



**WFD**

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# Assessment of the work of human rights committees from Western Balkans parliaments



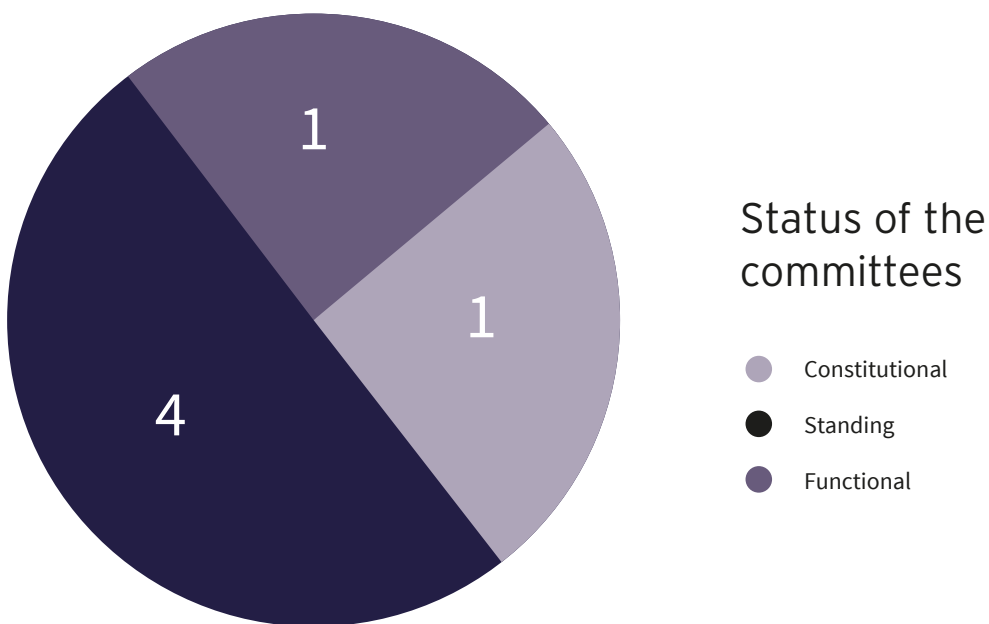
**HUGEN**

Human Rights and Gender  
Equality Network of Committees  
in the Western Balkan

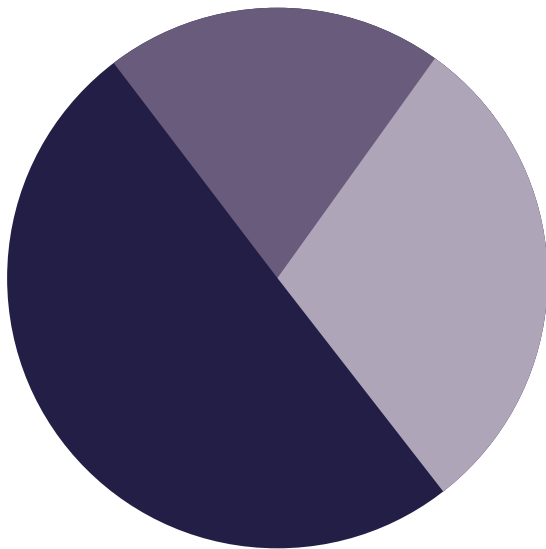
# Regional Overview

The committees on human rights in Western Balkans have many similarities regarding the status, competences, institutional set up, capacities as well as the cooperation and communication with the other national and international institutions and organizations that have focus on protection and promotion on human rights.

Most of the committees have been established in 2000s and only few at the beginning of 1990ties. This fact stresses out the importance of promotion and protection of human rights in the WB Parliaments. The oldest committee was established at the end of 1991 in the Parliament of North Macedonia and it is unique towards the others because it has constitutional status as only parliamentary committee which is provided in the Constitution of the Republic of North Macedonia. The importance of the committees is easily recognized by their status in the Parliament set up. In 5 of 6 parliaments, the committees have standing status-moreover out of those 5 parliaments one committee has constitutional status. However, in the “youngest” Parliament (Kosovo) the committee has functional status which is lower status than standing.



