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**Human Rights Council**

**Thirty-fifth session**

6–23 June 2017

Agenda items 2 and 5

**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the High
Commissioner and the Secretary-General**

**Human rights bodies and mechanisms**

 Panel discussion on the contribution of parliaments to the work of the Human Rights Council and its universal periodic review

 Summary report of the United nations High Commissioner for Human rights[[1]](#footnote-2)\*

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| *Executive summary* |
| The present report is submitted in accordance with Human Rights Council resolution 30/14 which decided to convene, at its 32nd session, on the occasion of the tenth anniversary of the Human Rights Council, a panel discussion that would take stock of the contribution of parliaments to the work of the Council and the UPR, and identify ways to further enhance that contribution The panel discussion was held on 22 June 2016. It brought together parliamentarians from Ecuador, Morocco and Philippines, a representative of IPU, the Legal Adviser to the Joint Committee on Human Rights of the United Kingdom Parliament and was moderated by the Permanent Representative of the Maldives. The panel was opened by the Director of the Council and treaty mechanism Division and the Secretary-General of the Inter-Parliamentary Union. In the course of the panel discussion many speakers reaffirmed the importance of the parliamentary involvement in the work of the Council and the UPR in order to promote human rights. Specific examples of parliamentary action in contributing to ensure the respect by States of their international human rights commitments were provided by participants in the discussion at the end of which a series of recommendations were put forward as follows: |
| (a) The need for parliamentarians to mainstream human rights international norms in their national legislation; (b) The need for parliamentarians to identify adequate resources and expertise to enable them to become involved in the international human rights arena; (c) The implementation of the Belgrade principles and the important role to be played by civil society in support of parliaments so as to ensure compliance of national legislation with international human rights norms and standards; (d) While parliamentarians should be more proactive in their engagement in the work of the UPR and other human rights mechanisms, the Human Rights Council should also take into account where possible the work of Parliaments in its deliberations and ensure their protection in the discharge of their mandate; (e) The need for parliamentarians to actively participate in National Mechanisms for Reporting and Follow-up (NMRF) and resulting national human rights action plans as well as contribute to the implementation of recommendations for which legislative action is required; (f) The need for more proactive and systematic engagement of parliamentarians in the work of human rights mechanisms through a set of principles and guidelines; (g) The need for Parliaments (especially existing parliamentary human rights committees) to oversee human rights policies and actions by Governments, especially implementation of recommendations resulting from the international human rights mechanisms. |
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 Introduction

1. The present report is submitted in accordance with Human Rights Council resolution 30/14 which decided to convene, at its 32nd session, on the occasion of the tenth anniversary of the Human Rights Council, a panel discussion that would take stock of the contribution of parliaments to the work of the Council and the UPR, and identify ways to further enhance that contribution The panel discussion was held on 22.June 2016. It brought together parliamentarians from Ecuador, Morocco and Philippines, a representative of IPU and was moderated by the Permanent Representative of the Maldives.

 I. Opening statements

2. Adam Abdelmoula, Director of the Council and treaty mechanism Division, noted the growing international consensus about the importance of the role of parliaments in the promotion and protection of human rights. As such, the Council was exploring ways to improve the contribution of parliaments to its work and to the UPR. He stated that parliaments – as legislators and as overseers – played a crucial role for human rights, and that 60-70% of UPR recommendations required or involved parliamentary actions. However, he regretted that the first and second cycles of the UPR failed to ensure significant parliamentary participation. In response, OHCHR had already held a panel discussion on this topic and it collaborated with the Inter-Parliamentary Union on four regional seminars. In conclusion, he encouraged parliaments that do not have specialized human rights committees to establish them.

