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AMENDMENTS TO THE STATUTES AND RULES

(b) REVISED RULES AND PRACTICES OF THE COMMITTEE ON THE HUMAN RIGHTS OF PARLIAMENTARIANS

(February 1989; revised in May 2007 and January 2014)

In order to enhance its effectiveness, the Committee made a series of changes to its methods of work in July 2012, of which it informed the Governing Council in October that year. The attached revised rules and practices of the Committee include these changes, which can be grouped into the following five categories:

Fewer meetings, more actions - With a view to adopting a more personalized and proactive approach, the Committee's members conduct more country missions, establishing direct contact with the sources and cooperating with the parliamentary authorities with a view to resolving cases. In order to have the necessary time and resources to use this approach, the Committee meets only once outside of the IPU Assemblies. That meeting takes the form of a "special" session at which it decides on its activities and priorities.

Full-fledged Committee membership - The Committee comprises 10 members, namely five titular and five substitute members. In practice, many substitute members participate actively and fully in the work of the Committee, along with the titular members. In order to recognize this reality and enable all members to contribute officially on an equal footing, all members are now considered full-fledged members.

Establishing priorities among the cases - The Committee gives priority to cases requiring immediate attention and no longer automatically considers all cases at each of its sessions.

Enhanced involvement of IPU Member Parliaments - Emphasis is placed on the fundamental principle of parliamentary solidarity, which underpins the work of the Committee. Concrete action is proposed to heighten awareness of the Committee's activities among IPU Members and involve them more deeply.

Greater visibility - In order to ensure full transparency, the Committee's work is made more public. More human, visual and interactive communication accompanies this effort so as to give enhanced visibility to the Committee's work.

Revised rules and practices of the Committee on the Human Rights of Parliamentarians

(February 1989; revised in May 2007 and January 2014)

The functioning of the Committee on the Human Rights of Parliamentarians is governed by the "Procedure for the examination and treatment by the Inter-Parliamentary Union of communications concerning violations of the human rights of parliamentarians", which came into force on 1 January 1977, and by the subsequent decisions taken by the Governing Council (formerly the Inter-Parliamentary Council) and by the Committee itself.

I. Composition of the Committee

1. The Committee on the Human Rights of Parliamentarians (hereinafter called the Committee) shall be composed of 10 members of Member Parliaments of the Inter-Parliamentary Union (IPU), elected by the Governing Council in an individual capacity on the basis of their competence, commitment to human rights and availability. They shall have a good command of at least one of the IPU's two working languages: English and French. The IPU Secretary General shall be entrusted with helping ensure that candidates standing for election, the geopolitical groups and IPU Members are fully aware of the requirements stated above.

2. Committee members shall be elected for a single five-year term. In case of resignation, loss of parliamentary mandate or death of a member, or if the affiliation of the parliament to which the member belongs is suspended, his/her term shall automatically come to an end. In such a case, another person shall be elected from the same geopolitical group for a new, full five-year term. In case of loss of parliamentary mandate, the individual shall remain a member of the Committee until such time as his/her successor is elected.

3. The composition of the Committee should reflect an equitable geopolitical distribution of seats.

4. The Committee as a whole should be gender-balanced and in principle comprise five men and five women. In any case, there shall be no fewer than four members of either sex.

II. Objectives of the Committee

5. The Committee shall defend the human rights of current, and in certain circumstances, former members of a national Parliament whenever their rights are at risk or appear to have been violated.

6. The Committee shall aim to: (i) Prevent possible violations; (ii) Put an end to ongoing violations; and/or (iii) Promote State action to offer effective redress for past violations.

7. The Committee shall examine, on the basis of a detailed procedure (see also Annexes I to IV), complaints of alleged violations of which it is seized by a qualified source.

8. The Committee shall use all possible means to give visibility to its work in defence of the human rights of parliamentarians. The absence of a complaint shall not preclude efforts by the Committee to advocate respect for the human rights of parliamentarians and raise awareness of violations and risks faced by parliamentarians.

9. In carrying out its mandate, the Committee shall base itself on applicable international, regional and national human rights standards as well as pertinent recommendations emanating from relevant United Nations, regional and national institutions.

10. The Committee shall strive to take into account gender equality concerns in its working methods, processes and objectives.

