STRENGTHENING PARLIAMENTARY CAPACITY FOR THE PROTECTION AND REALISATION OF HUMAN RIGHTS

SYNTHESIS REPORT

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FOREWORD

The correlation between strong democratic governance and the respect for universal human rights is evident around the world. Dedicated Parliamentary Human Rights Committees are a relatively new concept and provide a mechanism for scrutiny of parliaments' work in this area. The first sitting of the Joint Committee on Human Rights (JCHR) took place on 31st January 2001 propelling the issue of human rights onto the international agenda.

Since 2008, WFD has been supporting parliaments to develop their ability to effectively legislate to protect human rights. Through WFD's Westminster Consortium for Parliaments and Democracy programme we worked with committees in Ukraine, Georgia, Lebanon, Uganda, Morocco and Mozambique to strengthen their scrutiny of legislation that would impact on individual freedoms. The project worked closely with the JCHR and the International Bar Association Human Rights Institute. A key achievement of this five-year programme was the establishment of the dedicated Human Rights Committee in the Ugandan Parliament and the launch of the very practical publication Human Rights and Parliaments: Handbook for Members and Staff.

It was during this programme that I engaged with Murray Hunt, the JCHR's Chief Legal Advisor, who shared with me his proposed Draft Principles and Guidelines on the Role of Parliaments in the Protection and Realisation of the Rule of Law and Human Rights. I immediately realised the potential of using these principles as the basis for a comprehensive assessment tool that would allow WFD to determine the capabilities of a parliament to protect the rights of their citizens. The outcomes of such a detailed assessment tool would help identify areas of development for future programming.

With additional support from the Department for International Development (DFID) and the Foreign and Commonwealth Office (FCO) WFD launched the "Parliaments, the Rule of Law and Human Rights" research project in collaboration with the University of Oxford. This partnership allowed the tool to be refined and tested in a more comprehensive way in specific parliaments.

This report by Oxford Research Assistant Brian Chang and WFD's Director of Research and Evaluation, Graeme Ramshaw, combines the findings from individual country reports developed by local country experts Livingstone Sewanyana (Uganda), Oksana Klymovych (Ukraine), Elene Sichinava (Georgia), Zarko Hadzi Zafirov (Macedonia and Serbia), and Wafa Harrar Masmoudi(Tunisia) who applied the assessment tools in their respective countries.

I was present in Georgia in January 2016, when the findings of the assessment were presented to the Georgia Human Rights Committee. The three sentiments of the committee members were:

1. An appreciation of the comprehensiveness of the assessment;
2. A gratefulness for the practical nature of the recommendations resulting from the assessment;
3. And shock at the realisation of the extent of work within a human rights committee's remit that they were unaware of and that they were not fulfilling.

I hope that those reading the report will appreciate the pioneering nature of this work and the benefits it will provide to legislative strengthening work around the world. In addition to Brian Chang and Murray Hunt from Oxford University, I'm grateful to Graeme Ramshaw, and WFD field staff Nejib Jeridi, Dorine Lakot, Boris Nadiradze, Damir Neziri, Emil Atanasovski, and Halyna Shevchuk for their contribution to this project.

George Kunnath
WFD Regional Director Europe and Africa

EXECUTIVE SUMMARY

This synthesis report is the product of a collaboration between the Westminster Foundation for Democracy (WFD) and the University of Oxford's "Parliaments, the Rule of Law and Human Rights" research project. The report is based on case studies examining the parliaments and parliamentary human rights committees of six countries (Georgia, Macedonia, Serbia, Uganda, Ukraine and Tunisia) using a set of key practices. This synthesis report presents a set of general recommendations for strengthening parliamentary capacity in ensuring the protection and realisation of human rights, as well as country-specific recommendations which are included in Annex II.

Based on our findings, we make the following general recommendations:

1. Parliaments and parliamentary human rights committees should examine the good practices and country-specific recommendations contained in this report, and seek to improve their practices where necessary.

2. Parliaments and parliamentary human rights committees should seek to work with national and international partners in order to maximise human rights protection within their countries.

    a. At the international level, parliaments and parliamentary human rights committees should seek to contribute to the Universal Periodic Review of the UN Human Rights Council, and the other UN treaty bodies and special procedures. They should also seek appropriate technical capacity building and training from the relevant international organisations.

    b. At the regional level, parliaments and parliamentary human rights committees should work together with the relevant regional bodies to monitor the enforcement of judgements of the regional human rights court.

    c. At the national level, parliaments and parliamentary human rights committees should build effective working relationships with all the key stakeholders, and work together with other parts of the national human rights machinery to ensure the coherence and co-ordination of that machinery, and its optimal use of resources for the protection and realisation of human rights.

4. Parliaments and parliamentary human rights committees should ensure that adequate resources are allocated to the protection of human rights within parliament, including through the provision of an adequate number of staff with expertise in human rights law and policy, to the committee, the parliamentary legal service, and the parliamentary research service.

5. Parliaments and parliamentary human rights committees should ensure the independence and plurality of the parliamentary human rights committee, and the parliamentary human rights committee should ensure that its reports are principled and adopted by consensus to the greatest extent possible, so that the work of the parliamentary human rights committee is respected.

6. Parliaments and parliamentary human rights committees should also continually review and improve their working practices, and assess and improve their effectiveness in protecting human rights.

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INTRODUCTION

Recent years have seen a growing international consensus around the importance of the role of parliaments in the protection and realisation of human rights. International and regional institutions, including the United Nations General Assembly, the United Nations Human Rights Council, the Inter-Parliamentary Union, the Council of Europe, the Commonwealth Secretariat and the Commonwealth Parliamentary Association have recognized the importance of the role of parliaments in a number of outcome documents, and have taken a number of active steps to increase the role of parliaments.[1]

As one of the primary institutions of the state, parliaments share a responsibility to protect and realise human rights and to implement the state's obligations, alongside the executive and the judiciary. While parliaments' role has historically been neglected, this is beginning to change. For one, there is growing concern as to the effectiveness of the international human rights machinery and its national implementation, specifically with respect to addressing instances when states do not effectively implement the internationally agreed human rights standards to which they have committed themselves. There is also a move to increase the democratic legitimacy of those standards. This means encouraging more debates in parliaments about what human rights obligations require, whether they are found in domestic law (e.g. national constitutions) or international law (including international human rights treaties the state has voluntarily adopted). Such discussion among elected representatives helps to democratise human rights by encouraging politicians to take more ownership of these fundamental values and to properly consider applicable human rights standards in their work.

Parliaments have an important role to play in ensuring respect for human rights law, particularly on the basis of two of their principal functions. Their law-making functions makes them well-placed to ensure that effective measures are taken to prevent human rights violations, and to ensure that national law provides practical and effective means by which remedies may be sought for alleged violations of human rights. Their other important function, oversight of the executive (the government), also means that they have a role in monitoring the government's human rights performance.

This report synthesises the evidence drawn from in-depth studies in six countries (Georgia, Macedonia, Serbia, Uganda, Ukraine and Tunisia), assessing parliamentary capacity to ensure the protection and realisation of human rights when carrying out both of the abovementioned functions. Using a new framework developed by the Westminster Foundation for Democracy (WFD) and the University of Oxford it analyses these parliaments across seven key practices, producing general and country-specific recommendations.

OBJECTIVES

WFD supports developing and transition countries in establishing or strengthening inclusive and effective democratic governance for their citizens by delivering political party, parliamentary and integrated programmes.

The objective of this specific study was to assess six parliaments (in Georgia, Macedonia, Serbia, Uganda, Ukraine and Tunisia), and their parliamentary human rights committees in particular, in terms of their capacity to protect and promote with human rights. The results of the assessment, including this synthesis report, may form the basis for future engagement from WFD and other local partners to help strengthen parliamentary capacity in this area.

METHODOLOGY

The parliamentary assessment was based on a questionnaire, developed by WFD, drawing on a set of good practices identified by the University of Oxford's "Parliaments, the Rule of Law and Human Rights" project in previous research. Selected results are included throughout the document and can also be found in Annex I.

Selected in-country experts were asked to prepare a set of responses to the questionnaire, supplemented by a country report identifying realistic and practical recommendations for the improvement of parliamentary oversight of the government's rule of law and human rights obligations.

This synthesis report presents the findings from the six individual studies, using the UK's (Westminster) Parliament and its Joint Committee of Human Rights as a baseline for comparisons. It provides an overview of the set of good practices that have been identified, describes the findings for each country, before concluding with a general set of recommendations for all parliaments. Country-specific recommendations, which emerged from the individual country reports, can be found in Annex II.

The UK's (Westminster) Parliament and its Joint Committee of Human Rights (JCHR) were chosen as a baseline for a number of reasons, including the following: Its pioneering practices in human rights; its strong tradition of effective parliamentary oversight; its capable, non-partisan professional parliamentary service and committee system; and its robust pre-and post-legislation scrutiny practices. Previous research demonstrates that the JCHR has increased the UK Parliament's involvement in debates about human rights over the decade between 2000 (the year it was formed) and 2010, both quantitatively (from 23 substantive references in parliamentary debate to JCHR reports in 2000 to more than 1000 substantive references in 2010) and qualitatively, although, just as with any other parliament there remains considerable scope for the UK Parliament's involvement in this area to be enhanced.[2]

Working with parliaments on human rights: Common challenges

Although parliaments share the key characteristics and functions of representation, legislation and oversight, not every parliamentary model is the same. Unicameral and bicameral models might adopt very different rules of procedure and approaches to training, for example. More pragmatically, many nominally multi-party systems may yet operate with a significant government majority, which can change the role of parliament and the engagement of its members. Thus, a single approach to parliamentary strengthening is unlikely to yield the same result across different regions and different parliamentary traditions.

Some legislatures, particularly in Eastern Europe, have historically focused on the legislative function, with little or no development of the oversight role of the parliament in the scrutiny of public policy and executive action. In some systems, few resources have been invested in parliament or its management, with the outcome that staffing levels are low and resources limited, or that staffing has been predominantly provided on a partisan basis (either by the individual political parties or drawn from the Executive). However, despite the many differences across each of the countries in which WFD has worked with parliaments on human rights, there were a number of shared challenges, albeit each with different impacts and varying degrees of significance.

The first is the resource challenge: given a limited amount of time, finances and expertise, how can parliaments fulfil their responsibilities of making good legislation and overseeing the executive? More specifically, how can parliamentary human rights committees scrutinise legislation to ensure that it is compatible with and promotes human rights in a timely manner, and hold urgent inquiries in pressing human rights issues in the country, given their resource constraints, challenging legislative schedules, and competing demands on their members' time?

The second is the effectiveness challenge: how can parliaments and parliamentary human rights committees maximise the effectiveness of their work in protecting and promoting human rights? How can they measure their effectiveness? A common feature in many developing parliaments is that priority is given to the legislative function and thus, significantly more time is spent in passing legislation than conducting oversight of the executive and public agencies. Against this background, Parliaments with limited resources often have little time or money to develop and sustain effective and respected structures for the conduct of oversight, including for compliance with domestic and international human rights standards.

Lastly, and more philosophically, is the value-added challenge: how can parliaments, parliamentary human rights committees and/or individual parliamentarians add value to their work in protecting and promoting human rights that goes beyond what a parliamentary legal adviser who is well trained in human rights law would be able to provide? The work of any parliament relies on effective, albeit arms-length, working relationships with Government, public agencies, academia and international and domestic civil society organisations; parliaments, parliamentary human rights committees and/or individual parliamentarians need to think about where they fit into the broader landscape of human rights protection, and where they can add the most value.

This report does not pretend to have all the answers to these common challenges, but is written with the aspiration of stimulating reflection on how parliamentary protection of human rights could be improved in the reader's country. It aims to do so by taking the reader through a collection of practices that can assist the parliamentary protection of human rights, which is supplemented by case studies from the UK (which should be considered as comparative examples, rather than as ideal solutions) before offering some suggestions on how to answer the common challenges in the conclusions and general recommendations sections.

Parliaments and human rights: Key practices

Drawing from previous research work reviewing the JCHR and the UK Parliament's protection of human rights,[3] as well as recent work on "Parliaments, the Rule of Law and Human Rights" more generally,[4] WFD and the University of Oxford have identified seven key practices, and a number of sub-practices, which can assist parliaments and parliamentarians to fulfil their role in the protection and realisation of human rights. These are:

1. Parliaments should have adequate internal structures to enable them to fulfil their responsibility to protect and realise human rights. These internal parliamentary structures should ensure rigorous, regular and systematic monitoring of the government's performance of its responsibilities to secure the rights and freedoms recognised in national law and in the State's international obligations.

2. Parliaments should have specialised human rights committees that adhere to the following principles:

- Are established by parliament, and not the executive, with their permanent existence enshrined in Parliament's Standing Orders;
- Have remits that are broadly defined, concerns human rights in the domestic context, and allows the committee to take into account all relevant sources of human rights standards in both national and international law;
- Are composed in such a way as to guarantee their independence and pluralism;
- Have powers that enable it to carry out its work effectively; and
- Be supported by specialised staff with expertise in human rights law and policy, and who are independent from government and NGOs.