3. Martin Chungong, Secretary General of the Inter-Parliamentary Union highlighted the work of the Inter-Parliamentary Union (IPU) which covers 170 parliaments over the world. He particularly emphasized the role played by its Standing Committee dedicated to human rights and which assisted parliaments to gain a better understanding of human rights and their role in the implementation of human rights norms and standards, as well as the Committee that addresses human rights violations affecting parliamentarians. He expressed the wish that the Council strengthened its engagement with parliaments. The regional seminars organized by the IPU and OHCHR on the UPR raised the parliaments awareness on the mechanism and process and contributed to encourage the participation of the parliamentarians in the different steps of the process. Indeed, parliaments could fulfil a role at each stage of the UPR, such as being informed of the reports, debate on the topics and send parliamentarians as part of their countries’ delegations. In conclusion, Mr. Chungong made three recommendations. He called on the Permanent Representatives based in Geneva to play a critical role in helping ensure that their own capitals start integrating parliaments more systematically into the UPR process. Second, he recommended UPR to follow CEDAW’s example by systematically including a paragraph in UPR reports that highlight the need for parliamentary engagement. He recommended the same for special procedures. Third, he recommended to the Council to ensure that the work of parliament is more systematically taken into account.

 II. Presentations by the panelists

 Moderator, H.E. Ms. Hala Hameed

4. Ms. Hala Hameed, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Maldives,highlighted the human rights protection role ofdiplomats, legislators and leaders and regretted the fact that, sometimes those would tend to protect the legislation and the narrow letter of the law instead of the spirit of human rights and the rule of law. True justice could be achieved only through the application of international norms and standards. She recalled that the purpose of the panel discussion was to enhance the contribution of parliaments to the UPR, which was taking place against the backdrop of the first panel on this topic held in May 2013 and the four subsequent seminars held by OHCHR and IPU.

5. **Ms. Alexandra Ocles Padilla, Member of the National Assembly of Ecuador and the President of the Parliamentary group for the rights of peoples and nationalities** highlighted the number of challenges for promoting and protecting human rights. Because there is a broad range of actors in the legislating process, Ms. Ocles wondered what was the exact role of parliaments in complying with human right mechanisms and instruments.

6. She emphasized that many countries have submitted annual resolutions, pursuant to the following considerations:

 (a) Parliaments comply with and carry out in implementing recommendations and commitments to international human rights; and

 (b) Parliaments approve budges for public expenditure, as human rights improvements require funding.

7. Thus, Ms. Ocles welcomed initiatives such as this panel, which also play an important role in the sustainable development goals.

8. Ms. Ocles highlighted the work of the Ecuadorian authorities which cooperate with the Human Rights Council by considering its various reports and working with its mechanisms and by sending their feedback to the Council. In that regard, she indicated that, at her level, she had reported on some action on human rights in Ecuador. She emphasized four of the main provisions of the Ecuadorian constitution in relation to the full rights and protection of vulnerable people who live in the territory – article 1–, the guarantee of the rights established in the constitution and in international instruments – article 3 –, the concept of “well living – article 5 – and finally the commitment to the International System of Human Rights and other treaties and international norms and standards.

9. Ms. Ocles provided a few examples of the human rights based initiative of the Ecuadorian parliament. She referred to the support to the pension for domestic workers, as a ground breaking measure. In the same vein, in December 2015, the parliament approved the Law of Management of Identity and Civilian Data, which guaranteed the right to identity changes and would protect trans-gendered persons from having to disclose their gender of origin when they voted.

10. **Mr. Hakim Benchamach, President of the Chambre of Conseillers of Morocco and Member of the Superior Council of Education and Vocational Training** shared his experience as a victim of violence in Morocco, when he was detained and tortured and when his human rights were violated. It is also based on his personal experience that hepled in favour of parliamentary participation in the Council. In doing so, he shared some of Morocco’s parliamentary actions in promoting human rights and complying with recommendations emanating from the UPR. In that regard, he welcomed the adoption of the 2011 Moroccan constitution which was now in line with international human rights standards, as well as the establishment of the various monitoring bodies responsible for checking the compatibility of national laws with human rights norms. He indicated that the Constitution stated in its preamble that the compatibility of national legislation with international law was vital, and had introduced specific human rights principles. In addition, legislators were requested to consult with national human rights organizations to make sure their draft laws were in line with human rights norms and standards. This was also the illustration of the important role of civil society organizations, in particular the national human rights council.

