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Translating international human rights commitments into national realities: The contribution of parliaments to the work of the United Nations Human Rights Council

Seminar for Asia-Pacific parliaments organized jointly by the Senate of the Philippines and the Inter-Parliamentary Union, in collaboration with the Office of the United Nations High Commissioner for Human Rights

26-27 February 2015, Diamond Hotel, Manila (Philippines)

Report of the seminar

We, members of parliament, representatives of national human rights institutions and civil society from 19 countries in the Asia-Pacific region, met in Manila, the Philippines, from 26 to 27 February 2015 to discuss how, by exchanging good practices, parliaments can contribute to the work of the Human Rights Council, more specifically its Universal Periodic Review (UPR) of the human rights situation in each country.

At the seminar, one of a series of regional events organized by the IPU and the Office of the United Nations High Commissioner for Human Rights, we explored what action parliaments should take, with the support of other stakeholders, to better promote and manage human rights, which should be one of every parliament's top priorities.

From this perspective, our discussion focused on five main points: (1) the Universal Periodic Review and the parliamentary contribution to the Review; (2) common human rights challenges in the Asia-Pacific region; (3) the promotion of the rights of women; (4) the place of human rights in development and their impact on underprivileged groups; and (5) strategies for an enhanced parliamentary contribution to the promotion of human rights at the national level.

At the outset of the debate, we agreed on the following basic principles:

- Parliamentarians are the representatives of and directly accountable to the people;
- Parliamentarians are active drivers of change in society;
- Parliamentarians have a key role to play in the promotion and protection of human rights;
- To this end, parliaments should have standing committees enabling them to fulfil their mission as guardians of human rights;
- Human rights are universal, indivisible and inalienable and are the foundations of dignified and worthwhile lives;
- The State's threefold responsibility to respect, protect and fulfil human rights obligations is fundamental for the enjoyment of human rights;
- Vulnerable marginalized and discriminated groups need special attention;
- While the implementation of human rights is a matter of State responsibility, all stakeholders, including national human rights institutions and civil society, have a role to play, and partnerships are key in this process.

1. The Universal Periodic Review and the parliamentary contribution to its work

We were given an introduction to the Universal Periodic Review, a cooperative and intergovernmental process aimed at examining respect for human rights obligations and commitments by every United Nations Member-State every four and a half years.

Three case studies illustrated the role that different protagonists – including parliamentarians, the executive, national human rights institutions and civil society organizations – could/should play at the different stages of the process. On the basis of those good practices, we made specific recommendations to help parliaments strengthen their contribution to the promotion of human rights in general and to the Universal Periodic Review process more specifically.

Capacity-building

- Further capacity-building/training is needed to enhance parliamentarians' knowledge of human rights and of international human rights mechanisms;
- Parliamentarians also need further capacity-building to enhance their understanding of how they can be more engaged with international human rights mechanisms and of the ways and means available to them to that end.

Awareness-raising

- In order to strengthen implementation of human rights, the public needs to be made aware of human rights issues so that it can hold public officials to account;
- There must be greater awareness in, and consultation and engagement with, civil society, along with coordination between parliament and the executive.

Mechanisms

- In order to enhance the engagement of parliamentarians in human rights issues and engagement with international human rights mechanisms, parliaments are encouraged to establish (where none exist) parliamentary standing or functional committees on human rights;
- In order to strengthen coordination and oversight of human rights issues, including when following up and reporting to human rights mechanisms, a permanent governmental coordination and oversight mechanism/committee should be established (where none exists);
- Parliamentarians should be included in such coordination mechanisms;
- Parliamentarians should be seen as relevant stakeholders in various executive processes and parliament as a potential platform for a wide range of debates and dialogues.

Universal Periodic Review

Parliamentarians should be actively engaged at every point in the Universal Periodic Review cycle, including by:

- participating in the national consultation process during the preparation of the national report;
- participating in the working group session;
- identifying the State's position on the recommendations (consultative role);
- following up on the recommendations through parliamentary human rights committees and as members of any inter-institutional structure;
- participating in the preparation of the mid-term implementation report;
- participating in the national consultation process for the next review/process.