11. The Committee may suggest that capacity-building assistance be offered to the parliament and other State institutions where the alleged violation has taken place in order to address underlying concerns giving rise to the submission of the complaint.

12. The Committee may request the IPU Secretary General to organize events or conduct studies to address thematic or regional concerns which appear in its case-load and have wider ramifications for the rights of parliamentarians and/or the functioning of parliaments. The Committee may also make specific suggestions to other IPU bodies.

III. Methods of work

· Sessions

13. Barring exceptional circumstances, the Committee shall meet three times a year: an extended session shall be held at IPU Headquarters in January or June/July and a regular session shall be held in the days leading up to and during each of the two IPU Assemblies.

14. The Committee's sessions shall be held *in camera*.

15. The Committee shall set the dates of its next sessions in the light of proposals made by the IPU Secretary General.

· President and Vice-President

16. The Committee shall elect its President and Vice-President for one year, unless it decides otherwise in the light of special circumstances. Both shall be eligible for re-election. The Committee shall strive to ensure that the President and Vice-President are of opposite sexes.

17. The Vice-President shall replace the Committee President in the latter's absence. In case of resignation, loss of parliamentary mandate or death of the President, or if the affiliation of the parliament to which the President belongs is suspended, his/her functions shall be performed by the Vice-President.

· Agenda

18. The provisional agenda of the Committee shall be drawn up by the IPU Secretary General, in consultation with the Committee President.

19. The agenda shall include an item on follow-up action by Committee members and Member Parliaments on decisions adopted on individual cases.

· Quorum

20. The quorum for deliberating and taking decisions shall be six members.

· Confidential and public nature of the Committee's work

21. The Committee's deliberations and all correspondence and documents submitted to it shall be kept confidential at all times. The Committee members shall undertake personally to respect this rule of confidentiality. The Committee shall call on the parties directly concerned to ensure that its deliberations, documents and correspondence submitted to it or sent by it remain confidential.

22. The Committee's decisions shall be made public as a matter of principle unless it believes there are overriding reasons to keep a decision confidential. Such reasons include strong indications that: (i) only confidentiality will promote a resolution of the case; (ii) a public decision will put the security of the victim and/or complainant at risk; (iii) the concerns in the case are not sufficiently clear; and/or

(iv) the complainant is using the Committee purely for political gain. In respect of confidential cases, the IPU Secretary General shall communicate the decision only to the parties concerned. The Committee may also mandate the Secretary General to convey a confidential decision to other parties which it deems to be in a position to help it in the examination of the case. The Secretary General shall not be held responsible for the reproduction and distribution of the Committee's confidential decisions and other submissions by the parties concerned.

23. When the Committee meets during IPU Assemblies, its President shall report on its work to the Governing Council, to which it shall submit draft decisions for adoption on individual cases which, if adopted, shall enjoy the support of the full IPU membership. Should the Committee President be unable to attend, the report shall be presented by the Vice-President or, in his/her absence, by another Committee member designated by the Committee. The report to the Council may also contain one or more personal testimonies from the persons affected or their representatives. The text of all adopted decisions shall make mention of any clear reservation on the substance of the decision expressed by the delegation of the country concerned and/or other parties.

Organization of examination of cases

24. The Committee shall prioritize discussion of and action on its cases. To this end, the Committee shall always examine cases which are submitted to it for the first time. It shall further prioritize examination of cases with significant positive or negative developments, cases of ongoing risk to life, physical integrity and liberty or continuing serious intimidation and cases in which no developments have occurred but which require a strategic discussion and/or shift of focus.

25. Previous decisions on cases shall remain applicable as long as they have not been superseded by a new decision of the Committee.

26. Once a year, during an extended session held in January or June/July, the Committee shall examine all the cases before it and shall plan, to the extent possible, its activities for the next 12 months, including the hearing of delegations, sources and other parties and the organization of on-site missions, visits and trial observations. The foregoing shall not preclude the discussion or planning of activities at the Committee's other sessions.

27. At the extended session, the Committee shall decide for each case whether or not it will be the subject of a decision at that session. The Committee may decide, in respect of the other cases, whether, in the absence of a decision, specific follow-up action is nevertheless required. The Committee shall adjourn the adoption of any decision on the other cases to a future session on the understanding that its concerns as expressed in its most recent decisions in those cases shall remain valid.

