31 May 2018

Office of the United Nations High Commissioner for Human Rights

Palais Des Nations

1211 Geneva 10

Switzerland

By email: democracyforum@ohchr.org

**Re: Call for inputs on the topics to be discussed during the second Forum on Human Rights, Democracy and the Rule of Law**

We appreciate the opportunity to respond to your call for input on the topics to be discussed during the second Forum on Human Rights, Democracy and the Rule of Law, and welcome your thematic focus on “parliaments as promoters of human rights, democracy and the rule of law”.

The *Parliaments, Rule of Law and Human Rights* research project at the Bingham Centre for the Rule of Law (formerly at the University of Oxford) has been generously supported by the Arts and Humanities Research Council (AHRC) since 2011, and our purpose is to carry out and stimulate applied research which is focused on strengthening protection for the rule of law and human rights by finding practical ways of bringing them into the heart of the political process. Further details of the research project and its publications can be found on our website.[[1]](#footnote-1)

We most recently published a 2017 report, *Global developments in the role of parliaments in the protection and promotion of human rights and the rule of law: An emerging consensus*,[[2]](#footnote-2) surveying the most significant developments at the international and regional level on this important theme, which complements important studies being done at the national level by other actors, such as the Inter-Parliamentary Union (IPU) and the Office of the UN High Commissioner for Human Rights (OHCHR), at the request of the Human Rights Council in its resolutions on the *Contribution of parliaments to the work of the Human Rights Council and its Universal Periodic Review.[[3]](#footnote-3)*

Our report found that there has been a distinctive turn to parliaments to promote and protect human rights and strengthen the rule of law over the past decade, not as an alternative to courts and other institutional means of providing such protection, but to complement and work alongside those other institutions. The worldwide reach of our report confirms that we are witnessing the emergence of a global phenomenon: a new consensus that the protection of the rule of law and human rights cannot simply be left to courts and legal remedies, but that parliaments share responsibility for that protection with those other institutions. This report shows that this is now happening in every major international organisation and, albeit to varying degrees, in every region of the world. This provides a global narrative in which we can make better sense of the important work of others, as parliaments across the world work with other stakeholders to devise imaginative new ways of assuming this shared responsibility.

**Suggested topics at the Forum:**

Your focus on parliaments as promoters of human rights, democracy and the rule of law is a timely one, in the light of contemporary attacks on these fundamental principles. Across the world, disenchantment with democratic politics has led to the return of nativist movements and the resurgence of authoritarian nationalism in many countries and regions, including in mature democracies. In this climate of disaffection and populist nativism, it is now commonplace in mainstream politics to witness virulent attacks on the democratic legitimacy of the institutional machinery on which we have depended to uphold the rule of law and human rights, including courts and other mechanisms, both national and international. Promoting meaningful respect for the rule of law and human rights through democratic institutions is therefore one of the most urgent challenges facing the world today.

We have had the opportunity to review several earlier submissions posted on the Forum’s website, and would support many of the suggested topics. To limit ourselves to three, we would like to warmly endorse the recommendations of the Inter-Parliamentary Union, particularly for sessions on “*Enhancing the involvement of parliaments in international human rights reporting mechanisms*” and “*Parliament’s role in ensuring respect for human rights obligations through legislation and oversight*”. We also endorse the proposal of the National Human Rights Commission of Korea for a session on “*the cooperation between Parliaments and NHRIs for the protection of human rights*”, and Mexico’s proposal for a session on “*the role of parliaments in strengthening national legal frameworks on human rights*”, as proposals that would be useful in facilitating the recognition that parliaments cannot succeed alone, but need to work together with other national and international actors in order to best protect human rights, the rule of law and democracy.

In order for the Forum to best advance the global discussion on the role of parliaments in promoting human rights, democracy and the rule of law, and achieve the expectation set out in Human Rights Council resolution 28/14 that it will “contribute to the efforts of the Office of the United Nations High Commissioner for Human Rights to improve cooperation among United Nations mechanisms, bodies and specialized agencies, funds and programmes on activities related to the promotion of human rights, democracy and the rule of law, including at the regional level”, we suggest that the Forum could conclude by considering the topic of “***how the UN system can better promote the parliamentary protection of human rights, democracy and the rule of law***”, with the goal of identifying recommendations that the Chair can make to the Human Rights Council and other parts of the UN human rights machinery.

We also believe that the Forum has a valuable opportunity to inform the work of the treaty body strengthening process which will take place in the UN General Assembly in 2020, and to increase the engagement between parliaments and treaty bodies, which is necessary to increase the implementation of treaty body recommendations. The Human Rights Council thus far has focused on improving the contribution of parliaments to its Universal Periodic Review mechanism, which is an important subject, but has not given as much attention to the engagement between parliaments and treaty bodies. Amongst the treaty bodies, only the Committee on the Elimination of Discrimination Against Women has taken significant steps to engage parliamentarians with its work, and the Forum may be an opportunity to disseminate the working practices of the CEDAW Committee and of parliaments that have taken steps to engage with treaty body recommendations, and to examine their necessity. We therefore suggest a session on “***increasing the engagement between parliaments and treaty bodies***”, and believe that there is merit in having a standalone session on this under-addressed topic, although it could be folded into a session on “enhancing the involvement of parliaments in international human rights reporting mechanisms”.

**Side Event:**

We will be co-hosting a side event on topics relating to the parliamentary protection of human rights and the rule of law in Room XXVI at the Palais des Nations on 28 June 2018, from 13:00 to 14:30, in partnership with the Inter-Parliamentary Union and the Office of the UN High Commissioner for Human Rights, and welcome you and all other interested parties to join us there. More information will be available on our website in due course.

Thank you for your consideration, and we would be delighted to provide further information or assistance, if requested.

Sincerely,

Brian Chang

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Parliaments, Rule of Law and Human Rights Research Project

Bingham Centre for the Rule of Law

For and on behalf of:

Murray Hunt, Principal Investigator

1. <https://www.law.ox.ac.uk/research-and-subject-groups/parliaments-rule-law-and-human-rights-project> [↑](#footnote-ref-1)
2. <https://www.law.ox.ac.uk/node/15879> [↑](#footnote-ref-2)
3. HRC resolutions 22/15, 26/29, 30/14 and 35/29 [↑](#footnote-ref-3)