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UNITED NATIONS HUMAN RIGHTS COUNCIL

PANEL ON THE CONTRIBUTION OF PARLIAMENTS TO THE WORK OF THE COUNCIL AND ITS UNIVERSAL PERIODIC REVIEW

29 MAY 2013, GENEVA

Introductory remarks by Mr. Anders B. Johnsson Secretary General, Inter-Parliamentary Union

Good morning,

Let me start by saying how pleased I am that the Human Rights Council is discussing for the first time the contribution parliaments can make to its work and how the Council can incorporate that input into its own deliberations. I will try to make some recommendations to this end, but let me first say a few words about the IPU.

The IPU is an international political organization at the service of parliaments. Today, 162 national parliaments are Members of our Organization and participate in our work through delegations that reflect the entire political spectrum in parliament. They debate issues that are high on the international agenda, not least among them human rights.

The IPU has a Standing Committee dedicated to Human Rights and Democracy and a Programme that helps parliaments gain a better understanding of international human rights standards and mechanisms and their own role in ensuring implementation. The IPU also has a special Committee for addressing human rights violations affecting individual parliamentarians. It is based on the premise that MPs can only speak out in defence of those they represent if their own human rights are protected.

We work closely with the Office of the United Nations High Commissioner for Human Rights in many areas. The two organizations have jointly published a handbook on human rights for a parliamentary audience and I hope we will soon be able to publish an updated version given the high demand for this valuable human rights tool.

The IPU raises awareness among parliaments about the Council, the UPR and their possible contribution. We inform parliaments of the upcoming examination of their countries' national reports and organize capacity-building workshops for parliamentarians to enhance their understanding of the UPR.

This work is vital. A recent IPU survey found that many parliaments are unfamiliar with the work of the Council and the UPR. The good news is that the tide appears to be turning.

Mr. Chairman,

A genuine partnership between parliaments and the Council would require the Council to engage with parliaments and take their work into account. I am aware that not everyone fully embraces this idea.

Some argue that it is difficult for the Council to reach out to parliaments because each country is sovereign in deciding how to comply with its human rights obligations. Sceptics point out that parliaments are not official stakeholders in the UPR process and that their involvement might jeopardize the foundations of a painstakingly crafted universal procedure. They also fear that associating parliaments with the process would unnecessarily politicize the debate in Geneva.

Let me try to allay these fears. Yes, parliaments are not mentioned as stakeholders in the UN General Assembly resolution establishing the Council and we are not suggesting otherwise. However, your Council stands much to gain from taking account of parliaments' work in order to enhance human rights implementation at the national level. Most of the recommendations you formulate in the course of the UPR in fact require legislative action in order to be implemented.

This is a well-established fact and explains why, last year, UN Member States adopted by consensus a landmark resolution on interaction between the United Nations, national parliaments and the IPU, in which they encouraged the IPU to *“provide a parliamentary contribution to the human rights treaty body system and to the Human Rights Council, along the lines of the cooperation developed in recent years between the IPU, the Committee on the Elimination of Discrimination against Women and national parliaments whose countries are under review”*.

The mere fact of recognizing that parliaments have a critical contribution to make to the work of the Council is fundamental. Human rights are not technical matters; they often require tough political discussions and decisions. The political component is therefore inevitable. We believe that rather than try to keep the politics out, it is important to embrace the political process for what it is. Parliaments can help promote public debate on human rights and seek input from all segments of society. Moreover, they can lend democratic legitimacy to the outcome of that debate and galvanize public support for implementation.

If we accept that there is some merit in involving parliaments in the work of the Council and the UPR in particular, the next question is *how*. As a minimum, UPR recommendations should be systematically submitted to parliament for discussion and follow-up.

This begs another question: Should parliament be involved in drafting the national report? Some consider this the preserve of the executive or feel that such involvement would compromise parliament's independence. Others believe that parliaments would do well to contribute to the report. Whichever view you hold, there seems to be consensus that, at the very least, parliament must be informed of the report and have an opportunity to debate it.

Opinions differ again on whether members of parliament should be included in official delegations presenting the report to the Council. Yet no one disagrees that it could be useful for members of parliament, in an observer capacity and as part of their official delegation, to attend the interactive dialogue in the Council. Ideally, parliamentarians attending the Council session should represent the political diversity in Parliament and work directly on human rights issues.

Mr. Chairman,

How then can the Human Rights Council reach out, with the help of the IPU, to parliaments? Let me put to you the following concrete recommendations for your consideration.

First, the Council can adopt an official statement, such as a resolution or other text, acknowledging the role that parliaments can play in its work. By way of example, the Committee on the Elimination of All Forms of Discrimination against Women adopted a comprehensive statement in 2008 on the relationship between the Committee and parliamentarians. The CEDAW statement recommends that States parties ensure the full participation of parliament

and its members in the reporting process and implementation of the Convention and its Protocol. It suggests several types of action, on which you may wish to draw.

Second, the CEDAW example shows that nothing prevents the Council from questioning official delegations about the level of parliamentary involvement - be it through presentation or debate of the report or sharing of the UPR's recommendations.

Third, the IPU will continue to request feedback from the parliaments of the countries due to be examined on their involvement in the UPR, in particular the implementation phase. We are already doing this for the implementation of the CEDAW Convention and present the results regularly to the CEDAW Committee. The IPU envisages the same for the Council. This could happen when each country is examined individually or ideally, under a separate agenda item, so as to keep the Council abreast of parliamentary involvement for all the countries under examination at a particular session. We invite your suggestions on this matter.

Fourth, the Human Rights Council may welcome a parliamentary perspective on specific human rights issues. The IPU would certainly be interested in working with parliaments on a specific issue during a given year and then reporting back to the Council. Such a report could provide valuable insights to members of the Council on the implementation of human rights norms. Already, the IPU works with parliaments on many of the topics you cover. Of particular interest to us are democracy and the rule of law, children's rights, freedom of expression and assembly, disabilities, integration of a gender perspective and discrimination and violence against women. But, we are open to your suggestions.

Fifth, the Human Rights Council can play a critical role in helping ensure that its special procedures systematically take parliaments into account in their work, such as in their research, when they go on mission and when they draft their reports. Closer cooperation with parliaments is beneficial to the work of the special procedures for the same reasons that you stand to gain from work in parliament.

Sixth, the Human Rights Council can help ensure that OHCHR capacity-building and awareness-raising activities include members of parliaments so that they become fully sensitized to the work of the Council and to their own responsibilities in the area of human rights. We believe that capacity-building activities should take a holistic approach and focus on building effective national human rights protection systems that include all relevant national stakeholders. We also believe that it would be useful to analyse more closely how some national protection systems function and identify best practices that could be replicated elsewhere. Here again we stand ready to assist in bringing this about.

Lastly, many parliaments have modernized their structures and working methods in recent years and the Human Rights Council could stand to benefit from that experience. For example, the ground-breaking joint IPU-UNDP *Global Parliamentary Report* on the changing nature of parliamentary representation shows how in a constantly evolving environment parliaments and their members have had to adapt and find new ways to reach out and engage with citizens. Similarly, our work to promote a genuine partnership between men and women in political life shows how parliaments are increasingly taking measures to become gender-sensitive. It would be useful for all of us to draw parallels on the need for openness, change and inclusiveness in our working methods.

I will conclude by expressing the hope that you will at least consider, or better still, take on board, some of the recommendations I have outlined here today. I look forward to a fruitful collaboration between the Human Rights Council and the IPU in the future.

Thank you.