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**Parliaments as Promoters of Human Rights, Democracy and the Rule of Law**

By e-mail on 19 Marts 2018 the Rule of Law and Democracy Section at the Office of the United Nations High Commissioner for Human Rights has requested contributions to the 2nd Forum on Human Rights, Democracy and the Rule of Law from 22 to 23 November 2018.

The Danish Institute for Human Rights thanks the OHCHR for the opportunity to promote the importance of the legislative process in national parliaments and the participation of NHRIs, NGOs and civil society organizations in the legislative process, to ensure the implementation of and compliance with international human rights standards. In addition, DIHR recommends that Parliaments should establish independent monitoring bodies to monitor the national compliance with international human rights standards.

The Parliament is a central actor in the promotion and implementation of international human rights standards at the national level and effective, transparent and accountable legislation are a cornerstone in the prevention of human rights violations. To ensure and promote effective, transparent and accountable legislation Parliaments should introduce measurers to ensure effective public participation in the legislative process. NHRIs, NGOs and civil society organizations should be involved in the process by inviting them to review human rights compatibility of proposed laws and policies.

Bearing in mind the Belgrade Principles it should be further noted, that the NHRI shall be consulted by the Parliament on the content and applicability of a proposed new law with respect to ensuring human rights norms and principles are reflected therein. The NHRI shall make proposals of amendments to legislation where necessary, in order to harmonize domestic legislation with both national and international human rights standards. The NHRI shall work with Parliaments to promote human rights by legislating to implement human rights obligations, recommendations of treaty bodies and human rights judgments of courts. Furthermore, the NHRI shall work with the Parliament to develop effective human rights impact assessment processes of proposed laws and policies.[[1]](#footnote-1)

The legislative competences of the Parliament enables them to give effect to human rights and to implement recommendations and jurisprudence from international bodies such as the UPR-mechanism, UN treaty bodies, special rapporteurs, regional committees as well as international and regional courts.[[2]](#footnote-2)

As mentioned in the Belgrade Principles, the Parliament and the NHRI shall co-operate in monitoring the government’s response to judgments of courts and other administrative tribunals or bodies regarding issues related to human rights. NHRIs shall monitor judgements against the state concerning human rights, by domestic, regional or international courts, and where necessary, make recommendations to Parliament about the appropriate changes to law or policy. Parliaments should consider NHRIs recommendations about the response to human rights judgements. The Parliament and the NHRI as appropriate should encourage the Executive to respond to human rights judgements expeditiously and effectively, to achieve full compliance with human rights standards.[[3]](#footnote-3)

The Parliament are key to debate and address possible violations of human rights. In order to do so on a solid foundation, the Parliament should establish independent monitoring bodies with competence to investigate compliance with international human rights standards.

An example is the establishment of the National Preventive Mechanisms (NPMs) in accordance to the Optional Protocol to the Convention against Torture (OPCAT). NPMs are independent expert bodies tasked with monitoring places of detention through regular visits. To be compliant with OPCAT, the NPM must be independent and entitled to make unannounced and unhindered visits to every place in the country where people are deprived of their liberty.[[4]](#footnote-4)

Kind regards

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1. For more information, see: UN Human Rights Council, National institutions for the promotion and protection of human rights: report of the Secretary-General , 1 May 2012, A/HRC/20/9, available at: <http://www.refworld.org/docid/5007fe912.html> [accessed 23 March 2018], Annex: Belgrade Principles on the Relationship between National Human Rights Institutions and Parliaments (Belgrade, 22-23 February 2012) para. 27 - 31: <https://nhri.ohchr.org/EN/Themes/Portuguese/DocumentsPage/Belgrade%20Principles%20Final.pdf> [↑](#footnote-ref-1)
2. UPR, CAT and Jurisprudence from ECHR [↑](#footnote-ref-2)
3. For more information, see: UN Human Rights Council, National institutions for the promotion and protection of human rights: report of the Secretary-General , 1 May 2012, A/HRC/20/9, available at: <http://www.refworld.org/docid/5007fe912.html> [accessed 23 March 2018], Annex: Belgrade Principles on the Relationship between National Human Rights Institutions and Parliaments (Belgrade, 22-23 February 2012) para. 41 - 44: <https://nhri.ohchr.org/EN/Themes/Portuguese/DocumentsPage/Belgrade%20Principles%20Final.pdf> [↑](#footnote-ref-3)
4. For more information, see: United Nations Human Rights Office of the High Commissioner, Optional Protocol to the Convention against Torture (OPCAT), [accessed 26 March 2018]: [http://www.ohchr.org/EN/HRBodies/OPCAT/Pages/OPCATIndex.aspx](https://www.ohchr.org/EN/HRBodies/OPCAT/Pages/OPCATIndex.aspx) [↑](#footnote-ref-4)