Taking into consideration the mandate of the committees, one half of them have only one mandate - human rights and freedoms, while the other half has 2 to 4 mandates. In the committees with multiple status, there is no strong and narrow focus on human rights and freedoms because there are not enough capacities for covering all mandates of these committees. Usually, the multiply mandate committees have larger number of members, which make the committee less functional and effective. For example, the parliaments in North Macedonia and Bosnia and Herzegovina have 1 mandate, Albania and Serbia have 3 mandates and Kosovo has most extensive competence consisted of 4 mandates.



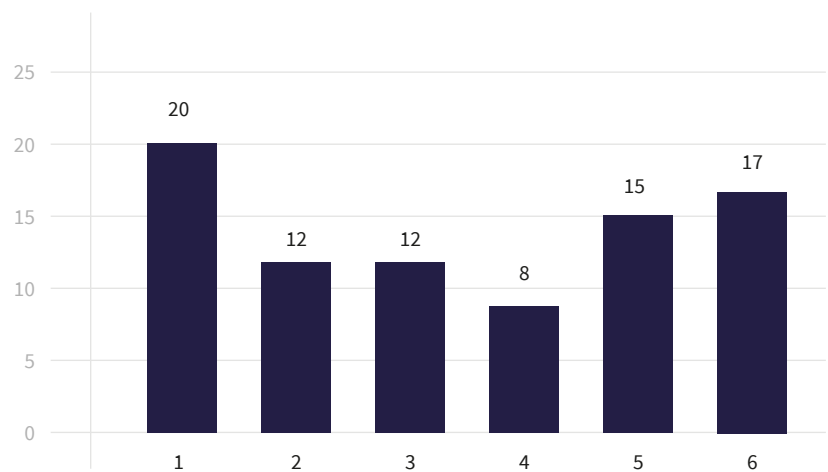
### Mandates of the committees

- 4 mandates
- 3 mandates
- 2 mandates
- 1 mandate

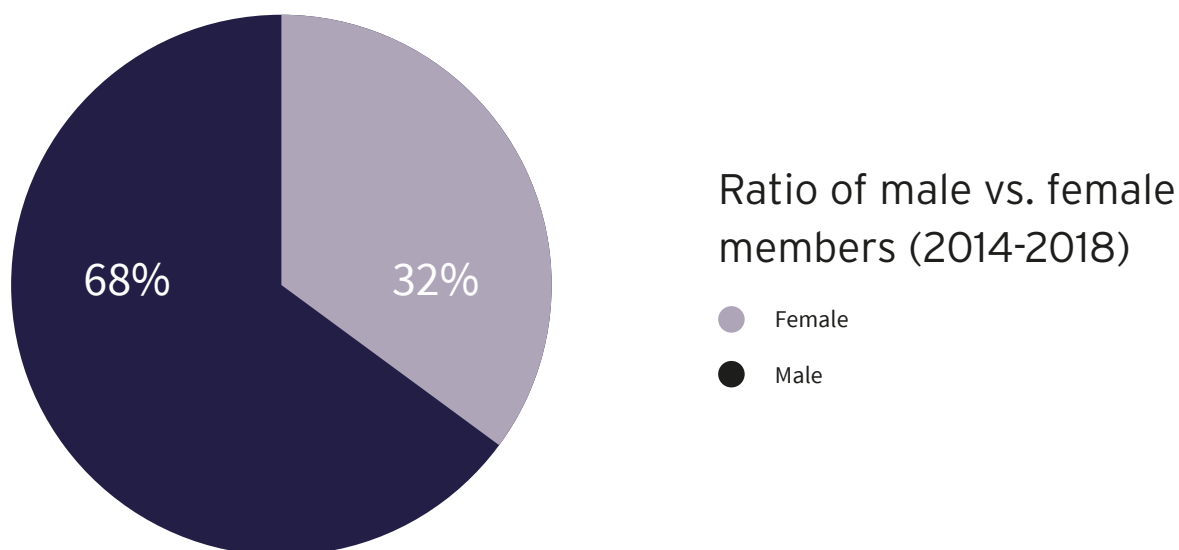
Number of the committee members varies in different parliaments. This biggest number of committee members is 20, and the smallest number is 8. The number of the committee members is related usually to number of mandates, which is not a case in North Macedonia.

