



INTER-PARLIAMENTARY UNION

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Statement by Ambassador Anda Filip, Permanent Observer

Mr. Chairman,

One of the main objectives of the Inter-Parliamentary Union in the field of human rights is to familiarise parliaments with the various human rights mechanisms and bodies, which exist at the international and regional levels. We have focused in particular on the United Nations treaty bodies which monitor compliance of States with their obligations under the international human rights treaties.

More often than not, parliaments are unaware of the existence of these bodies; hardly ever are they involved in the preparation of national reports to be submitted to them, and most of the time they are uninformed of the recommendations or concluding observations adopted by treaty bodies. How then can parliaments and parliamentarians possibly help implement these international commitments? Recommendations almost invariably require legislative action, budgetary means and also oversight activities by parliaments. If treaty bodies are not always as effective as they could be, this has also to do with the lack of parliamentary involvement.

A specific activity designed for parliaments in francophone Africa, which the IPU carried out over a two-year period in cooperation with the OHCHR and thanks to funding provided by the UN Democracy Fund, clearly showed that parliaments in this region are keen to take up the challenge of getting involved with treaty bodies and to ensure that recommendations do not remain on paper only.

With the establishment of the Human Rights Council in 2006 and the introduction of the Universal Periodic Review process, a new human rights mechanism has come into play. Parliaments are not specifically mentioned as stakeholders in the General Assembly resolution setting up the Council and the UPR process, but in fact they are. It is of course again their legislative and oversight functions, including of budgetary processes, which makes them an important stakeholder. Otherwise, the risk is great that recommendations coming out of the UPR process will make no difference in peoples' lives.

Parliaments should be involved in the process from the very outset by contributing in one way or the other to the drafting of national reports, participating in the delegations presenting country reports to the Council, examining recommendations and lastly helping ensure their implementation. But are they?

In June this year when the human rights record of almost 70 % of countries had already been reviewed by the Human Rights Council, the IPU launched a first study on parliamentary involvement in the UPR process. Questionnaires were sent to all parliaments, those in countries where reports had already been elaborated and in those whose reports were still to be examined.

The result of the study confirms the initial observation, namely that parliaments are largely absent from the process. I would like to give a short summary of the results and some examples of what could be considered good practices.

As regards involvement of parliaments in national reports, only a small number of parliaments reported that they had contributed to the report. This is the case for example of Bahrain where the two Chambers each designated a member of parliament to represent them at the preparatory meetings on the elaboration of the report. In other cases, Poland for example, the parliament requested transmission of the national report and had it examined by competent parliamentary committees before sending the report to the Human Rights Council. As regards future involvement, the parliament of the Philippines reported, for example, that although it was not involved in the preparation of the first report, both Chambers would be involved in the second review cycle in 2012 and deal with a certain number of specific subjects, such as child rights.

As regards the participation of parliamentarians in national delegations, almost all parliaments which replied to the questionnaire stated that there was no parliamentary presence. Arguments put forward include not only lack of financial means but also a supposed lack of institutional competence to deal directly with UN bodies. Some parliaments consider this to be the exclusive competence of the executive branch.

As regards the question of whether or not parliament was informed of the UPR recommendations, the picture is slightly more positive as almost half of the respondents reported that they were informed of the recommendations either by letter, by a hearing of the government or that the recommendations were directly forwarded to the parliament for its information. Some parliaments reported about follow up action. For example, the parliament of the Czech Republic stated that it had ratified in 2008 the Rome Statute of the International Criminal Court and, in 2009, adopted an anti-discrimination law.

Although at present the picture of parliamentary involvement in the UPR process is not particularly impressive, the prospects for the future are much better, as a majority of parliaments reported that they intended to take action to ensure their involvement in the future UPR review cycles.

The IPU, for its part, will certainly do its best to support parliaments in this endeavour, and make every effort to ensure that they are indeed informed and involved throughout the review and implementation process. We are therefore confident that, alongside governments, National Human Rights Institutions and civil society, parliaments can play a meaningful role in the UPR process.

I thank you for your attention.