

ANNEX I**PROCEDURE FOR THE EXAMINATION AND
TREATMENT OF COMPLAINTS**

Adopted in February 1989, revised in May 2007 and March 2014

I. QUALIFIED COMPLAINANTS

1. Qualified complainants under the procedure shall be:
 - (a) A (former) parliamentarian(s) (or person authorized by him/her/them to make such complaints and/or a family member) who has/have been the subject of a violation of his/her/their human rights;
 - (b) Another member of parliament;
 - (c) A political party; or
 - (d) An authoritative international or national organization competent in the field of human rights (United Nations and its specialized agencies; intergovernmental organizations; inter-parliamentary organizations; and non-governmental international and national organizations competent in the field of human rights).

II. PRESENTATION OF COMPLAINTS

2. In principle, complaints shall be addressed to the Committee President or the IPU Secretary General, at IPU Headquarters.
3. A list of items of information to be provided shall be made available (cf. Annex II). It shall be designed to assist applicants in presenting a complaint that is as complete, precise and concise as possible.

III. PRELIMINARY INVESTIGATION OF CASES

4. The IPU Secretary General shall establish a file on any complaint received. In order to do so, he/she shall be authorized to request additional information from the author(s) of the complaint, as well as from the authorities of the State concerned or, if appropriate, from third parties able to supply such information. He/she shall avail himself/herself of any document relevant to the study of the case, particularly the pertinent texts of national laws and international legal instruments and any document from competent international or regional organizations.
5. The IPU Secretary General shall request additional information only when there are grounds for presuming that the complaint is admissible. In the absence of such grounds, the Secretary General may refrain from conducting a preliminary investigation.
6. The identity of the author(s) of complaints shall be disclosed only with his/her/their agreement and when such disclosure is deemed appropriate.
7. The allegations and other information on file shall be outlined and forwarded first and foremost to the parliamentary authorities of the country in question for their comment. The IPU Secretary General may also address the request for information to any competent authority likely to provide official information.
8. It is expressly stated that this approach shall be aimed solely at requesting information before the case is examined by the Committee, and that it shall in no way prejudice such action as may be taken on the case by the competent bodies of the IPU.
9. The IPU Secretary General shall inform the author of a complaint of information received from the authorities of the country in question, particularly when new developments occur affecting the situation of the parliamentarian concerned, and vice versa.

IV. STANDARDS AND CRITERIA OF ADMISSIBILITY

10. Complaints may refer only to members of a national Parliament, not to members of regional and local assemblies.
11. The Procedure shall be applicable to members of parliament who are or have been subjected to arbitrary actions during the exercise of their parliamentary mandate, whether the Parliament is sitting, in recess or has been dissolved as the result of unconstitutional or extraordinary measures. The Committee shall also be competent to examine complaints regarding former members of parliament when the alleged arbitrary actions refer directly to events that took place when the individual was still a member of parliament.
12. With respect to alternate members of a national parliament, admissibility shall depend on the nature of the function involved and how it is exercised.
13. Other standards and criteria of admissibility may be determined in individual cases by the Committee, based on its experience.
14. Decisions on admissibility and non-admissibility of complaints shall be transmitted to the parties directly concerned, together with a statement of the grounds of such a decision.

V. EXAMINATION OF COMPLAINTS

15. For each case, the IPU Secretary General shall present a report containing the following:
 - w Information on the source(s) of the complaint and the date(s) of the communication(s);
 - w An analytical summary of the allegations and any other information on file;
 - w Legal references and background (national and international);
 - w Observations on the formal admissibility of the communication(s); and
 - w Information on the preliminary investigation of the case and/or previous treatment thereof, particularly the date and content of the reply from the authorities of the country in question to such requests for information as may have been addressed to them.
16. The Committee shall examine each of the cases before it on the basis of the file compiled for that purpose by the IPU Secretary General.
17. The Committee shall seek to establish the facts of a case. For this purpose, the IPU Secretary General shall invite the authorities to comment on the information provided by the author of a complaint, and the author of a complaint to comment on the information provided by the authorities. The Secretary General may also seek information from any other reliable source likely to provide relevant information.
18. The Committee shall seek, to the extent possible and as appropriate, to establish contact with the parliamentarian concerned, first of all, in order to ascertain that he/she has no objection to the Committee examining his/her case and, second, to ensure a continuous flow of first-hand information regarding his/her case.
19. The Committee shall do everything possible to foster a dialogue with the authorities of the countries concerned, first and foremost their parliament, in the pursuit of a satisfactory settlement.
20. The IPU Secretary General shall inform the Committee of any technical cooperation project the IPU is conducting or intends to conduct in a country in which it is examining a case. It may invite the Secretary General to take steps to ensure that its concerns in that case are taken into consideration in order to ensure coherent action by the IPU.

21. The Committee shall engage, including where possible through an official partnership, with relevant international and regional political structures, first and foremost their parliamentary arm, and/or their human rights mechanisms. At the national level, the Committee shall engage, where possible and useful, with in-country UN missions, national human rights institutions and national human rights organizations. The Committee shall also engage directly with parliamentary human rights committees in those countries that have cases before it and in countries that take a keen interest in human rights issues abroad.

VI. CONSULTATION OF EXPERTS

22. Experts may be consulted when the Committee deems it appropriate.

VII. HEARINGS

23. The Committee may hold hearings in accordance with the established rules and criteria (cf. Annex III).

VIII. MISSIONS, VISITS AND TRIAL OBSERVATIONS

24. In specific cases, the Committee may decide to carry out an on-site mission and/or visit or mandate the observation of trial proceedings. Such action shall be taken in accordance with established rules and criteria (cf. Annex IV)

IX. CLOSURE OF CASES

25. The Committee shall continue in principle to examine a case at future sessions as long as a satisfactory settlement has not been reached. The Committee may decide to close a case, however, if:

- (a) in its view a satisfactory settlement cannot be reached;
- (b) the complainant has not provided any updated information in spite of repeated requests and the complainant's ability to do so; or
- (c) the complainant states that further action by the Committee is no longer useful.

26. In cases where current or former parliamentarians or their direct representatives are complainants in the case, their response, or absence thereof, shall take precedence over the response of other complainants in the matter. The Committee may reserve the right to re-open a case in the light of new information provided by complainant(s).

27. In cases where a confidential case has been satisfactorily settled, the Committee may decide to announce publicly its closure and state the reasons thereof.

28. Whenever the Committee adopts a decision to close a case, that decision shall be communicated to the parties directly concerned.