



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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Human Rights Council resolution 35/29 on the role of parliaments in the work of the Human Rights Council

The Office of the High Commissioner for Human Rights (OHCHR) presents its compliments to all Permanent Missions to the United Nations and has the pleasure to refer to United Nations Human Rights Council resolution 35/29 of 23 June 2017 on the contribution of parliaments to the work of the Human Rights Council and its universal periodic review, copy of which is attached for ease of reference. In its resolution, the Council requested OHCHR to prepare a study, in close cooperation with the Inter-Parliamentary Union, and in consultation with States, United Nations agencies and other relevant stakeholders, on how to promote and enhance synergies between the parliaments and the work of the Human Rights Council and its universal periodic review.

OHCHR will present a report on the matter to the Human Rights Council at its thirty-eighth session, in June 2018. This report will "provide States and other relevant stakeholders with elements that could serve as orientation to strengthen their interaction towards the effective promotion and protection of human rights". OHCHR would therefore highly appreciate it if Permanent Missions could assist it in fulfilling its mandate by forwarding to the President of the National Assembly / Chamber of Deputies / National Council / Speaker of the House of Representatives the attached questionnaire which would provide it with relevant data on human rights related structures and on-going engagement of Parliaments with United Nations human rights mechanisms, including the Human Rights Council and the Universal Periodic Review. OHCHR would be grateful if any information relating to the subject matters raised in the attached questionnaire be provided to it no later than 15 January 2018 at the following email address: uprparliaments@ohchr.org.

The Office of the High Commissioner for Human Rights avails itself of this opportunity to renew to all Permanent Missions to the United Nations the assurances of its highest consideration.

16 November 2017

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QUESTIONNAIRE

Background:

United Nations Human Rights Council resolution 35/29 requested the Office of the High Commissioner for Human Rights to prepare a study, in close cooperation with the Inter-Parliamentary Union, and in consultation with States, United Nations agencies and other relevant stakeholders, on how to promote and enhance synergies between the parliaments and the work of the Human Rights Council and its universal periodic review, and to present it to the Human Rights Council at its thirty-eighth session, in order to provide States and other relevant stakeholders with elements that could serve as orientation to strengthen their interaction towards the effective promotion and protection of human rights.

1. Does your Parliament have a specialized committee that deals solely with human rights? Is the committee human rights-specific or does it also cover other related questions (gender, legal, constitutional affairs, etc)?
2. Does it have "human rights" in its name?
3. What are the committee's functions? Does it deal with international or national human rights issues?
4. If it deals with international human rights issues:
 - Does it take into account the information country by country available in OHCHR Universal Human Rights Index ? (<http://uhri.ohchr.org/en/>)
 - Does it contribute to UN human rights Treaty Bodies (such as the Committee on the Rights of the Child, CERD, CEDAW, etc.) discussions for the countries of interest ?
 - Does it contribute to the recommendations made by the Government during the HRC Universal Periodic Review sessions in Geneva ?
 - Does it participate in the Human Rights Council (HRC) Universal Periodic Review (UPR) meetings in Geneva as part of Government delegations or on their own?
 - Does it meet with UN independent human rights experts (also known as Special Rapporteurs or Working Groups or Special Procedures Mandate Holders), or OHCHR or UN officials on human rights related concerns?
 - Does it make an input into Government's position in intergovernmental bodies, in particular the UN General Assembly Third Committee and the Human Rights Council?
 - Does it receive regular information on international human rights issues and developments pertaining to the human rights situation in the countries it is interested in?
5. If it deals with national human rights issues:

- Does it oversee the responsibility of the executive for its legal obligations (following the ratification of treaties) or political commitments made following the UPR ?
- Does it communicate its concerns to relevant UN human rights mechanisms?
- Does it participate as part of the Government delegation or on its own in UN human rights meeting in Geneva (HRC UPR/TB)?
- Does it meet with visiting SPMHs or UN officials dealing with human rights issues?
- Does it follow up to recommendations received by the State that involve either legislative reform or to the passing of laws?
- Does it participate in national coordination mechanisms for comprehensive reporting and follow up to human rights recommendations set up by the executive?
- Does it play a role in the implementation of national actions plans for human rights or in overseeing Government's policies and action to that end?
- Does it receive and process individual complaints?

