

The role of parliaments in the implementation of international and regional human rights instruments

Seminar for members of parliament and parliamentary staff in French-speaking African countries organized jointly by the Inter-Parliamentary Union (IPU) and the Office of the United Nations High Commissioner for Human Rights (OHCHR)

in collaboration with the National Assembly of Burkina Faso

"OUAGA 2000" CONFERENCE CENTRE, OUAGADOUGOU, 1-3 OCTOBER 2007



CONCLUSIONS

At the invitation of the Inter-Parliamentary Union, the Office of the United Nations High Commissioner for Human Rights, and the National Assembly of Burkina Faso, parliamentarians of francophone Africa attended, in Ouagadougou from 1 to 3 October 2007, the regional seminar on "The role of parliaments in applying international and regional human rights instruments". It has been found that parliamentarians and parliament officials are not always conversant with the international and regional human rights instruments, or with the machinery of the treaty bodies responsible for ensuring their application. This lack of knowledge and information is detrimental to those bodies and to the work of parliamentarians.

The present seminar, which seeks to make good this deficiency, gave participants the opportunity to acquire the necessary information and achieve greater awareness of the need to take part in the various processes helping to promote and defend human rights. Over and above their traditional duties of voting the budget, drawing up laws and monitoring government action, parliamentarians have an important part to play in promoting and protecting human rights. As those elected by the people, they have the duty to ensure that their constituents can fully enjoy their fundamental rights in their daily lives.

During three days of profitable discussion, the participants exchanged views with experts on human rights issues and how parliamentarians can better fulfil their role as guarantors of human rights. In particular, they familiarized themselves with the workings of the bodies responsible for monitoring application of human rights instruments internationally and regionally.

The participants reaffirmed their unflinching attachment to human rights—universal, indivisible and interdependent—such as set forth in the International Bill of Human Rights and the African Charter of Human and Peoples' Rights. They also forcefully reaffirmed that their respective parliaments should use all the powers conferred on them by the Constitution in the areas of legislation, monitoring of the executive branch and adoption of the budget, in order to ensure the enjoyment of such rights.

The participants pledged initiatives to have their respective countries ratify all the international and regional instruments for the defence of human rights, in particular the Protocol to the African Charter on Human and Peoples' Rights relating to the rights of women in Africa. They likewise undertook to ensure that those of the countries which had not yet done so ratified the Protocol relating to the establishment of the African Court on Human and Peoples' Rights and made the declaration provided for in its Article 34, paragraph 6, entitling individuals and NGOs to bring cases before the Court. They felt it essential that citizens should be able to apply directly to the Court, whose judgments, unlike the rulings of the African Commission on Human and Peoples' Rights, are binding. Furthermore, the participants stressed how important it was for States to bring their legislation into line with the ratified instruments.

The participants expressed the wish that parliamentarians and their staff should be involved in the processes of negotiating new instruments in order to become aware of the potential medium- and long-term impact of such instruments, both in political and economic terms and at the socio-cultural level.

The participants further wished their respective parliaments to be organized in such a way as to be able to take human rights matters expressly into consideration, and wanted their standing orders to reflect that concern. There were several ways of achieving that, such as the establishment of parliamentary human rights committees or the practice of delegations within the Bureau of parliaments. They encouraged parliaments to be guided by existing models, such as that of Burkina Faso. They likewise emphasized the need to set up specialized and well-equipped documentation centres.

The participants felt that their parliaments were not well informed of the work of the treaty bodies, or of the relations of their governments with them, as though preparing the national report, submitting that report to the treaty bodies, and acting upon their recommendations were exclusively matters for the executive. Yet the recommendations of those bodies often, not to say always, required legislative action. The reports that have to be submitted to them are national reports in which all branches of power must be involved. As representatives of their fellow citizens, parliamentarians are closer to them and more familiar than governments with their concerns. The participation of parliament in drawing up these reports can only enhance them.

The participants pledged initiatives to ensure that their respective parliaments were involved in the preparation of national reports and represented in the delegations submitting them to the treaty bodies, which would afford them a better understanding of the final observations and of the concern of those bodies. They further insisted that the recommendations of the treaty bodies should be conveyed to the parliaments for the purpose of debating them and adoption of the necessary measures for their implementation and follow-up, both at the legislative level and in terms of monitoring the executive.

The participants observed that, in common with the work of the treaty bodies, the activity of the African Commission on Human and Peoples' Rights was largely unknown in Parliament. They recommended that the Commission, as a regional entity for the protection of human rights, should command all the requisite resources to fulfil its task, and that its decisions be indeed implemented by the States concerned, in keeping with the commitments assumed in that respect.

The participants encouraged parliaments to organize workshops to follow up the seminar nationally, and to develop parliamentary diplomacy for the sake of better promotion and better protection of human rights in the region.

The participants invited the Inter-Parliamentary Union and the Office of the United Nations High Commissioner for Human Rights to pursue this type of initiative to make Parliament more competent in the promotion and defence of human rights.

Finally, they expressed their deep gratitude to the National Assembly of Burkina Faso, which had spared no effort in making the important event a success. They also extended their sincere thanks to the Inter-Parliamentary Union and the Office of the United Nations High Commissioner for Human Rights, the organizers of the seminar, and to the United Nations Fund for Democracy for its financial support of the project.

Ouagadougou, 3 October 2007