

UNIVERSAL PERIODIC REVIEW:

**THE SPECIFIC ROLE OF MEMBERS OF
PARLIAMENT BEFORE – DURING –
AND AFTER THE REVIEW**



**UNITED NATIONS
HUMAN RIGHTS**
OFFICE OF THE HIGH COMMISSIONER

The UN Secretary-General and the UN High Commissioner on parliaments and the UPR

The Secretary-General (A/72/351):

"The Secretary-General encourages a more proactive engagement of parliamentarians in the work of international human rights mechanisms, including through the development of a set of principles and guidelines that would assist and guide them." (para.36)

The High Commissioner (HRC 38/25):

"The role of parliaments in the promotion and protection of human rights at the national level can be greatly enhanced through their active and proactive engagement with all international and regional human rights mechanisms, including the universal periodic review of the Human Rights Council." (para.27)

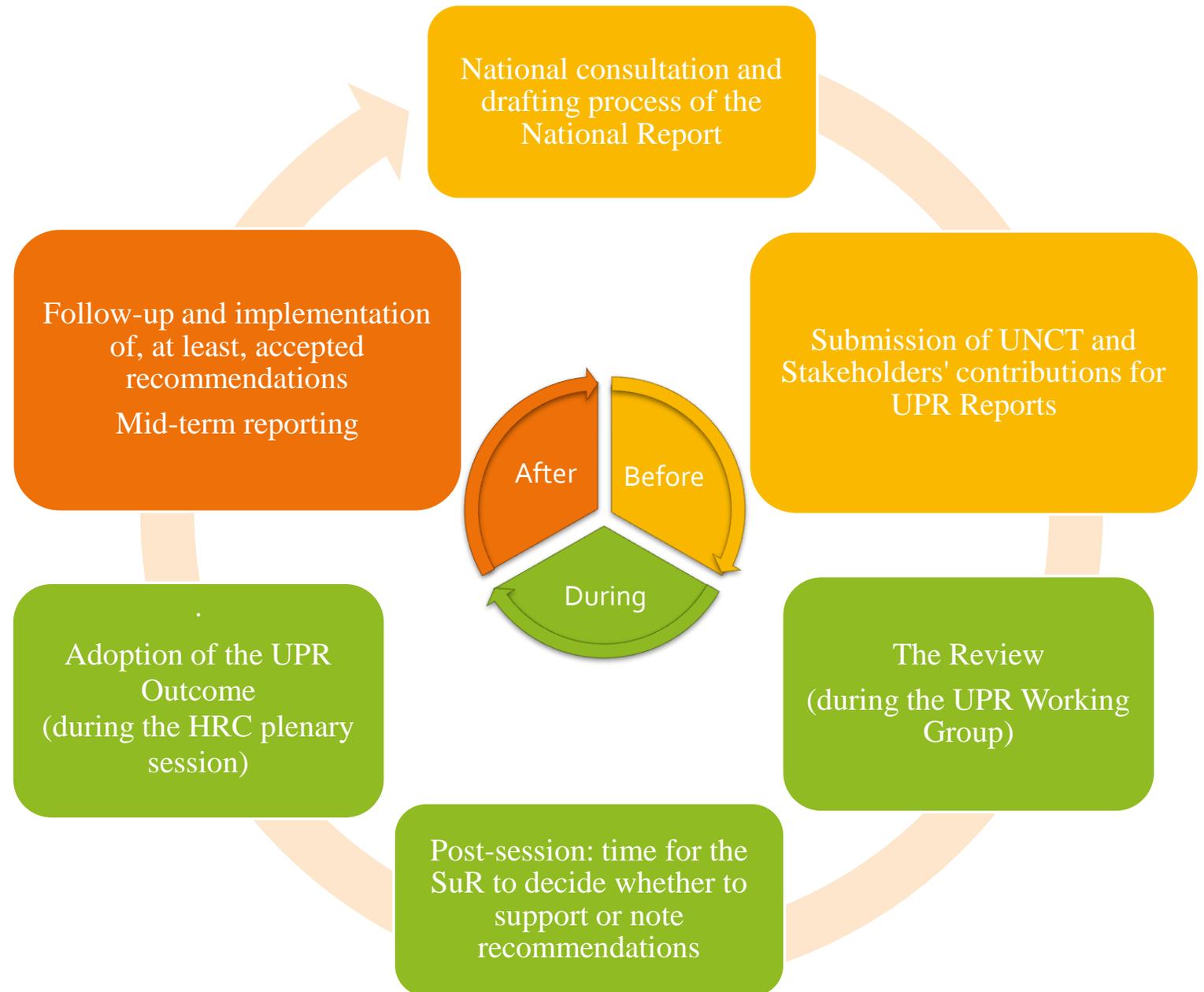
The UPR – its mandate and purpose

- Created through the **GA Resolution 60/251**, paragraph 5.e (2006)
- Cooperative mechanism and a **State-driven** process which reviews the fulfillment of human rights obligations and commitments of all 193 UN Member States once every four and a half years
- Provides an **opportunity for States to demonstrate actions** taken to improve their human rights situation. Reminds States of their responsibility to fully respect all human rights and fundamental freedoms
- Aims at **improving the human rights situation** and supports States to that direction