3. The principal function of the specialised parliamentary human rights committee should be to inform parliamentary debate about human rights issues, and may include the following:
- Legislative scrutiny;
- Scrutiny of executive response to human rights judgements of courts;
- Scrutiny of compliance with and implementation of international human rights obligations;
- Inquiries into topical human rights issues;
- Scrutiny of government policy generally for human rights compatibility; and
- Monitoring the adequacy of the national system for the protection of human rights (If resources permit, the specialised parliamentary human rights committee could also perform the following functions:
- Pre-legislative scrutiny
- Post-legislative scrutiny
- Scrutiny of secondary legislation

4. The specialised parliamentary human rights committee should adopt appropriate working methods, which are published and kept under regular review in the light of practical experience. These working methods should include:
- A priority policy and work programme;
- Decisions by consensus;
- Transparency;
- Civil society input;
- Regular reporting; and
- Follow up.

5. Parliaments and their parliamentary human rights committee should develop and maintain consistent and effective working relationships with a range of key interlocutors. Such relationships should be established and maintained at the level of both members and staff.

6. Parliaments should provide appropriate training and research services on human rights to all members and staff

7. Parliaments should develop a methodology to assess their effectiveness in the protection and realisation of human rights.

These key practices are not exhaustive, and are not set in stone. They may be varied in the light of national context or experience. Nevertheless, we believe that they merit consideration by those who are interested in exploring ways to strengthen parliamentary capacity to protect and realise human rights, and who are open to learning from the experience of other countries.

Case Study: Setting up a Human Rights Committee in Uganda

In Uganda, until recently, responsibility for scrutiny of human rights issues tended to be spread across the Legal and Parliamentary Affairs Committee, the Committee on Equal Opportunities and the Committee on Defence and Internal Affairs. The Legal and Parliamentary Affairs Committee and the Equal Opportunities Committee were allocated a secondary mandate to scrutinise bills passed through Parliament, ensuring compliance with human rights laws. In practice, this often led to bills being passed without thorough scrutiny of human rights issues.

WFD, through its Westminster Consortium (TWC) programme, partnered with the Foundation for Human Rights Initiatives (FHRI) to recommend to the Ugandan Parliament that a dedicated human rights committee might prove a more effective model. In support of this proposal, the Director of Legal and Legislative services in the Parliamentary Commission put a case to the Speaker and, following the February 2011 elections, the Parliament moved to establish the new Human Rights Committee.

The Committee was established, but not without opposition. A concession was made, which allowed the majority party to hold the Chair. However, the Speaker, Rebecca Kadaga, took a strong stand against resistance from members who claimed that minority groups would use the committee to promote an overtly political "agenda". Targeted mentoring from JCHR staff followed, sharing strategies and models that had allowed the JCHR to put pressure on sequential administrations to publish increasingly comprehensive explanations of their view that particular measures were compatible with domestic and international human rights standards.

The Ugandan participants worked to put together a model for Ugandan scrutiny based on Government certification of all draft Government Bills as compatible with Part 4 of the Ugandan constitution. This certification model might increase the prominence of human rights issues in legislative debate, if used effectively. The process of establishing the Committee has also highlighted to individual parliamentarians and to Government the important function which parliament plays in ensuring that the rights of individuals guaranteed by the constitution and international human rights law are at the heart of good government.

(Source: WFD, "Parliament of Uganda establishes a standalone Committee on Human Rights" (Case study for the DFID Governance and Transparency Fund, 2013)

FINDINGS

Key Practice I. Adequate parliamentary structures

A. Existence of specialised parliamentary human rights committees

As a starting point, the existence of a specialised parliamentary human rights committee is important because it sends a strong political message that human rights are to be taken seriously by parliament, as well as ensuring that human rights concerns feature prominently and regularly in parliamentary discussions. All six of the parliaments studied had a dedicated human rights committee or a committee with an express human rights mandate (the parliamentary human rights committee).

Beyond the parliamentary human rights committee, many of the countries studied had other parliamentary committees which consider the impact of legislation or government policy on human rights and the rule of law, such as Justice Committees and Home Affairs Committees. While this study focuses on the parliamentary human rights committee and on parliaments as a whole, it is important not to neglect the potential role of these other parliamentary committees in identifying and addressing human rights concerns, as the parliamentary human rights committee may not have the resources to scrutinise all legislative proposals and executive actions.

Case Study: The 'three new pillars of the constitution' in the Westminster Parliament

Within the United Kingdom, Robert Hazell has argued that Parliament is becoming the guardian of legal and constitutional values, as a result of the work of three specialist parliamentary committees which systematically scrutinise legislation for its adherence to those values: the Joint Committee on Human Rights, the House of Lords Delegated Powers and Regulatory Reform Committee, and the House of Lords Constitution Committee.

The Joint Committee on Human Rights – examines matters relating to human rights within the United Kingdom, including the scrutiny of legislation for their human rights compatibility.

The House of Lords Constitution Committee – scrutinises legislation for their constitutional implications and investigates broad constitutional issues.

The House of Lords Delegated Powers and Regulatory Reform Committee – has a mandate "to report whether the provisions of any bill inappropriately delegate legislative power, or whether they subject the exercise of legislative power to an inappropriate degree of parliamentary scrutiny".

(Source: R Hazell, 'Who is the Guardian of Legal Values in the Legislative Process: Parliament or the Executive?' [2004] Public Law 495)

B. Mainstreaming human rights across parliaments

While the existence of specialised committees is important, there is also a need to ensure that these concerns are mainstreamed into parliament. This is because of the limits to what can be achieved by specialised committees, with limited resources and busy members who have many other demands on their time, as well as the need to ensure that human rights concerns are not dismissed by other parliamentarians as the concerns of a specific committee or outside actors, particularly judges and lawyers, who lack democratic legitimacy. Indeed, Murray Hunt writes that we should consider the legitimation advantage that mainstreaming would have, increasing the legitimacy of human rights standards by increasing the role that parliamentarians play in both articulating these standards and interpreting their requirements in particular contexts.[5]

The provision of expert advice on human rights

One set of good practices with regards to mainstreaming pertains to the provision of advice. Ideally, parliament will ensure that expert advice on human rights, including but not confined to legal advice, is available to all parliamentary committees and all parliamentary officials. On one side, the parliamentary legal service has a responsibility to employ lawyers with expertise in human rights law, while parliamentary committees will identify which human rights principles are most relevant to their work. Parliament itself will ensure that the necessary institutional safeguards are in place to guarantee the independence of legal advisers, including written procedures for dealing with improper pressure from MPs or other parliamentary staff. Parliamentary committees should also proactively seek expert advice whenever their work engages human rights.

None of the parliaments studied fully meet these good practices, reflecting a lack of resources and capacity. The table below briefly summarises our findings.

	Georgia	Macedonia	Serbia	Tunisia	Uganda	Ukraine	United Kingdom
The provision of expert advice on human rights							
Does the Parliament ensure that expert advice on human rights, including but not confined to legal advice, is available to all parliamentary committees and to all parliamentary officials?	No	No	No	Yes	Yes	Yes	Yes
Does the parliamentary legal service ensure that it employs lawyers with expertise in human rights law?	No	No	No	No	No	Yes	Yes
Does the Parliament ensure that the necessary institutional safeguards are in place to guarantee the independence of Parliament's legal advisers, including written procedures for dealing with improper pressure from members of Parliament or other parliamentary staff?	Yes	No	No	No	No	Yes	Yes
Do parliamentary committees proactively seek expert advice, including legal advice, about the relevant human rights and rule of law principles whenever their work engages a human right or the rule of law?	No	No	Yes	Yes	Yes	Yes	Yes

Existence of mechanisms to focus debate on human rights issues

Another set of good practices to mainstream human rights across parliaments concern mechanisms to focus debate on human rights issues. The simplest example is a mechanism to ensure that any relevant reports of the parliamentary human rights committee are both drawn to the attention of and made available to members before any parliamentary proceeding which will include consideration of human rights. All the parliaments studied have such mechanism.

Another mechanism that is relatively easy to implement is ensuring that relevant reports of the national human rights institution (NHRI) are both drawn to the attention of and made available to members before any proceeding which will include consideration of that particular human rights issue. Of the six parliaments studied, only Georgia and Tunisia do not have such a mechanism.

A third mechanism that has been adopted in the parliaments of Tunisia and Ukraine (as well as the United Kingdom), is for the parliament to put in place the necessary systems to ensure that the Speaker of the Parliament (or equivalent) is always informed in advance, and if necessary advised, when a parliamentary proceeding engages parliament's responsibility to protect and/or realise human rights. The Speaker of the Parliament can then adopt appropriate mechanisms to ensure that the human rights dimension of the parliamentary proceedings is addressed, such as committing the relevant legislative proposal to the parliamentary human rights committee.

Key Practice II. Adherence to specialised human rights committees to key principles

A. Establishment

Moving beyond its existence, one key principle for the parliamentary human rights committee is that it must be established by parliament, and not the executive, with their permanent existence enshrined in the parliament's Standing Orders (or Organic Laws or by-laws). This practice is designed to protect the parliamentary human rights committee's independence from the executive, and to entrench it within parliament, so that it cannot be easily discontinued without deliberate actions being taken to do so.

Of the six parliamentary human rights committees studied, all have been established by parliament, and not the executive. All but one parliamentary human rights committee (Ukraine) have their permanent existence enshrined in the parliament's Standing Orders (or Organic Laws or by-laws). The Ukrainian parliamentary human rights committee, is formed on the basis of a parliamentary resolution passed each time there is a new convocation of the Ukrainian Rada. This is a single resolution that authorises the formation of all Ukraine's parliamentary committees, to which the Ukrainian Rada may choose to add or discontinue committees. This arrangement reflects a weak entrenchment of the Ukrainian parliamentary human rights committee, since it requires a positive decision for the formation of the committee upon each new convocation of the Ukrainian Rada, and the existence of the committee may become subject to the wider political negotiations surrounding the resolution authorising the formation of parliamentary committees.

The experience of the UK Joint Committee of Human Rights in the most recent parliamentary session (2015-2016), where appointments of members to the committee took nearly six months after the new parliament commenced sitting following general elections, suggests that there should never be complacency even where the committee is independent and entrenched.

B. Remits/mandates

The next key principle is that the parliamentary human rights committee should have a remit or mandate that is broadly defined, concerns human rights in the domestic context, and allows the committee to take into account all relevant sources of human rights standards in both national and international law.

A broad remit that enables the committee to consider all human rights issues in the domestic context is necessary for the committee to function effectively. Ideally, this remit will also be limited to human rights in the domestic context, and not include other portfolios such as foreign affairs, so that the committee focuses its attention, resources and time on human rights domestically. This avoids the phenomenon identified by the UN Office of the High Commissioner for Human Rights, in which parliamentary human rights committee "pay more attention to the human rights situation in other States, neglecting to look into their national systems."[6]

Of the six parliamentary human rights committees studied, all had a remit that is broadly defined, and which concerns human rights in the domestic context. However, not all remits were limited solely to human rights in the domestic context. The parliamentary human rights committee of the Tunisian National Constituent Assembly, for instance, is the Committee on Rights, Freedoms and External Relations, which is responsible for bills, proposals and issues relating to human rights as well as external relations and international cooperation. Finally, all the six parliamentary human rights committees studied had remits which allows them to take into account all relevant sources of human rights standards in both national and international law.

Case Study: The remit of the UK Joint Committee on Human Rights

The committee's work includes scrutinising every Government Bill for its compatibility with human rights, including:

- The rights under the European Convention on Human Rights (ECHR) protected in UK law by the Human Rights Act 1998
- Common law fundamental rights and liberties
- The human rights contained in other international obligations of the UK

This scrutiny of Bills also includes consideration of whether the Bill presents an opportunity to enhance human rights in the UK. The committee also scrutinises the Government's response to court judgments concerning human rights, and the UK's compliance with its human rights obligations contained in a range of international treaties.

From time to time, the committee will also conduct thematic inquiries, where the committee choose our own subjects of inquiry and seek evidence from a wide range of groups and individuals with relevant experience and interest. The committee is also required to report to Parliament on any remedial order made under the Human Rights Act 1998. A remedial order is a form of delegated legislation. Remedial Orders seek to correct breaches of human rights, identified by either domestic courts or the European Court of Human Rights, between UK law and the ECHR. The Committee's formal remit can be found under HC Standing Order No. 152B.
(Source:whttp://www.parliament.uk/business/committees/committees-a-z/joint-select/human-rights-committee/role/)

C. Composition and guarantees of independence and pluralism

The third key principle is that the parliamentary human rights committee should be composed in such a way as to guarantee their independence and pluralism. This is vital to the committee's credibility, and will give legitimacy to its findings, enable it to be more effective in protecting human rights. We asked a number of questions to evaluate the independence and pluralism of each of the committees, results of which are presented below.

