure that laws adopted with a view to implementing it comply with international human rights standards. It also recognizes that parliaments are uniquely placed to hold governments to account for the effective implementation of the SDGs.

Some parliaments have already taken notable steps in the area of the SDGs. For instance, in 2016, the Parliament of Zimbabwe expanded the Thematic Committee on SDGs to focus on the implementation of the 2030 Agenda. The main function of the Expanded SDGs Committee is "to examine and ensure implementation of government policies which fall under or relate to the SDGs."¹⁷ The Committee also aims to be "actively involved in reviewing SDGs periodic reports"¹⁸ to the United Nations and to "foster deeper engagement of Parliament in overseeing the implementation of national policy frameworks/strategies/plans and budgets to ensure SDGs are mainstreamed in the implementation processes."¹⁹

Database exploring the link between human rights and the Sustainable Development Goals

The Danish Institute for Human Rights has developed an interactive database that emphasizes the direct link between development and human rights. "The SDG – Human Rights Data Explorer lets you explore 150,000 recommendations and observations from 67 monitoring mechanisms of the international human rights system. Almost 60% of these are directly linked to an SDG target and hence immediately relevant for national SDG implementation."²⁰

17 Government of Zimbabwe, *Zimbabwe's Second Voluntary National Review (VNR)* (Harare: Government of Zimbabwe, 2021), p. 47.

18 Ibid.

19 Ibid.

20 The Danish Institute for Human Rights, "[Making the link between human rights and the 2030 Agenda](#)".

Which international human rights mechanisms oversee domestic implementation of human rights obligations?

States need to take all appropriate measures towards implementing international human rights treaties, including within their national legal frameworks. This exercise requires the engagement of governments and other State institutions, as well as continuous monitoring by international human rights mechanisms in order to track progress and ensure accountability.

The Human Rights Council, the universal periodic review and special procedures

The Human Rights Council was established in 2006 by General Assembly resolution 60/251 with the mandate of examining a wide range of human rights issues. It replaced the Commission on Human Rights. The Council is composed of 47 elected United Nations Member States²¹ and holds at least three regular sessions a year (in February-March, June-July and September-October). The Council can hold a special session at any time to address human rights violations and emergencies, should one third of the Member States so request. It is equipped with several mechanisms to monitor the human rights situation globally, i.e. the universal periodic review (UPR), the special procedures and the complaint procedure.²²

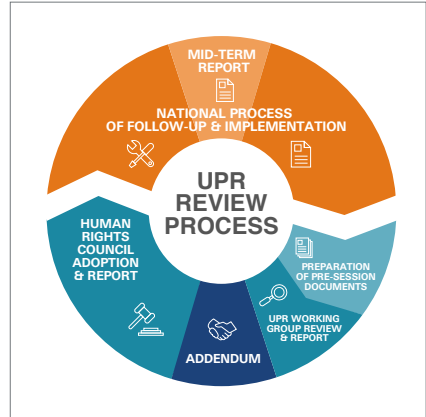
As well as inheriting the Commission's working groups and other mechanisms, the Council has also established new mechanisms for thematic issues, such as the right to development, the rights of indigenous peoples, implementation of the Durban Declaration and Programme of Action, the regulatory framework for activities of private military and security companies, the right to peace, and the rights of peasants and other people working in rural areas. Other subsidiary bodies of the Council include the Forum on Minority Issues, the Social Forum, the Forum on Business and Human Rights, and the Forum on Human Rights, Democracy and the Rule of Law. The Council may also establish investigative mechanisms, such as fact-finding missions and commissions of inquiry, in order to investigate alleged violations of international human rights and humanitarian law.

²¹ Elected Member States serve for an initial period of three years and cannot be elected for more than two consecutive terms.

²² A/HRC/RES/5/1.

The universal periodic review

The UPR, created in 2006 by the General Assembly, is a mechanism of the Human Rights Council. It is a cooperative mechanism and a State-driven process through which the fulfilment of the human rights obligations and commitments of all 193 United Nations Member States is reviewed by other States with the ultimate aim of improving the human rights situation on the ground. Each Member State is reviewed every 4.5 years



by the Working Group on the Universal Periodic Review of the Human Rights Council. As such, the UPR is a cyclical process. It is based on a national report, which is drafted preferably after a broad national consultation process and with the involvement of parliament and other national stakeholders. Besides the report presented by the State under review, the Office of the United Nations High Commissioner for Human Rights (OHCHR) compiles two reports. The first is based on information provided by non-governmental organizations (NGOs) and other stakeholders such as national human rights institutions (NHRIs).²³ The second is a compilation of conclusions and recommendations made by treaty-monitoring bodies and special procedure mandate holders (independent experts), plus information provided by United Nations entities. The UPR process provides an opportunity for States to demonstrate actions taken to improve the human rights situation, while reminding them of their responsibility to fully respect all human rights and fundamental freedoms.

²³ See page 28 for further information on NHRIs.

Official recognition of the importance of including parliaments in the UPR process

On 23 June 2017, the Human Rights Council adopted resolution 35/29, in which it acknowledged “the crucial role that parliaments play in, inter alia, translating international commitments into national policies and laws, including by supporting the implementation of recommendations generated by the international human rights mechanisms, especially the recommendations supported by the State concerned in the framework of the universal periodic review.”²⁴ Resolution 35/29 also encourages States, in accordance with their national framework, to “promote the involvement of parliaments in all stages”²⁵ of the UPR process. It positions parliament as a strategic partner and a “relevant stakeholder in the consultation process for the national report and in the implementation of supported recommendations by the State concerned”.²⁶

Special procedures

The special procedures²⁷ are mechanisms of the Human Rights Council entrusted with addressing either specific thematic issues or country situations across the world. Special procedure mandate holders can be individuals (such as a special rapporteur, a representative or an independent expert) or a working group. They are prominent experts working on a voluntary basis and are appointed by the Council. They are independent from any government or organization and serve in their individual capacity. The system is a central element of the United Nations human rights machinery and covers all types of human rights – civil, cultural, economic, political and social – as well as the rights of specific groups and country-specific situations. Mandate holders report annually to the Human Rights Council, and most also report to the General Assembly.

24 A/HRC/RES/35/29.

25 Ibid.

26 Ibid.

27 For further information, see OHCHR, [“Special Procedures of the Human Rights Council”](#).

With the support of OHCHR, special procedure mandate holders carry out a variety of tasks, including:

- undertaking country visits, at the invitation of governments or at the request of the mandate-holders (with the governments' approval)
- acting on individual cases of reported violations and concerns of a broader, structural nature by sending communications to States and other stakeholders bringing alleged violations or abuses to their attention
- conducting thematic studies and convening expert consultations
- contributing to the development of international human rights standards
- engaging in advocacy and providing advice for technical cooperation

United Nations human rights treaty bodies

The implementation of an international human rights treaty is overseen by a committee of independent experts, also known as a treaty-monitoring body or treaty body.²⁸ The treaty body examines reports submitted to it by the States party to the relevant treaty. There are currently 10 treaty bodies.²⁹ They include the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment,³⁰ which is not a report-reviewing body but instead conducts visits to places of detention in order to prevent torture and other cruel, inhuman or degrading treatment or punishment. The State reporting procedure is the only mandatory procedure common to all core human rights treaties (with the exception of the Subcommittee). States parties are under the obligation to submit an initial report to each treaty body, followed by periodic reports and/or, in some cases, emergency or other reports requested by the body in question. In order to ensure that the national report reflects diverse views, governments are advised to invite contributions from other State institutions, including

28 The United Nations human rights system generally distinguishes between charter-based and treaty-based bodies. Treaty-based bodies derive from specific human rights treaties. Charter-based bodies are established according to provisions contained in the Charter of the United Nations. They include the Human Rights Council, which replaced the former Commission on Human Rights, and special procedures.