### Members of the committees

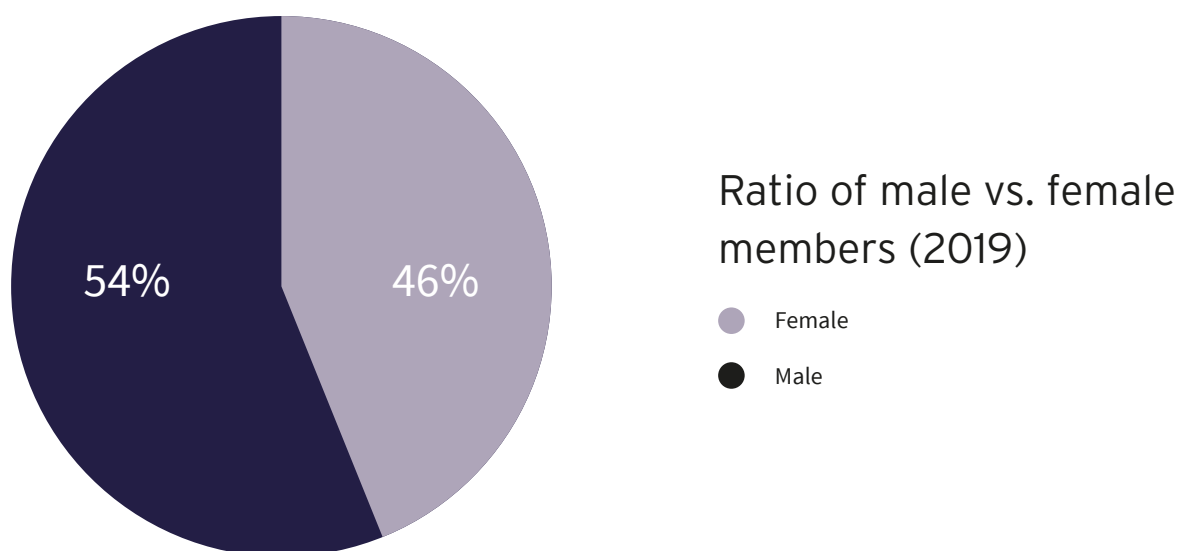
1. Albania
2. B&H
3. Kosovo
4. Montenegro
5. North Macedonia
6. Serbia



The study here presents a connection between the number of committee members with the number of MPs in the individual parliaments. The parliament with the biggest composition is the Serbian Parliament-committee from this Parliament is the second on the list by number of members. While the committee of the Albanian Parliament, which has 3 mandates, is the first by number of committee members. An exemption of this practice is the human rights committee in the parliament of North Macedonia which has only one mandate (human rights) but relatively big composition of the committee, it has 15 members and 15 deputies.



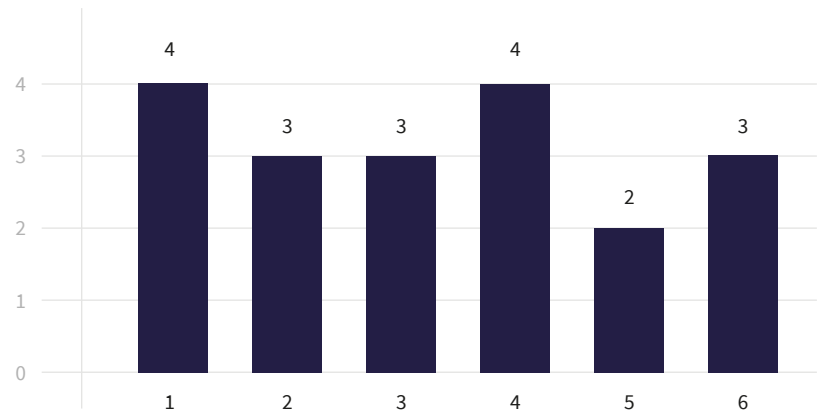
It is interesting that the ratio of the committee members in the time period 2014-2018 was severely imbalanced in favor of male MPs. Although, in some of the committees (Kosovo and Serbia for instance) the ratio is favor of female MPs. All other committees have general male MPs disbalanced ratio, presented in the chart above.