	Georgia	Macedonia	Serbia	Tunisia	Uganda	Ukraine	United Kingdom
C. Guarantees of Independence and Pluralism							
Does Parliament guarantee the independence of the committee from both the Government and non-state actors, including NGOs?	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Is the composition of the committee defined in such a way as to ensure that there can be no Government majority on the committee?	No	No	No	No	No	No	No
Does the composition of the committee normally include a Government majority?	Yes	Yes	Yes	Yes	Yes	No	No
Is the composition of the committee as inclusive as possible of all the parties represented in the parliament?	Yes	No	Yes	Yes	Yes	No	Yes
Does the composition of the committee reflect the principle of pluralism?	No	Yes	Yes	Yes	Yes	Yes	Yes
Does the composition of the committee reflect the principle of gender balance?	No	Yes	Yes	Yes	Yes	No	Yes
Are members of the committee appointed by a transparent process which commands public trust and confidence in the independence of the committee?	Yes	No	No	Yes	Yes	Yes	No
Does parliament ensure that mechanisms exist for any possible conflicts of interest to be declared by members of the committee?	No	No	No	No	Yes	Yes	Yes
Do members of the committee have previous expertise in human rights?	No	No	No	Yes	No	Yes	No
Are Members of the Government (e.g. Ministers) ineligible to be members of the committee?	Yes	No	Yes	Yes	Yes	Yes	Yes
Is the Chair of the committee elected by members of parliament?	Yes	Yes	Yes	Yes	No	Yes	No
Is the Chair a senior parliamentarian of proven independence?	Yes	Yes	Yes	Yes	No	Yes	Yes

Two key indicators of the independence of the parliamentary human rights committee are the election of a chairperson by members of parliament (a formal guarantee of independence), and whether this chairperson is a senior parliamentarian of proven independence (a practical guarantee independence). All of the surveyed parliamentary human rights committee studied had chairpersons elected by members of parliament, except for the Ugandan Committee on Human Rights Affairs, where the Chairperson and deputy Chairperson are appointed by the Government Chief Whip, and are members of the ruling party. This reflects the political compromise struck in the introduction of a parliamentary human rights committee in Uganda to counter Government concerns that the committee would be "captured by the LGBT rights lobby", but has given rise to perceptions that the Committee on Human Rights Affairs may not be independent.

Another important formal guarantee of the independence of the parliamentary human rights committee is for it to have no Government majority, or a small Government majority on the committee, but with the Chairperson being a member of the opposition or a senior parliamentarian with proven independence. In the absence of these formal guarantees, the parliamentary human rights committee will be reliant on a strong culture of parliamentary accountability and on public expectations that the committee will be independent in practice.

As will be seen from the UK case study (presented below), the UK Joint Committee on Human Rights has weak formal guarantees of independence. Nevertheless, because of a strong parliamentary culture of backbenchers using committees to hold the Government to account, the UK Joint Committee on Human Rights is generally perceived to be independent and pluralistic. This suggests that parliamentary culture can contribute to the independence and pluralism of the parliamentary human rights committee; conversely, where there is a weaker parliamentary culture of parliamentary committees holding the Government to account, more formal and stronger guarantees of independence and pluralism may be worth consideration.

Case Study: The composition and guarantees of independence of the UK Joint Committee on Human Rights

The Joint Committee of Human Rights is composed of 12 members, 6 of whom are from the House of Commons, and 6 of whom are from the House of Lords. Members of the committee are elected by their respective Houses, and may not be members of the Government (e.g. Ministers or Parliamentary Secretaries). Unusually amongst UK select committees since reforms implemented in 2010, the member selected to Chair the committee is not elected by secret ballot amongst the members of Parliament, but is agreed between the party whips. Nevertheless, the Chair has historically been a senior Parliamentarian of proven independence, often a Member from the Opposition.

The JCHR is generally perceived to be independent, because of the strong parliamentary culture of backbenchers using committees to hold the Government to account, and its members and reports frequently challenge the Government over its policies and proposed legislation. The JCHR is generally regarded to be politically pluralistic, with members drawn from at least three political parties, as well as the Cross-Benchers in the House of Lords (peers who are not members of any political party), in numbers reflecting the broader make-up of each House. This makes it difficult, but not impossible for there to be a Government majority on the committee. The committee generally reflects the principle of gender balance, and presently has 8 women members (out of 12).

D. Powers

Another key principle is that the parliamentary human rights committee should have broad powers in order to carry out its mandate effectively, including fact-finding powers and powers to report and make recommendations. Thus, the parliamentary human rights committee, or its members, should have the following powers:

- to initiate inquiries of its own choosing
- to compel witnesses to attend, including Government ministers
- to compel the production of papers
- to hold oral evidence hearings
- to conduct visits, including visits abroad
- to access places of detention without notice
- to report to Parliament
- to make recommendations to the Government

Where possible, the parliamentary human rights committee could have powers of initiative:

- to initiate parliamentary debates on its reports or on subjects of its choosing
- to propose amendments to legislation
- to introduce bills into parliament concerning matters within its remit

The results of our study are presented below. Broadly speaking, three of the six parliamentary human rights committee had complete fact-finding powers (excepting Macedonia, Serbia and Uganda), four of the six had complete powers of initiative (excepting Serbia and Tunisia) and five of the six had complete powers of reporting and recommendation (excepting Macedonia).

	Georgia	Macedonia	Serbia	Tunisia	Uganda	Ukraine	United Kingdom
D. Powers							
To initiate inquiries of its own choosing?	Yes	Yes	No	Yes	Yes	Yes	Yes
To compel witnesses to attend, including Government ministers?	Yes	Yes	Yes	Yes	Yes	Yes	Yes
To compel production of documents by the Government?	Yes	Yes	No	No	Yes	Yes	Yes
To hold oral evidence hearings?	Yes	No	Yes	Yes	Yes	Yes	Yes
To conduct visits, including visits abroad?	Yes	No	No	Yes	Yes	Yes	Yes
To access places of detention without notice?	Yes	No	Yes	Yes	No	Yes	Yes
To report to parliament?	Yes	Yes	Yes	Yes	Yes	Yes	Yes
To make recommendations to the Government?	Yes	No	Yes	Yes	Yes	Yes	Yes
To initiate parliamentary debates on its reports or on subjects of its choosing?	Yes	Yes	Yes	Yes	Yes	Yes	Yes
To propose amendments to legislation?	Yes	Yes	No	Yes	Yes	Yes	Yes
To introduce bills into parliament concerning matters within its remit	Yes	Yes	No	No	Yes	Yes	Yes

In terms of fact-finding powers, three of the most important powers are: the power to compel the production of documents by the Government; the power to conduct visits, including visits abroad; and the power to access places of detention without notice. The first two are necessary for the parliamentary human rights committee to obtain information on violations of human rights and the relevant Government actions and policy. The last is necessary given the historically high potential for violations of rights in places of detention. We would therefore encourage the parliamentary human rights committees to seek and exercise these powers.

E. Staff

The final key principle for this section is that the parliamentary human rights committee should be supported by specialised staff with expertise in human rights law and policy, and who are independent from government and NGOs. This will enable the parliamentary human rights committees to make authoritative and impartial reports and findings that are consistent with domestic and international human rights standards.

Of the six parliamentary human rights committee studied, three were supported by specialised staff with expertise in human rights law and policy (Georgia, Uganda and Ukraine) while three were not (Macedonia, Serbia and Tunisia).

Staff should be employed directly by parliament, and not be on secondment from the Government (e.g. the legislative drafting office) or NGOs, so that the reports and findings of the parliamentary human rights committee are seen to be independent from both. All six parliamentary human rights committee studied met this principle.

Macedonia Square, Skopje

Key Practice III. Functions of the parliamentary human rights committee

The principal function of the parliamentary human rights committee should be to inform parliamentary debate about human rights issues, by including the following in its reports to parliament. This simple checklist provides guidance on the content the committee's reports should include, so that parliament is fully informed on the human rights issues raised in its debate.

- Advising parliament about the human rights which are relevant to any issues being considered by parliament
- Identifying the relevant factual questions which must be answered if parliament is to be satisfied that it is acting compatibly with human rights
- Obtaining information from the Government about the justification for actions or inaction which affect human rights
- Advising parliament about the human rights framework in which human rights issues should be considered by parliament

The results of the study are presented below:

	Georgia	Macedonia	Serbia	Tunisia	Uganda	Ukraine	United Kingdom
Does the specialised human rights inform parliamentary debate about human rights by							
Advising parliament about the human rights which are relevant to any issues being considered by parliament?	No	No	No	Yes	No	No	Yes
Identifying the relevant factual questions which must be answered if parliament is to be satisfied that it is acting compatibly with human rights?	No	No	No	Yes	No	No	Yes
Obtaining information from the Government about the justification for actions or inaction which affect human rights?	No	Yes	Yes	Yes	Yes	Yes	Yes
Advising parliament about the human rights framework in which human rights issues should be considered by parliament?	No	No	Yes	Yes	Yes	Yes	Yes

Because of resource and time constraints, the parliamentary human rights committee may not be able to pursue all of the functions below in a systematic manner, but should nevertheless aim to engage in the following functions, while retaining the flexibility to determine the relative priority given to each function:

a. Legislative scrutiny;
b. Scrutiny of executive response to human rights judgements of courts;
c. Scrutiny of compliance with and implementation of international human rights obligations;
d. Inquiries into topical human rights issues;
e. Scrutiny of government policy generally for human rights compatibility; and
f. Monitoring the adequacy of the national system for the protection of human rights

The parliamentary human rights committee could also develop the following functions:

g. Pre-legislative scrutiny
h. Post-legislative scrutiny
i. Scrutiny of secondary legislation

A. Legislative scrutiny

Legislative scrutiny is generally regarded as one of the core functions of any parliamentary human rights committee. The central challenge is for the parliamentary human rights committee to *systemically* scrutinise all draft legislation for compatibility with human rights, given its resource and time constraints, especially when draft legislation or amendments may be published on a fast-moving schedule that leave little time for parliamentary consideration, and to report to parliament in a timely manner that maximises the effectiveness of its reports. Of the six parliamentary human rights committees studied, only three of them *systematically* scrutinise legislation for compatibility with human rights (Georgia, Serbia and Tunisia), while only two of them ask the executive to report systematically to parliament on the compatibility of draft legislation with human rights (Georgia and Ukraine).

Apart from legislative scrutiny of Government Bills, the parliamentary human rights committee could also try to identify opportunities for parliament to legislate to give effect or better effect to human rights obligations, including the implementation of treaty obligations, recommendations of the treaty bodies and judgments of courts (national or international) concerning human rights. This could include recommending or proposing legislation to give effect to positive obligations. Of the six parliaments studied, only three presently do so (Georgia, Macedonia and Ukraine).

B. Scrutiny of executive response to human rights judgements of courts

Another important function of the parliamentary human rights committee should be to scrutinise the executive's response to adverse human rights judgements of courts, including the courts of the regional human rights mechanism (the European Court of Human Rights (also commonly referred to as the Strasbourg court) for Georgia, Macedonia, Serbia, Ukraine and the United Kingdom; and the African Court of Human and Peoples' Rights for Tunisia and Uganda). This is especially important in the regional context, where judgements of the regional courts are not routinely implemented, unlike judgements of the domestic courts, even though the states have an international law obligation under the regional human rights treaty to implement the judgements of the regional courts.

As one of the primary organs of the state, parliaments share the responsibility to implement the state's human rights obligations together with the executive, and are an important national stakeholder in ensuring that judgements are implemented. The parliamentary human rights committee can help by systematically scrutinising the executive's response to human rights judgements, with a view to reporting to parliament

Case Study: Legislative scrutiny by the UK Joint Committee on Human Rights

The JCHR faces the same challenge as other parliamentary human rights committee in systemically scrutinising all draft legislation for compatibility with human rights, given resource and time constraints. To address this challenge, the JCHR has adopted three key practices: a legislative scrutiny prioritisation policy, requesting for detailed human rights memoranda on all draft legislation proposed by the Government, a meeting with the Bill teams.

1. Legislative scrutiny prioritisation policy

In its early days, the JCHR sought to comprehensively scrutinise all Bills, including Private Members Bills for their compatibility with human rights. However, because of its resource constraints, the JCHR decided in 2007 to adopt a legislative scrutiny prioritisation policy, which focuses its resources on the Bills which are likely to raise significant human rights issues, which in practice has led to the committee scrutinising one-third of the Government Bills in any one Parliamentary session. The policy is based on an initial 'preliminary sift' by the JCHR's legal advisers, who examine all the measures announced in the government's annual legislative programme (the Queen's Speech) and advises the committee on which Bills are likely to raise significant human rights issues. JCHR members consider this advice, discuss whether they agree that the issues identified are likely to be sufficiently significant to warrant human rights scrutiny (based on published criteria), or if there are other significant issues not identified by their legal advisers. They then decide, in principle, which issues in which Bills the JCHR should scrutinise. The Committee then issues a call for evidence in relation to those issues, announces its likely legislative scrutiny priorities for the session, and invites submissions in relation to those Bills or other Bills.

