

RULES AND PRACTICES OF THE COMMITTEE ON THE HUMAN RIGHTS OF PARLIAMENTARIANS¹

Adopted in February 1989, revised in May 2007, March 2014, April 2015 and April 2017.

The functioning of the Committee on the Human Rights of Parliamentarians is governed by the "Procedure for the examination and treatment of complaints", which came into force on 1 January 1977, and by the subsequent decisions taken by the Governing Council and by the Committee itself.

I. COMPOSITION OF THE COMMITTEE

RULE 1

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 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 rights or affiliation of the parliament to which the member belongs are suspended, his/her term shall automatically come to an end. Members who are absent for two consecutive sessions without a valid reason may lose their seat by decision of the Governing Council following a recommendation by the Committee. Upon loss of Committee membership, another person shall be elected from the same geopolitical group for a new, full five-year term.
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

RULE 2

1. 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.
2. The Committee shall aim to:
 - (a) Prevent possible violations;
 - (b) Put an end to ongoing violations; and/or
 - (c) Promote State action to offer effective redress for violations.
3. The Committee shall examine, on the basis of a detailed procedure (cf. [Annexes I to IV](#)), complaints of alleged violations of which it is seized by a qualified source.

¹ In these Rules and Practices, whenever the words "Secretary General", "President", "member" and "complainant" are used, they should be construed as referring to both women and men.

4. 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.
5. In carrying out its mandate, the Committee shall apply international, regional and national human rights standards as well as pertinent recommendations emanating from relevant United Nations, regional and national institutions.
6. The Committee shall strive to take into account gender equality concerns in its working methods, processes and objectives.
7. 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.
8. 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

RULE 3

1. 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 regular sessions shall be held in the days leading up to and during each of the two IPU Assemblies.
2. The Committee's sessions shall be held *in camera*.
3. The Committee shall set the dates of its next sessions in the light of proposals made by the IPU Secretary General.
4. During sessions, the IPU shall provide interpretation from and into English, French and Spanish. Case files and other documentation shall be provided in English and French only. In the event that neither English, French nor Spanish is their mother tongue, members may bring interpreters to interpret into and from an additional language. Members shall be responsible for covering the costs of such interpretation and informing the IPU Secretariat sufficiently in advance so that practical arrangements can be made. The members shall ensure that the interpreters are of high quality and respect the confidentiality of the Committee's proceedings.

PRESIDENT AND VICE-PRESIDENT

RULE 4

1. The Committee shall elect its President and Vice-President for one year. Both shall be eligible for re-election. The Committee will strive to ensure that the President and Vice-President are of opposite sexes.
2. 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 rights or affiliation of the parliament to which the President

belongs are suspended, his/her functions shall be performed by the Vice-President. Should the Vice-President also become subject to any of the situations mentioned in the previous sentence, the Committee shall elect a new President and Vice-President for a one-year term.

AGENDA

RULE 5

1. The provisional agenda of the Committee shall be drawn up by the IPU Secretary General, in consultation with the Committee President.
2. The agenda shall include an item on follow-up action by Committee members and Member Parliaments on decisions adopted on individual cases.

QUORUM

RULE 6

At least half of the number of members in exercise of their functions shall constitute the quorum for deliberating and taking decisions.

CONFIDENTIAL AND PUBLIC NATURE OF THE COMMITTEE'S WORK

RULE 7

1. 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.
2. 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:
 - (a) only confidentiality will promote a resolution of the case;
 - (b) a public decision will put the security of the victim and/or complainant at risk;
 - (c) the concerns in the case are not sufficiently clear; and/or
 - (d) 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.

3. 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

RULE 8

1. 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 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.
2. Previous decisions on cases shall remain applicable as long as they have not been superseded by a new decision of the Committee.
3. 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.
4. 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 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

RULE 9

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 (cf. [Annexes III](#) and [IV](#)).

RECUSAL OF COMMITTEE MEMBERS

RULE 10

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

RULE 11

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

ORGANIZATION OF WORK BETWEEN SESSIONS

RULE 12

1. 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.
2. 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.
3. 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.
4. 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.

PARLIAMENTARY SOLIDARITY

RULE 13

1. 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.
2. 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.
3. The Committee may also take other steps to promote parliamentary solidarity. Such efforts may include, but are not limited to:
 - (a) Requesting the IPU Secretary General to write to the chairpersons of the geopolitical groups about the public cases pending in or outside their regions;
 - (b) Inviting, at a session during the Assembly, one or two chairpersons of geopolitical groups to discuss implementation of decisions affecting their (or another) region;
 - (c) Publicly informing the IPU membership about follow-up action taken by each IPU Member on decisions adopted in human rights cases;
 - (d) 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
 - (e) 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

RULE 14 (cf. [Statutes, Art. 23](#))

One or more of the members of the Committee and/or the IPU Secretary General may propose amendments to the Rules for discussion by the Committee. The Committee shall discuss such proposed amendments and adopt, with the support of an absolute majority of the members present at the time of the vote, its own views thereon. Should these views favour specific amendments to the Rules, such amendments shall be submitted to the Governing Council for approval.