29 For further information and the full list of United Nations treaty bodies, see OHCHR, "[Treaty Bodies](#)".

30 The Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment was established pursuant to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 22 June 2006.

parliaments, as well as from NHRIs, ombudsmen, relevant NGOs and civil society.

Treaty bodies analyse State reports and discuss them in public sessions, in the presence of State representatives and members of the public. After examining each State report, the treaty body adopts concluding observations and recommendations. States are expected to implement these recommendations and provide information in their next reports on the measures taken to that end.³¹

Treaty bodies (the Committee on the Elimination of Racial Discrimination, the Committee on Economic, Social and Cultural Rights, the Human Rights Committee, the Committee on the Elimination of Discrimination against Women, the Committee against Torture, the Committee on the Rights of the Child, the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families, the Committee on the Rights of Persons with Disabilities and the Committee on Enforced Disappearances) may, under certain conditions, consider individual complaints or communications from individuals. For the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families, the individual complaint mechanism has not yet entered into force. Once a committee declares that a complaint is admissible, it proceeds to consider the case on its merits, stating the reasons for concluding that a violation has or has not occurred under the applicable treaty provisions.

³¹ OHCHR established the Treaty Body Database, which provides all types of publicly accessible documentation produced by the treaty bodies. For further information on this database, see OHCHR, "[UN Treaty Body Database](#)".

Parliamentary functions to promote and protect human rights

The role of parliaments at the national level

Parliaments are the cornerstone of national human rights protection systems. They lay the foundation of the rule of law and its institutions, including the judiciary, by building the legal framework and ensuring that it complies with international and regional human rights norms. By keeping the executive's policies and actions under constant scrutiny, parliaments are uniquely positioned to support the government in its primary responsibility to respect, protect and promote human rights. In addition to their legislative and oversight roles, parliaments also approve the national budget, which has a direct impact on the realization of human rights.

For parliaments to effectively fulfil their role as guardians of human rights, parliamentarians and staff must have a good understanding of the applicable international human rights law framework as well as relevant parliamentary procedures, including in relation to the role of parliaments in states of emergency. Safeguards must also be in place, for instance to ensure that parliament is representative, and to protect parliamentarians' freedom of expression.

Ratify human rights treaties

By ratifying or acceding to human rights treaties,³² States demonstrate their commitment to human rights to both the international community and domestic stakeholders. The ratification process starts once a human rights treaty has been signed by the executive. In most countries, parliaments play a key role by approving the ratification, which renders the international human rights norms guaranteed in a treaty legally effective in the ratifying country and, in some cases, creates mechanisms mandated to report to the international community on the treaty's implementation. In States with a dualist legal system, additional legislation may be needed to integrate the treaty provisions into national law. Parliaments can also encourage the executive to ratify treaties to which their country is not yet a State party, and to withdraw unjustified reservations to ratified treaties.

32. For further information on the status of ratification by each country, see OHCHR, "[Status of Ratification Interactive Dashboard](#)".

Adopt enabling legislation

Although ratifying or acceding to international human rights treaties is the first step towards making these instruments legally binding, the implementation of their provisions at the national level is what enables treaties to become a reality on the ground. By enacting legislation that seeks to promote and protect fundamental rights and freedoms,³³ parliaments breathe life into international human rights obligations. The domestication process also entails parliaments reviewing existing legislation to ensure that it is harmonized with international human rights norms and standards. It is equally important to mainstream human rights in the work of parliament, by ensuring that bills, motions and petitions are examined through a human rights lens.

Parliamentary action to promote and protect women's rights³⁴

- **Kuwait** has taken incremental steps to promote women's rights in line with its obligations under the Convention on the Elimination of All Forms of Discrimination against Women. In 2005, women were granted the right to vote and stand for election for the first time. In 2020, the National Assembly of Kuwait passed a new law on protecting women from domestic violence. The law entered into force in September 2020.³⁵
- In 2019, the **Senate of Italy** adopted a new piece of legislation known as the *Codice Rosso* (Red Code) in accordance with the State's duties stemming from the Convention on the Elimination of All Forms of Discrimination against Women. Among other things, the law is designed to fast-track cases of domestic and gender-based violence, including the possibility of being heard by the public prosecutor within three days of reporting the criminal offence. It also includes new crimes, such as forced marriage, disfiguring permanently someone's face by acid attack, and illicit distribution of sexually explicit images or videos.³⁶

33 The procedure for translating international treaties into national law is generally laid down in a State's constitution. For further information on legislation, see IPU and OHCHR, *Human Rights: Handbook for Parliamentarians No. 26*, p. 97.

34 For further information on the IPU's efforts to achieve gender sensitivity in parliaments, see IPU, [Evaluating the gender sensitivity of parliaments: A self-assessment toolkit](#) (Geneva: IPU, 2016).

35 This data is drawn from Kuwait's national report to the United Nations Human Rights Council during the 2010 and 2015 UPR cycles, as well as from Kuwait's sixth periodic report to CEDAW (2021).

36 A/HRC/WG.6/34/ITA/1, para 45.

Approving the budget

Guaranteeing the enjoyment of human rights by all and implementing effective measures to fulfil human rights obligations require the allocation of considerable resources. In approving the national budget, and thereby setting national priorities, parliament must ensure that sufficient funds are provided for human rights implementation. Then, when monitoring government spending, parliament can, if necessary, hold the government to account for inadequate human rights performance.

Parliamentary oversight

Parliaments stand out for their ability to scrutinize executive policies and actions. They can promote an effective oversight system by:

- establishing a human rights oversight parliamentary committee with a strong mandate and clearly defined powers to hold the executive to account
- holding committee hearings and submitting written questions to ministers, civil servants and other executive officials
- establishing fact-finding or investigative committees or commissions
- engaging with other national human rights stakeholders, such as NHRIs, civil society organizations (CSOs) and academics. carrying out on-site visits in places where violations are likely to occur (such as prisons, police cells and refugee camps)
- carrying out on-site visits in places where violations are likely to occur (such as prisons, police cells and refugee camps)
- building on the recommendations of international human rights mechanisms in their oversight work

In 2018, the **Supreme Assembly of Uzbekistan** developed a parliamentary oversight mechanism for the protection of human rights and the implementation of United Nations recommendations. It adopted a plan of action on cooperation with United Nations human rights mechanisms and published its first-ever parliamentary human rights report.

MPs can scrutinize government actions through written and oral questions to ministers, civil servants and other executive officials, through interpellations, through fact-finding or investigative committees or commissions, and through votes of confidence, if the above-mentioned attempts fail. For parliamentarians to fully exercise their mandate, and their oversight role in particular, their human rights must also be protected. The IPU has entrusted this task to its Committee on the Human Rights of Parliamentarians, which examines cases of alleged human rights violations committed against MPs with a view to impeding their work.³⁷

Follow-up to and implementation of recommendations and decisions from regional and international human rights bodies

Parliamentarians can use the recommendations formulated by United Nations treaty bodies, special procedure mandate holders and regional monitoring bodies, as well as recommendations made during the UPR process, to scrutinize executive action for compliance with the State's human rights obligations. They can also use these recommendations as a basis for repealing, amending or adopting laws in order to increase the State's compliance with these obligations. Likewise, parliaments are encouraged to keep abreast of the views and decisions adopted by human rights treaty bodies on individual communications as well as judgments of regional human rights courts whose jurisdiction their countries have accepted, and to monitor their implementation. In order to strengthen their role as human rights guardians and to contribute meaningfully to national reports presented to the United Nations human rights mechanisms, parliaments could include representatives from their human rights committees in the national delegations that present these reports. They could also ensure that they are informed of the recommendations adopted at the end of the process.