Use of experts, hearings, missions, visits and trial observations

28. The Committee may consult experts, hold hearings, carry out on-site missions and visits and mandate the observation of trial proceedings in accordance with established rules and criteria (see Annexes III and IV).

Recusal of Committee members

29. In principle, Committee members shall not attend and participate in deliberations and decisions on any case concerning a member of parliament who is a national of his/her country. The Committee may, however, invite the member concerned to provide his/her observations on the case.

Decisions

30. As a general rule, the Committee's decisions shall be taken by consensus. In the absence of consensus, the Committee shall decide by a simple majority of the members present.

· **Organization of work between sessions**

31. Within 14 days after the end of the session, the IPU Secretary General shall provide Committee members with a succinct summary of what, if any, decision was taken for each case at the session.

32. In-between sessions, the IPU Secretary General shall promote implementation of the case decisions and other follow-up action identified by the Committee at its previous session(s) and take steps in respect of any new or other cases warranting an immediate response. With regard to the other cases, the IPU Secretariat shall closely monitor developments.

33. The Committee members, and first and foremost its President, may be consulted where appropriate between sessions on the submission of new cases and developments in cases already under examination by the Committee, as well as on the organization of on-site missions, visits and trial observations.

34. In-between sessions, the Committee may exceptionally adopt a public or confidential decision in the event of an urgent situation requiring its immediate attention. To this end, should the IPU Secretary General receive information from a qualified source warranting an urgent Committee decision, he/she shall contact the Committee President, and with the latter's approval, inform all other members, suggest a course of action and ask for their feedback within 48 hours, or in absolute emergencies, 24 hours. It shall be assumed that those members who do not respond within the deadline agree tacitly to the proposed course of action.

· **Parliamentary solidarity**

35. The work of the Committee shall be based on the principle of parliamentary solidarity. It shall therefore seek, where useful, to engage with IPU Member Parliaments in facilitating satisfactory settlements in the cases before it and to give prominence to parliamentary action taken to promote such solutions.

36. Following each Committee session, the IPU Secretary General shall invite all IPU Member Parliaments to take action to follow up the decisions on individual human rights cases and to report on any action taken. In so doing, the Secretary General may pay special attention to certain cases warranting parliamentary action.

37. The Committee may also take other steps to promote parliamentary solidarity. Such efforts may include, but are not limited to: (i) requesting the IPU Secretary General to write to the chairpersons of the geopolitical groups about the public cases pending in or outside their regions; (ii) inviting, at a session during the Assembly, one or two chairpersons of geopolitical groups to discuss implementation of decisions affecting their (or another) region; (iii) publicly informing the IPU membership about follow-up action taken by each IPU Member on decisions adopted in human rights cases; (iv) entrusting Committee members with the task of presenting its work to the meetings of the Executive Committee, geopolitical groups, the Association of Secretaries General of Parliaments and, possibly, the Third Standing Committee on Democracy and Human Rights during IPU Assemblies; and (v) organizing, as a matter of principle, an information session for the parliamentary and other authorities of the host country of an IPU Assembly.

· **Adoption and amendment of the rules**

38. One or more of the members of the Committee and/or the IPU Secretary General may propose amendments to the Rules. The Committee shall adopt such amendments by an absolute majority of the members present at the time of the vote. Any amendments adopted by the Committee shall be submitted to the Governing Council for approval.

· **Secretariat**

39. The Committee shall have a Secretary and a team of IPU staff to assist it in its day-to-day work. The Secretary shall be under the direct authority of the IPU Secretary General and, along with the former's team, cooperate closely with other IPU staff to ensure the effectiveness of the Committee's work.

Annex I: Procedure for the examination and treatment of complaints

(February 1989; revised in May 2007 and January 2014)

I. Qualified complainants

1. Qualified complainants under the procedure shall be:
 - (a) A (former) parliamentarian(s) (or person authorized by him/her/them to make such complaints and/or a family member) who has/have been the subject of a violation of his/her/their human rights;
 - (b) Another member of parliament;
 - (c) A political party; or
 - (d) An authoritative international or national organization competent in the field of human rights (United Nations and its specialized agencies; intergovernmental organizations; inter-parliamentary organizations; and non-governmental international and national organizations competent in the field of human rights).