2. Human Rights Memoranda

The single most important factor which determines the JCHR's effectiveness in legislative scrutiny is the quality of the information that is provided by the Government explaining the reasons for the Government's view that its proposed Bill is compatible with human rights. The JCHR has thus sought to engender a practice of detailed human rights memoranda by Bill teams. This has also had the important consequence of mainstreaming human rights considerations within Government Bill teams, as they are aware that proposed Bills have to pass detailed parliamentary scrutiny of their human rights compatibility, and are more likely to pass judicial scrutiny if the legislative proposal is tested by the courts.

3. Meetings with Bill teams

During the period following publication of a Bill that has been identified by the JCHR as a priority for legislative scrutiny, there will usually be a meeting between the Bill team and the JCHR's staff, including its legal advisers. The meetings are intended both to facilitate scrutiny by the JCHR and to help the department. They are informal and off the record, but are conducted on the explicit and mutual understanding that there will be formal, on the record correspondence between the chair of the Committee and the minister in due course, and that certain issues may be best left to that correspondence rather than being the subject of discussion or argument at official level.

(For further information, see M Hunt, "The Joint Committee on Human Rights", in A Horne, G Drewry and D Oliver (eds), Parliaments and the Law (Hart Publishing, 2014))

on the promptness and adequacy of the executive's response; and by asking the executive to report at least annually on its response to human rights judgements. Of the six parliamentary human rights committee studied, only one conducts systematic scrutiny of the executive's response to human rights judgements (Macedonia), and only two ask the executive to report at least annually on its response to human rights judgements (Macedonia and Ukraine).

Within the European system, the Council of Europe has identified national parliaments as a key stakeholder in ensuring the implementation of human rights judgements. For example, in the Brussels Declaration made at the 2015 High-level Conference on the "Implementation of the European Convention on Human Rights, our shared responsibility", the States Parties committed to "encourage the involvement of national parliaments in the judgment execution process, where appropriate, for instance, by transmitting to them annual or thematic reports or by holding debates with the executive authorities on the implementation of certain judgments;" and to "consider, in conformity with the principle of subsidiarity, the holding of regular debates at national level on the execution of judgments involving executive and judicial authorities as well as members of parliament and associating, where appropriate, representatives of National Human Rights Institutions and civil society."[7] The Parliamentary Project Support Division of the Council of Europe Secretariat is a key agency providing support to parliaments on this issue.[8]

Within the African system, the African Court has adopted a practice of sending its judgments to the parties, to the Member States of the African Union and the African Commission on Human and Peoples' Rights, but does not yet engage national parliaments on the implementation of its judgments. While the African Commission on Human and Peoples' Rights has been encouraged to "reflect on ways and means to establish formal relationships with African national parliaments in the human rights areas, including the domestication of human rights instruments",[9] it is not common practice for the African Commission on Human and Peoples' Rights to inform national legislatures of its findings, and in particular its decisions on individual communications. This is therefore dependent on the government or civil society organisations. Overall, there are few occasions on which African Commission findings are debated in domestic legislatures.[10] There is thus an opportunity for African parliamentary human rights committees to engage in pioneering work in this area, which could become a model for the region.

C. Scrutiny of compliance with and implementation of international human rights obligations

Beyond domestic and regional human rights mechanisms, another function of the parliamentary human rights committee could be to monitor the state's compliance with and implementation of its international human rights obligations. This would help bridge the "implementation gap" arising when states do not comply with or implement the international human rights obligations they have committed themselves to, by drawing parliamentary and broader public attention to the question of whether government policy is in accordance with the human treaties and the recommendations of the treaty monitoring bodies. It would also increase the democratic legitimacy of these standards, by having more debates in parliaments between elected politicians about what the state's international obligations require. Such discussion and debate will help to democratise human rights by encouraging other parliamentarians to take more ownership of these fundamental values, and to properly consider applicable international human rights standards in their work. For example, within the UK, the Joint Committee of Human Rights has engendered a culture in which the UK's international obligations under the UN Convention on the Right of the Child (UNCRC) are considered in parliamentary debate so frequently that the language of Article 3 of the UNCRC ("in all actions concerning children… the best interest of the child shall be a primary consideration") is used without the need for introduction, as parliamentarians have a high degree of familiarity with it.

The parliamentary human rights committee could therefore play a crucial intermediary role in introducing the "ships passing in the night", in this case, the work of international human rights

mechanisms and domestic parliamentary debates to each other. It could also play a monitoring/oversight role in scrutinising state compliance with and implementation of international human rights obligations. The latter would also have the advantage of drawing the parliamentary human rights committee's attention to situations of violations/non-compliance with international human rights obligations, and learning what the relevant international standards are. In addition, by drawing parliamentary and broader public attention to the question of whether government policy is in accordance with the human treaties and the recommendations of the treaty monitoring bodies, the parliamentary human rights committee may ultimately be able to influence the government's policy position taken in its reports to the treaty monitoring bodies.

C1. Scrutiny of state compliance with existing international treaties

To scrutinise state compliance with existing international treaties, the parliamentary human rights committee could (1) scrutinise the State's report to the UN treaty bodies, and any other compliance reports provided by the executive to any other international mechanisms concerning human rights; (2) consider sending any relevant report it has published directly to the monitoring bodies, and in appropriate cases sending a representative of the committee to attend any relevant hearing before the monitoring bodies; and (3) monitor the Executive's response to the Concluding Observations of the UN treaty bodies and seek opportunities to follow up the most significant of the recommendations contained in them. Of the six parliamentary human rights committees studied, none of them presently engage in any of the aforementioned activities.

Should a parliamentary human rights committee wish to engage in scrutiny of compliance with existing international human rights treaties, it may wish to draw on the support of the Inter-Parliamentary Union and UN Office of the High Commissioner for Human Rights, both of which collaborate over technical assistance programmes in order to build the capacities of parliaments and helps them fulfil their role regarding the implementation of the Convention for the Elimination of Discrimination Against Women (CEDAW) and its Optional Protocol. The UN CEDAW Committee has also issued a statement setting out a number of ways in which parliamentarians can participate in its work.[11] It may also be instructive to consider the UK case study below, which presents the advantages and disadvantages of two forms of scrutiny: holding major inquiries on the state's record under main international human rights treaties, and inclusion of relevant treaties and recommendations into its general work programme

Anthony Smith, WFD CEO launches Parliamentary Budget Office in National Assembly for the Republic of Serbia

Case Study: Scrutiny of UK compliance with and implementation of international human rights obligations by the Joint Committee on Human Rights

In the UK, the Joint Committee on Human Rights sought to engage Parliament with the main international human rights treaties by conducting major inquiries into the UK's record under each of those treaties between 2001 to 2006. These inquiries included the UK's compliance with the UN Convention on the Rights of the Child, the UN Convention Against Torture, the International Covenant on Economic, Social and Cultural Rights, and the UN Convention on the Elimination of Racial Discrimination. These inquiries shone a useful light onto the Government's approach to preparing the UK's compliance report, and brought about, for the first time, direct interaction between the executive and Parliament concerning the UK's record of compliance with these international human rights obligations.

However, because these inquiries were very resource-intensive, the JCHR has changed its approach, moving away from such systematic monitoring and scrutiny of compliance with the UN treaties, towards a more selective approach, seeking to incorporate references to relevant recommendations into its general work programme. As a result, although the Committee has continued to refer to recommendations of the treaty bodies when relevant to its scrutiny work, the Committee's engagement with those recommendations has been much more sporadic and reactive in nature. Nevertheless, since the adoption of its present working methods, the JCHR conducted pre-ratification scrutiny of the UN Convention on the Rights of Persons Against Disabilities and conducted a inquiry on a particularly important provision of the treaty (the right to independent living). It has also held an inquiry and produced a report examining UK compliance with the UN Convention on the Rights of the Child, which coincides with the fifth periodic review of the UK by the UN Committee on the Rights of the Child, and which responds to the periodic report written by the Government while summarising other relevant developments and recommendations, with the intention that the report assist the UN Committee when it examines the UK Government's periodic review report.

(Source: M Hunt, "The Joint Committee on Human Rights", in A Horne, G Drewry and D Oliver (eds), Parliaments and the Law (Hart Publishing, 2014))

C2. Contribution to the Universal Periodic Review process[12]

The Universal Periodic Review (UPR) is the process by which each state's human rights record is periodically reviewed (every four and a half years) by other states in the UN Human Rights Council, during which recommendations and voluntary commitments (pledges by the state under review) are made and subsequently implemented between reporting cycles, and then reported on during the subsequent cycle. It is the highest forum within the UN international human rights machinery, and states have an obligation to publish and present a national report, to consider the "Report of the Working Group" (the outcome document) of the UPR and indicate which recommendations they choose to accept, to implement these recommendations along with their voluntary pledges, and to report back on the implementation of these recommendations. It is estimated that between 60 to 70% of all UPR recommendations directly concern parliament because they require legislative action, whether by designing a legal framework that reflects the state's human rights commitments, by overseeing the implementation of the policies and actions committed to, or by ensuring that sufficient resources are allocated to facilitate implementation.[13]

Since 2012, the UN Human Rights Council (UNHRC) has been exploring ways in which parliaments can contribute to the work of the UNHRC and its UPR. At present, the majority of parliaments and parliamentarians are not aware of the UPR, and are not involved in the drafting of national reports, the decision on which recommendations of the UPR to accept, and the monitoring of the implementation of recommendations which have been accepted. Thus, in 2014, the UNHRC adopted a resolution that made the following recommendations:

1. Encourages states to promote the involvement of parliaments at all stages of the universal periodic review reporting process, in particular through the inclusion of the national parliament as a relevant stakeholder in the consultation process of the national report and in the implementation of recommendations; 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. Encourages states under review to include parliamentarians in their national delegations to the universal periodic review;
3. 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.[14]

The UN Office of the High Commissioner for Human Rights has collaborated with the Inter-Parliamentary Union to conduct regional seminars on "translating international human rights **c**ommitments into national realities: The contribution of parliaments to the work of the United Nations Human Rights Council", bringing together parliamentarians to discuss the topic, and exchange good practices. The outcome documents of these four seminars are recommended reading for those interested in the contribution of parliaments to the Universal Periodic Review process.[15] In brief, the outcome documents recommend that parliamentarians should be actively engaged at every point in the UPR cycle, that parliaments should contribute to human rights protection at the national level, and that further capacity building should take place to enhance parliamentarians' knowledge of human rights and of international human rights mechanisms, and understanding how to engage them. The regional seminars culminated in a Side Event held at the June 2015 session of the UNHRC, at which the Deputy UN High Commissioner for Human Rights stressed the leading role of parliaments in the promotion and protection of human rights, which she said was crucial to ensure that States respect and implement their international human rights obligations and voluntary pledges and commitments.[16]

Parliaments as a whole, and parliamentary human rights committees in particular, can be involved in the Universal Periodic Review in a number of ways. For example, South Africa has a practice of requiring that all national reports to the UPR and international treaty bodies have to be reviewed and debated by its parliament before they can be submitted, while the German Bundestag is involved in the national consultation process during which national reports are drafted, and sends several Parliamentarians to attend the state's UPR session. While the exact modalities may vary, parliaments have at least three key roles to play in the UPR process: firstly, in participating in the national consultative process preceding the drafting of national reports, and ensuring that NGOs and other national stakeholders have the chance to provide input; secondly, in raising public awareness of and facilitating domestic debate over the national report, the outcome document of the UPR (the report of the Working Group) and on the question of which recommendations should be accepted; and thirdly, in closely monitoring the implementation of accepted recommendations and voluntary commitments between UPR cycles.

As permanent bodies within parliament with mandates to promote and ensure respect for human rights, parliamentary human rights committees are the natural starting point, though not the only option which should be considered when considering parliamentary mechanisms to perform the aforementioned roles. Parliaments as a whole have a role to play in debating reports and recommendations and in monitoring the implementation of recommendations, even if the initiating mechanism is the parliamentary human rights committee.

Our consolidated results to questions assessing the contribution of parliaments to the Universal Periodic Review process are listed below.

	Georgia	Macedonia	Serbia	Tunisia	Uganda	Ukraine	United
C2. Contribution to the Universal Periodic Review process							
Does the parliamentary human rights committee monitor the implementation of and follow-up on the recommendations accepted by the State during its Universal Periodic Review (UPR)?	No	No	No	No	No	No	No
Does the parliament consider or debate national reports submitted to the UPR of the UN Human Rights Council, the recommendations made by the Council in its Working Group reports, or the Government's response to them?	No	No	Yes	No	No	Yes	No
Does the parliament have a mechanism to enhance its contribution to the preparation of the national report to the UN Human Rights Council, to be represented during the presentation of the national report and its examination by the Council, and above all, to be closely involved in monitoring the implementation of the recommendations which come out of the review?	No	No	No	No	No	Yes	No
Does parliament arrange regular, periodic training for members of parliament and staff to enhance their understanding of and engagement with international human rights mechanisms such as the UPR and human rights treaty bodies?	No	No	No	Yes	No	No	No

As can be seen from the table above, of the six parliamentary human rights committees studied, only the Serbian parliamentary human rights committee initiates parliamentary discussion of the national report and the recommendations contain within the outcome document of the UPR (the Working Group report), while none of the parliamentary human rights committees monitor the implementation of and follow-up on the recommendations accepted by the State during its UPR.