11. Mr. Benchamach put forward a number of recommendations for national parliaments. First, he recommended an institutionalization of national parliamentary participation in the UPR, so that parliaments would be in the obligation to submit alternative reports. He then recommended strengthening legislative bodies, so they can actually adopt human rights policies. He then recommended the translation of the Belgrade Principles to the work of parliaments. Lastly, he recommended the adoption of a streamlined a methodology for the drafting of parliamentary documents, upholding the principles of the IPU.

12. **Mr. Neri Colmenares, Senior Deputy Minority Leader, Philippines House of Representatives** was asked to report, on behalf of Senate President Aquilino Pimentel III, on the results of the seminar held in Manila on 26–27 of February 2015, co-organized by IPU and OHCHR in Manila which was attended by 148 participants, out of whom 95 were parliamentarians. He noted that migrants and migrants’ rights, environment and environmental rights, armed conflicts within and between states, terrorism, inequality in the midst of development between and within states, gender inequality, and minorities and indigenous people rights were among the thematic regional and common challenges identified during the seminar.

13. He indicated that the seminar had adopted a number of recommendations:

 (a) More capacity building for members of national parliaments and local legislative councils;

 (b) Further awareness raising, both for parliaments and the general public, on the knowledge and understanding of human rights;

 (c) Creating parliamentary standing or functional committee in several parliaments as mechanisms to promote the UPR, and participating in the national reports and the follow up of legislative inquiries on the updates of the implementations;

 (d) Sending the UPR recommendation to the parliamentarian themselves;

 (e) Treating human rights as a crosscutting consideration on policy formulation and law-making, which means human rights will be a primary consideration in legislative actions;

 (f) Linking parliaments in the region and sharing best practices in addressing human rights violations and related issues. Mr Colmenares added that the IPU has been facilitating this initiative, but there remains a need for states in the region to share bilaterally. He also added that parliamentarians must be protected themselves in order for them to protect other people’s human rights;

 (g) Encouraging inclusive engagement with stakeholders through dialogue and consultation;

 (h) Continuing human rights education and conducting public information campaign on the laws dealing with human rights;

 (i) Creating national and regional human rights institutions and mechanisms that are independent and have effective human rights promotions and protection mandates; and

 (j) Establishing parliamentary committees to oversee the implementation of international treaties and conventions on human rights.

14. In conclusion, Mr. Colmenares indicated that as representatives of the people, parliaments and parliamentarians had an important role to play when the rights of people were violated. He was of the view that the institutionalisation of international human rights norms in national legislation was probably the best response of parliaments.

15. **Ms. Kareen Jabre, Director of the Division of Programmes at the IPU** provided information on the IPU engagement with CEDAW as part of the IPU longstanding commitment to promoting gender equality. She recalled that IPU engaged parliaments on CEDAW 15 years ago, by carrying out a survey. This survey showed that parliaments had a poor knowledge on CEDAW itself, and that parliaments did not fully comprehend their commitments to that instrument. This then triggered two objectives – to enhance parliaments’ involvement on CEDAW and to enhance CEDAW’s engagement with parliaments. In order to advance the first objective, IPU raised awareness on the convention itself, organized global and regional meetings, developed tools, identified best practices, supported parliaments to dialogue, and implemented and followed up on implementations. Parliaments became more and more aware of their role in translating into national legislation the provisions of the Convention. Indeed, parliaments can ratify the CEDAW, remove reservations, adopt national laws in accordance with the provisions of the convention, allow sufficient budget to implement the provisions of the Convention and raise awareness about CEDAW. With regard to the second objective, IPU briefed parliaments on the ways to report and provide information to CEDAW, while it informed CEDAW on the level of participation by parliaments. The success of the collaboration was partly due to the initiative of the Committee to include a standard paragraph in its Concluding Observations tasking parliaments to comment and indicate measures taken to implement the recommendations.