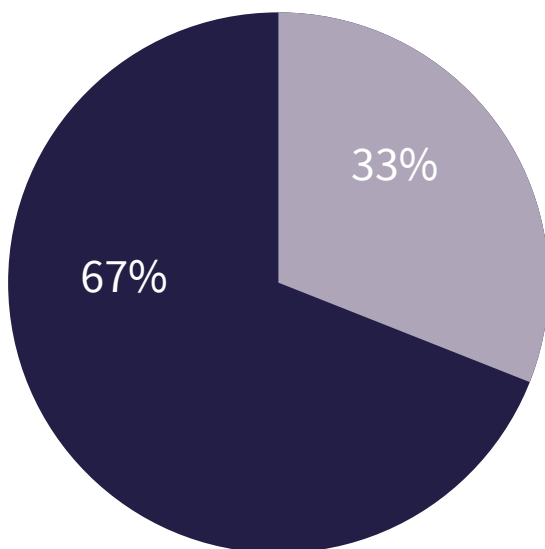
In 2019, this trend may change in favor of improving the balance taking into consideration that the new balance is 54% of male MPs against 46% of female MPs. This more acceptable balance is not final having in mind the fact that since 2018, the Joint Committee for Human Rights in Bosnia and Herzegovina does not have a new composition, so BiH ratio of members is not part of the chart.

## Staff of the committees

1. Albania
2. B&H
3. Kosovo
4. Montenegro
5. North Macedonia
6. Serbia



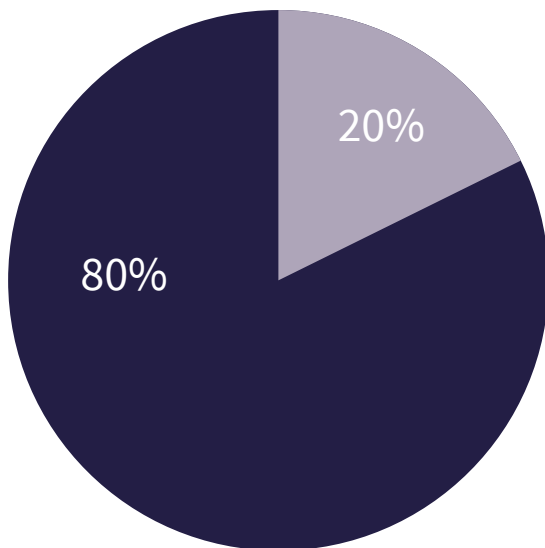
The number of the committee members is not always in correlation with the staff. The most equipped committee with staff is the Albanian committee, which has the biggest number of committee members and multiply mandates, and Montenegro committee which has the smallest number of committee members and only one mandate.



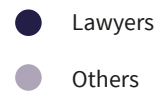
### Background of the committee chairpersons (2014-2018)

- Lawyers
- Others

In respect to the educational background of the chairpersons, we could conclude that most of them do not have legal background in the period of 2014-2018. Only one third of the chairpersons had legal background. This in most cases is not constitute a handicap, because all chairpersons are recognized as experienced professionals and human rights promoters.