Recent developments linked to UPR outcomes and country engagement

- Ratification of international and regional human rights treaties;
- Adoption of National Human Rights Action/Implementation Plans;
- Adoption of anti-discrimination laws, and laws for the protection of women, children, minorities, and vulnerable groups;
- Revision of articles of penal /procedural codes so as to comply with international norms;
- Abolition of the death penalty;
- Establishment of independent Paris Principles compliant NHRIs; National Preventive Mechanisms set up under OPCAT, National Mechanisms for Implementation Reporting and Follow up;
- Integration of human rights recommendations in SDGs targets and their inclusion in VNRs for the HLPF;
- Engagement in prevention and peace sustaining efforts;

Key Phases of a UPR cycle within 4.5 / 5 years



General overview of the UPR Documentation

National Report

Prepared by the State under Review ideally following a broad consultation process with stakeholders

UN Compilation

Prepared by OHCHR using reports from treaty bodies, special procedures, including comments from the State, and other relevant official UN documents

Summary of Stakeholders

Prepared by OHCHR using credible and reliable information provided by relevant stakeholders, including NGOs, NHRIs and regional HR organizations

The quality of the reports prepared by OHCHR depends on the quality of inputs received by the key stakeholders: UN entities, Treaty Bodies, Special Procedures Mandate Holders, and Civil Society Organizations.

Role of Parliament at the national level

- Cornerstones of national human rights protection systems, laying the foundation for, and strengthening, the rule of law and its institutions, including the judiciary.
- Exercising legislative, oversight and budgetary functions, and ensuring human rights progress on behalf of rights holders
- Assessing and evaluating the human rights impact of measures, policies and practices
- acting as guardians of civil society participation, raising issues relating to human rights in the public arena
- Investigating alleged human rights violations through parliamentary inquiries, holding public hearings on human rights-related issues and carrying out on-site visits.
- raising public awareness of important human rights issues through campaigns
- Direct links with (Paris Principles compliant) NHRI and grass-roots organizations and individuals (NB : Belgrade Principles on relationship between NHRIs and parliaments)
- Uniquely positioned to contribute to closing implementation gaps, to prevent violations of human rights and to ensure better protection, especially of vulnerable groups

Role of Parliament

- the nexus with the international human rights system

- Parliaments serve as the **nexus between the international and national human rights arenas**. They are a principal channel through which the international and regional human rights mechanisms' recommendations reach the national level, in particular in their **legislative, budgetary and oversight roles**.
- The UN Secretary-General stated in his **report 72/791** that for strengthening democracy and promoting and protecting human rights, a key objective is enhancing the **contribution of parliaments to the work of the Human Rights Council and to the implementation of its UPR recommendations**.
- In its resolution 35/29 , the Human Rights Council acknowledged the crucial role that parliaments play in, inter alia, translating international commitments into national policies and laws.
- Parliaments are key in calling for the establishment of **national mechanisms for reporting and follow-up**. They may play an active role in the work of such mechanisms, and in ensuring an integrated approach to the reporting on and implementation of recommendations of human rights mechanisms

Role of Parliament - parliamentary human rights committees

- UN SG and HC repeatedly encouraged the establishment of a **dedicated human rights committee in parliament**
- SG report A/72/351 :
 - establishment sends a strong political message
 - encouraged a more proactive engagement of parliamentarians in the work of international human rights mechanisms, including through the development of a set of principles and guidelines
- HRC report 38/25 requested in resolution 35/29 and prepared by OHCHR in close cooperation with the IPU reflects the findings of a survey on parliamentary human rights committees
- Survey : **Mandates vary, though common core set of responsibilities:**
 - Legislative initiative, review and amendment in light of international human rights obligations of the State
 - Parliamentary oversight of executive in fulfilling its human rights obligations
 - parliamentary debates and hearings on human rights-related issues
 - engagement with national human rights institutions
 - provision of recommendations to the plenary of the parliament
- The growing engagement of Parliament's human rights committees internationally, especially in the HRC, and their oversight role nationally, with respect to human rights policies and actions by the Executive, is **actively supported by OHCHR and the IPU;**

Role of Parliament - parliamentary human rights committees

- HRC report 38/25 also contains specific **principles, in Annex I, on the setting up and effective functioning of a dedicated human rights committee;**
- Summary of **key responsibilities** in Principles:
 - Encouraging ratifications or accessions
 - Introducing and reviewing bills and existing legislation and proposing amendments
 - Leading parliamentary oversight of the work of Government in fulfilling its human rights obligations
 - Providing human rights-related information to parliamentarians
 - Reviewing draft national budgets for impact on human rights
 - Leading parliamentary action in response to national human rights developments and issues;
 - Participating in the national consultations held in preparation for, and during the process of, the drafting of reports to the international and regional human rights mechanisms
 - Leading the parliamentary oversight of the work of the Government in implementing recommendations of international and regional human rights mechanisms