16. Ms. Jabre provided a few examples of the successful involvement of parliaments in the work of the CEDAW. First, parliamentarian exposure to CEDAW resulted in changes in law-making prerogatives, as was the case in Jordan, Burkina Faso, and the Maldives. Second, greater parliamentary involvement allowed countries to align their action to the priorities of the Committee, as was the case in Mauritania and Turkey. Then, further involvement allowed for greater debate, such as the case in Namibia. Lastly, greater participation allows for CEDAW to be mainstreamed, as was the case in Uganda.

17. Finally Ms. Jabre was of the view that more work was necessary to ensure a systematic and crosscutting inclusion for CEDAW and human rights in the work of parliaments – human rights should not be only in specialized bodies but should be mainstreamed into the overall legislative work. She then recommended other Human Rights Council initiatives to acknowledge the role of parliaments and to permanent missions to convey to their capitals the importance of parliaments.

18. **Mr. Murray Hunt, Legal Adviser to the Joint Committee on Human Rights of the United Kingdom Parliament and visiting Professor in Human Rights Law at the University of Oxford** made comments also in his capacity as the leader of a research project at Oxford University. In that regard, he indicated that the purpose of his research project was to survey the ways in which parliaments have a role in relation to the rule of law and human rights. The research had established that the world was turning to parliaments to promote and protect human rights and strengthen the rule of law – that there was a global consensus that the protection of the rule of law and human rights cannot simply be left to the courts, lawyers and legal remedies, but that parliaments had a shared responsibility.

19. The reason for the consensus was twofold. People were looking for effectiveness – parliaments were uniquely positioned to close the implementation gap, to prevent violations of human rights, and to implement recommendations on fixing and preventing further human rights violations. Secondly, people were looking for legitimacy –elected officials wanted to participate in the rule of law and human rights, and not leave it solely to courts and lawyers.

20. His activities and researches allowed Mr Hunt to note the renewed emphasis that the primary responsibility of states to protect human rights also involves parliaments. He therefore wondered how to bring about a radical change in the role of parliaments and made four proposals in that regard.

 (a) Ensure the proactive expertise of parliaments indicating that experts must mediate between international norms and standards and national legislation, and to explain how national parliaments can engage in the work.

 (b) Establish a formal network for information exchange, dialogue and coordination. He was of a view that a properly resourced, formal network of relevant parliamentarians, lawyers, and researchers would help facilitate the exchange of relevant information and provide a forum for sharing best practices.

 (c) Proactive steps to be taken by the Human Rights Council by creating a new mandate for a Special Rapporteur to increase parliamentary involvement and mainstreaming and by involving key parliamentarians in its proceedings.

21. Finally Murray Hunt was of view that a set of global principles and guidelines could provide an overarching narrative and coherence to what was currently an array of disparate practices across the world, and also provide a common framework for capacity building.

 III. Summary of statements from members and observers

22. Many interventions echoed the sentiment that parliamentary involvement in the work of the Council and the UPR was important in order to promote human rights.

23. In that regard, the European Union, the African Group, Pakistan on behalf of Organisation of Islamic Cooperation, Egypt, Sierra Leone, and India were in agreement and highlighted the role that parliaments play in promoting and protecting human rights by enacting legal norms and constitutional frameworks. They also pointed out that parliaments cooperated at the national level with civil society and other state actors, in promoting a better synergy between human rights commitments and their national implementation. In addition, they underlined the role parliaments have in approving budgets and providing funding for the implementation of accepted recommendations. Some also emphasized the oversight role of parliaments to ensure that implementation is carried out. Several countries then asked the panellists, and more specifically the IPU, how to achieve a strengthened engagement of parliament in the work of the human rights council.

24. Several countries also pointed out the issue of “illegitimate governments”. The European Union inquired how to engage parliaments when the rule of law and electoral laws were at risk. Nigeria stated that parliaments should build independent structures to carry out the human rights directives, especially in situations where “governments may not be making good laws or their representatives may not defend peoples’ rights against excesses of autocratic governments”.