II. Presentation of complaints

2. In principle, complaints shall be addressed to the Committee President or the IPU Secretary General, at IPU Headquarters.
3. A list of items of information to be provided shall be made available (Annex II). It shall be designed to assist applicants in presenting a complaint that is as complete, precise and concise as possible.

III. Preliminary investigation of cases

4. The IPU Secretary General shall establish a file on any complaint received. In order to do so, he/she shall be authorized to request additional information from the author(s) of the complaint, as well as from the authorities of the State concerned or, if appropriate, from third parties able to supply such information. He/she shall avail himself/herself of any document relevant to the study of the case, particularly the pertinent texts of national laws and international legal instruments and any document from competent international or regional organizations.
5. The IPU Secretary General shall request additional information only when there are grounds for presuming that the complaint is admissible. In the absence of such grounds, the Secretary General may refrain from conducting a preliminary investigation.
6. The identity of the author(s) of complaints shall be disclosed only with his/her/their agreement and when such disclosure is deemed appropriate.
7. The allegations and other information on file shall be outlined and forwarded first and foremost to the parliamentary authorities of the country in question for their comment. The IPU Secretary General may also address the request for information to any competent authority likely to provide official information.
8. It is expressly stated that this approach shall be aimed solely at requesting information before the case is examined by the Committee, and that it shall in no way prejudice such action as may be taken on the case by the competent bodies of the IPU.
9. The IPU Secretary General shall inform the author of a complaint of information received from the authorities of the country in question, particularly when new developments occur affecting the situation of the parliamentarian concerned, and vice versa.

IV. Standards and criteria of admissibility

10. Complaints may refer only to members of a national Parliament, not to members of regional and local assemblies.

11. The Procedure shall be applicable to members of parliament who are or have been subjected to arbitrary actions during the exercise of their parliamentary mandate, whether the Parliament is sitting, in recess or has been dissolved as the result of unconstitutional or extraordinary measures. The Committee shall also be competent to examine complaints regarding former members of parliament when the alleged arbitrary actions refer directly to events that took place when the individual was still a member of parliament.

12. With respect to alternate members of a national parliament, admissibility shall depend on the nature of the function involved and how it is exercised.

13. Other standards and criteria of admissibility may be determined in individual cases by the Committee, based on its experience.

14. Decisions on admissibility and non-admissibility of complaints shall be transmitted to the parties directly concerned, together with a statement of the grounds of such a decision.

V. Examination of complaints

15. For each case, the IPU Secretary General shall present a report containing the following:

- Information on the source(s) of the complaint and the date(s) of the communication(s);
- An analytical summary of the allegations and any other information on file;
- Legal references and background (national and international);
- Observations on the formal admissibility of the communication(s); and
- Information on the preliminary investigation of the case and/or previous treatment thereof, particularly the date and content of the reply from the authorities of the country in question to such requests for information as may have been addressed to them.

16. The Committee shall examine each of the cases before it on the basis of the file compiled for that purpose by the IPU Secretary General.

17. The Committee shall seek to establish the facts of a case. For this purpose, the IPU Secretary General shall invite the authorities to comment on the information provided by the author of a complaint, and the author of a complaint to comment on the information provided by the authorities. The Secretary General may also seek information from any other reliable source likely to provide relevant information.

18. The Committee shall seek, to the extent possible and as appropriate, to establish contact with the parliamentarian concerned, first of all, in order to ascertain that he/she has no objection to the Committee examining his/her case and, second, to ensure a continuous flow of first-hand information regarding his/her case.

19. The Committee shall do everything possible to foster a dialogue with the authorities of the countries concerned, first and foremost their parliament, in the pursuit of a satisfactory settlement.

20. The IPU Secretary General shall inform the Committee of any technical cooperation project the IPU is conducting or intends to conduct in a country in which it is examining a case. It may invite the Secretary General to take steps to ensure that its concerns in that case are taken into consideration in order to ensure coherent action by the IPU.

