**OHCHR Summary Report**

**“Increasing parliaments’ engagement with human rights”**

**Palais des Nations –Room XXVI Geneva, Switzerland**

**Thursday, 28 June 2018, (13.00 –14.30)**

**Introduction**

On the 28 June 2018, at the 38th Session of the Human Rights Council at Palais de Nations, a side event on: “Increasing Parliamentary Engagement with human rights” was organized by OHCHR and the Inter-Parliamentary Union, with the support of the Bingham Centre for the Rule of Law, the UK’s Arts and Humanities Research Council and Oxford University’s Parliaments, Rule of Law and Human Rights research project.”[[1]](#footnote-1) This event was *co-sponsored by the Permanent Missions of: Ecuador, Italy, Maldives, Morocco, the Philippines, Romania, and Spain.*

Approximately 70 participants attended, including representatives of member states, parliamentarians, civil society organizations, OHCHR, and UN staff. The panel was composed of Members of Parliaments from Burkina Faso, Togo, the United Kingdom, Chile, Uzbekistan, IPU, OHCHR and the Bingham Centre for the Rule of Law.

The overall purpose of the side event was to increase parliamentary engagement with human rights and, specifically to:

 Highlight the findings of OHCHR report prepared, in close cooperation with the IPU, on “Contribution of parliaments to the work of the Human Rights Council and its universal periodic review”, including the results of the survey; the role of parliamentary committees on human rights and the draft Principles on Parliaments and Human Rights;

 Discuss concrete experiences of senior MPs in terms of their parliaments’ human rights engagement, in particular at committee level;

 Share good practices on parliament’s engagement with human rights and possible next steps.

1. **Opening statements**

*H.E. Mr. Luis Gallegos, Ambassador and Permanent Representative of Ecuador* moderated the event. He highlighted the important role of parliament in relation to human rights and in adopting laws that are compliant with international human rights norms as well as the initiative of his Government to support in the Human Rights Council the adoption of resolution 35/29 on the “**Contribution of parliaments to the work of the Human Rights Council and its universal periodic review”**. He stressed the role of the Human Rights Council and recalled the recent high-level panel held at the 37th session of the Human Rights Councils that focused on the promotion and protection of human rights in the light of the universal periodic review mechanism: challenges and opportunities.

*Mr. Adam Abdelmoula*, *Director of the Human Rights Council and Treaty Mechanisms Division, OHCHR);* indicated that in its resolution 35/29 of 2017, the HRC encouraged States, in accordance with their national legal framework, to promote the involvement of parliaments in all stages of the universal periodic review reporting process through, inter alia, the inclusion of the national parliament as a relevant stakeholder in the consultation process for the national report, and in the implementation of supported recommendations by the State concerned. It also welcomed the increasingly widespread practice of States under review to include parliamentarians in their national delegations participating in the universal periodic review, and encouraged States to continue that practice, as appropriate. In the same resolution, the Council requested OHCHR to prepare a study – in close cooperation with the IPU - on how to promote and enhance synergies between parliaments and the work of the Human Rights Council and its UPR, the results of which were presented in report A/HRC/38/25.

The study has showed that mandates of parliamentary human rights committees vary, although a common core set of responsibilities can be observed, including: legislative initiative, review and amendment in the light of the international human rights obligations of the State, parliamentary oversight of the work of the executive in fulfilling its human rights obligations, parliamentary debates and hearings on human rights-related issues, engagement with national human rights institutions, and the provision of recommendations to the plenary of the parliament.

Annexed to the study were Draft Principles on parliaments and human rights, which aim to guide parliaments in the setting up of parliamentary human rights committees, as well as in ensuring their effective functioning. They highlight the key responsibilities of a parliamentary human rights committee as well as elaborate upon its composition and working methods.

1. **Good practices from parliamentary human rights committees around the world**

*Mr. Kone Maxime, MP, Chairperson of the Committee on General and Institutional Affairs and Human Rights (Burkina Faso*); highlighted that their parliament human rights committee interacts with civil society in relation to human rights and that he participated in the 3rd cycle of UPR, which was a great opportunity for the executive and legislature to cooperate. Subsequently the committee identified the UPR recommendation on death penalty and advocated for the abolition of the same in Burkina Faso, and held consultations with various state holders.