25. In the course of the discussion, a few countries shared their national experience.

26. Spain on behalf of Ecuador, Italy, Maldives, Morocco, the Philippines, and Romania, presented an initiative to increase awareness and knowledge among the Council and its work and the parliament, in order to explore synergies and advance cooperation bilaterally or through the IPU.

27. Canada, Australia, and New Zealand highlighted some good practices from their jurisdictions. Australia had set up a committee that reviews bills to ensure their compatibility with human rights norms. A similar structure existed in Canada, whereas the same compatibility consideration fell within the purview of the Attorney General in New Zealand. Australia also included parliamentarians in its delegation to the UPR Working Group.

28. Paraguay highlighted the cooperation between the parliaments with the national human rights network and the way in which the National System of Monitoring to make sure the recommendations was mainstreamed to support their work.

29. Georgia reported that its Human Rights and Civil Integration Committee initiated amendments to the Parliamentary Regulation, strengthening the consultation process for the preparation of the national report and voluntary mid-term report.

30. Slovenia also highlighted its well-established cooperation between the government and the National Assembly in the UPR process.

31. Three NGOs also made interventions. The Arab Commission for Human Rights urged to expand a strengthened involvement of parliaments in all of the Human Rights council activities to all human rights processes not only the UPR. The Rencontre Africaine pour la Défense des Droits de l’Homme (RADDHO) agreed that parliamentary involvement is important for the UPR process, and encouraged the Council to promote best practices. The Korea Center for United Nations Human Rights Policy recommended member states to establish permanent bodies within parliaments to ensure the implementation of international human rights standards.

 IV. Comments from the panelists

32. Before giving the floor to the panellists for additional comments and views, Ms. Hameed noted the general agreement towards strengthened engagement of parliaments in the implementation of human rights norms and standards and the need for harmonisation of national laws with international norms. In that regard, the proposal for guidelines and principles put forward by Mr. Hunt would benefit from specific indication as to how this would affect States and the way to strike the balance between national sovereignty and legislative application of human rights.

33. Mr. Hunt acknowledged the fact that the balance between national sovereignty and legislative application was a sensitive matter. He however noted that, in view of the fact that States have the primary obligation to implement the human rights standards they had committed to through the ratification process, it was possible to transfer the responsibility of implementation of recommendations from United Nations human rights mechanisms from the international sphere to the national parliaments. He confirmed that the adoption of a set of human rights principles and guidelines was still at an early stage and that countries should go through the process themselves and adopt the most appropriate format for themselves. The principles and guidelines would emanate from successful national experiences.

34. Mr. Benchamach noted that the role of parliaments in the promotion of human rights needed no further evidence although the extent to which such a role was played was dependent of national contingencies and national culture. According to him, the OHCHR and the IPU were best placed to help strengthen that role by building the capacity of parliaments and ensuring a space for parliamentary involvement at international level.

35. He suggested a United Nations analysis on the level of implementation by States of the Belgrade Principles. On the basis of the positive Moroccan experience, he also suggested that parliaments be trained and assisted in mainstreaming human rights into the internal rules and procedures.

36. Ms. Ocles stated that training for parliamentarians would result in greater engagement, as demonstrated in Ecuador. The positive impact of effective monitoring and IT platforms supporting human rights was highlighted. She stated that technological platforms are useful for the legislator and the executive office to provide clear follow up to the implementation of human rights laws.

37. Mr. Colmenares encouraged OHCHR and IPU to organize intergovernmental dialogues to share best practices on the involvement of parliaments in human rights. In that regard, he recommended the consideration of the proposal for the Council to establish a special rapporteur focusing on parliamentary involvement. He encouraged the involvement of parliaments in the State’s human rights reporting and monitoring. Indeed, he indicated that the monitoring by the parliament of the implementation of the State’s human rights commitments could overcome potential institutional complications such as a hardly accessible judicial system. According to him, Congressional inquiries, especially during the budgetary allocation period, could be an important step to monitor the actions by the executive Branch. Institutionalization of human rights did not involve only the mere knowledge of human rights, but also the understanding of the implications of the rights and the consequences of their violations.

