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Translating international human rights commitments into national realities: The contribution of parliaments to the work of the United Nations Human Rights Council



CHAMBER OF DEPUTIES
ROMANIA

Seminar for parliaments from Central and Eastern Europe organized jointly by the Chamber of Deputies of the Romanian Parliament and the Inter-Parliamentary Union

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Palace of the Parliament, Nicolae Bălcescu Hall

SUMMARY AND RECOMMENDATIONS PRESENTED BY THE RAPPORTEUR OF THE SEMINAR

Mr. László Borbély, Chairperson of the Committee for Foreign Policy of the Chamber of Deputies

In the course of this seminar, 70 participants, including close to 40 parliamentarians from 13 countries, addressed a wide array of topics. We started by looking at human rights challenges facing our region. We focused in particular on challenges to protect the rights of minorities and human rights defenders and the right to freedom of assembly and challenges to ensure non-discrimination and promote tolerance as well as the proper administration of justice. We have also looked at how parliaments are addressing those challenges, including with the help of dedicated parliamentary human rights committees.

However, such dedicated committees are not an end in themselves: it is critical that they are equipped with the necessary means to respond effectively to the challenges just mentioned.

We have also emphasized that the parliamentary strategy for offering better responses to the human rights challenges in our region needs to include the training of parliamentarians, in particular new parliamentarians, so as to raise awareness about human rights norms and mechanisms and the existence of good parliamentary practices which the IPU can share.

In the context of this parliamentary strategy, we have aimed also to shed some light on the extent to which parliaments have introduced a rights-based approach to their work. This is important also given the international push for grounding the post-2015 Sustainable Development Goals, which will apply to developing and developed countries alike, in international human rights obligations.

We have looked at international human rights standards and how their implementation is monitored at the international level. We have devoted significant time to discussing the work of the UN Human Rights Council, which under its Universal Periodic Review examines the human rights situation of each country every four years.

During the workshop, human rights experts presented the UPR, how it works and its relationship to other UN mechanisms tasked with promoting human rights. Because of the complexity of human rights and their many ramifications, the experts underscored the need for the participation of all stakeholders, including parliament and civil society. They pointed to the need for closer cooperation between all those involved in order to harmonize strategies for enhancing promotion of human rights.

Among the players involved, parliament is called on to play a predominant role, especially since it is concerned by between 60 and 70 per cent of the recommendations made by UN mechanisms, including the UPR. Its action is required to:

- design the legal framework reflecting the human rights obligations that are binding on the country and enabling their implementation; parliament can use this prerogative to give effect to some UPR recommendations;
- oversee implementation of the policies and actions decided on to meet international standards and other recommendations integrated into domestic legislation;
- allocate sufficient resources to facilitate implementation of the programmes drawn up.

As for civil society, its proximity to the people and its expertise on all aspects of human rights mean that it must work with parliament. As a channel of information and transmission, it can help disseminate the laws enacted to the people and, in turn, keep parliament informed about their impact on the ground. People's comments and suggestions, conveyed to parliament, can engender and feed into draft legislation aimed at improving the human rights situation.

The participants benefitted from the many lessons brought to light during the presentations on case studies from Croatia and Romania on human rights management in parliament, with the cooperation of other players and in the context of the UPR. Likewise, the presentations on the engagement that parliaments have had, with the help of the IPU, with the UN Committee on the Elimination of All Forms of Discrimination against Women served as inspiration to encourage similar levels of cooperation between parliaments and the Human Rights Council and its UPR.

While acknowledging the need for them to work towards greater promotion of human rights and the UPR process, the participants nevertheless raised the difficulties they faced, usually defined in terms of lack of expertise, information and adequate resources.

To overcome those obstacles and fully discharge their mission to safeguard human rights, the participants made two groups of recommendations.

1. Having parliament take better account of the human rights question

- Parliamentary ownership of the human rights question
- Establishment of a parliamentary standing committee on human rights specifically
- Creation within parliament of an environment conducive to respect for and promotion of the human rights of parliamentarians, with parliamentarians setting an example when it comes to the promotion of human rights
- Organization of periodic training sessions for parliamentarians and their staff on human rights matters
- Accelerated procedures for enacting the legislation needed to protect vulnerable people and see justice done
- Organization of parliamentary debates on matters requiring public consultation, and awareness-raising among people on pertinent human rights issues, with a view to organizing relevant discussions in constituencies
- Parliamentary advocacy among people on issues such as discriminatory practices and gender equality

2. Effective implication of parliament in the UPR process

Considering human rights as a cross-cutting issue and the UPR as a participatory mechanism involving all stakeholders, the participants formulated recommendations to enhance parliament's involvement, with the cooperation of those stakeholders, in the three phases of the UPR process, i.e. the preparation of the national report, its presentation to the Human Rights Council, and the implementation of its recommendations.

a. Preparation of the national report

The national report is an inventory of the human rights situation, especially respect for the binding obligations set out in the international human rights instruments to which the country is party. Given the role parliament plays in the establishment of the legal framework and in ensuring compliance, the participants underscored the need for parliament to contribute to the national report.

The participants formulated the following recommendations with a view to enhancing parliament's contribution during this stage:

✚ For parliaments:

- Develop parliamentary mechanisms for the UPR specifically, and to enhance parliament's contribution during this stage of the process.