³⁷ For further information, see IPU, "[Committee on the Human Rights of Parliamentarians](#)".

Including parliamentarians in delegations presenting national reports to the United Nations human rights mechanisms

Several parliaments have started to include their members in the national delegations to meetings of United Nations human rights mechanisms. Although this practice is not the norm, the IPU and OHCHR have been advocating for making such inclusion more systematic. Some recent examples are given below:

- In 2017, a member of the National Assembly of Pakistan was included in the State's delegation to the Committee on Economic, Social and Cultural Rights.
- In 2018, a member of the Congress of the Union of Mexico joined the State's delegation to the Human Rights Committee.
- In 2019, a Serbian MP took part in the State's delegation to the Committee on the Elimination of Discrimination against Women.
- In 2020, members of the Senate and the Chamber of Deputies of Italy participated in the 43rd session of the Human Rights Council,³⁸ and a member of the Supreme Assembly of Uzbekistan joined the State's delegation to the Human Rights Committee.

Establish strong and effective parliamentary human rights committees

Establishing a parliamentary committee with an exclusive human rights mandate sends a strong political signal of parliament's commitment to human rights. Doing so also helps to ensure that these rights remain a permanent fixture of the parliamentary agenda. Parliamentary human rights bodies are assigned various tasks, including – almost always – assessing bills and laws for compliance with human rights obligations, mainstreaming human rights in parliamentary processes, procedures and structures, and adopting concrete recommendations for action to help address any shortcomings in the government's performance.

As part of its efforts to strengthen the role of parliaments, the Human Rights Council, through its resolution 35/29, requested OHCHR to prepare a study on how to promote and enhance synergies between parliaments and its work, including the UPR. In 2018, OHCHR submitted a report to the Human Rights Council, entitled "Contribution of parliaments to the work of the Human Rights Council and its universal periodic review", based on an analysis of responses to a questionnaire sent to parliaments, Member States

³⁸ The President of the Extraordinary Commission on the Promotion and Protection of Human Rights (Senate), and the President of the Permanent Committee for Human Rights (Chamber of Deputies).

and NHRIs.³⁹ The report stressed the importance of parliamentary human rights committees and their critical role in all phases of the UPR, especially in follow-up to recommendations. The annex to the report contains a set of “Draft Principles on Parliaments and human rights,” which aims to guide parliaments in establishing human rights committees and ensuring their effective functioning.

Notable action taken by parliamentary human rights committees

- In **Canada**, the **Standing Senate Committee on Human Rights** has carried out several in-depth studies in order to highlight particular human rights issues and make concrete recommendations for action. These include studies on the impact of international children’s rights instruments on Canadian law (2004–2006), on cyberbullying (2011–2012) and on the situation of prisoners (2017–2019).
- In 2016, the **Human Rights Committee of the Parliament of Uganda** developed a human rights checklist, which offers practical guidance to parliamentarians on spotting possible inconsistencies in bills, petitions, policy statements, budgets and other business handled by parliament. All parliamentary committees have used the checklist when analysing bills and other business before them so as to ensure human rights compliance.

Facilitate civil society participation in drafting legislation

Parliaments and civil society stand much to gain by working together. For this to happen, it is essential that parliaments and CSOs recognize that they fulfil different but, in many ways, complementary roles. Many parliaments and their committees now open their proceedings to the public, or call for submissions and invite outside experts to testify. Parliaments are increasingly reaching out to CSOs by holding public hearings. In turn, these organizations can make their specialized expertise and advice available to parliamentarians and legislative staff. Their contribution is particularly important when adequate legislative research capacity is not available in parliament. Moreover, civil society input to parliamentary debate can help to ensure a balance of views and provide an important opportunity for new perspectives to be developed.

39 A/HRC/38/25.

Examples of parliamentary outreach and cooperation with civil society

- In November 2017, representatives of the **Parliament of Georgia**, religious organizations, the diplomatic corps and higher education institutions, along with members of the Government, came together as part of the Interreligious Dialogue for Peace conference in order to promote religious tolerance in Georgia. Two more conferences were held in the subsequent years and, in 2019, a declaration entitled *Religions on the path of Georgia's European integration* was adopted.
- In November 2019, members of the **Croatian Parliament** joined in a campaign on violence against women, organized by the parliament's gender equality committee as part of the International Day for the Elimination of Violence against Women. That same month, interactive discussions were held with civil society and, in January 2020, further such discussions took place with MPs. A number of the proposals put forward were subsequently adopted.⁴⁰

Engagement with national human rights institutions

NHRIs are independent institutions set up by governments and/or parliaments and entrusted with promoting and protecting human rights at the national level. They encompass a wide range of bodies with varying names (national human rights commission, ombudsperson, public defender, etc.), legal statuses, compositions, structures, functions and mandates. As members of the Global Alliance of National Human Rights Institutions, they are periodically assessed for compliance with the Paris Principles.⁴¹ NHRIs that are assessed as complying with the Paris Principles with respect to their independence, accessibility to the public, a broad human rights mandate, adequacy of funding, and inclusivity and transparency of selection and appointment processes are accredited with "A status"; while those that partially comply are accredited with "B status" (for further information on NHRIs, see IPU and OHCHR, *Human Rights: Handbook for Parliamentarians No. 26*, p. 112). The 2012 Belgrade Principles⁴² provide guidance on cooperation between NHRIs and parliaments.⁴³

⁴⁰ A/HRC/WG.6/36/HRV/1.

⁴¹ A/RES/48/134.

⁴² The Belgrade seminar was organized by the OHCHR, the international Coordinating Committee of NHRIs, the National Assembly and the Protector of Citizens of the Republic of Serbia, with the support of the UN country team in Serbia.

⁴³ For further information on NHRIs and their relationship with parliament, see OHCHR, "[UN Human Rights and NHRIs](#)".

NHRIs should have the capacity and authority to submit recommendations, proposals and reports to the government or parliament on any human rights-related matter; promote the conformity of national laws and practices with international standards; receive and act upon individual or group complaints of human rights violations; encourage the ratification and implementation of international human rights instruments and contribute to reporting procedures under international human rights treaties; promote awareness of human rights through information and education, and carry out research in the area of human rights, and cooperate with the United Nations, regional institutions, national institutions in other countries and NGOs.

Effective cooperation between parliaments and NHRIs

In December 2019, the National Human Rights Council (CNDH) of Morocco and the Parliament of Morocco co-organized a workshop to raise MPs' awareness of the UPR recommendations and to address issues related to the role of parliament in monitoring their implementation.⁴⁴ The workshop took place as part of a memorandum of understanding between the two institutions,⁴⁵ which focuses on enhancing their cooperation through a human rights-based approach, implementing programmes aimed at strengthening capacities in the field of human rights, and consulting the CNDH about the impact of international human rights treaties that are being considered for ratification.