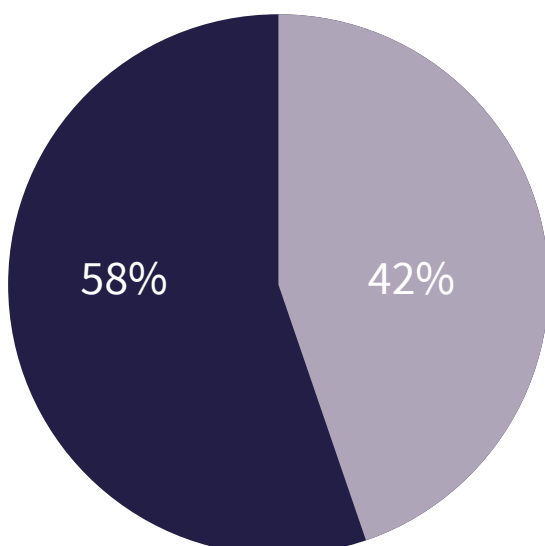


## Background of the committee chairpersons (2019)

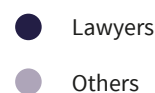


The trend in the current committees of chairpersons with legal background is even decreasing. In 2019 only one of 5 chairpersons has legal background, which may increase taking into consideration that since 2018, the Joint Committee for Human Rights in Bosnia and Herzegovina hasn't had a new composition, so the background of the chairperson of the BiH committee is not part of the chart. This handicap, lack of legal background, is usually covered by legal expertise provided by the committee staff.

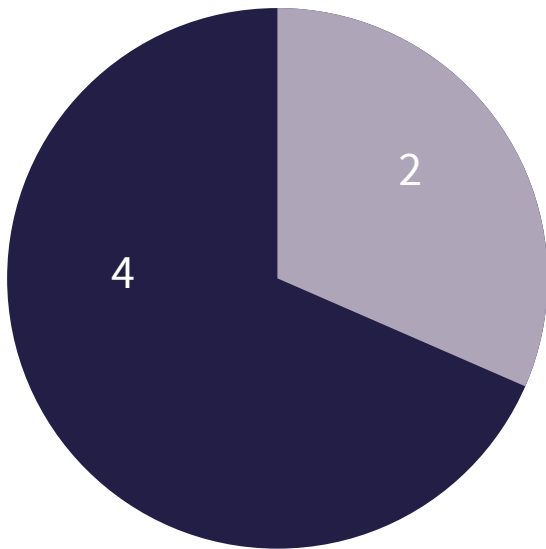
In respect to the committee staff, the ration of staff with legal background is higher. One half of the committee staff has legal background. Taking into consideration that the MPs are politicians which does not mean per se that they are experts in certain sectors, the committee staff has to be consisted of experienced experts in the HR field or professionals with certain educational and working background. Therefore the general standing of committee's chairpersons and committee members, is that the majority of the committee staff has to have adequate legal background taking into consideration that most of the work of the committee is related to legal issues.



## Background of the committees staff



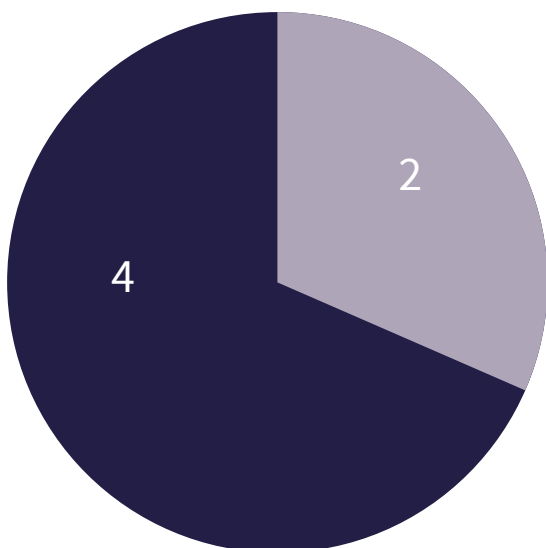
The committees have long list of competences, among one of them is receiving petitions and working with them. Usually the committees that work on individual and collective petitions from individual persons and legal entities, according to the assessment have high effect in protection of human rights and freedoms. All committees that work on petitions have close cooperation and coordination with the Ombudspersons in their countries.