6. If such a Committee exists:

-What is its composition (in terms of representation by gender, minorities, or opposition parties)? Does it include staff with technical expertise in international human rights law?

-What is the statute/mandate/budget of such a committee? How has it been created? Is it in the constitution, a law, the Parliament by-laws, a resolution ?

-Is it aware of UN HRC/GA action concerning the role of Parliament in human rights, especially the HRC UPR ?

-Is it aware of OHCHR/IPU publications on Human Rights ?

-Is it aware of the UN Secretary-General report A/72/351 on where the important role of parliaments in human rights is emphasised in para 35-37 (see Annex below) that also refers to the desirability of international principles on Parliaments and Human Rights ?

-Would it be favourable to the development of international principles on Parliaments and Human Rights by the UN taking into account those for the independence and effectiveness of NHRIs (GA res 48/134 annex) or those for the independence of the judiciary (GA res 40/146) ?

-Would it consider relevant additional information tools or focussed seminars on international human rights issues relevant to Parliaments organized by OHCHR/IPU or other UN entities in-country?

Annex

A/72/351 – Report of the UN Secretary-General to the General Assembly on

Strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity, 21 August 2017

....

Paragraph 35. At the national level, Parliaments play a crucial role in the promotion and protection of human rights as legislators and as overseers. They lay the foundation for the rule of law and the respect for and protection of human rights at the national level. Parliaments can ensure transparency and accountability for States' human rights obligations and in following up and ensuring the implementation of recommendations by regional and international human rights mechanisms. While human rights are a cross-cutting issue that should be taken into account by all parliamentary committees, the establishment of a parliamentary committee with an exclusive human rights mandate sends a strong political message and should be encouraged. The Inter-Parliamentary Union (IPU) and OHCHR have organized joint initiatives on the role of parliamentarians and their engagement within the Human Rights Council, outlining opportunities for and challenges to enhanced cooperation between parliaments and the universal period review process.

36. The Secretary-General encourages a more proactive engagement of parliamentarians in the work of international human rights mechanisms, including through the development of a set of principles and guidelines that would assist and guide them.

37. Parliaments are uniquely positioned to contribute to closing the implementation gap, to prevent violations of human rights and to ensure better protection, especially of vulnerable groups, by ensuring the implementation of human rights recommendations. It may be noted that within the context of the universal periodic review, some 60 to 70 per cent of recommendations require or involve parliamentary action.

....

74. In its resolution 30/14, the Human Rights Council decided to convene, at its thirty-second session, on the occasion of the tenth anniversary of the Council, a panel discussion to take stock of the contribution of parliaments to the work of the Council and the universal periodic review and identify ways to further enhance that contribution. The panel discussion was held on 22 June 2016. It brought together parliamentarians from Ecuador, Morocco and the Philippines, a representative of IPU and the legal adviser to the Joint Committee on Human Rights of the Parliament of the United Kingdom of Great Britain and Northern Ireland and was moderated by the Permanent Representative of Maldives to the United Nations. The panel was opened by OHCHR and the Secretary General of IPU. In the course of the panel discussion, many speakers reaffirmed the importance of the parliamentary involvement in the work of the Council and the universal periodic review in order to promote human rights (A/HRC/35/16, executive summary).

75. In addition, OHCHR, in cooperation with IPU, organized a series of regional seminars in Europe, Latin America, Africa and Asia to discuss good practices of parliamentary engagement in the universal periodic review process, a partnership that will hopefully be enhanced and deepened.