Turning to parliaments as a whole, only the Ukrainian Rada presently has a mechanism to contribute to the national report, and to include members of the parliament or parliamentary human rights committee as part of the national delegation to the UPR.

We also asked whether the parliament arranges regular, periodic training for its members and staff to enhance their understanding of and engagement with international human rights mechanisms such as the UPR and human rights treaty bodies. Of the six parliaments studied, only the Tunisian Parliament presently conducts such training.

The results are not unexpected given that the topic of parliamentary contributions to the UPR process is extremely new, and, as stated before, a majority of parliaments and parliamentarians are not yet involved in the UPR process. Nevertheless, it is a topic that merits further consideration by parliamentarians and parliamentary human rights committees.

C3. Scrutiny of international treaties prior to ratification

Another function of the parliamentary human rights committee in relation to international human rights obligations may be to scrutinise proposed human rights treaties, as well as other international treaties with implications for human rights, and to report to parliament thereon, prior to ratification. This scrutiny work will increase parliamentary understanding and involvement in the ratification process, and thus increase the democratic legitimacy of treaties which the Government commits the State too. Of the six parliamentary human rights committees studied, only two conduct such pre-ratification scrutiny of treaties (Tunisia and Ukraine).

In its pre-ratification scrutiny of treaties, the parliamentary human rights committee should also scrutinise the Government's justification for any proposed reservations or interpretative declarations. In doing so, it could take evidence from those who would be affected by the proposed reservations or interpretative declaration. This would ensure that the process by which the Government proposes to enter reservations and interpretative declarations is transparent, accountable, and informed by the views of those people who would be affected by them. Of the six parliamentary human rights committees studied, only two conduct such pre-ratification scrutiny of proposed reservations and interpretative declarations (Tunisia and Ukraine).

C4. Scrutiny of state of accessions/ratifications

The parliamentary human rights committee may also wish to ascertain and keep under review the Government's reasons for not acceding to or ratifying existing international human rights treaties. This would facilitate the progressive accession to or ratification of the treaties over time, and would also facilitate transparency as well as parliamentary and public awareness and debate over the reasons for non-accession/non-ratification. Of the six parliamentary human rights committees studied, only two conduct such scrutiny of the state of accessions/ratifications to the international human rights treaties (Tunisia and Ukraine).

D. Inquiries into topical human rights issues

Going beyond scrutiny work, where their agenda tends to be set by other actors (e.g. the Government proposing legislation on a particular topic), parliamentary human rights committees may also conduct thematic inquiries, a function in which they have more flexibility to choose topics of inquiry. These inquiries should be on topical issues concerning human rights, particularly in areas where there is concern about the country's compliance with its human rights commitments, whether national or international, and are presently conducted by three of the six parliamentary human rights committees studied (Macedonia, Tunisia and Ukraine).

Because of the number of other bodies that could undertake inquiries into human rights issues, and the need to conserve its own resources, the UK Joint Committee of Human Rights has developed a rigorous methodology for ensuring that it only conducts inquiries where it is satisfied that it is uniquely placed, as a specialised parliamentary committee, to make a significant contribution to public understanding of the issue in question, over and above that made by other bodies, including national human rights institutions, or other parliamentary committees. It thus only conducts inquiries where it is satisfied that it would genuinely add value by virtue of both its collective expertise in human rights and the nature of the investigation it can conduct. Of the six parliamentary human rights committee studied, only Ukraine has a similar practice.

E. Scrutiny of Government policy generally

Because human rights can be affected not only by legislation but also Government policies and actions or inactions, it is important that the parliamentary human rights committee also scrutinise Government policy generally where it has significant human rights implications, in order to assist parliament to perform its constitution function of oversight of the executive. Of the six parliamentary human rights committee studied, only three parliamentary

human rights committees presently do so (Georgia, Serbia and Ukraine).

F. Monitoring the effectiveness of national systems of human rights protection

In order to ensure that there is a comprehensive and effective national system of human rights protection, the parliamentary human rights committee could review the practical effectiveness of national mechanisms for the protection and realisation of human rights, in particular, for (1) the adequacy of legal remedies; (2) access to legal remedies; and/or (3) the availability of effective alternatives to legal remedies. This is especially important if there are no other state actors (e.g. a human rights ministry or national human rights institution) which perform such a function. Of the six parliamentary human rights committee studied, only three parliamentary human rights committees presently do so (Georgia, Serbia and Ukraine).

Other functions

The parliamentary human rights committee may also choose to conduct pre-legislative scrutiny, post-legislative scrutiny, and scrutiny of secondary legislation for their compatibility with human rights, if it believes it could add value by using so.

G. Pre-legislative scrutiny

Pre-legislative scrutiny is the scrutiny of policy proposals or draft legislation, before the Government seeks to legislate in order to turn these proposals into law. Such scrutiny would enable the parliamentary human rights committee to make a contribution to debate about laws and policies at a much earlier stage in their development, and influence the final shape of legislative proposal at a stage where the Government is more willing to accept changes to them.

H. Post-legislative scrutiny

Post-legislative scrutiny is the scrutiny of laws a number of years after they are made, to see if the human rights compatibility issues raised during the legislative stage, or other human rights concerns, have emerged in practice. Such scrutiny would enable the parliamentary human rights committee to ensure that laws do not violate human rights, or if they do so, to bring these laws to parliamentary attention for rectification, without the need to wait for successful litigation.

I. Scrutiny of secondary legislation

Finally, while the parliamentary human rights committee may lack the resources to scrutinise every piece of secondary legislation made by agents to whom the parliament has delegated powers to, the parliamentary human rights committee should seek to ensure that the necessary arrangements are in place to ensure that legislative powers that could adversely affect human rights are only delegated where necessary, and that oversight arrangements exist to ensure that such powers are not used to pass secondary legislation that violate human rights.

Within the UK, the Joint Committee on Human Rights rarely scrutinises secondary legislation outside of thematic inquiries, but a number of other Committees are tasked with this, including the following five: House of Commons European Scrutiny Committee; House of Lords European Union Committee; Joint Committee on Statutory Instruments Committee; House of Lords Merits of Statutory Instruments Committee; and the House of Lords Delegated Powers and Regulatory Reform Select Committee.

The table below sets out the responses to our questions on whether the six parliamentary human rights committees studied perform these functions.

	Georgia	Macedonia	Serbia	Tunisia	Uganda	Ukraine	United Kingdom
Key Practice III. Functions of the specialised human rights committee (continued)							
F. Pre-legislative scrutiny							
Does the committee scrutinise Government policy proposals raising significant human rights issues which are likely to become legislative proposals?	No	No	No	Yes	No	Yes	Yes
G. Post-legislative scrutiny							
Does the committee conduct post-legislative scrutiny of legislation with significant human rights implications on which it reported during the legislation's passage through parliament?	No	Yes	Yes	No	No	Yes	Yes
H. Scrutiny of secondary legislation							
Does the committee scrutinise secondary legislation for human rights compatibility?	No	No	No	No	No	Yes	No
Does the parliament have any mechanisms for identifying significant human rights issues raised by secondary legislation?	Yes	No	No	No	No	Yes	No

Key Practice IV. Functions of the parliamentary human rights committee

Turning to the working methods of the parliamentary human rights committee, we would, at the outset, recommend that committees publish a statement of their working practices, for a number of reasons, including: (1) The creation of institutional memory that outlasts individual committee members or staff; (2) The enablement of informed review and updating of working practices; and (3) Transparency, which increases public and parliamentary understanding and confidence in the work of the committee. On the last point, we would add that there may be great value in publishing a statement of working practices, together with detailed guidance for relevant government actors involved in the law-making and policy-making functions) in order to help them to understand the work of the committee, and thereby influence them to internalise human rights considerations into the law-making and policy-making process, increasing the effectiveness of the committee. At present, of the six parliamentary human rights committees studied, only one publishes a statement of its working practices (Ukraine).

Four of the six parliamentary human rights committees studied (Georgia, Tunisia, Uganda and Ukraine) review and update their working practices in the light of practical experience. This is also the practice of the UK Joint Committee on Human Rights, which publicly reviewed and published its revised working practices (advised by an independent consultant) after 6 years of experience,[17] substantially changing some of its working practices in order to improve its effectiveness. One major resulting change was the shift from a working practice of reviewing all Bills for their human rights compatibility to a "preliminary sift" and comprehensive scrutiny only of Bills that have "significant human rights implications", thereby creating a priority policy and work programme.

A. Priority policy and work programme

When it was first established, the UK Joint Committee on Human Rights initially scrutinised all Bills for their compatibility with human rights. This was not only resource-intensive, taking up much of the Committee's and its Legal Adviser's time (and therefore leaving little time for other work) but also resulted in "concern by a majority of members that the Committee [did] not intervene often enough in a timely fashion on issues where it could be of most influence because of public concern on a matter of national controversy."[18] This led to the aforementioned[19] decision to change from working practice of reviewing all Bills for their human rights compatibility to a working practice combining a "preliminary sift" and comprehensive scrutiny only of Bills which have "significant human rights implications", prioritising these Bills with an aim to publish reports in a timely manner in order to maximise their influence.

The JCHR has published its criteria on what constitutes a Bill with significant human rights implications (how important is the right affected? how serious is the interference? how strong is the justification for the interference? how many people are likely to be affected by it? how vulnerable are the affected people?) as well as a list of other relevant considerations considered at the sifting stage.[20] Based on these criteria, the JCHR select Bills and topics of inquiry to focus on and publishes a priority policy and work programme annually.[21]

Of the six parliamentary human rights committees studied, only one (Ukraine) after public consultation and discussion with, amongst others, National Human Rights Institutions (NHRIs), publishes an explicit priority policy indicating the human rights issues it proposes to prioritise in its work programme, and the criteria according to which it will assess the significance of a human rights issue when deciding on its priorities.

B. Decisions by consensus

One of the most respected scholars on parliamentary models of human rights protection has argued that for a parliamentary human rights committee's decisions to be "taken seriously", it should meet four essential conditions:

1. Reports must be perceived to be motivated by principled not partisan deliberations.
2. The Committee must review bills and report to parliament within an effective time frame.
3. The Committee must be generally independent of government.
4. It must command the respect of other parliamentarians.[22]

Reports produced by decisions taken by consensus are therefore more likely to command the respect of other parliamentarians, are they are perceived to be impartial and motivated by principled deliberation. This is especially important given that debates on human rights are often characterised by deep disagreements; a report produced by consensus can persuade members of parliament not to adopt positions based on party lines or ideology, but to consider the debate in principled terms, using the framework suggested in the report.

Of the six parliamentary human rights committees studied, five strive to reach consensus on the issues on which it reports, so far as it is possible to do so (Georgia, Macedonia, Serbia, Tunisia, and Uganda).

C. Transparency

Transparency is valuable because it promotes public and parliamentary understanding of and confidence in the work of the parliamentary human rights committee, ultimately helping to increase its effectiveness. While there is clear value in publishing the reports adopted by the committee, the means of publication are important too: in order to facilitate widespread dissemination and accessibility of the reports, they should ideally be published on the committee's or parliament's website. Beyond the publication of the report, there is value in publishing copies of the written evidence and videos and transcripts of the oral evidence received by the committee, in facilitating transparency, understanding and confidence in its work, but also in enabling public participation in the work of the committee, allowing participants to express their views publicly to a wider audience. The default option should therefore be to take all evidence in public, and not to consider confidential information, unless there is good reason to do so (e.g. protecting the identity of a witness who might suffer human rights abuse should this be disclosed.) The publication of selected correspondence between the committee and government agents (such as letters requesting information from a minister) can also be a visible means of exercising oversight and holding them to account before the public.

Of the six parliamentary human rights committee studied, two maintain an up-to-date website, on which all relevant documents are publicly accessible (Georgia and Ukraine). A further three publish reports on their parliaments' websites, but not all documents (such as videos and transcripts of oral evidence, and copies of written evidence) are published on this website. Finally, in Uganda, committee reports are shared with all members of parliament through an intranet which is not accessible to the general public, and only uploaded to the parliamentary website when they have been adopted by parliament.

Of the six parliamentary human rights committee studied, only one (Georgia) presently publishes all correspondence with the committee on the committee's website as soon as possible after it has been sent or received.

Of the six parliamentary human rights committee studied, four (Georgia, Tunisia, Uganda and Ukraine) avoid confidential material when they are carrying out their functions, so far as possible, in order to maintain public trust and confidence in their work.

D. Reporting and follow-up

In order to maximise its impact, the parliamentary human rights committee should not be satisfied with the publication of reports. Instead, the committee should seek to create an expectation that the executive must respond within a reasonable time to recommendations it makes in its reports. This can be done by following up on its reports and recommendations, including by seeking opportunities for parliamentary debate or executive action. We present our findings on these in the table below.