38. Ms. Jabre indicated that an effective engagement of parliaments in the work of human rights mechanisms would entail that such a space for engagement be created. The engagement should also be systematic and constant. In addition, she made an appeal to permanent missions in Geneva to take more systematically and constantly these messages of engagement back to their parliaments, in order to build on the momentum.

39. She also acknowledged that such a systematic and constant engagement should also emanate from parliaments themselves. Institutionalization was a good idea, either by building a separate body focusing on engagement, or developing methodologies and procedures that require parliaments to systematically and constantly engage on human rights matters.

40. In conclusion, Ms. Jabre, informed the Council about the joint IPU/Geneva Graduate Institute research on the level of implementation of the Belgrade Principles worldwide.

 V. Summary of statements from members and observers

41. Most of the States which took the floor on the second round of comments shared their national experience and practices.

42. Pakistan indicated that both houses of the Parliament had established human rights standing committees in addition to its Women Parliamentary Caucus which main function was the promotion of women’s rights. On the same issue, Italy provided information on its human rights monitoring also tasked to ensure follow-up and reporting.

43. South Africa informed about the participation of parliamentarians in its UPR delegation while Algeria indicated the direct involvement of parliamentarians in the drafting of the national report. Namibia highlighted its cooperation with the IPU and the holding of a workshop for parliamentarians in the country when Algeria confirmed the holding of series of human rights seminars and study days for its parliamentarians.

44. The Republic of Korea welcomed the ratification of the Palermo Protocols by its National Assembly, in accordance with the recommendations from the UPR.

45. Tunisia, Namibia, Sudan, Libya, China, the Maldives and Iran further echoed the importance of parliamentary involvement in human rights implementations. In that regard, Libya and the Maldives then highlighted the importance of capacity building while Libya specifically asked for more technical support, namely creating a national reconciliation commission, finding solutions for displaced persons and refugees, promoting the role of women, people with disabilities, and minorities.

46. Three NGOs also made interventions. Espace Afrique explained that parliamentary involvement gives more legitimacy to human rights norms. Therefore, Espace Afrique encouraged the Human Rights Council to pursue greater parliamentary involvements and invest in capacity building of the legislative Branch.

47. Sudwind Entwichlungspolitik noted that submitting country reports was not effective without the establishment of human rights policies and legislations that prohibit human rights violations.

48. The Khiam Rehabilitation Center for the Victims of Torture noted that the pre-condition for parliamentarians to perform their oversight and human rights promotion and protection role was to be protected from abuses and for their independence to be guaranteed and protected.

 Concluding remarks

49. In the framework of the concluding remarks made by the panellists the following elements could be emphasized.

 (a) The need for parliamentarians to mainstream human rights international norms in their national legislation.

 (b) The need for parliamentarians to identify adequate resources and expertise to be involved in the international human rights arena.

 (c) The implementation of the Belgrade principles and the important role to be played by civil society in support of parliaments to ensure compliance of national legislation with international human rights norms and standards.

 (d) While parliamentarians should be more proactive in their engagement in the work of the UPR and other human rights mechanisms, the Council should also ensure their protection in the discharge of their mandate.

 (e) The need for parliamentarians to actively participate in National Mechanisms for Reporting and Follow-up (NMRF) and resulting national human rights action plans as well as contribute to the implementation of recommendations for which legislative action is required.

 (f) The need for more proactive engagement of parliamentarians in the work of human rights mechanisms through the development of a set of principles and guidelines.

 (g) The need for Parliaments (especially existing human rights committees) to oversee human rights policies and actions by Governments, especially the implementation of recommendations resulting from international human rights mechanisms.

1. \* The present document was submitted after the deadline in order to reflect the most recent developments. [↑](#footnote-ref-2)