General Assembly

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Agenda item 5

Resolution adopted by the Human Rights Council on 23 June 2017

35/29. Contribution of parliaments to the work of the Human Rights Council and its universal periodic review

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations and all relevant human rights instruments,

Acknowledging the crucial role that parliaments play in, inter alia, translating international commitments into national policies and laws, including by supporting the implementation of recommendations generated by the international human rights mechanisms, especially the recommendations supported by the State concerned in the framework of the universal periodic review, as appropriate, and hence their contribution to the fulfilment by each State Member of the United Nations of its human rights obligations and commitments and to the strengthening of the rule of law,

Taking note of the successive resolutions adopted by the General Assembly since 2010, in particular its resolutions 65/123 of 13 December 2010, in which the Assembly recognized the importance of continued parliamentary support for the work of the Human Rights Council, and 66/261 of 29 May 2012, in which it encouraged the Inter-Parliamentary Union, as the world organization of national parliaments, to strengthen its contribution to the Council, particularly with regard to the universal periodic review, as well as resolution 68/272 of 19 May 2014, in which the Assembly welcomed the contribution of the Inter-Parliamentary Union to the work of the Council,

Recalling Human Rights Council resolutions 22/15 of 21 March 2013, 26/29 of 27 June 2014 and 30/14 of 1 October 2015, on the contribution of parliaments to the work of the Council and its universal periodic review,

Taking note with appreciation of the summary report of the United Nations High Commissioner for Human Rights on the panel discussion on taking stock of the contribution of parliaments to the work of the Human Rights Council and its universal

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periodic review and identifying ways to enhance further that contribution, held on 22 June 2016,¹

Considering the continued efforts made by the Inter-Parliamentary Union to enhance parliamentary engagement in the work of the Human Rights Council, including its activities with parliaments of States that are reviewed under the universal periodic review, and the collaboration established since 2008 between the Inter-Parliamentary Union and the Committee on the Elimination of Discrimination against Women by, inter alia, making reference to the role of parliaments in the concluding observations of the Committee to States parties,

Noting with interest the recent publication by the Inter-Parliamentary Union, together with the Office of the United Nations High Commissioner for Human Rights, of the *Human Rights Handbook for Parliamentarians No. 26*, to assist parliamentarians in fulfilling their responsibilities to promote and protect human rights,

Considering that the Human Rights Council and parliaments stand to gain considerably from continuing to explore possible synergies to ensure that the universal periodic review has the greatest impact at the national level,

1. *Encourages* States, in accordance with their national legal framework, to promote the involvement of parliaments in all stages of the universal periodic review reporting process through, inter alia the inclusion of the national parliament as a relevant stakeholder in the consultation process for the national report and in the implementation of supported recommendations by the State concerned, and to report on such involvement in their national report and voluntary mid-term reports or during the interactive dialogue session of the universal periodic review;

2. *Welcomes* the growing practice by States under review of including parliamentarians in their national delegations participating in the universal periodic review, and encourages States, as appropriate, to continue this practice;

3. *Invites* the United Nations High Commissioner for Human Rights to provide the Human Rights Council with regular updates on the parliamentary capacity-building and awareness-raising activities carried out by the Office of the High Commissioner in cooperation and coordination with the Inter-Parliamentary Union, and on related activities with regard to the work of the Council and its universal periodic review;

4. *Encourages* all relevant stakeholders to promote and enhance cooperation between their national parliaments and national human rights institutions and civil society in the promotion and protection of all human rights and fundamental freedoms;

5. *Requests* the Office of the High Commissioner to prepare a study, in close cooperation with the Inter-Parliamentary Union and in consultation with States, United Nations agencies and other relevant stakeholders, on how to promote and enhance synergies between parliaments and the work of the Human Rights Council and its universal periodic review, and to present it to the Council at its thirty-eighth session, in order to provide States and other relevant stakeholders with elements that could serve as orientation to strengthen their interaction towards the effective promotion and protection of human rights;

6. *Encourages* all relevant human rights mechanisms to consider the present resolution within the framework of their respective mandates;

¹ A/HRC/35/16.

7. *Decides* to continue its consideration of this issue under the same agenda item.

*37th meeting
23 June 2017*

[Adopted without a vote.]