	Georgia	Macedonia	Serbia	Tunisia	Uganda	Ukraine	United Kingdom
Key Practice IV. Working methods of the specialised human rights committee							
Regular reporting							
Does the committee report regularly to parliament on its activities in the performance of its functions?	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Does the Human Rights Committee report on the outcome of every review of its working practices?	Yes	No	No	No	No	Yes	Yes
Does the Human Rights Committee expect the Executive to respond within a reasonable time to recommendations it makes in its reports?	Yes	Yes	Yes	No	No	Yes	Yes
Follow up							
Does the Human Rights Committee seek to follow up its reports and recommendations, including by seeking opportunities for parliamentary debate or Executive action?	Yes	No	No	Yes	Yes	Yes	Yes

Key Practice V. Developing and maintaining new relationships

Parliaments and parliamentary human rights committees do not operate in a silo, but as part of a network of state and non-state actors who need to work together in order to protect and promote human rights. This section deals with a number of key relationships that parliaments and parliamentary human rights committee need to develop and maintain with other key interlocutors, including: the executive, the courts, other parts of the national human rights machinery, civil society, the international human rights machinery, other parliamentary committees, the media, the legal profession and academic institutions. These working relationships should be established and maintained at the level of both members and staff/officials.

A. Relationship with the executive

As mentioned earlier, parliaments and the parliamentary human rights committees should help the executive to understand how parliaments will fulfil its responsibilities to protect and realise human rights by developing, in close consultation with the executive, detailed guidance for the executive in respect of each of the functions identified above (in Key Practice III), such as legislative scrutiny and thematic inquiries. This will not just aid parliaments and the parliamentary human rights committees in their work, but also encourage lawmakers and policymakers in the executive to internalise human rights considerations in their work. Such detailed guidance should be formulated in such a way as to encourage the consideration of international human rights law principles (e.g. in accordance with law, legitimate aim, rational connection, proportionality and least restrictive means tests).

Of the six countries studied, only two presently engage in the development of such detailed guidance (Serbia and Tunisia).

B. Relationship with the courts

Parliaments should take into consideration judiciaries' decisions and precedents (especially constitutional court and administrative jurisdiction decisions) in such way to amend bills to apply with those decisions. Of the six parliaments studied, four presently do so (Georgia, Tunisia, Uganda, Ukraine).

Conversely, parliament should facilitate judicial consideration where a court wishes to consider what parliamentary consideration there has been of any human rights issue the court has to determine. For example, if the European Court of Human Rights wishes to apply the principle of subsidiarity to find that a state's legislative position falls within its margin of appreciation and that there is no violation of a human right,[24] it would first need to examine whether there was effective parliamentary engagement in the "pre-interference assessment" of human rights, that is, the assessment by the legislator of the possible human rights implication of draft legislation.[25] Presently, none of the six parliaments facilitate such judicial consideration.

C. Relationship with national human rights machinery

National human rights institutions (NHRIs) are another important part of the national human rights machinery, and parliament and the parliamentary human rights committee should establish an effective co-operation with National Human Rights Institutions. In doing so, parliaments and the parliamentary human rights committee should have particular regard to the Belgrade Principles on the Relationship between National Human Rights Institutions and Parliaments, which provide guidance on how the interaction and cooperation between NHRIs and parliament should be developed.[26]

The parliamentary human rights committee should also develop working relationships with other parts of the national human rights machinery, including Ombudsmen, relevant commissioners, and independent reviewers, with a view to ensuring the coherence and co-ordination of that machinery, and its optimal use of resources for the protection and realisation of human rights.

The table below presents the results of our findings in this area:

	Georgia	Macedonia	Serbia	Tunisia	Uganda	Ukraine	United Kingdom
Key Practice V. Developing and maintaining key relationships							
C. Relationship with national human rights machinery							
Have the parliament and the parliamentary human rights committee established an effective co-operation with National Human Rights Institutions?	No	Yes	Yes	Yes	Yes	Yes	Yes
Does parliament and the parliamentary human rights committee give particular regard to the Belgrade Principles on the Relationship between National Human Rights Institutions and parliaments, when cooperating with the National Human Rights Institution?	No	No	Yes	No	Yes	Yes	Yes
Is the committee part of a national plan to ensure the coherence and co-ordination of the national human rights machinery, and its optimal use of resources for the protection and realisation of human rights?	No	No	No	No	Yes	Yes	No

D. Relationship with civil society

Parliament and the parliamentary human rights committee should be well connected with relevant civil society networks. Of the six parliaments studied, five (excepting Macedonia) were assessed as having good connections with civil society. All of the parliamentary human rights committee conducted their work in such a way as to provide opportunities for civil society to have a direct input into parliamentary consideration of human rights issues.

E. Relationship with international human rights machinery

Beyond the UN Human Rights Council and its Universal Periodic Review process,[27] the parliamentary human rights committee should establish and maintain a close relationship with all parts of the relevant regional and international human rights machinery, including the UN treaty bodies and special procedures. We also asked whether the parliament has a mechanism which engages the UN's Special Rapporteurs on human rights issues, or the UN's human rights treaty bodies. Such a mechanism could take the form of an invitation to visiting special procedures to address parliament (whether in plenary or committee), or to meet parliamentarians on a formal or informal basis. The results of our study are presented on the next page.

F. Relationship with other parliamentary committees

The parliamentary human rights committee should establish effective working relationships with other parliamentary committees with a view to ensuring that opportunities for parliament to fulfil its obligations to protect and realise human rights are not missed. This could include ensuring that there are mechanisms in place for the other parliamentary committees to request assistance from the parliamentary human rights committee and its staff when they encounter human rights issues in their work, and the proactive provision of guidance and training to the members and staff of other committees, so that they can identify human rights issues in their work and engage these mechanisms. The results of our study are presented on the next page.

G. Relationship with the media

Parliaments and their parliamentary human rights committee should maintain close relations with the media. They should also be particularly vigilant about the importance of free and independent media to the protection of human rights in a democracy, and therefore seek to protect free and independent media in their work. The results of our study are presented on the next page.

H. Relationship with academic institutions

Finally, parliaments and their parliamentary human rights committee should maintain close relations with academic institutions, including human rights research institutes, so that relevant academic research about human rights informs scrutiny of policy and legislation, and research agendas in universities are informed about the human rights issues which are of pressing practical concern. The results of our study are presented on the next page.

	Georgia	Macedonia	Serbia	Tunisia	Uganda	Ukraine	United Kingdom
Key Practice V. Developing and maintaining key relationships							
E. Relationship with international human rights machinery							
Has the committee established and maintained a close relationship with all parts of the relevant regional (R) and international human rights machinery (I), including the UN treaty bodies and Special Procedures?	No	No	R	Yes	No	Yes	R
Does the parliament have a mechanism which engages the UN's Special Rapporteurs on human rights issues, or the UN's human rights treaty bodies?	No	No	No	No	No	No	No
F. Relationship with other parliamentary committees							
Does the committee maintain effective working relationships with other parliamentary committees with a view to ensuring that opportunities for parliament to fulfil its obligations to protect and realise human rights are not missed?	No	No	Yes	No	Yes	Yes	Yes
G. Relationship with the media							
Does the committee maintain close relations with the media?	Yes	No	Yes	Yes	Yes	Yes	Yes
Is the committee particularly vigilant about the importance of free and independent media to the protection of human rights in a democracy?	No	No	Yes	Yes	Yes	No	Yes
H. Relationship with academic institutions							
Does the Human Rights Committee maintain close relations with academic institutions, including human rights research institutes?	No	Yes	Yes	Yes	No	Yes	Yes

Key Practice VI. Research and training sevices

Two sets of good practices concern training in human rights for parliamentarians and their staff, and the human rights expertise of the parliamentary research service.

Training in human rights for parliamentarians and their staff is essential as it will help them identify human rights issues in the course of their work, as well as learn how to address them. This training should therefore go beyond the members and staff of the parliamentary human rights committee, and include all new members of parliament and staff. Parliaments should therefore arrange appropriate induction training in human rights for all new members of parliament and staff. However, because such training may be missed or forgotten, or may be revised to take into account new developments, Parliaments should also arrange regular, periodic training in human rights for members and staff, other than the induction training.

Parliaments should also seek to arrange regular, periodic training for members and staff to enhance their understanding of and engagement with international human rights mechanisms such as the Universal Periodic Review and human rights treaty bodies.

Parliament should also ensure that every member of parliament is provided with a copy of the IPU's Handbook on Human Rights for Parliamentarians[28] and other relevant materials about the role of Parliament in relation to human rights, such as the International Bar Association and Westminster Consortium's Human Rights and Parliaments Handbook for Parliamentarians and Staff.[29] Such guides could be provided to parliamentarians and staff as part of their induction package, and made available on the parliamentary intranet.

Because such training is resource-intensive, and dependent on expertise, parliaments may seek to avail themselves of appropriate technical assistance available from international organisations to assist them to build their capacity to fulfil their role in the protection and realisation of human rights. Some of the international organisations which provide technical assistance in this area include: the UN Office of the High Commissioner for Human Rights and UN Development Programme, the Inter-Parliamentary Union, the Council of Europe, the European Union and European Parliament, the Commonwealth Secretariat and Commonwealth Parliamentary Association, the Westminster Foundation for Democracy and the International Bar Association, amongst others.

Turning to the provision of research support by the parliamentary library or research service, this could provide an important and independent source of expertise in human rights, supplementing the role of the parliamentary committees' legal advisers with expertise in human rights, who will often be engaged with specific pieces of work as directed by their committees. It is therefore an important part of mainstreaming human rights into parliaments that the parliamentary research service has appropriate expertise in human rights, and writes about this in their briefings on broader issues. The parliamentary research service could also proactively provide regular updates to all members of parliament on significant human rights issues.

We present our findings on whether the six parliaments studied have these good practices in place, on the next page.

	Georgia	Macedonia	Serbia	Tunisia	Uganda	Ukraine	United Kingdom
Key Practice VI. Research and training services							
A. Training							
Does parliament arrange appropriate induction training in human rights for all new members of parliament and staff?	No	No	No	Yes	No	Yes	No
Does parliament arrange regular, periodic training in human rights for members of parliament and staff, other than the induction training?	No	No	No	Yes	No	Yes	No
Does parliament arrange regular, periodic training for members of parliament and staff to enhance their understanding of and engagement with international human rights mechanisms such as the Universal Periodic Review and human rights treaty bodies?	No	No	No	Yes	No	No	No
Does parliament ensure that every member of parliament is provided with a copy of the IPU's Handbook on Human Rights for Parliamentarians and other relevant materials about the role of parliament in relation to human rights?	No	No	No	No	Yes	Yes	No
Does parliament avail itself of appropriate technical assistance available from international organisations to assist them to build their capacity to fulfil their role in the protection and realisation of human rights?	No	Yes	Yes	Yes	Yes	Yes	No
B. Research support							
Does the parliamentary research service include appropriate expertise in human rights?	No	Yes	Yes	No	No	No	Yes
Does the parliamentary research service proactively provide regular updates to all members of parliament on significant human rights issues?	No	Yes	Yes	No	No	Yes	Yes

Key Practice V11. Effectiveness

Our final key practice is that parliaments and their parliamentary human rights committees should develop a methodology for assessing their effectiveness in the protection and realisation of human rights. However, while the goal of maximising the effectiveness of parliaments' and parliamentary human rights committees' work in protecting and promoting human rights is a laudable one, the academic literature discloses that this is easier said than done. As hinted in the section on common challenges, measuring effectiveness is a universal challenge. To start off, there is no universally agreed definition of what is "effectiveness" in the context of parliamentary protection of human rights. Furthermore, parliament is dependent on other institutions (such as civil society organisations and the executive) to bring human rights issues to its attention and implement human rights changes, and so not all the elements of effectiveness will be within its control.[30] Because people tend to focus on visible impacts (such as changes to legislation and policy), a lot of less visible impacts (such as the introduction of a human rights culture in which lawmakers and policymakers consider human rights issues in advance of legislating and making policy) may not be included within the assessment of "effectiveness", even though they are important.