21. The Committee shall engage, including where possible through an official partnership, with relevant international and regional political structures, first and foremost their parliamentary arm, and/or their human rights mechanisms. At the national level, the Committee shall engage, where possible and useful, with in-country UN missions, national human rights institutions and national human rights organizations. The Committee shall also engage directly with parliamentary human rights committees in those countries that have cases before it and in countries that take a keen interest in human rights issues abroad.

VI. Consultation of experts

22. Experts may be consulted when the Committee deems it appropriate.

VII. Hearings

23. The Committee may hold hearings in accordance with the established rules and criteria (Annex III).

VIII. Missions, visits and trial observations

24. In specific cases, the Committee may decide to carry out an on-site mission and/or visit or mandate the observation of trial proceedings. Such action shall be taken in accordance with established rules and criteria (Annex IV).

IX. Closure of cases

25. The Committee shall continue in principle to examine a case at future sessions as long as a satisfactory settlement has not been reached. The Committee may decide to close a case, however, if: (i) in its view a satisfactory settlement cannot be reached; (ii) the complainant has not provided any updated information in spite of repeated requests and the complainant's ability to do so; or (iii) the complainant states that further action by the Committee is no longer useful.

26. In cases where current or former parliamentarians or their direct representatives are complainants in the case, their response, or absence thereof, shall take precedence over the response of other complainants in the matter. The Committee may reserve the right to re-open a case in the light of new information provided by complainant(s).

27. In cases where a confidential case has been satisfactorily settled, the Committee may decide to announce publicly its closure and state the reasons thereof.

28. Whenever the Committee adopts a decision to close a case, that decision shall be communicated to the parties directly concerned.

Annex II: Presentation of complaints

The list of items below is designed to help applicants prepare a complaint which is as complete, precise and concise as possible, so as to facilitate the work of the Committee on the Human Rights of Parliamentarians. ¹

I. Information concerning the complainant

Family name:

First name:

Nationality:

Sex:

Home address:

e-mail address for exchange of confidential correspondence:

Highlight in which capacity the person submitting the complaint meets the criteria of a qualified source:

- 5 a (former) parliamentarian(s) whose rights have been violated;
- 5 a person authorized by a (former) parliamentarian whose rights have been violated;
- 5 a family member of a (former) parliamentarian whose rights have been violated;
- 5 another parliamentarian;
- 5 a political party; or
- 5 a recognized national or international organization in the area of human rights (United Nations and its specialized agencies; intergovernmental organizations; inter-parliamentary organizations and national or international non-governmental organizations competent in the area of human rights).

Does the person submitting the complaint agree for his/her identity to be made known to the authorities of the State in question?

- 5 Yes
- 5 No (specify reasons for refusal)

II. Information concerning the victim of the violations

Member or former Member of Parliament whose rights have been violated:

Family name:

First name:

Nationality:

e-mail address for eventual exchange of confidential correspondence:

Name of political party:

Political affiliation at the time of the alleged violation(s):

- 5 Majority
- 5 Opposition
- 5 Independent
- 5 Other (specify)

¹ This list of items was established by the Committee during its first session, in January 1977.

Information concerning parliamentary status:

(a) At the time of the alleged violation

5 Sitting parliamentarian

5 Former parliamentarian (specify end date of parliamentary term)

(b) At the time of the presentation of the communication

5 Sitting parliamentarian

5 Former parliamentarian (specify end date of parliamentary term)

III. Information concerning the alleged violation

Statement of the facts ² constituting a violation of rights (indicate in particular the place and date of the acts of violation):

Information concerning, if relevant to the case, parliamentary immunity:

Information concerning, if relevant to the case, information on gender-based violations:

Provisions of relevant public laws and international legal instruments ³:

Information concerning domestic remedies available and invoked: (parliamentary, judicial or disciplinary procedure)

Names and addresses of persons with whom the Committee could, if necessary, communicate in order to obtain further information (in particular, name and address of legal counsel):

Documents annexed to the complaints:

Suggested action ⁴:

Place and date:

Signature ⁵:

² The description of the facts should, as far as possible, be complete, precise and concise, and accompanied by supporting evidence.

³ The statement should, as far as possible, be accompanied by relevant extracts of the texts of the public laws referred to.

⁴ These suggestions are merely indicative. It is the responsibility of the Committee to determine, within the limit of the Inter-Parliamentary Union's capabilities, the action to be taken on them.