Human rights capacity-building for parliamentarians

Regular training for MPs in the area of human rights is crucial. The IPU and OHCHR have been providing technical cooperation and capacity-building assistance to parliaments for years. Capacity-building activities can familiarize parliamentarians with the work of international human rights mechanisms and identify concrete parliamentary steps to promote and protect human rights. These activities should involve all parliamentarians regardless of their political affiliation, and should include members from parliamentary human rights committees and all other relevant parliamentary committees. The support of parliament's leadership is crucial in encouraging parliamentarians to actively engage in capacity-building activities.

⁴⁴ Miloon Kothari, *Study on emerging Good Practices from the Universal Periodic Review (UPR)* (Geneva: OHCHR, 2021).

⁴⁵ On 10 June 2021, the MoU between the Parliament of Morocco and the CNDH was amended to reflect the CNDH's independent action in line with the Paris Principles and the Belgrade Principles on the relationship between NHRIs and parliaments. For further information, see Kingdom of Morocco, National Human Rights Council, "[Amendment and updating the memorandum of understanding between CNDH and the House of Representatives](#)".

Parliamentary involvement in the work of international human rights mechanisms

Human Rights Council resolution 35/29 acknowledged the crucial role of parliaments as strategic partners to promote and protect human rights. By actively and proactively engaging with all international and regional human rights mechanisms, the role of parliaments can be enhanced, particularly at the national level.

Why parliament's contribution to the work of these mechanisms is essential

As highlighted earlier, parliamentary action is needed to breathe life into recommendations adopted by the Human Rights Council and treaty bodies. Parliaments are therefore uniquely positioned to contribute to closing the implementation gap – by overseeing the executive's implementation of human rights recommendations and by adopting the human rights-sensitive legislation required to implement them.⁴⁶

The Committee on the Elimination of Discrimination against Women and parliaments

The Committee on the Elimination of Discrimination against Women is the only United Nations treaty body to have adopted a policy on cooperation with parliaments and with the IPU.⁴⁷ In 2008, the Committee decided to systematically include a standard paragraph on "Parliament" in its concluding observations for all countries under review, in order to draw the attention of States parties to the importance of involving parliament in the reporting process and in implementing the provisions of the Convention. Countries that have ratified the Convention must submit a report to the Committee at least every four years, following an internal review process to assess how far they have implemented its provisions. The IPU is working with the Committee to encourage parliaments to actively participate in preparing and presenting State reports and in implementing its concluding observations.

⁴⁶ A/HRC/38/25, para. 28.

⁴⁷ OHCHR, "National parliaments and the Convention on the Elimination of All Forms of Discrimination against Women".

How can parliament play a role in the three stages of the reporting procedure of international human rights mechanisms?

Involvement in the consultation or the drafting of the national report

In its resolution 35/29, the Human Rights Council encouraged States to promote the involvement of parliaments by including them as relevant stakeholders in the consultation process for the national report. Parliaments could hold special sessions to discuss the national report that will be submitted to the international human rights mechanisms, and provide their input through a written contribution reflecting their involvement in relation to a specific human rights issue.

The third report of **Croatia** under the UPR, submitted in February 2020, was the result of an inclusive process involving all relevant government bodies, CSOs and the Croatian Parliament. Moreover, parliament's Committee on Human and National Minority Rights, which monitors and examines reports to United Nations treaty bodies, is also involved in implementing the UPR recommendations.

Presentation of the national report to international human rights mechanisms

Parliamentary representatives can also take part in national delegations that present the report before the United Nations. At the very least, participating in this way keeps them informed, directly and in real time, of the issues raised by the international human rights mechanisms and the answers provided by their national delegation. In some countries, parliamentarians can also take on a more direct – and sometimes even leading – role in presenting the national report, as well as in the subsequent exchanges with the United Nations human rights mechanisms.

Follow-up to international human rights recommendations

The success of the international human rights mechanisms is largely dependent on the extent to which their recommendations are implemented at the national level. Parliaments play an important role in implementing recommendations formulated by United Nations human rights mechanisms, and in scrutinizing executive action for compliance with the State's human rights obligations.

In 2014, the National Assembly of the Republic of Korea adopted an amended version of the Framework Act on Women's Development, which was renamed the Framework Act on Gender Equality. Article 40(5) states that the Government's reports to the Committee on the Elimination of Discrimination against Women must first be submitted to the National Assembly.

Active participation in the three stages of the reporting process before the Working Group on the Universal Periodic Review of the Human Rights Council

In May 2018, the Working Group on the Universal Periodic Review of the Human Rights Council reviewed the national report of Uzbekistan. A briefing was held later that month in Uzbekistan to inform parliamentarians of the recommendations. The recommendations were accepted in September 2018 and subsequently shared with the **Supreme Assembly of Uzbekistan** for review. Parliament is also involved in the process of discussing the draft National Action Plan, which is designed to ensure full implementation of the recommendations.

Preparing for a human rights self-assessment

Objectives and usage

Experience at the IPU has shown that, with well-crafted questions, toolkits generate substantive discussions that enable parliaments to identify priorities and challenges and find context-appropriate solutions.

There are many ways in which this toolkit can be used, depending on the circumstances and the parties involved. For instance, parliaments could employ the toolkit to promote human rights sensitivity in parliament, to enable MPs to discuss key human rights issues or to review existing legislation through a human rights lens.

While the specific use of the toolkit may vary depending on the circumstances, this tool ultimately aims to serve three general objectives:

- Assess the extent to which international human rights norms, mechanisms and their recommendations are fully known inside parliament and are integrated into parliamentary processes, procedures, and structures
- Identify good practices, gaps and lessons learned
- Enable parliament to chart a course of action to ensure better awareness and mainstreaming of human rights in its work

For an initial self-assessment exercise, this toolkit can be used in conjunction with the joint IPU and OHCHR publication *Human Rights: Handbook for Parliamentarians No. 26*.⁴⁸ Parliaments can then run as many subsequent self-assessments as they deem necessary or useful. The toolkit can be used at any opportune moment, at the initiative of a single MP, a group of MPs, a parliamentary committee or senior parliamentary officers. The self-assessment, however, should not be seen as an end in itself but rather as an exercise with a longer-term outcome.

⁴⁸ For further information on human rights, see IPU and OHCHR, *Human Rights: Handbook for Parliamentarians No. 26*.

The effectiveness of a self-assessment should be judged against the outcomes that emerge, in terms of action taken by parliament to strengthen human rights awareness, to enact human-rights-sensitive laws and repeal those that do not meet this standard, to play an effective oversight role, to mainstream human rights and to enhance its involvement in United Nations human rights reporting procedures.

The questions provided in this toolkit allow parliaments to select their priorities and areas of work. For instance, they can choose to examine one or more questions in each self-assessment exercise, or they can focus on what has been achieved in a specific area, drawing out good practices and lessons learned.

Parliaments are strongly encouraged to tailor this toolkit to their specific context and to use it as they see fit.

Supportive leadership

Self-assessment should be a voluntary exercise and is not intended to evaluate or rank parliaments. Rather, the aim is to assist parliaments in identifying challenges and opportunities to determine priorities to strengthen their role in advancing human rights. This internal reflection exercise works best when parliamentary leadership supports and endorses the process. Conducting a voluntary self-assessment exercise also has the benefit of enabling parliaments to take ownership of the findings.

The target audience of a self-assessment exercise comprises MPs and parliamentary staff, with a particular focus on members of parliamentary human rights committees. Before embarking on the process, stakeholders should review and arrive at a common understanding of the current situation, so that they can identify areas of work and set relevant priorities to help improve performance across key parliamentary functions, including legislation, representation and oversight.