Researchers at King's College London have recently concluded a project on "Effective Parliamentary Oversight of Human Rights". They suggest a goal-based approach to assessing effectiveness, with the parliamentary oversight mechanism adopting a clear goal, consisting of an aspiration and operative goals (or success criteria). The parliamentary oversight mechanism should also take into account its relevant constituencies or stakeholders (such as victims, whistleblowers, NHRIs, civil society, state agencies, the executive and international organisations) and their needs and interactions with them. The mechanism must take into account the need for it to be perceived as legitimate in its activities, particularly in relation to its stakeholders. Thus, they propose that the parliamentary oversight mechanism should develop a set of success criteria, taking into account the three elements (goals, stakeholders and legitimacy) which can be used to measure its effectiveness.[31]

An independent consultant's report for the UK Joint Committee of Human Rights' review of its working methods identified a number of success criteria that the previous committee had suggested in its work, including the following:

i) provide "advice on the human rights compatibility of proposed legislation in a timely manner" **to influence parliamentary *debates* on that legislation**.
ii) "increase awareness within government departments that every Bill will be examined ...**enhancing Parliament's influence on legislative *outcomes*.**"
iii) provide an incentive to the Government to carry out **rigorous compatibility scrutiny of policy proposals at departmental level**.
iv) "**act as a check on the executive** and "the tendency of governments to extend their powers, or the liabilities of citizens too greatly, or for unacceptable purposes at the expense of individual freedom."
v) **Infuse human rights** more productively into the **policy process** amongst officials at all levels.
vi) **Evidence gathering and monitoring on** implementation of the [Human Rights Act] in central government, among public authorities and in the courts.
vii) Influence the terms of **debate on human rights outside Parliament** as well as in.[32]

It then suggested that these success criteria could be grouped into three categories linked to the functions of the parliamentary human rights committee, and that the effectiveness of the JCHR could be assessed in relation to three broad targets:

- influencing policy and legislative formation and holding the executive to account;
- influencing and informing parliament and affecting legislative outcomes;
- monitoring and informing the implementation of the [Human Rights Act].[33]

To sum up, if parliaments and parliamentary human rights committees wish to maximise their effectiveness, they should develop a methodology to assessing their effectiveness in the protection and realisation of human rights. This methodology should take into account each country's unique circumstances, be developed in consultation with stakeholders, and be advised by independent experts who can help ensure that it is theoretically rigorous. The key practices used to assess the six parliaments and parliamentary human rights committees in this study are one form of effectiveness evaluation, but are necessarily general in nature, with the consequence that the study may not identify the most pressing areas where change is needed. This is why the study worked with national civil society partners, who developed the country-specific recommendations contained in Annex II.

CONCLUSION

This report began by posing three common challenges faced by all parliaments and parliamentary human rights committees: the resource challenge, the effectiveness challenge and the value-added challenge. As suggested in the course of this report, one part of the answer to these challenges may be for parliaments and parliamentary human rights committees to improve their practices and learn from good practices around the world. Parliamentary human rights committees in particular need to maximise how they use the resources they can expect to be made available to them.

Another part of the answer is that parliaments and parliamentary human rights committees need to work together with national and international partners in order to maximise human rights protection in their countries, as they cannot succeed alone. In its work, WFD has found that human rights "issues" are often dismissed by politicians and officials as "legalistic" and thus "for the lawyers" or marginalised as political backbiting driven by the opposition. Yet, the important function of parliamentarians – most particularly as representatives of the people – in holding government to account is uniquely served by domestic constitutional standards and the international human rights framework. Work on human rights protection by national parliaments presents not only a responsibility for individual parliamentarians but an opportunity to improve their effectiveness.

Finally, parliaments and parliamentary human rights committees need to be strategic. They need to think about where they fit into the broader ecosystem of human rights actors, and how they can add the most value in this ecosystem. Projects which engage with both parliaments and local civil society are likely to be most sustainable. In emerging democracies without a long history of civil society engagement, distrust of external influence can fundamentally stifle the development of constructive civil debate and the proper oversight of national institutions. There is also a continuing need for guidance based on shared practice at the international and regional levels, from the UN Human Rights Council, Inter-Parliamentary Union, Council of Europe and other actors.

As one of the three primary institutions of the state, parliaments have a special role to play in protecting and promoting human rights in their legislative function and oversight of the executive function. This study found that none of the six parliaments and parliamentary human rights committees studied had fully adopted all the key practices (indeed, not even the UK Parliament or its Joint Committee on Human Rights has done so) that would enable them to discharge that role effectively, although all of them did well in at least a number of areas.

We therefore conclude by providing a number of general recommendations for parliaments and parliamentary human rights committees to improve their protection and promotion of human rights, and with a number of country-specific recommendations, which may be found in Annex II.

Of the five general recommendations identified, the easiest to implement that will enable significant gains in human rights protection for those parliaments which do not yet have them, is the provision of expert advisers in human rights law and policy to the parliamentary human rights committee, the parliamentary legal service, and the parliamentary research service, as this is a simple resourcing question. Another recommendation that will be easier to implement is for parliaments to engage with international and regional partners as well as non-governmental actors at the national level, as they will be generally willing to engage. The rest of the general recommendations will require resources and sustained political will to develop and strengthen internal structures and working methods as well as to establish and maintain effective working relationships, and would-be reformers should consider how they can establish long term momentum to strengthen the parliamentary protection of human rights.

GENERAL RECOMMENDATIONS

1. Parliaments and parliamentary human rights committees should examine the good practices and country-specific recommendations contained in this report, and seek to improve their practices where necessary.

2. Parliaments and parliamentary human rights committees should seek to work with national and international partners in order to maximise human rights protection within their countries.
    a. At the international level, parliaments and parliamentary human rights committees should seek to contribute to the Universal Periodic Review of the UN Human Rights Council, and the other UN treaty bodies and special procedures. They should also seek appropriate technical capacity building and training from the relevant international organisations.
    b. At the regional level, parliaments and parliamentary human rights committees should work together with the relevant regional bodies to monitor the enforcement of judgements of the regional human rights court.
    c. At the national level, parliaments and parliamentary human rights committees should build effective working relationships with all the key stakeholders, and work together with other parts of the national human rights machinery to ensure the coherence and co-ordination of that machinery, and its optimal use of resources for the protection and realisation of human rights.

4. Parliaments and parliamentary human rights committees should ensure that adequate resources are allocated to the protection of human rights within parliament, including through the provision of an adequate number of staff with expertise in human rights law and policy, to the committee, the parliamentary legal service, and the parliamentary research service.

5. Parliaments and parliamentary human rights committees should ensure the independence and plurality of the parliamentary human rights committee, and the parliamentary human rights committee should ensure that its reports are principled and adopted by consensus to the greatest extent possible, so that the work of the parliamentary human rights committee is respected.

6. Parliaments and Parliamentary human rights committees should also continually review and improve their working practices, and assess and improve their effectiveness in protecting human rights.

Annex I: Selected results

	Georgia	Macedonia	Serbia	Tunisia	Uganda	Ukraine	United Kingdom
Key Practice I. Adequate parliamentary structures							
Does the parliament have a dedicated human rights committee?	Yes	Yes	Yes	Yes	Yes	Yes	Yes
The provision of expert advice on human rights							
Does the parliament ensure that expert advice on human rights, including but not confined to legal advice, is available to all parliamentary committees and to all parliamentary officials?	No	No	No	Yes	Yes	Yes	Yes
Does the parliamentary legal service ensure that it employs lawyers with expertise in human rights law?	No	No	No	No	No	Yes	Yes
Does the parliament ensure that the necessary institutional safeguards are in place to guarantee the independence of parliament's legal advisers, including written procedures for dealing with improper pressure from members of parliament or other parliamentary staff?	Yes	No	No	No	No	Yes	Yes
Do parliamentary committees proactively seek expert advice, including legal advice, about the relevant human rights and rule of law principles whenever their work engages a human right or the rule of law?	No	No	Yes	Yes	Yes	Yes	Yes
Existence of mechanisms to focus debate on human rights							
Does the parliament ensure that any relevant reports of the specialised parliamentary human rights committee are both drawn to the attention of and made available to members before any parliamentary proceeding which will include consideration of human rights issues?	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Does the parliament ensure that any relevant reports of the National Human Rights Institution are both drawn to the attention of and made available to members before any parliamentary proceeding which will include consideration of human rights issues?	No	Yes	Yes	No	Yes	Yes	Yes
Has the parliament put in place the necessary systems to ensure that the Speaker of the Parliament (or equivalent) is always informed in advance, and if necessary advised, when a parliamentary proceeding engages parliament's responsibility to protect and/or realise human rights?	No	No	No	Yes	No	Yes	Yes

	Georgia	Macedonia	Serbia	Tunisia	Uganda	Ukraine	United Kingdom
Key Practice II. Specialised human rights committees – Principles							
A. Establishment							
Are established by parliament and not the executive?	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Have their permanent existence enshrined in parliament's Standing Orders?	Yes	Yes	Yes	Yes	Yes	No	Yes
B. Remit/Mandate							
Is the remit broadly defined?	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Does the remit concern human rights within the country?	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Is the remit defined in such a way as to enable the committee to take into account all relevant sources of human rights standards in both national and international law?	Yes	Yes	Yes	Yes	Yes	Yes	Yes
C. Guarantees of independence and pluralism							
Does parliament guarantee the independence of the committee from both the Government and non-state actors, including NGOs?	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Is the composition of the committee defined in such a way as to ensure that there can be no Government majority on the committee?	No	No	No	No	No	No	No
Does the composition of the committee normally include a Government majority?	Yes	Yes	Yes	Yes	Yes	No	No
Is the composition of the committee as inclusive as possible of all the parties represented in the parliament?	Yes	No	Yes	Yes	Yes	No	Yes
Does the composition of the committee reflect the principle of pluralism?	No	Yes	Yes	Yes	Yes	Yes	Yes
Does the composition of the committee reflect the principle of gender balance?	No	Yes	Yes	Yes	Yes	No	Yes
Are members of the committee appointed by a transparent process which commands public trust and confidence in the independence of the committee?	Yes	No	No	Yes	Yes	Yes	No
Does parliament ensure that mechanisms exist for any possible conflicts of interest to be declared by members of the committee?	No	No	No	No	Yes	Yes	Yes
Do members of the committee have previous expertise in human rights?	No	No	No	Yes	No	Yes	No
Are Members of the Government (e.g. Ministers) ineligible to be members of the committee?	Yes	No	Yes	Yes	Yes	Yes	Yes
Is the Chair of the committee elected by members of parliament?	Yes	Yes	Yes	Yes	No	Yes	No
Is the Chair a senior parliamentarian of proven independence?	Yes	Yes	Yes	Yes	No	Yes	Yes

	Georgia	Macedonia	Serbia	Tunisia	Uganda	Ukraine	United Kingdom
Key Practice V. Developing and maintaining key relationships							
D. Relationship with civil society							
Is parliament (not the parliamentary human rights committee) well connected with relevant civil society networks?	Yes	No	Yes	Yes	Yes	Yes	Yes
E. Relationship with international human rights machinery							
Has the committee established and maintained a close relationship with all parts of the relevant regional (R) and international human rights machinery (I), including the UN treaty bodies and Special Procedures?	No	No	R	Yes	No	Yes	R
Does the parliament consider or debate national reports submitted to the Universal Periodic Review (UPR) of the UN Human Rights Council, the recommendations made by the Council in its Working Group reports, or the Government's response to them?	No	No	Yes	No	No	Yes	No
Does the parliament have a mechanism to enhance its contribution to the preparation of the national report to the UN Human Rights Council, to be represented during the presentation of the national report and its examination by the Council, and above all, to be closely involved in monitoring the implementation of the recommendations which come out of the review?	No	No	No	No	No	Yes	No
Does the parliament have a mechanism which engages the UN's Special Rapporteurs on human rights issues, or the UN's human rights treaty bodies?	No	No	No	No	No	No	No
F. Relationship with other parliamentary committees							
Does the committee maintain effective working relationships with other parliamentary committees with a view to ensuring that opportunities for parliament to fulfil its obligations to protect and realise human rights are not missed?	No	No	Yes	No	Yes	Yes	Yes
G. Relationship with the media							
Does the committee maintain close relations with the media?	Yes	No	Yes	Yes	Yes	Yes	Yes
Is the committee particularly vigilant about the importance of free and independent media to the protection of human rights in a democracy?	No	No	Yes	Yes	Yes	No	Yes
H. Relationship with academic institutions							
Does the Human Rights Committee maintain close relations with academic institutions, including human rights research institutes?	No	Yes	Yes	Yes	No	Yes	Yes

	Georgia	Macedonia	Serbia	Tunisia	Uganda	Ukraine	United Kingdom
Key Practice VI. Research and training services							
A. Training							
Does parliament arrange appropriate induction training in human rights for all new members of parliament and staff?	No	No	No	Yes	No	Yes	No
Does parliament arrange regular, periodic training in human rights for members of parliament and staff, other than the induction training?	No	No	No	Yes	No	Yes	No
Does parliament arrange regular, periodic training for members of Parliament and staff to enhance their understanding of and engagement with international human rights mechanisms such as the Universal Periodic Review and human rights treaty bodies?	No	No	No	Yes	No	No	No
Does parliament ensure that every member of parliament is provided with a copy of the IPU's Handbook on Human Rights for Parliamentarians and other relevant materials about the role of Parliament in relation to human rights?	No	No	No	No	Yes	Yes	No
Does parliament avail itself of appropriate technical assistance available from international organisations to assist them to build their capacity to fulfil their role in the protection and realisation of human rights?	No	Yes	Yes	Yes	Yes	Yes	No
B. Research support							
Does the parliamentary research service include appropriate expertise in human rights?	No	Yes	Yes	No	No	No	Yes
Does the parliamentary research service proactively provide regular updates to all members of parliament on significant human rights issues?	No	Yes	Yes	No	No	Yes	Yes
Key Practice VII. Effectiveness							
Does parliament or the parliamentary human rights committee have a methodology for assessing its effectiveness in the protection and realisation of human rights?	No	No	No	No	No	No	No

Annex II: Selected country-specific recommendations[34]

Georgia

1. The Committee on Human Rights and Civil Integration should conduct a hearing or organize plenary debate on the Report of the Working Group of the Universal Periodic Review, as well as which recommendations the Government should accept; The committee should request the Government to regularly report to it on the implementation of recommendations accepted during the Universal Periodic Review process, as well as measures taken to address recommendations which were not accepted, but which the Committee believes should be kept under review.
2. The Committee should scrutinize the State's reports to the UN treaty bodies; The Committee should monitor the Government's response to the Concluding Observations of the UN treaty bodies and seek opportunities to follow up the most significant of the recommendations contained in those Observations; The committee should also monitor the implementation of the recommendations, provided in response to individual complaints against the Government.
3. The Committee should request interim reports about the implementation of the individual as well as general measures resulting from the judgments of the European Court of Human Rights; and systematically scrutinize the Government's responses to adverse court judgements, with a view to reporting to Parliament on the promptness and adequacy of the Government's response.
4. The Committee should hold inquiries into topical issues concerning human rights, particularly in areas where there is concern about the country's compliance with its human rights commitments, whether national or international.
5. The Committee should conduct pre-legislative scrutiny of Government policy proposals or draft legislation raising significant human rights issues before the Government seeks to legislate in order to turn these proposals into law where possible.
6. The Committee should conduct post-legislative scrutiny of legislation with significant human rights implications on which it reported during the legislation's passage through Parliament.
7. The Committee should assess the capacity building needs of its staff (to broaden knowledge in certain fields of human rights; as well as to improve their working skills) and then arrange workshops or ensure their participation in International and regional trainings in identified fields.
8. The Committee should monitor relevant developments in human rights law, including judgments of international courts in cases against other States, with a view to identifying possible implications for national law, policy or practice. The Committee should ensure that its members and staff are provided with regular updates on significant human rights issues (new judgments of ECtHR, etc.).