⁵ For international organizations, signature of a person empowered to represent the organization.

Annex III: Arrangements concerning hearings

(July 1983, revised in May 2007 and January 2014)

I. Hearings with the Committee in corpore:

- (i) Hearings may be held with parliamentary authorities, other competent authorities, the complainant(s), the alleged victim(s), representatives of relevant international and national organizations and experts;

They may be held; (i) on the initiative of the Committee itself; (ii) at the request of any of the above-mentioned entities or persons.

- (ii) The Committee shall seek to organize a hearing of its own volition and accept a request for a hearing whenever it considers this to be useful and appropriate in the examination of a case.

- (iii) Requests for a hearing with the Committee shall be made in good time prior to the corresponding session so that the Committee, or its President, may assess the advisability of such a procedure and give its consent.

- (iv) In order to ensure the effectiveness of this procedure, the hearing shall be held in such a way as to meet the needs of the Committee. With this in mind:

- At the opening of the hearing, the President of the Committee may specify to the person(s) concerned the conditions in which he/she/they will be heard and inform him/her/them of the elements of the case on file to which the hearing will relate, if necessary stating the main points requiring clarification;
- The time available to a person(s) to make his/her/their preliminary statement shall be established in advance. The person(s) shall then be invited to reply as concisely as possible to specific questions. The Committee may decide that, between the time of the general statement (which will enable it to assess the intentions of the person concerned) and the time devoted to questions, the person(s) concerned shall leave the room to enable the Committee to identify the points requiring clarification; and
- The Committee shall decide if it is necessary to ask the person(s) being heard to confirm or clarify in writing certain points of his/her/their statements.

- (v) Hearings shall preferably take place in one of the working languages of the Committee.

II. Hearings with the Committee President or a designated member(s)

The Committee may decide to designate its President or another member(s) to meet *in camera* and hear any entities or persons mentioned under A (i).

Annex IV: Principles and criteria for conducting on-site missions, visits and trial observations

(April 1986, revised in May 2007 and January 2014)

I. Principles and objectives

1. In order to advance its work to defend the human rights of parliamentarians and to make progress towards the satisfactory resolution of one or more cases, the Committee may decide to carry out a mission or visit, or to observe a trial.
2. Such missions and visits may be envisaged for countries in respect of which cases are pending before the Committee or for countries that are the seat of relevant international or regional organizations or that have national parliamentary committees, other institutions and/or sources of information that may assist the Committee in its work.
3. In exceptional circumstances, a mission or visit may also address political or parliamentary challenges that go beyond the Committee's specific mandate but that need to be addressed in order to resolve the specific cases dealt with by the Committee.
4. When the Committee is not in session, a decision to dispatch a mission, make a visit and/or observe a trial may be taken by correspondence. In particularly urgent or serious circumstances, the decision may be taken by the Committee President in consultation with the IPU Secretary General. Any decision to this effect shall immediately be communicated to the Committee members.
5. Missions shall normally comprise at least two delegates, if possible at least one man and one woman, and extend over several days on the basis of a comprehensive programme that shall include meetings with all relevant authorities, the complainant(s) and other parties in a position to assist the Committee in its work.
6. Visits shall normally be carried out by a single Committee member or another person mandated by the Committee.
7. The length of trial observations shall depend on the schedule of hearings. As part of a trial observation, the observer shall meet with the relevant authorities in the case, in particular the prosecutor's office and the court authorities, as well as the complainant(s)/alleged victim(s) and defence counsel.
8. Trial observations shall be carried out by legal experts and/or members of parliament. Their competence in and impartiality vis-à-vis the case at hand shall be beyond doubt. They shall not at the same time be members of the Committee.
9. A representative(s) of the IPU Secretariat, where possible, shall accompany on-site missions and visits.
10. A mission or visit may only take place with the explicit approval of the authorities of the country in question. In cases where the parliament is represented in the IPU, the necessary contacts and approaches shall be made through that parliament or with its approval. This rule shall apply to all missions or visits except in cases where no interaction is foreseen between the delegation and the government or parliamentary authorities. In the case of a trial observation, the IPU Secretary General shall inform the authorities of the country concerned, in particular the parliament and the authority before which the proceedings are taking place, of the IPU's presence.
11. A mission or visit shall generally aim to:
 - Make known to the authorities of the country in question or the institutions in that country the interest which the IPU and, through it, the international community, has in the treatment and fair settlement of an individual case;