Inclusiveness and ownership

A self-assessment is a collective exercise whose legitimacy depends on the involvement of a diverse group of stakeholders. Space should be given for the views of representatives of governing and opposition parties, male and female MPs, senior and young parliamentarians, and members from minorities, among others. The group's diversity will reflect different perspectives and views that will contribute to a constructive exercise. It could also prove highly beneficial to involve senior parliamentary staff, who can bring a different perspective to some of the issues examined during the exercise. Parliaments will need to decide how best to involve staff in their particular context. Other stakeholders, such as members of NHRIs, civil society, academics, and representatives of the media, women's groups, and youth and grass-roots organizations, may be invited to take part in a self-assessment. The experience and vision of external participants may enrich the process. Parliaments nevertheless remain free to decide whether or not to adopt this approach.

Organizing the self-assessment

The successful outcome of the self-assessment will largely depend on solid preparation, available resources and political support at the highest level. Usually, a self-assessment turns out to be effective when run by a group under the leadership of the highest authority in parliament, namely the Speaker or a committee chair.

After the self-assessment: implementation and follow-up

The issues identified during a self-assessment and the subsequent recommendations should be shared with the relevant authorities and other stakeholders in order to encourage implementation and follow-up. In a similar vein, parliaments are encouraged to engage with the executive, the NHRI, civil society and development partners on how to support the implementation of the recommendations resulting from each self-assessment exercise and to adopt an implementation plan. Parliaments are also encouraged to ensure that the recommendations resulting from previous self-assessments have been discussed and/or implemented before engaging in future self-assessments.

The self-assessment checklist

Preparing for a parliamentary self-assessment exercise

Support from leadership	<ul style="list-style-type: none">• Has the parliamentary leadership group endorsed the human rights self-assessment?
Initiation	<ul style="list-style-type: none">• Who or what will initiate and organize the exercise?
Objectives	<ul style="list-style-type: none">• What are the objectives of the exercise?• How is a common understanding to be developed among parliamentarians and other participants as to the usefulness and objectives of the exercise?
Organization	<ul style="list-style-type: none">• Who will make the administrative arrangements for the exercise?• Are there sufficient resources to conduct the self-assessment?• Will an introductory seminar be held before the self-assessment process begins?
Participation	<ul style="list-style-type: none">• Who will participate in the exercise?• How will parliamentarians be chosen to participate? Will all interested parliamentarians be invited, or only a smaller representative group?• Will parliamentary staff be invited to participate?• Is the exercise intended for members of human rights committees?• Will external stakeholders participate, either as active contributors or subject-matter experts? How will these people be chosen?
Facilitation	<ul style="list-style-type: none">• How will the self-assessment be facilitated? Will there be a single facilitator for the exercise as a whole?• Will there be an external facilitator? If so, who will organize the external facilitation?• How will the facilitator be identified and agreed upon? What kind of support will they need?• Will funding be required for a facilitator, or can a partner organization fulfil this role?

Time frame	<ul style="list-style-type: none"> • When will the self-assessment take place? • How long will it last (number of days and sessions)?
Data sources	<ul style="list-style-type: none"> • What data is available to inform the self-assessment? Are there: <ul style="list-style-type: none"> – existing government reports that can be used? – existing parliamentary reports, including from sectoral committees? – relevant reports from international or regional human rights bodies? – reports from the NHRI and from civil society?
Documenting the process	<ul style="list-style-type: none"> • Will the exercise require a rapporteur?
Assessment outcome	<ul style="list-style-type: none"> • What are the expected outcomes of the exercise, e.g. a report or plan of action (or both), a list of key stakeholders, partnerships with existing national human rights mechanisms? • Who will be responsible for producing these outcomes (e.g. parliamentary secretariat, committees)?
Follow-up	<ul style="list-style-type: none"> • What follow-up is expected? By when? • Who will be responsible for following up? • How will follow-up be monitored?

Self-assessment questionnaire

The questions on the following pages are intended to help parliamentarians reflect on their preparedness and identify their priorities, while ensuring that they address the issues of most concern in accordance with their national context. They are therefore indicative, based on discussions held with several parliaments and their responses to surveys on human rights.

Each question set contains two parts. The questions in part A are mainly based on factual information and are intended to provide background for the discussions in part B, which should lead to the identification of priorities for further action.

Parliaments do not necessarily need to discuss every question. They can also add questions of their own to fit their national context.

Questions 1: Strengthening human rights awareness in parliament

Having a good understanding of what human rights are, and of how parliamentary powers can be used to protect and promote human rights at the national level, will empower parliamentarians to fully exercise their roles. Parliament should therefore ensure that information about human rights is available and accessible to all MPs and parliamentary staff, such as by holding regular information seminars about key human rights principles and treaties, and by making human rights-related literature available in the parliamentary library.

Part A: Identifying your baseline

- Are incoming and incumbent parliamentarians familiar with human rights, including international human rights treaties and mechanisms?
- Are incoming parliamentarians introduced to human rights, including international human rights treaties and mechanisms, following their election?
- Can parliamentarians take part in human rights capacity-building events (national, regional and international)?

- Are parliamentarians given the means to access information, through a parliamentary library or otherwise, about core international human rights mechanisms and their recommendations?
- Are parliamentary staff, particularly those whose work may have an impact on human rights, knowledgeable about human rights (including and international human rights treaties and mechanisms)?

In the past 12 months:

- Have seminars on human rights been held for parliamentarians and parliamentary staff? If so, how many were held and how many parliamentarians and parliamentary staff (men and women) took part?

Part B: Reflecting on the impact of your efforts

- Do parliamentarians make full use of available sources of information and learning regarding human rights? If this possibility exists, have parliamentarians joined a parliamentary academy or accessed another form of continuing education that includes human rights in its curriculum?
- Has parliament reached out to the NHRI, civil society or another authoritative entity with expertise in human rights to provide briefings or training sessions to parliamentarians on human rights and the work of international human rights mechanisms?
- Has parliament reviewed whether or not the parliamentary library should be improved so as to facilitate access to information on human rights and, if so, has it taken the necessary steps that may be warranted as a result?

Questions 2: Making laws in support of human rights

Gaining a better understanding of human rights will enable parliament to fulfil one of its central roles: enacting legislation in line with human rights treaties and principles. Moreover, in many countries, parliament plays a crucial role in ratifying human rights treaties and can therefore help to strengthen the promotion and protection of human rights. In all countries, especially those where international human rights treaties are not directly part of the internal legal order, parliament has the responsibility to ensure that the treaty provisions are adequately transposed into national legislation. Parliament can also play a pivotal role in supporting the implementation of human rights by promoting human rights-sensitive laws, such as by establishing a parliamentary procedure to assess the impact of bills on the enjoyment of human rights. Such a procedure will help parliament identify legislation that fails to comply with relevant international and regional human rights standards, and amend it accordingly. Parliament can also take the lead in helping ensure that a conducive legal framework is in place to safeguard an effective national system for the protection of human rights, for instance by strengthening the mandate and powers of the NHRI and the work of civil society.