2. Common human rights challenges in the Asia-Pacific region

The common challenges regarding the human rights situation in Asia and the Pacific are very acute and require urgent responses. These challenges include migration, the environment – transboundary movements of hazardous waste, pollution, emerging diseases and ecosystem destruction – and armed conflicts within and between States; recurrent terrorism jeopardizes the socio-political stability that is a core requirement for the consolidation of democracy.

We made the following recommendations as immediate responses to those challenges:

- Make human rights a cross-cutting and primary consideration in policy and law-making, and in negotiations between and among States;
- Stress the need for States to adopt human rights-related national and regional agendas or programmes to ensure that policies are implemented and have an impact on the ground.
- Establish and maintain links between parliaments, which should share best practices when addressing human rights violations and issues;

- Encourage inclusive engagement with stakeholders through dialogue and consultation, especially with civil society and the academic world, which provide the connection to the people and on the ground;
- Continue public-awareness and human rights education activities;
- Establish national human rights institutions and mechanisms that are independent, have effective human rights promotion and protection mandates, and will result in standard-setting in the form of international and regional instruments and national policies;
- Establish parliamentary committees to oversee national security bodies including the intelligence services, and implementation of international agreements and the recommendations of the United Nations human rights mechanisms, including the Human Rights Council and the treaty bodies.

3. Promotion of the rights of women

According to the *Asia Pacific Trade and Investment Report 2014*, published by the United Nations Economic and Social Commission for Asia and the Pacific, the Asia-Pacific region remained the most dynamic pole of the global economy and continued to perform well in terms of growth. However, we noticed an unprecedented rise in inequality between the region's countries and between men and women. For every 100 employed men, there were only 62 employed women. Women predominated in vulnerable jobs characterized by low pay, limited opportunities and little, if any, social protection.

In terms of political participation, the percentage of seats in national parliaments held by women in the region was below the global average (21.8%): 18.4 per cent in Asia, 16.2 per cent in the Pacific.

Surveys indicated that 30 to 40 per cent of women workers in Asia-Pacific countries reported being subjected to some form of verbal, physical or sexual harassment.

The present meeting coincided with the twentieth anniversary of the Beijing Conference. We would like to seize this historic moment to renew our commitment to the promotion of the rights of women. As legislators, we should step up our efforts to end all forms of discrimination against them. In that regard, we recommended that:

- implementation be premised on a model of substantive equality and cover all the rights enshrined in the Convention on the Elimination of All Forms of Discrimination against Women, a concerted and integrated approach that places implementation of the Security Council agenda on women, peace and security in the broader framework of implementation of the Convention and its Optional Protocol;
- practices identified as "good" should meet the international standards set by the Committee on the Elimination of Discrimination against Women;
- women's caucuses should be established in parliaments in order to enhance the situation of women and to debate gender issues;
- stronger efforts should be made to eliminate existing legislation that discriminates against women;
- budget funds should be allocated in a gender-sensitive manner;
- steps should be taken to ensure that women in vulnerable situations are adequately protected against violence and discrimination;
- awareness-raising programmes should be conducted among school children, with boys being the target.

4. The place of human rights in development and their impact on underprivileged groups

Given that human beings should enjoy equal human rights, we deplored the situation of underprivileged groups such as minorities and indigenous peoples. We pledged to:

- work to ensure that minorities and indigenous peoples were represented in national parliaments;
- ensure that national legislation was aligned, where applicable, with the norms, standards and principles safeguarding the rights of indigenous peoples and ethnic, religious and linguistic minorities.

5. Strategies for an enhanced parliamentary contribution to the promotion of human rights at the national level

We recommended that parliaments should approach the issue of human rights by:

- giving priority to human rights and assigning them a central place on the parliamentary agenda, bearing in mind the benefits of a gradual approach that starts with less but continually adds a little more, as it is always possible to take some small step;
- creating an environment in parliament conducive to the observance and promotion of the human rights of parliamentarians, so that members of parliament can themselves serve as an example for the promotion of human rights;
- monitoring progress and adapting political processes in our countries to ensure regular reporting by the executive branch to parliament;
- seeking to engage in any inter-institutional structure that might exist on follow-up to implementation of the recommendations made by international human rights mechanisms, also as a platform bringing the three branches of government together.