- Gather a maximum amount of first-hand or reliable information on the case so as to enable the Committee on the Human Rights of Parliamentarians and the IPU Governing Council to take a decision based on full knowledge of the facts;
- Enquire into respect for basic human rights in the case under consideration on the basis of applicable national legislation and international legal instruments. When a case concerns allegations that legal proceedings brought against a (former) parliamentarian are not founded in law, a trial observation mission may be sent to enquire into respect for basic fair trial guarantees; and
- Contribute, as much as possible, to the settlement of the case in accordance with human rights principles.

12. A mission, visit or trial observation may thus in no way lead, either directly or indirectly, to the expression of any value judgment whatsoever of a situation in general or political regime, whatever their nature.

II. Funding

13. Missions, visits and trial observations shall as a general rule be funded by the core budget of the IPU.

III. Responsibilities of the authorities in missions and visits

14. In the case of missions and visits, the authorities of the country concerned, first and foremost the parliament, are responsible for arranging the requested meetings with relevant authorities, providing local transport to the delegation for the duration of the mission or visit and ensuring the protection of the delegation. The authorities shall also assist in any other way possible with the effective fulfilment of the mission's or visit's mandate.

IV. Composition of delegations

15. The following individuals may be designated to conduct missions and visits:

- Current and former members of the Committee on the Human Rights of Parliamentarians;
- Other parliamentarians with relevant expertise;
- The IPU Secretary General or his/her representative; and
- Human rights specialists.

16. In principle, the Committee shall decide at each of its sessions on the composition of delegations for proposed missions and visits. In deciding to designate one or more of its members to conduct a mission, it shall take into account criteria such as familiarity with the country's legal and political system, command of relevant languages for the mission and absence of potential challenges, whether perceived or real, to the effectiveness of the mission or visit due to the member's nationality and/or political activities. Committee members shall be required to share with the Committee before a decision is taken on the composition of the delegation any information concerning them that may adversely affect the effectiveness of the mission or visit.

17. Should the designated member(s) be prevented from participating in the mission or visit, the IPU Secretary General shall consult the Committee President on the replacement of the member(s) in question and, with the President's approval, take the necessary steps to ensure that the mission or visit can be carried out.

V. Conduct of missions, visits and trial observations

18. The persons entrusted with a mission, visit and trial observation shall receive a copy of this document. They shall base their action on the principles advocated by the IPU.

(a) Accreditation and terms of reference

19. The member(s) of the delegation shall be given several copies of a letter of accreditation and, if necessary, written terms of reference. The latter shall clearly indicate the purpose of the mission.

20. Unless the Committee or the IPU Governing Council decides otherwise, the members of a delegation may not accept to act on behalf of and receive funding from any body or organization in the same country and during the same period.

(b) Concerted action

21. Concerted action shall be taken at all stages of a mission. If necessary, consultations shall take place during the mission between the members of the delegation and the IPU Secretary General.

22. Barring instructions to the contrary from the Committee or the IPU Governing Council, the members of a delegation shall not accept individual invitations to visit the country in question.

23. If necessary, a preparatory meeting shall be held, prior to the visit, preferably at IPU Headquarters in Geneva.

(c) Fulfilment of the mandate

24. The delegation shall strive to gather information from all parties concerned: (i) competent authorities (governmental/parliamentary/judicial); (ii) parliamentarian(s) whose situation is the subject of the mission; (iii) third parties in a position to supply reliable information (sources of communication/relatives of the victim(s)/lawyer(s)/parliamentarian(s) witness(es)/human rights organizations). The delegation may make direct contact with and hear witnesses as early as during the preparatory meeting.

25. The delegation shall ensure that no witnesses are present during its contacts with the parliamentarian(s) whose situation is the subject of the mission - including when the parliamentarian is detained or imprisoned - and with third parties in a position to supply reliable information. If interpretation is necessary, the delegation shall ensure that the interpreter respects the rule of confidentiality (see paragraph 32 below).