Part A: Identifying your baseline

- Does parliament have the power to review existing legislation or initiate legislative reforms to promote and protect human rights?
- Does parliament periodically assess whether any of the nine core international human rights treaties or their optional protocols have yet to be ratified or acceded to by the government? If so, can parliament examine whether any reservations their country made with regard to these international instruments remain justified?
- Is there a NHRI? If there is a NHRI, to what extent does it currently comply with the Paris Principles?
- Does the national legislative framework, and do national policies and practices, adequately protect democratic space and ensure civil society can carry out its work in a safe and effective manner?
- Is parliament aware of the groups that may be most at risk of discrimination and the structural challenges to the protection of the right to equality and non-discrimination?

In the past 12 months:

- Has parliament adopted or amended any laws that contain specific references to human rights or to a regional and/or international human rights treaty? If there are any proposals to amend the laws, have these amendments been adopted?
- Have any human rights treaties and/or their optional protocols been ratified?
- Has parliament reviewed or adopted legislation aimed at increasing the protection of the rights of marginalized groups?

Part B: Reflecting on the impact of your efforts

- Have bills that have been brought before parliament, as well as existing legislation, been reviewed for their compatibility with the human rights obligations of your country?
- How effectively has parliament ensured that human rights provisions found in international treaties are incorporated into national law?
 - What measures has parliament taken to ensure that international human rights provisions are given constitutional status so that the rights in question enjoy maximum/full protection under national law?
 - Has parliament undertaken efforts to ensure that human rights obligations under constitutional and international law are implemented? Have discussions about implementation been open to all MPs?
- Has parliament effectively reviewed legislation governing the NHRI in order to determine whether it needs to be revised or strengthened?
- Has parliament reviewed the legal framework governing civil society and its implementation so as to assess whether it can operate freely and effectively?

Questions 3: Ensuring parliamentary oversight

Through its oversight function, parliament can scrutinize the policies and acts of the executive for compatibility with human rights. Parliamentary oversight can take many forms. For instance, parliament can obtain information from the executive about the justification for its actions or inactions that affect human rights, or it can initiate inquiries of its own choosing to shed light on specific concerns about respect for human rights. In several countries, parliamentarians can carry out fact-finding missions, such as prison visits. The practice of post-legislative scrutiny can provide parliament with a tool to monitor and evaluate the implementation of legislation. Parliament can also review the executive's reasons for not acceding to or ratifying existing international human rights treaties and conventions, or for not withdrawing reservations to instruments to which the State is already a party. Parliament can also help ensure that national human rights action plans are adopted and implemented, and that they integrate recommendations from all international and regional human rights mechanisms.

Part A: Identifying your baseline

- In your country, is there a national human rights action plan or strategy?
- Does your constitution, or do other laws, offer a solid framework for parliament to effectively hold the executive to account, including through parliamentary questions, interpellations, inquiries and on-site visits?
- Has parliament developed a practice or rule to review and assess the human rights impact of existing legislation? Does this include reviewing the discriminatory impact legislation may have on specific marginalized groups?
- To which international human rights treaties is your country not yet a party? What reservations has your country expressed with regard to provisions of human rights treaties to which it is already a party? Have you read any of the recent concluding observations by treaty bodies relating to reservations?

In the past 12 months:

- Has parliament been informed about recent commitments assumed by the executive internationally?
- How adequately has the executive been questioned in plenary about its human rights performance?
- How often has the implementation of laws been examined in plenary/committee with a view to assessing their final impact on human rights?
- Has parliament carried out studies, inquiries or fact-finding missions to shed light on a specific human rights issue? If so, what has been the outcome/impact?

Part B: Reflecting on the impact of your efforts

- If a national human rights action plan exists, is parliament overseeing its implementation? If such a plan does not exist, is parliament encouraging the executive to take steps to develop one?
- Has parliament, or have its specialized committees, held hearings to summon members of the executive (e.g. ministers, civil servants or executive officials) to provide updates on the implementation of the national human rights action plan?
- If parliament has systematically reviewed the impact of existing legislation on human rights, what have been its findings and how has the government responded to them? In the absence of a rule or a practice to review and assess the human rights impact of existing legislation, can you identify the challenges that prevent the adoption of such a rule or practice?
- To what extent has parliament monitored the ratification of or accession to international treaties?
 - If one or more treaties have not been ratified/acceded to, has parliament undertaken measures to determine the reasons for such inaction? If, on the other hand, a ratification or accession step is under way, has parliament been notified about whether the government intends to make reservations to the treaty?
 - Has parliament discussed whether reservations made by the government to treaties in force are still necessary? If so, have there been any steps to bring about the withdrawal of such reservations? Have concluding observations relating to reservations been taken into account in this context?

Questions 4: Mainstreaming human rights in parliament

Parliamentary business affects the entire spectrum of political, civil, economic, social and cultural rights. It is therefore crucial that parliament ensures that human rights are at the centre of its processes, procedures and structures. Having an effective parliamentary committee exclusively dedicated to human rights can be a good starting point, since it sends a strong message that parliament considers human rights as a priority and helps to keep human rights topics as a regular fixture on its agenda. Such a committee also acts as a parliamentary focal point for external human rights partners, and can serve as a platform for mainstreaming human rights throughout the work of parliament.

Part A: Identifying your baseline

- **Has parliament clearly assigned responsibility for human rights within its own structures?**
 - How has parliament assigned responsibility for addressing human rights issues? Has it created a parliamentary committee that is exclusively or primarily focused on human rights? Has it assigned responsibility to several parliamentary committees? Or has it not assigned such responsibility to any committees?
 - If one or more parliamentary bodies have been assigned with this responsibility, are they tasked with coordinating human rights-related work across parliament as a whole? If so, how exactly?
- **If a dedicated parliamentary committee⁴⁹ exists:**
 - Does the composition of the committee take due account of the principles of pluralism, non-partisanship and gender balance?
 - Does the committee comprise parliamentarians with human rights expertise?
 - Does the committee have a broad human rights mandate, encompassing legislative and oversight functions?
 - Has parliament allocated the committee sufficient financial and human resources to enable it to carry out its functions effectively?
 - Can the committee scrutinize bills, existing legislation and other acts for compatibility with the State's national and international human rights obligations?
 - Is the committee competent to deal with any human rights issue it deems important, to take legislative and other initiatives in the area of human rights, and to address human rights problems and concerns referred to it by third parties?

⁴⁹ For further information and guidance on parliamentary human rights committees, see A/HRC/38/25, Annex I.

- Does the committee have the power to advise other parliamentary bodies on human rights-related issues?
- Can the committee request information, question witnesses and carry out on-site missions?

In the past 12 months:

- Has parliament held plenary debates on human rights? Has parliament been briefed by the NHRI or another human rights body?
- Have any committees published reports addressing human rights issues?
- Which committees have directly discussed human rights?

Part B: Reflecting on the impact of your efforts

- If there is a dedicated parliamentary human rights committee, to what extent has it fully exercised the powers listed in part A? If it does not have all the powers listed above, has the committee looked at how it can strengthen its mandate so as to include the powers that are lacking? Are there further steps the committee could take to ensure compliance with the principles of pluralism, non-partisanship and gender balance? What about ensuring that committee members have human rights expertise?
- In the absence of a dedicated human rights committee, is parliament considering establishing a permanent committee dedicated to leading and coordinating human rights activities, including supporting and overseeing the implementation of international and regional recommendations?
 - If so, have internal consultations on establishing such a committee taken place? What other steps has parliament taken to make progress on this front?
 - If not, what is preventing parliament from establishing such a committee?
- How effectively has the parliamentary human rights committee engaged with CSOs, academia and other relevant stakeholders?
 - Does the committee have a working relationship with these groups? If so, have they been invited to participate in public hearings and/or to provide insights into the state of human rights on the ground?
 - Does the committee rely on input from groups to share information about human rights within parliament and its committees?