SECRETARIAT

RULE 15

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.

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ANNEX I

PROCEDURE FOR THE EXAMINATION AND TREATMENT OF COMPLAINTS

Adopted in February 1989, revised in May 2007 and March 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 (cf. [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 prejudge 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 (cf. 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 (cf. [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:

- (a) in its view a satisfactory settlement cannot be reached;
- (b) the complainant has not provided any updated information in spite of repeated requests and the complainant's ability to do so; or
- (c) 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.

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ANNEX II

COMPLAINT FORM

Submission of complaints

The Committee on the Human Rights of Parliamentarians is competent to examine complaints of alleged human rights violation(s) affecting members of national parliaments who are currently exercising their mandate.¹ The Committee is also competent to examine complaints regarding former members of national parliaments when the alleged violation(s) are directly related to events that took place when the individual was still a parliamentarian.

This document is designed to be completed directly in a downloadable Word or PDF document. The list of questions below is intended to help the complainant submit 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. The complainant is strongly encouraged to provide all the requested information to enable the Committee to examine the case. However, should there be serious impediments preventing a complainant from providing some of the requested information at this time, the complainant is invited to explain the reasons why.

Please type your answers on a computer if possible. If not, please write clearly using CAPITAL LETTERS.

If you wish to submit a complaint concerning the situation of several members of parliament, you must complete a separate form for each member. If you are multiple complainants submitting a complaint about the same case, you may submit a joint form if you wish.²

¹ This also covers a situation in which the national parliament is in recess or has been dissolved as the result of unconstitutional or other arbitrary measures.

² If there is more than one complainant, please identify one complainant as the designated focal point to liaise with the Committee, and complete questions 1 and 2 providing information concerning this person while sending the names and capacity of other complainants in a separate note or in the email conveying the complaint.

PART A

INFORMATION CONCERNING THE COMPLAINANT

1. Please complete this section indicating in which capacity you are submitting the complaint

Please note that you may choose only one category (A, B, C or D). If you select category A, you may tick several boxes under this category.

A. Complaint submitted in one or more of the following sub-categories, namely by the parliamentarian subject to the alleged human rights violation(s), or a person authorized by the parliamentarian to make such a complaint

- Parliamentarian**
- Former parliamentarian**
- Lawyer of the parliamentarian**
- Family member**
- Other person authorized to make the complaint**

(specify in which capacity) _____

OR

B. Complaint submitted by another parliamentarian who is not the victim

OR

C. Complaint submitted by a political party

OR

D. Complaint submitted by an international or national organization

The organization should be competent in the field of human rights (i.e. United Nations and its specialized agencies; intergovernmental organizations; interparliamentary organizations; and non-governmental international and national organizations competent in the field of human rights).

DETAILS OF THE COMPLAINANT

- **For categories A and B**

Ms. Mr.

First name _____

Last name _____

Name of the chamber of parliament _____

(if applicable) _____

Political affiliation _____

(if applicable) _____

- **For category C**

Name of political party

Please specify if majority/opposition

Name of the representative submitting the complaint on behalf of the political party

Ms. Mr.

First name

Last name

• **For category D**

Name of organization

Field / area of work

Name of the representative submitting the complaint on behalf of the organization

Ms. Mr.

First name

Last name

• **Information requested from all types of complainants (categories A–D)**

Country

Address

Email

Tel. number

2. **The principle is that the identity of the complainant is kept confidential. However, should the relevant national authorities or a third party assisting the Committee request to know your identity as the complainant, would you agree for it to be disclosed?**

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

PART B**INFORMATION CONCERNING THE PARLIAMENTARIAN¹
SUBJECT TO THE ALLEGED HUMAN RIGHTS VIOLATION(S)**

In case of multiple victims, the complainant is required to complete a separate form for each victim.

3. First name and last name of the member(s) or former member(s) of parliament

Ms. Mr.

First name _____

Last name _____

4. Date and place of birth

	Day	Month	YEAR
Date of birth			

Country of birth _____

5. Nationality

6. Gender

Female

Male

Other

7. Where the (former) parliamentarian subject to alleged human rights violation(s) is a woman, were the violation(s), or certain aspects of them, gender-based? This indicates that the violation(s) are directed against a woman because she is a woman – or affect women disproportionately – and include acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty.²

Yes (specify if possible)

No

¹ A parliamentarian victim of alleged human rights violation(s) should be a person elected, appointed or nominated to the national Parliament of a sovereign, unitary or federal state.

² Definitions based on Article 3 of the 2011 Council of Europe Convention on preventing and combating violence against women and domestic violence:
<https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168008482e>.

8. Please indicate the political affiliation of the parliamentarian subject to the alleged human rights violation(s) at the time of the alleged violation(s)

- Majority
 Opposition
 Independent
 Other (Specify)

9. Name of political party
(if applicable) _____

10. Please tick the appropriate box indicating his or her parliamentary status

(a) At the time of the alleged violation(s)

- Sitting parliamentarian
 Former parliamentarian (specify beginning and end date of parliamentary term)

Beginning _____ **End** _____

Name of parliament or parliamentary chamber of which the victim is/was a member.

