

Annex I

Draft Principles on Parliaments and human rights¹

Acknowledging the crucial role of parliament in ensuring Government's compliance with its international human rights obligations and in translating these into national legislation and policies;

Recognizing that parliament's main functions of, inter alia, ratifying human rights treaties, scrutinizing legislation and overseeing the work of the executive in fulfilling its human rights obligations, are crucial in order to support and ensure the Government's own primary responsibility for the promotion and protection of human rights;

Recognizing parliament's fundamental role in the creation and maintenance of effective functioning of bodies and institutions for the promotion and protection of human rights, as well as in considering and approving national budgets bearing in mind human rights implications;

Recognizing the significant contribution that parliament can make in connection with the work of international and regional human rights mechanisms, including the Universal Periodic Review (UPR);

Taking note of General Assembly resolutions 65/123, 66/261, 68/272 and 70/298, which welcome the contribution of parliaments to the work of the Human Rights Council (HRC);

Taking note of Human Rights Council resolutions 22/15, 26/29, 30/14 and 35/29 on the contribution of parliaments to the work of the HRC and its UPR;

Taking also note of General Assembly resolution 48/134 (Paris Principles) in enhancing the effective functioning of national human rights institutions as well as the Belgrade Principles on the relationship between national human rights institutions and parliaments;

Acknowledging the leading role of parliament in supporting and overseeing the implementation of recommendations made through the UPR mechanism as well as by other international and regional human rights mechanisms, and hence their contribution to the strengthening of the rule of law;

Recognizing that in order to strengthen their role in the promotion and protection of human rights, parliament should consider the establishment of a permanent internal committee dedicated to leading and coordinating these tasks.

The following Principles should guide parliaments in the setting up of parliamentary human rights committees, as well as in ensuring their effective functioning.

Mandate

1. A parliamentary human rights committee shall be given as broad a mandate as possible, covering all human rights as defined in national and international law. The mandate of the parliamentary human rights committee shall also provide clear terms of reference setting out its purpose and goals.

Responsibilities and Functions

2. A parliamentary human rights committee shall, inter alia, have the following responsibilities:

¹ Developed based on available research and OHCHR practice.

- (a) To encourage the ratification of or accession to international and regional human rights instruments;
- (b) To introduce and review bills and existing legislation to ensure compatibility with international human rights obligations and propose amendments when necessary;
- (c) To lead the parliamentary oversight of the work of the Government in fulfilling its human rights obligations, as well as political commitments made in international and regional human rights mechanisms;
- (d) To provide human rights related information to members of parliament during debates on legislation, policy or government actions;
- (e) To review draft national budgets from the perspective of the implications on the enjoyment of human rights;
- (f) To ensure that development assistance and cooperation funds support the implementation of recommendations from international and regional human rights mechanisms in countries recipient of such funds;
- (g) To call for the elaboration of national human rights action plan and oversee its implementation;
- (h) To engage and consult with the national human rights institution and civil society representatives on human rights issues, developments, concerns and cases;
- (i) To lead parliamentary action in response to national human rights developments and issues, including through legislative initiatives, parliamentary inquiries, public hearings, public debates, and the issuing of reports on national human rights issues and developments;
- (j) To hold public hearings, request information and documentation, summon and hear witnesses, provide reports and recommendations to the plenary of the Parliament, and initiate Parliamentary debate on its reports or subjects of its choosing;
- (k) To conduct training and awareness raising of parliamentarians on human rights-related issues.

3. A parliamentary human rights committee shall, inter alia, have the following roles regarding the international human rights system:

- (a) To participate in the national consultations held in preparation of and during the drafting process of reports to the international and regional human rights mechanisms;
- (b) To review and comment on the Government draft reports which the State is required to submit to the international and regional human rights mechanisms, such as the universal periodic review;
- (c) To participate in the UPR and in sessions of the treaty bodies, either as part of the Government delegation or on its own;
- (d) To participate, through a designated focal point, in the national mechanism for reporting and follow-up, and ensure that recommendations of international and regional human rights mechanisms that require legislative reform, the adoption of new laws, or budgetary adjustments are identified and given priority consideration;
- (e) To lead the parliamentary oversight of the work of the Government in implementing recommendations of international and regional human rights mechanisms;
- (f) To meet separately from the Government with special procedure mandate holders of the Human Rights Council, treaty body members, or UN officials dealing with human rights and regional human rights bodies when they conduct a country visit.

Composition and working methods

4. A parliamentary human rights committee shall be comprised of members of Parliament with human rights expertise, having due regard to the principle of pluralism, non-partisanship, respect for all human rights, and gender-balance;
5. A parliamentary human rights committee shall develop and publish terms of reference to define, inter alia, its working methods, the frequency of its meetings, its quorum, a procedure for agenda setting, means of communication, involvement in other fora such as the national mechanisms for reporting and follow-up, secretariat services, and modalities of consultations with stakeholders such as the national human rights institution, civil society or individuals;
6. A parliamentary human rights committee shall be transparent in its operations, including decision making. It shall publicise its work and hold hearings in public, except where there is a clear, stated and justifiable reason not to do so;
7. A parliamentary human rights committee shall be provided with sufficient financial and human resources by the Parliament to enable it to carry out its functions effectively;
8. A parliamentary human rights committee shall have access to external independent human rights advice, as required, including from the national human rights institution, legal professionals with expertise in human rights, academic experts, representatives of civil society organizations, international or regional organizations, or other relevant professionals with expertise in the area;
9. A parliamentary human rights committee should conduct its work in such a way as to provide opportunities for meaningful civil society participation.