Questions 5: Enhancing parliament's involvement with United Nations human rights mechanisms

It has been estimated that the majority of recommendations adopted by the Human Rights Council under the UPR process require or involve parliamentary action.⁵⁰ The same holds true for implementing the concluding observations which the United Nations treaty bodies adopt for States under review, as well as the recommendations advanced by special procedure mandate holders. There are key similarities between the reporting procedures for the UPR and the treaty bodies, which involve three phases. Parliament can play a role in each of the three phases of these procedures by providing input into the national reports that will be submitted to these United Nations human rights mechanisms, by taking part in the national delegations that present these reports and by being informed of and implementing recommendations formulated by United Nations human rights mechanisms at the end of the process. Parliament can also support the State's engagement with special procedure mandate-holders, including by overseeing invitations, by engaging with them during country visits and by following up on communications. A growing number of countries are setting up national mechanisms for reporting and follow-up (NMRF) to ensure that contributions to, and interactions with, the United Nations human rights mechanisms are inclusive and coordinated. It is important for parliament to be closely associated with the work of an NMRF.

Part A: Identifying your baseline

- **Does parliament regularly follow and contribute to the work of United Nations human rights mechanisms?**
 - Does parliament have a mechanism in place to verify the status of cooperation between the State and United Nations human rights bodies (e.g. a parliamentary human rights committee, or a working group, caucus or task force on human rights)?
 - Is parliament kept updated on the work of United Nations human rights bodies, and is relevant information regularly made available to its members by the parliamentary support services, the NHRI and CSOs?
 - Is parliament, or its competent committee(s), involved in preparing the national report?

⁵⁰ A/72/351.

- Are parliamentarians made aware of the reporting timetable to ensure that required national reports to human rights treaty bodies are submitted by the State?
- Do country missions by United Nations special procedure mandate holders include a visit to parliament or to its competent committees? Does parliament systematically receive a copy of their reports? Does parliament receive copies of the communications and calls for inputs from special procedure mandate holders that are sent to the government?
- **Does the national delegation presenting the national report to one or more United Nations human rights mechanisms include a parliamentarian?**
 - Are parliamentarians encouraged to follow up on the recommendations and concluding observations issued by the United Nations human rights mechanisms?

In the past 24 months:⁵¹

- Has parliament held special sessions to discuss the draft or final national report for submission to the international human rights mechanisms?
- How many parliamentarians have been included in the delegation that presents national reports before the United Nations human rights mechanisms?
- Has parliament discussed the recommendations/concluding observations issued by the international human rights mechanisms? If so, has it also asked the executive to report on its plans for implementation?
- Has parliament discussed any communications and calls for inputs received from special procedure mandate holders?

⁵¹ A period of 24 months (rather than 12 months as elsewhere) is more in line with the length of the reporting cycle of the United Nations monitoring bodies.

Part B: Reflecting on the impact of your efforts

- **How effectively has parliament contributed to the work of the United Nations human rights mechanisms, including the implementation of international human rights recommendations?**
 - Has parliament held a special session to discuss the recommendations formulated by United Nations special procedure mandate holders, particularly those addressing the situation in the country? If so, has the NHRI, and have CSOs, been invited to attend such sessions?
 - Has parliament taken steps to ensure that standing invitations to visit the country are extended to United Nations special procedure mandate holders? Is parliament aware of outstanding visit requests made by these mandate holders?
 - Is parliament involved in preparing national reports to the treaty bodies and if so, what has this involvement entailed? Have NHRIs, CSOs and other relevant stakeholders been consulted in the drafting of these reports? Has parliament called on the executive to submit the national report to the treaty bodies if such a report is long overdue? Has parliamentary procedure been used to urge the government to comply with its reporting obligation?
- **How effectively has parliament contributed to the UPR process (before, during and after the review)?**
 - Has parliament asked the executive to provide it with a briefing on the Working Group on the UPR process, dialogue and outcome?
 - Has parliament followed up on UPR recommendations that require legislative and budgetary action? If so, how has it tracked this follow-up? Has it used the matrix of thematically clustered UPR recommendations?
 - Has parliament encouraged the executive to submit a regular update or a midterm report on the status of implementation of UPR recommendations (especially accepted recommendations), and has it actively contributed to this report (particularly through the parliamentary human rights committee)?
 - Has parliament maintained an open dialogue with the executive (through the NMRF, if any) during the preparation of the national report, and has it actively contributed to this report?
 - Has parliament encouraged the government to host “a broad consultation process” as an essential first step in the preparation of the national report, inter alia focusing on the status of the implementation of recommendations from the previous reviews?
 - Has parliament encouraged the executive to fully consider, and to reflect in the national report, the inputs received from all stakeholders, including the NHRI, NGOs and CSOs following their own submissions through the consultation process?
- **If no MP has been included in the national delegation presenting the national report to the United Nations human rights mechanisms, has parliament made proposals to address this issue?**

Questions 6: Promoting synergies between human rights and the 2030 Agenda for Sustainable Development

Human rights are inherent to the universal realization of the 2030 Agenda for Sustainable Development. More than 92 per cent of the SDG targets reflect specific provisions of international human rights instruments.⁵² Because the 17 Goals “seek to realize the human rights of all”; there is an undeniable link between human rights and the SDGs, both of which can be fully realized through an integrated approach. It is important that parliamentarians can identify the links between human rights and the SDGs and explore strategies to ensure that international human rights recommendations are taken into account in the implementation of the 2030 Agenda and vice versa.⁵³

Part A: Identifying your baseline

- Is information about the 2030 Agenda and its links with human rights made available to parliamentarians?
- Is there a parliamentary committee dedicated to monitoring the implementation of the 2030 Agenda? If so, does it cooperate with other parliamentary committees (especially the dedicated human rights committee, if any)?
- Has parliament held discussions about the overall SDG framework from a human rights perspective? If so, was attention paid to the 2030 Agenda commitment to “leave no one behind”?
- Are parliamentarians encouraged to participate in international and regional seminars/workshops addressing the SDGs and the recommendations of international and regional human rights mechanisms?

⁵² Data provided by The Danish Institute for Human Rights; see The Danish Institute for Human Rights, [“The Human Rights Guide to the Sustainable Development Goals”](#).

⁵³ Parliamentarians can also explore the link between the SDGs and human rights using the IPU’s dedicated self-assessment toolkit; see IPU, [Parliaments and the Sustainable Development Goals: A self-assessment toolkit](#) (Geneva: IPU, 2016).

In the past 12 months:

- Has parliament held plenary debates on the linkages between human rights and the SDGs?
- Which committees have held discussions/meetings to explore synergies between the SDGs and human rights?

Part B: Reflecting on the impact of your efforts

- How effective is the parliamentary library (or the dedicated parliamentary committee on the SDGs, if any) at providing information to parliamentarians and parliamentary staff on the 2030 Agenda?
- If parliament has separate dedicated committees for human rights and the SDGs, have they held joint meetings to discuss cross-cutting objectives and strategies to achieve them? How regularly have they met?
- Has parliament identified gaps in the overall framework to support the implementation of the SDGs? Does this framework adopt a human rights-based approach?
- Has parliament identified linkages between the SDGs and the recommendations of international and regional human rights mechanisms in order to better align national implementation efforts relating to human rights, development and the SDGs?