*Ms. Carmen Hertz Cadiz, MP, Chairperson of the Committee on Human Rights and Indigenous Peoples (Chile);* shared that in Chile, there are two standing committees on human rights in both the lower and upper chambers of parliament. The committees hold hearings to discuss bills, conduct investigations, inspections and visits to prisons without notice, to any public area.

*Ms. Joanna Cherry, MP, Member of the Joint Committee on Human Rights (United Kingdom);* stated that the human rights committee is a joint committee comprising members from both the lower and upper chambers, including elected representatives of the opposition that chair the committee and other MPs. The committee’s role is to scrutinize bills and ensure they comply with international standards. They also conduct thematic inquiries (e.g. on human trafficking and wrongful detention); scrutinise the files of persons held in immigration detention facilities; conduct prison visits; and publish reports on their findings. The Scottish Parliament also has human rights interwoven in its mandate and a human rights committee that scrutinizes legislation and was attempting to engage with the UPR process.

 *Prof Akmal Saidov, MP, Chairperson of the Committee on Democratic Institutions (Uzbekistan),* shared experiences on its parliament’s participation in the UPR process as part of the government delegation during the UPR working group; and participation in the preparation of reports both to the treaty bodies as well as to the Human Rights Council at the national level. He indicated that the Uzbek government made a presentation on the UPR outcomes to parliament and was tasked to prepare a human rights action plan, which parliament subsequently adopted. In addition, the Uzbek Parliament adopted human rights laws and ratified human rights treaties. He indicated that the SDGs have human rights dimensions, and therefore as parliaments adopt laws, attention should be given to SDGs. The Uzbek parliament was also keen to implement the provisions contained in the draft principles on parliament and human rights.

*Mr. Rogier Huizenga, Manager, Human Rights Programme, IPU, s*tressed the importance of parliaments establishing a dedicated committee dealing with human rights, with an explicit mandate. He highlighted in detail, MPs interaction in the UPR process including at the different stages of the UPR process, in the development of the national report, and discussing the contents of the UPR report in parliament. He gave examples of parliaments that had this practice including Morocco and Mexico. He also encouraged MPs to be part of the state delegation coming to Geneva, to present the UPR Report; and follow up of recommendations in particular when recommendations concern the legislative framework.

*Mr. Murray Hunt,* *Director, Bingham Centre for Rule of Law*, referred to the global context, and research that demonstrated a worldwide turn to parliaments as protectors and promoters of human rights, not instead of but alongside courts. He highlighted the important role of parliaments in upholding international and regional human rights norms, not only to bridge the implementation gap, but because of parliaments’ important legitimation role, in particular at times when institutions mandated to protect and promote human rights come under attack and restrictions are imposed on human rights defenders. He reiterated the need to build the capacity of national parliaments to ensure the protection of human rights and the upholding of human rights standards. He spoke of the Secretary General’s prevention agenda and the role of parliaments in enacting legislation to prevent human rights violations from occurring.

1. **Discussion**

*A representative from the Parliamentary Assembly of the Mediterranean (PAM)* made the following statement: OHCHR and PAM recently organized a special hearing, at the margins of the Council, to prepare a joint plan of action dedicated to stepping up parliamentary support for the respect of Human Rights in the Euro-Mediterranean region. PAM Members of Parliaments in their individual, national and regional capacity have committed to support the work of the High Commissioner in promoting and advocating for the full and unimpeded implementation of the fundamental instruments and mechanisms relevant to human rights in the region under the mandate of PAM. He indicated that the region was witnessing a deterioration in the understanding and application of the fundamental Human Rights faced with regional conflicts and mass displacement of people from war zones and sub-Saharan Africa. Regardless of the reasons forcing people to move, he stated it is critical for parliaments to engage in a proactive role to ensure and safeguard the rights of each individual, at a time when national political agendas seem to prevail on the universal principles of human rights and human dignity. He further stated that the Parliamentary Assembly of the Mediterranean, had already committed, in its annual meeting to endorse and advocate for the Principles on Parliaments and human rights", as recommended in the annex to the report A/HRC/38/25, presented by OHCHR to the 38th HRC Session.