✚ For the executive:

- Facilitate parliament's participation at this stage in the manner its wishes and in keeping with its prerogative to oversee executive action.
- Communicate the national report to parliament before submitting it to the Human Rights Council

✚ For national human rights institutions

- Organize prior information and training sessions for parliamentarians, in order to enable them to enhance their understanding of what is at stake during the UPR and their role in the process, and to allow them to acquire the expertise they need to contribute to the report's preparation.
- Help parliamentarians formulate their contribution to the national report.

✚ For civil society

- Make parliamentarians aware of the need for them to be involved in the UPR process.
- As an acknowledged stakeholder in the process, inform parliamentarians about the UPR, in particular requirements for the report's preparation, and make suggestions on the relevant parliamentary tools pertaining thereto.
- Submit the alternative report to parliament for discussion, so as to enable parliament to be informed of the main human rights concerns and to harmonize its contribution to the two reports to be submitted to it, the national and the alternative report.

b. Presentation of the report to the Human Rights Council

Designed to respond to the main concerns relating to the report submitted, this stage is also an opportunity for the country to inform the Council about the challenges it faces and what it needs to meet those challenges. In view of those opportunities, and of parliamentary prerogatives and action when it comes to human rights management, the participants considered that parliament's participation at this stage was necessary. By participating, parliament would be able to raise the difficulties its faces in terms of lack of expertise in following up recommendations (in particular the preparation of the relevant draft legislation) and to ask for the international community's assistance in overcoming them, as set out in the UPR mandate.

However, in evaluating the implications of a parliamentary presence at this stage – which should only serve to enable parliament to enhance its contribution to human rights promotion – the participants left it up to each parliament to choose the form of its participation.

The following recommendations were formulated:

 For parliaments

- Take all measures, in particular financial, to make parliament's participation efficient and effective.
- Ensure that the parliamentary representation has both majority and minority members.

 For the executive

- Inform parliament in timely fashion of the timetable for the report's presentation, so as to enable it to prepare accordingly.
- Inform the parliament of how the report will be presented.

 For national human rights institutions

- Provide parliamentarians with expertise to help them properly present their needs in terms of recommendation follow-up.

 For civil society

- Inform parliamentarians about how the report is presented and the subtleties of the process.
- Propose linkages between the main concerns to be presented in the context of advocacy for assistance from the international community.

c. Monitoring and implementation of recommendations

A decisive step in the process, monitoring and implementation of recommendations is the stage during which the country being reviewed gives effect to the recommendations it agreed to, by establishing or adapting the legislative framework – a task that falls to parliament – and drawing up policies and programmes in response to the concerns identified during the review – a task which falls to the executive – in the context of improving the human rights situation in the country concerned.

Given these requirements, the participants made the following recommendations:

 For parliaments

- Take cognizance of the UPR's main recommendations and discuss them in plenary in order to identify those requiring parliamentary action.
- Task the specific committees concerned by the recommendations requiring parliamentary action to reflect on them in depth and to formulate concrete proposals, and ensure those proposals are implemented without delay.
- When voting on the budget, allocate the means required to implement the policies and programmes drawn up in response to the recommendations.
- With the government, establish a regular timetable, for example every two years, coinciding with submission of the interim report, for follow-up to the implementation of recommendations, and encourage respect for the report's submission deadline.
- Organize periodic parliamentary oversight of the implementation of recommendations – written and oral questions, commission of inquiry and investigation, etc.
- Hold discussions with others, in particular civil society and national human rights institutions, in the context of regular consultations on the improvement of human rights, with a view to monitoring implementation of the recommendations; collect the suggestions made during such consultations in order to strengthen implementing action.
- Organize parliamentary outings to inform and explain to the people the main measures adopted in response to the UPR recommendations, and encourage respect for them

- Organize periodic debates with voters with a view to gauging the measures' impact.
- Refer to parliamentary action relating to implementation of the recommendations in the annual legislative report and propose measures for improving implementation in the following year.
- Draw up a periodic inventory – every four years – of the impact of parliamentary action to promote human rights, including implementation of UPR and treaty-body recommendations.

For the executive

- Communicate to parliament the conclusions and recommendations of the Human Rights Council after the UPR.
- Send parliament, for debate, the action plan for implementation of the recommendations.

For national human rights institutions

- Provide parliaments with the expertise needed to identify and implement recommendations requiring parliamentary action.
- Produce periodic reports for parliament on implementation of the recommendations.
- Give parliaments opinions and suggestions on the impact of recommendations, and help it transform certain suggestions into draft legislation.

For civil society

- Help parliament publicize the recommendations, especially those requiring parliamentary action, and the measures adopted.
- Help parliament identify appropriate legislation for implementation of the recommendations.
- Produce regular reports for parliament on the recommendations' impact on people, inform parliament of the difficulties relating to the implementation of certain recommendations and suggest remedies.
- Contribute to the preparation of the inventory of parliamentary action on the implementation of UPR and treaty-body recommendations.

For intergovernmental, inter-parliamentary and international organizations

- Pursue and step up the efforts required to organize training sessions involving all stakeholders and intended to encourage greater involvement by parliament in the UPR process.
- Contribute to the establishment and strengthening of the synergies required for human rights promotion in general and for the smooth conduct of the UPR process in particular.
- Provide the financial and material support needed to implement the UPR recommendations.