(b) At the time of the submission of the present complaint

- Sitting parliamentarian
 Former parliamentarian (specify beginning and end date of parliamentary term)

Beginning _____ **End** _____

Name of parliament or parliamentary chamber of which the victim is/was a member.

11. Address and contact details of the parliamentarian subject to alleged human rights violation(s)

Permanent address _____

Email _____ Tel. number _____

12. Please attach a high-resolution picture/photo (indicating the copyright) of the parliamentarian subject to the alleged human rights violation(s).

PART C

INFORMATION CONCERNING THE ALLEGED HUMAN RIGHTS VIOLATION(S)

13. Date of the initial or main alleged human rights violation(s)

When did this happen? _____

14. Is it still ongoing?

Yes

No

15. Where did this happen?

Place where event(s) took place (please specify country and city)

City _____ Country _____

16. Please provide as detailed information as possible on the identity (known or suspected) of the perpetrator(s)

17. Please tick the appropriate box regarding the type of the alleged human rights violation(s) committed against the parliamentarian and describe these allegations

- 1. Violations affecting parliamentarians' life, integrity or liberty
 - 1.1 Murder
 - 1.2 Enforced disappearance
 - 1.3 Abduction
 - 1.4 Torture, ill-treatment and other acts of violence
 - 1.5 Threats, acts of intimidation
 - 1.6 Arbitrary arrest and detention
 - 1.7 Inhumane conditions of detention
 - 1.8 Lack of due process in proceedings against parliamentarians
 - 1.8.1 Lack of due process at the investigation stage
 - 1.8.2 Lack of fair trial proceedings
 - 1.8.3 Excessive delays
 - 1.8.4 Right of appeal

- 2. Violations directly affecting the exercise of the parliamentary mandate
 - 2.1 Violation of freedom of expression and opinion
 - 2.2 Violation of freedom of assembly and association
 - 2.3 Violation of freedom of movement
 - 2.4 Undue invalidation, suspension, revocation or other acts obstructing the exercise of the parliamentary mandate
 - 2.4.1 Arbitrary invalidation of the election of a parliamentarian
 - 2.4.2 Abusive revocation or suspension of the parliamentary mandate

- 2.4.3 Failure to respect parliamentary immunity
- 2.4.4 Abusive application of parliamentary sanctions
- 2.4.5 Other acts obstructing the exercise of the parliamentary mandate

- 3 Impunity

- 4 Other violations

- 18. Please provide a detailed description of the alleged facts and, if possible, attach supporting evidence (e.g. relevant videos, photos, official reports/statements – including from witnesses, court rulings etc.)**

- 19. Please provide relevant provisions of the national constitution and laws, regional or international legal instruments.³ (You may refer to online documentation.)**

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

- 20. Did you file a complaint about the alleged human rights violation(s) to the relevant authorities (police, prosecutor's office, courts, national human rights commission, parliament)? If not, please explain why.**

- 21. Was any action taken by the relevant authorities? Were any steps taken to address the alleged violation(s)?**

22. Have you reported the matter to another international or regional human rights institution/mechanism?

Yes (specify) _____

No

23. Names and contact details / email addresses of persons with whom the Committee could, if necessary, communicate in order to obtain further legal information (in particular, name and address of legal counsel)

24. If you wish, please provide information on the general political and human rights background that may help the Committee have a better understanding of the context in which the incidents took place.

25. Is there any other relevant information (reports, newspaper articles, etc.) that you would like us to be aware of? Please include this information or provide the relevant weblinks.

26. What kind of action would you suggest⁴ the Committee take regarding this complaint?

Please note that, as the complainant, you are committing to monitor the case and to keep the Committee apprised of new developments and information until such time as the Committee decides to close the case.

Signature ⁵ of the complainant

Place and date

IMPORTANT

- Please attach copies of any relevant documents – including letters addressed to the parliamentary authorities, references of any police/judicial complaint, responses received, and judgments rendered in English – which support and corroborate the information provided.

What do you do once you have completed the form?

- If you complete the form electronically, please send it along with the attachments to the following email address: hrteam@ipu.org
- If you complete a hard copy of the form, please send it along with the attachments to the following postal address or by fax

Inter-Parliamentary Union
Committee on the Human Rights of Parliamentarians
 Chemin du Pommier 5
 Case Postale 330
 1218 Le Grand-Saconnex
 Geneva
 Switzerland

Fax: +41 22 919 41 60

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 political parties and organizations, signature of a person empowered to represent the organization.

Annex I – Additional information

Please use this annex to share any additional relevant information that has not been covered by the questions in the complaint form.

ANNEX III**ARRANGEMENTS CONCERNING HEARINGS**

Adopted in July 1983, revised in May 2007 and March 2014

I. HEARINGS WITH THE COMMITTEE IN CORPORE

- (a) 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.

- (b) 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.
- (c) 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.
- (d) 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.
- (e) 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 I (a).

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ANNEX IV

PRINCIPLES AND CRITERIA FOR CONDUCTING ON-SITE MISSIONS, VISITS AND TRIAL OBSERVATIONS

Adopted in April 1986, revised in May 2007 and March 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.