Issues raised by other participants:

* The Danish Institute for Human Rights recently conducted a research on human rights revealing that 90 per cent of SDGs are grounded in human rights, law, however to what extent UPR recommendations and SDGs, understood and interrelated? States should ensure synergies in reporting obligations to international human rights mechanisms and the inclusion of SDGs under the 2030 agenda.
* Parliaments need capacity support to be able to monitor governments on UPR and outside support and advice could be sought.
* Laws may be good on paper, but in practice, implementation remains a challenge. Civil society plays an important role in promoting implementation and should be involved in the work of parliamentary human rights committees in this regard.
* Tools may be created to facilitate monitoring implementation of human rights recommendations, learning from existing good practice.
* A women’s NGO from Ecuador indicated that they could have access to parliamentary Committees working on women’s rights in Ecuador and they were given an audience to communicate their issues, however were concerned that this opportunity may not be easily accessible to everyday citizens.
* There is a need for parliamentary human rights committees to work closely with other thematic committees including justice, children etc. and have accountability structures.

**Members of Parliament interventions**

* The Chile MP indicated that in Chile the gender perspective has been injected in several laws, and a law guiding all public policies has been adopted. The Women MPs in Chile have also played an important role in pushing for the enactment of the abortion law.
* The UK MP indicated that the parliamentary human rights committee, civil society, and other stakeholders were involved in advocating for the government to ratify the Istanbul convention on Violence Against Women, and presented a private members bill requesting this ratification, and managed to have government support with the pressure of feminist groups.
* There is a need for post-legislative review to analyse whether the legislation adopted is actually working.
* The Togo MP reported that its human rights committee visited prisons, made recommendations to the government, and found that the prison conditions were undesirable and not in compliance with international human rights standards. The MPs requested government to increase its prison budget and the government did it. The parliament also queried government concerning its non-ratification of certain human rights treaties.

Members of the core group of co-sponsors

* The following member States took the floor briefly in order to support the side event: The Philippines; Spain and Italy.
1. **Conclusion**

In summary, participants were able to share good practice from various jurisdictions of parliaments’ role in relation to human rights while working closely with other national stakeholders, including civil society. Participants also advocated that members states facilitate the establishment of a human rights committee in their national parliaments and referred to the Draft Principles on parliaments and human rights (contained in A/HRC38/25- Annex) that aim to guide parliaments in the setting up of parliamentary human rights committees, as well as in ensuring their effective functioning. The Draft Principles further highlight key responsibilities of a parliamentary human rights committee as well as elaborate upon composition and working methods. Parliaments were also encouraged to do more in order to prevent human rights violations and ensure appropriate legislation is enacted and adequately implemented.

1. **Participants :**

Permanent Missions: Australia, Azerbaijan, Chile, Costa Rica, Ecuador, Georgia, Italy, Maldives, Pakistan, Peru, the Philippines, Romania, Spain, Switzerland, Turkey, Uruguay.

Regional Organizations: The African Commission on Human and Peoples Rights; the Council of Europe, and EU Delegation.

Members of Parliament: Burkina Faso, Moldova, Togo, United Kingdom of Great Britain and Northern Ireland, Uruguay, Parliamentary Assembly of the Mediterranean.

CSOs: Association Miraisme International, CCPR Centre, Coalicion Naroid de Reyes Forum Asia, International Service for Human Rights (ISHR); World Federation of UN Associations, OIDEL, UPR info, Universal Rights Group, International Network for Human Rights –RIDH,TADAMON .

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1. https://www.law.ox.ac.uk/research-and-subject-groups/parliaments-rule-law-and-human-rights-project and of the Universal Rights Group [↑](#footnote-ref-1)
2. https://www.law.ox.ac.uk/research-and-subject-groups/parliaments-rule-law-and-human-rights-project [↑](#footnote-ref-2)