Before the Review

- Maintain an **open dialogue** with the Executive, if existing through the NMRF, in the preparation of the national report and make an **active contribution** to that report (in particular through a parliamentary human rights committee)
- Encourage 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 implementation of recommendations from the previous review.
- encourage the Executive to fully consider and reflect in the national report the inputs received from all **stakeholders** through the consultation process;
- Encourage NHRIs, NGOs and CSOs to make their **own submissions** for the Summary of Stakeholder Information report;
- Consider holding **public awareness raising campaigns with constituencies** about the upcoming review;

Before the Review

- **Monitor the implementation** of UPR recommendations from the previous cycle and their integration into national development plans and SDGs efforts.;
- Encourage the Executive to prepare a **UPR mid-term report** taking stock of what has been done in terms of follow up to recommendations of the previous UPR cycle and of remaining challenges;
- Encourage the **NHRI, CSOs and local constituencies to share their assessment** of implementation of recommendations of the previous UPR cycle with the Parliament/parliamentary human rights committee, and possibly also through public hearings;

During the Review in the UPR WG and at Adoption in the HRC (item 6)

- **DURING THE REVIEW** – participate in the HRC WG session, in Geneva, either as a member of the Government delegation or as an observer, and meet with UN agencies and stakeholders in Geneva (IPU, OHCHR, missions and CSOs)
- **BETWEEN REVIEW AND ADOPTION** – Participate in the deliberations of the Executive held to determine the position on the UPR recommendations – especially on those recommendations that require action by the Parliament in order to be implemented. If the Executive does not involve parliament, consider summoning Ministers responsible for the UPR in order to be informed or discuss the acceptance of recommendations
- **AT THE ADOPTION OF THE OUTCOME**, about 3 months later - participate in the HRC item 6 UPR adoptions, in Geneva, either as a member of the Government delegation or as an observer

Useful tools to enhance implementation and follow-up

In order to **facilitate engagement with States** that have undergone the UPR, since the beginning of the third cycle, on **1 May 2017**, OHCHR makes available for each reviewed country - on its website (documentation by country):

- 1) **A Letter by the High Commissioner for Human Rights to the Minister of Foreign Affairs** with an **Annex** containing 10 – 15 areas which in the view of the High Commissioner require particular attention by the State over the next 4.5 / 5 years and before the next cycle of the UPR;
- 2) **A Matrix of thematically clustered accepted and noted recommendations** per State reviewed, which detail what the State in front of the international community and at the highest level has agreed to act upon following the review immediately or at a later stage; and
- 3) **An Infographic** which shows trends between the 2nd and 3rd cycle in terms of received and accepted recommendations and linking recommendations to specific SDGs, most notably SDG 16, SDG 10, SDG 8, SDG 5 and SDG 4;

These documents are presently available for **112 countries** and could be relied upon for advocacy with respect to policies and actions in the field of human rights;

After the Review

- Request the executive to provide a **briefing to parliament** on the UPR WG process, dialogue and outcome, including action plan on human rights and possible NMIRF
- Ensure **parliamentary follow up action** on those UPR recommendations that require legislative and budgetary action, as a member of the NMIRF
- Use the **Matrix of thematically clustered UPR recommendations** to ensure recommendations that have been accepted by the State and require Parliamentary action are acted upon by the Executive, when required, with the support of the UN system and the donor community;
- Encourage the Executive to submit a **regular update or a mid-term report** on the status of implementation of UPR recommendations, especially with respect to those that have been accepted, and make an active contribution to that report (particularly through the parliamentary human rights committee);
- Make **effective use of UPR 3rd cycle tools** (HC Letter to FM, Matrix and Infographic) in connection with **parliamentary debates** on issues, developments, policies and/or human rights related actions at country level

Further resources

- Universal Periodic Review: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>
- UPR 3rd and 4th Cycles: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/CyclesUPR.aspx>
- Parliament and HR: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/Parliaments.aspx>
- HC letter to the FM – Matrix and Infographic: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>
- National Mechanisms for Reporting and Follow-up (NMRF): http://www.ohchr.org/_layouts/15/WopiFrame.aspx?sourcedoc=/Documents/Publications/HR_PUB_16_1_NMR_F_PracticalGuide.pdf&action=default&DefaultItemOpen=1
- National Human Rights Action Plan (NHRAP): <http://www.ohchr.org/EN/Issues/PlansActions/Pages/PlansofActionIndex.aspx>
- Mid-term Report on the UPR: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRImplementation.aspx>
- Human Rights Indicators (HRI): <http://www.ohchr.org/EN/Issues/Indicators/Pages/HRIndicatorsIndex.aspx>
- National Recommendations Tracking Database (NRTD): <https://www.ohchr.org/Documents/HRBodies/UPR/NRTD.pdf>
- Universal Human Rights Index (UHRI): <http://uhri.ohchr.org/en/>
- Sustainable Development Goals: <https://www.un.org/sustainabledevelopment/sustainable-development-goals/>

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