26. Members of delegations shall make every effort never to expose the parliamentarian(s) in question and the sources of confidential information to risks; in the case of direct contacts, they must receive assurances that no reprisals of any kind will be taken against the person(s) concerned because of such contacts. If necessary, they shall ensure that the person(s) concerned is/are able to bring to the attention of the IPU any measures taken against him/her/them after meeting with the delegation.

27. Should the delegation feel that the basic conditions for the fulfilment of its mandate are not met, it shall terminate the visit, if possible after consulting the President of the Committee and the IPU Secretary General.

(d) Documentation made available to delegations

28. All delegations shall receive as complete a set of documents as possible to ensure the effective fulfilment of their mandate.

(e) Contacts with the press

29. The IPU Secretariat shall consider, in consultation with the delegation, how to give visibility to the mission, visit or trial observation, including its preliminary findings.

30. The IPU Secretariat and the delegation may decide to organize a press conference towards the end of the mission or visit and, exceptionally, the trial observation should this be considered useful in helping implement and disseminate the preliminary findings of the delegation.

31. With regard to missions carried out in relation to confidential cases, in general no contact with the press will be made.

(f) Interpreters

32. If necessary, the mission shall be assisted by an interpreter. Depending on the situation, the interpreter may be made available to the mission by: (i) the Parliament of the country in question; (ii) in the event of a trial which takes place in a country of which the Parliament is not a Member of the IPU, by the defence counsel of the parliamentarian concerned; or (iii) by the IPU Secretariat. The delegation shall ensure that interpreters who are not under oath respect the rule of confidentiality.

VI. Reports on missions, visits and trial observations

(a) General principles

33. The report shall be submitted to the Committee, which shall examine it *in camera*. For the missions or visits referred to in paragraph 3 of this Annex, the report may also be submitted to other IPU bodies.

34. The report shall, where useful, be conveyed as soon as possible to the authorities of the country in question and the complainant(s) so as to enable them to forward their observations. The report may also be shared for information and comments with other interlocutors which the delegation met.

35. The Committee shall judge the way in which it is to report publicly on the mission or visit or trial observation, including whether or not to submit the entire report or part thereof to the IPU Governing Council.

36. Any report or part thereof which has been made public by the Committee, either directly or through the IPU Governing Council, may be used as such provided that mention is made of its origin.

37. The report shall be the property of the IPU.

(b) Guidelines for the presentation and content of the reports

(i) Presentation of reports

38. The report shall be transmitted to the Committee Secretariat as soon as possible, and in any event, within 30 days of the completion of the mission, visit or trial observation.

39. The report shall be drafted preferably in English or in French.

40. The delegation shall clearly state if certain parts of the report are to remain confidential.

41. Likewise, special mention shall be made of any minority opinion held by a member of the delegation.

42. Should a mission or visit or trial observation consist of several stages, the delegation shall submit a provisional report as soon as possible (e.g. preliminary observations on a trial hearing), it being understood that the final report (e.g. comments on the judgment handed down by the court) shall be submitted subsequently.

(ii) Content of reports

43. Reports should contain information on the following points in particular:

- Reference to the decision by the Committee and/or IPU Governing Council;
- Places and dates of the mission, visit or trial observation; members of the delegation;
- Contacts with the authorities of the country (parliamentary/governmental/judicial);

- Contacts with the parliamentarian(s) who is/are the subject of the mission (dates, places and conditions of meeting; brief outline of his/her/their situation; summary of the explanations and opinions voiced by the person(s) concerned; brief account - if applicable - of the place and conditions of detention);
- Contacts with third parties;
- Prospects for a settlement of the case; and
- Conclusions and recommendations.

44. Reports of trial observations shall, in particular, contain information on the following:

- The origins of the trial and its context;
- Information concerning the defendants;
- The court seized of the case(s);
- The prosecution and the defence;
- The charges brought;
- The laws and decrees applied;
- The case made by the prosecution and a summary or the text of the indictment;
- The nature of the defence and a summary of the text(s) of the case made by the defence;
- The ruling (if handed down);
- The conduct of the trial;
- Comments concerning the conduct of the trial, the ruling (if handed down) and the legal provisions applied; and
- The appeal: the possibilities of appeal; the intentions of the defence and a comment on the likelihood of an appeal succeeding.