Questions 7: Securing financial support for human rights

In addition to its legislative and oversight roles, parliament also has the responsibility to approve the national budget. This has a direct impact on the realization of human rights, since promoting and protecting these rights require financial resources. It is therefore crucial that parliament systematically reviews the State budget so as to ensure that adequate funds are set aside to ensure full compliance with international, regional and national human rights norms and standards.

Part A: Identifying your baseline

- Can parliament review the recent budget proposal from the perspective of its implications for the enjoyment of human rights? In a similar vein, is the budget drafted in such a way that it is easy to see how budgetary allocations seek to respect, protect and fulfil human rights? Likewise, does the budget allocate specific funds for the implementation of recommendations issued by international human rights mechanisms?
- Does parliament review national budget expenditure with a view to assessing whether funds allocated to human rights have been spent effectively and efficiently? More generally, what has been the final impact on human rights of overall expenditure? Has parliament also reviewed the report from the country's supreme audit institution (SAI) or similar institution?
- Does parliament hold hearings with the NHRI and civil society representatives in relation to the budget ahead of its approval?

In the past 12 months:

- How many reports from the relevant parliamentary committee(s) have contained specific references to the allocation of human rights-related funds or expenditures?
- Did parliament address the potential relationship between human rights and the SDGs in the recent budget approval process?

Part B: Reflecting on the impact of your efforts

- When approving national budgets, how effectively has parliament ensured that funds are appropriately allocated to the realization of human rights?
 - Has parliament been able to ensure that the national human rights infrastructure, including the NHRI, receives sufficient budgetary support?
 - Has parliament ensured that budgets are gender-sensitive and promote gender equality?
 - Has parliament ensured that budgets address and do not perpetuate structural discrimination?
 - In the event of poor budget support for human rights, has parliament, or have its committees, used their power to demand government action to change this?
- How effectively has parliament scrutinized budget expenditure to assess how it has helped to advance the implementation of international human rights recommendations?
- If this is not already the case, has parliament taken steps to help ensure that the SAI report is adequately framed in human rights terms?
- Has parliament been able to facilitate the timely dissemination to the public of key budget documents prior to the budget's approval, in order to ensure effective citizen participation in the budget process?

Questions 8: Enhancing interaction with the public and other national human rights stakeholders

A proactive parliament can help to raise public awareness and mobilize public opinion around human rights. Individual parliamentarians can use their position as elected representatives to engage with the public, so as to understand the most important human rights issues within their societies and to assess the implementation of key human rights recommendations on the ground. Parliament also has much to gain from establishing partnerships (including through its dedicated human rights committee) with the NHRI and civil society, both of which are important sources of expertise in the area of human rights.

Part A: Identifying your baseline

- Does parliament organize public events that focus on human rights (e.g. prior to the UPR and treaty body reviews)?
- Do parliamentarians raise human rights issues with their constituents?
- Does parliament discuss reports from the NHRI?
- Does parliament hold regular exchanges with and/or seek input from civil society representatives?

In the past 12 months:

- Have public events on human rights been organized in parliament or by parliament?
- Have any constituency visits focused on human rights?

Part B: Reflecting on the impact of your efforts

- **How effectively has parliament communicated to the public about its work in support of human rights at the national and international levels?**
 - Has parliament adopted a communication strategy, including regular local, regional and national campaigns, workshops, seminars and/or meetings, in order to reach out to the public on human rights issues?
 - Has parliament used Human Rights Day, observed by the international community every year on 10 December, to draw public attention to human rights? Have other awareness days (such as International Women’s Day or the International Day of Persons with Disabilities) been used to draw attention to the issues affecting these groups?
 - Is it easy to find information about ratified human rights treaties and their provisions on parliament’s website?
- **How effectively have parliamentarians raised awareness of human rights with their constituents in the public sphere?**
 - Have parliamentarians participated in television or radio debates or in public meetings about human rights, or have they given interviews on the subject?
 - Have parliamentarians written accessible articles about human rights in newspapers and magazines?
 - Have parliamentarians been encouraged to take similar initiatives by parliamentary leadership?
- **Does parliament systematically engage with the NHRI? If so, how does it do so? How effectively has parliament discussed reports or submissions by the NHRI? Has it invited the NHRI to present its reports in the plenary? Have these reports been discussed/debated? Has parliament accepted most, if not all, of the NHRI’s conclusions and recommendations for action?**
- **To what extent has parliament engaged with CSOs to discuss human rights?**
 - Has parliament systematically sought the expertise of CSOs in specific areas? Has this included outreach to marginalized groups facing systematic discrimination?
 - Does parliament regularly publicize information about its work, including by actively publishing information on ongoing legislative initiatives and discussions?
 - Are parliamentary hearings, including committee hearings, accessible to civil society and the wider public, either in person or through televised and streaming services?
 - What more can parliament do to put in place procedures or practices that would enable CSOs to contribute, in writing or orally, to specific parliamentary committees?

Resources

Human rights

- Inter-Parliamentary Union (IPU) (2014), *Common Principles for Support to Parliaments*. Geneva: IPU. Available at http://archive.ipu.org/pdf/publications/principles_en.pdf
- IPU (2016), *Evaluating the gender sensitivity of parliaments: A self-assessment toolkit*. Geneva: IPU. Available at <http://archive.ipu.org/pdf/publications/gender-toolkit-e.pdf>
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- United Nations Human Rights Council (2012), *Belgrade principles on the relationship between national human rights institutions and parliaments*, A/HRC/20/9. Available at <https://undocs.org/en/A/HRC/20/9>
- OHCHR (2015), *Transforming our World: Human Rights in the 2030 Agenda for Sustainable Development*. Geneva: OHCHR. Available at <https://www.ohchr.org/Documents/Issues/MDGs/Post2015/TransformingOurWorld.pdf>
- OHCHR and International Budget Partnership (IBP) (2017), *Realizing Human Rights through Government Budgets*. New York and Geneva: United Nations. Available at <https://www.ohchr.org/Documents/Publications/RealizingHRThroughGovernmentBudgets.pdf>

Parliaments and the United Nations

- General Assembly, *Strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity*, A/72/351. Available at <https://undocs.org/en/A/72/351>
- Human Rights Council, "Parliaments and the UPR". Available at <https://www.ohchr.org/EN/HRBodies/UPR/Pages/Parliaments.aspx>

- Human Rights Council, *Institution-building of the United Nations Human Rights Council*, resolution 5/1. Available at https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/5/1
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- Human Rights Council, *Second session of the Forum on Human Rights, Democracy and the Rule of Law*, A/HRC/40/65. Available at <https://undocs.org/en/A/HRC/40/65>
- Human Rights Council, *Contribution of parliaments to the work of the Human Rights Council and its universal periodic review: Report of the Office of the United Nations High Commissioner for Human Rights*, A/HRC/38/25. Available at <https://undocs.org/en/A/HRC/38/25>
- OHCHR, "Principles relating to the Status of National Institutions (The Paris Principles)"; adopted 20 December 1993. Available at <https://www.ohchr.org/en/professionalinterest/pages/statusofnationalinstitutions.aspx>

Parliaments and the SDGs

- IPU (website): <https://www.ipu.org>
- IPU (2016), *Parliaments and the Sustainable Development Goals: A self-assessment toolkit*. Geneva: IPU. Available at <https://www.ipu.org/file/2549/download>
- The Danish Institute for Human Rights (website): <https://sdgdata.humanrights.dk/>



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