## Number of committees that work on petitions

- Works on petitions
- Does not work on petitions

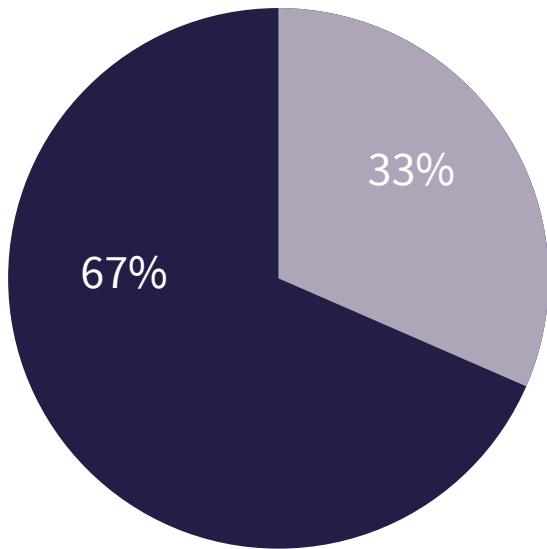
The same committees that have competence for individual and collective petitions have competence for conducting inquiries. According to the assessment, this competence of the committees has been identified as crucial in opening cases in which there is serious breaches of human rights and freedoms. There is no list of areas in which the committees may conduct an inquiry, which leave open table for undertaking initiative and conducting an inquiry by the committee itself. The committees in the parliaments of Albania and Montenegro are not conducting petitions.



## Number of committees that work on inquiries

- Works on inquiries
- Does not work on inquiries

One of the most important competence of the committee in exercising their mandate is monitoring of the implementation of ECtHR judgments. Only one third of the committees i.e. the committees of Montenegro and North Macedonia have this competence which shows low level of recognition of its importance by the parliaments. The committee that has competence in monitoring ECtHR has direct influence in creating policy on general measures that are usually recommended as legislative interventions or intervention in established practice of the state. This competence should be originally given to the parliament i.e. to the committees on human rights and freedoms having in mind that each parliament is in charge for following the implementation in practice of the European Convention for Human Rights as ratified international document.



## Monitor the implementation of ECtHR judgments

- Monitor the implementation of ECtHR judgments
- Does not monitor the implementation of ECtHR judgments



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## JOINT RECOMMENDATIONS

1. Redefining and lowering the number of mandates of the committees in order to have more specific and functional committees;
2. Decreasing the list of competences of the committees in order to provide more focus on human rights and freedoms;
3. Decreasing number of the committee members in some of the parliaments (Albania and North Macedonia) and redefining composition of the committees for grater effectiveness by using best comparative practices and experiences of other parliaments in the region (Montenegro).
4. Increasing the number, capacity and technical support of the committee staff;
5. Providing introductory and continuing training program for the committee members and committee staff in the field of protection and promotion of the human freedoms and rights;
6. Providing adequate outsourcing expertise for the committees in cooperation with academia, CSOs and donor community;
7. Establishing a system which will oblige the state bodies and institutions to deliver all requested materials and documents to the committee in timely manner;
8. Providing a model for prompt informing and feedback of the committee recommendations;
9. Providing a legal ground for the committees to monitor the implementation of the judgments of the European Court of Human Rights
10. Bigger role of the committees and parliaments in monitoring of implementation of ratified international agreements regarding human rights and freedoms.

## JOINT ACTIONS

1. Achieving a political agreement for redefining the mandate of the committees;
2. Providing adequate funds (national, regional or international) for increasing the capacity and number of the committee staff specialized in human rights;
3. Providing special dedicated fund for the committees for continuing trainings for all MPs, but primarily for committee members, staff and all associates;
4. Increasing the committee annual budget share by the parliament, for organizing hearings, field visits, debates and roundtables, etc.;
5. Increasing cooperation with bodies within the state (national human rights institutions, independent institutions, members of academia and etc.) and with similar international institutions (parliaments from the Western Balkan region and Europe) for sharing practical experiences and knowledge;
6. Larger promotion of the work of the committee on the state level;
7. Obligatory live streaming of the sessions of the committee;
8. Establishing regular communication and coordination on informing and feedback of the committee recommendations.



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