Macedonia

1. Strengthen the mandate of the Standing Inquiry Committee for Protection of Civil Rights and Freedoms, including by including a general mandate for conducting investigations on violation of the constitutionally guaranteed freedoms and rights of citizens by officials.
2. Change the working practice of the Committee to avoiding existing situation of inactivity, lack of responsiveness and hibernation. _
3. Impose an obligation for state bodies and institutions to deliver all requested materials and documents to the Committee in a timely manner, with determined sanctions if they do not respect the Committee request, as well as an obligation for officials to appear on sessions on request by the Committee.
4. Redefine the composition of the Committee to improve its effectiveness in conducting its competences. The majority of MPs should be from the opposition, and external experts should be included amongst the members of the Committee.
5. The Committee should conduct some of its sessions and meetings outside of Parliament.
6. Conduct mandatory and continuing education and training of the Committee members in the field of protection and promotion of the human freedoms and rights.
7.

Serbia

1. Increase the scope of work of the Committee on Human and Minority Rights and Gender Equality, in the sense that, all relevant draft laws that effect the area of human rights, national minority rights and gender equality, should be a topic for review and discussion.
2. Increase the role of the Committee and the National Assembly in the monitoring of the implementation of the ratified international agreements regarding human rights and the recommendations from the Universal Periodic Review.
3. Increase the support for the Committee staff.
4. Strengthen the cooperation between the Committee and the national councils for national minorities; NGOs and independent state bodies, as well as regional and international organizations.

Tunisia

1. The Assembly of Representatives of the People (Parliament) should ensure that expert advice on human rights is available to all members of parliament and all parliamentary officials.
2. The Parliament should establish the necessary institutional safeguards in order to guarantee the independence of Parliament's legal advisers, including written procedures for dealing with improper pressure from members of Parliament or other parliamentary staff.
3. The Rights, Liberties & External Relations Committee should take care not to focus on criticising human rights situations in other countries, but focus on the human rights situation at home.
4. The remit of the Committee should be defined in such a way as to enable the Committee to take into account all relevant sources of human rights standards in both national and international law.
5. The Committee should be given the power to compel witnesses to attend, including Government ministers.
6. In order to aid legislative scrutiny, the Committee should ask the Executive to report systematically to Parliament on the compatibility of draft legislation with human rights
7. The Committee should identify the opportunities for Parliament to legislate with the purpose of giving better effect to human rights obligations, including the implementation of treaty obligations, recommendations of the treaty bodies and judgments of Courts (national or international) concerning human rights.
8. The Committee should monitor the Executive's response to the UPR Working Group Report and the Concluding Observations of the UN treaty bodies and seek opportunities to follow up the most significant of the recommendations contained in them. It should also monitor the adherence to these recommendations, and urge for their progressive realization.
9. The Parliament should address the question of whether to implement procedures to enable parliamentary engagement in the treaty-making process, in order for treaty-making to take place with greater legislative oversight.
10. The mandate of the Committee should be extended in order to encompass the examination of treaties and other international agreements and the advising of Parliament on their likely impact on the country. Otherwise, it would be appropriate to establish a Treaties Committee in charge of the review and report on all treaty actions proposed by the Government before action is taken. This Committee would present reports to Parliament with advice to be taken.
11. The Committee should incorporate human rights standards contained in international human rights instruments into its work on national legislation.
12. The Committee should maintain an up-to-date website, on which all relevant documents are publicly accessible, including correspondence with the Government.
13. The Parliament and Committee should pay specific attention to the "Belgrade Principles on the Relationship between National Human Rights Institutions and Parliaments".
14. The Parliament should consider or debate national reports submitted to the Universal Periodic Review (UPR) of the Human Rights Council, the recommendations made by the Council in its Working Group reports, or the Government's response to them.
15. The Parliament should develop a methodology for assessing its effectiveness in the protection and realisation of human rights.

Uganda

Capacity Development:

1. The Uganda Institute of Parliamentary Studies (UIPS) should develop a capacity building strategy for all MPs and technical staff that incorporates a human rights based approach in all business transacted in Parliament. This will ensure that MPs are equipped with basic knowledge on human rights during induction and subsequent trainings.
2. The UIPS, with support from Civil Society Organizations should conduct tailored capacity building sessions for both MPs and the technical staff on the Committee on Human Rights Affairs. This will serve two purposes: on the one hand, such sessions will enhance their knowledge and expertise in human rights while helping them appreciate the mandate of the Committee on Human Rights Affairs on the other.
3. Regular capacity building sessions for both MPs and the technical staff should be arranged. In addition, these should be premised on the human rights based approach to ensure better understanding and realisation of the role of Parliament to protect and promote human rights.
4. Parliament should ensure that MPs are sensitised on the Human Rights Checklist. This will ensure better understanding of the Checklist and will mainstream its application.
5. Parliament with support from development partners should increase funding to the UIPS to enhance its ability to conduct regular trainings.

Application of the Human Rights Checklist:

6. Parliament should amend the Rules of Procedure of Parliament to provide for a Certificate of Human Rights Compliance

for all business introduced in Parliament. This will ease the workload of the Committee on Human Rights Affairs

Status of the Standing Committee on Human Rights Affairs:

7. Parliament should amend the Rules of Procedure of Parliament to change the status of the Committee on Human Rights Affairs to an accountability committee. The rationale is that accountability committees are primarily mandated to check the government's track record and are chaired and co-chaired by members of the opposition. It is hoped this will guarantee its independence and impartiality.

Identification and tracking of human rights issues:

8. The Committee on Human Rights Affairs should establish good working relationships with government agencies, UHRC, academia, media and civil society organizations. This will create linkages and opportunities to enrich the work of the Committee such as providing current human rights concerns.
9. The Committee on Human Rights Affairs should systematically monitor the work of both regional and international treaty bodies. This will enhance the capacity of the Committee to monitor government compliance with national and international obligations. The Committee should in addition follow up on concluding observations on Uganda.
10. The UIPS should develop simplified human rights reference materials that can easily be read and comprehended by all MPs.

Ukraine

1. The Human Rights Committee should organise debates on the periodic reports presented by the Government of Ukraine to the UN treaty bodies and the Universal Periodic Review.
2. The Human Rights Committee should conduct thematic inquiries and debates on topical human rights issues, such as treatment of internally displaced citizens due to the conflict in Eastern Ukraine ratification of the Rome Statute of the International Criminal Court and the right to vote.
3. The Human Rights Committee should consider the new generations of rights, including the right to sustainable development.
4. The Human Rights Committee should strive to reach consensus on the issues on which it reports, so far as it is possible to do so.
5. The Human Rights Committee should, after public consultation and discussion with, amongst others, the Ombudsman, publish an explicit priority policy indicating the human rights issues it proposes to prioritise in its work programme, and the criteria according to which it will assess the significance of a human rights issue when deciding on its priorities.
6. The Parliamentary research service should include appropriate expertise in human rights.

END NOTES

1 See, for example, the following outcome documents:
UNGA Res 68/272 'Interaction between the United Nations, national parliaments and the Inter-Parliamentary Union' (19 May 2014) UN Doc A/RES/68/272 <www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/68/272>
UNHRC Res 30/14 'Contribution of parliaments to the work of the Human Rights Council and its universal periodic review' (08 October 2015) <http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/26/29>
Council of Europe, 'Brussels Declaration adopted at the High-level Conference on the 'Implementation of the European Convention on Human Rights, our shared responsibility'' (27 March 2015) <http://justice.belgium.be/fr/binaries/Declaration_EN_tcm421-265137.pdf>
Commonwealth Pacific Regional Seminar for Members of Parliament on the Role of Parliamentarians in the Promotion and Protection of Human Rights, 'Pipitea Declaration' (Wellington, 30 July – 1 August 2014) <thecommonwealth.org/sites/default/files/news-items/documents/Seminar Declaration.docx>
2 M Hunt, H Hooper and P Yowell, "Parliaments and Human Rights: Redressing the Democratic Deficit" (AHRC Public Policy Series No 5, April 2012), accessible at https://www.law.ox.ac.uk/research-and-subject-groups/parliaments-rule-law-and-human-rights-project/2012-project-report
3 See, for example, M Hunt, H Hooper and P Yowell, "Parliaments and Human Rights: Redressing the Democratic Deficit" (AHRC Public Policy Series No 5, April 2012), accessible at https://www.law.ox.ac.uk/research-and-subject-groups/parliaments-rule-law-and-human-rights-project/2012-project-report
4 Including a 2015 book on 'Parliaments and Human Rights: Redressing the Democratic Deficit' and a 2015 conference on 'in the protection and realisation of the rule of law and human rights'. See our website for further details: https://www.law.ox.ac.uk/research-and-subject-groups/parliaments-rule-law-and-human-rights-project/
5 M Hunt, "The Joint Committee on Human Rights" in A Horne, G Drewry and D Oliver (eds), Parliaments and the Law (Hart Publishing, 2014) p 247
6 See Gianni Magazzeni, Keynote speech at conference on the role of Parliaments in the protection and realisation of the rule of law and human rights (Westminster, 7 September 2015) <https://www.law.ox.ac.uk/sites/files/oxlaw/gianni_magazzeni_keynote_speech_07_09_15.pdf>
7 Council of Europe, 'Brussels Declaration adopted at the High-level Conference on the 'Implementation of the European Convention on Human Rights, our shared responsibility'' (27 March 2015) <http://justice.belgium.be/fr/binaries/Declaration_EN_tcm421-265137.pdf>
8 See, for example, Parliamentary Project Support Division, 'The role of parliaments in implementing ECHR standards: overview of existing structures and mechanisms' (Council of Europe, 2015) <http://website-pace.net/documents/10643/695436/20142110-PPSDNotefondstandardsCEDH-EN.pdf/113ad45b-7ffd-4ee7-b176-7fb79ad32f93>
9 Twentieth Activity Report of the African Commission on Human and Peoples' Rights, EX.CL/279 (IX), Annex II, Report of the Brainstorming Meeting on the African Commission on Human and Peoples' Rights (The Gambia, 2006) at paras 63-6
10 "Follow-up and Implementation at the National Level" in Rachel Murray and Debra Long, The Implementation of the Findings of the African Commission on Human and Peoples' Rights (CUP 2015)
11 UN Committee on the Elimination of Discrimination Against Women, Statement on the relationship of the Committee on the Elimination of Discrimination against Women with parliamentarians (2010) <www.ohchr.org/Documents/HRBodies/CEDAW/Statements/Parliamentarians.pdf>
12 N.B.: The following discussion does not only consider the contribution of parliamentary human rights committees to the Universal Periodic Review process, but also the contribution of parliaments as a whole, and the importance of training of parliamentarians and their staff, in order to consider this issue holistically
13 Commonwealth Secretariat and Inter-Parliamentary Union, "Strengthening the Role of Parliaments in the Implementation of Universal Periodic Review Recommendations: Conclusions" (Geneva, 13 November 2012)
14 UNHRC Res 26/29 'Contribution of parliaments to the work of the Human Rights Council and its universal periodic review' (17 July 2014) UN Doc A HRC/RES/26/29 <http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/26/29
15 See (1) Inter-Parliamentary Union and Chamber of Deputies of the Romanian Parliament, Summary and Recommendations Presented by the Rapporteur of the Seminar (Bucharest, 17-18 February 2014);
(2) Inter-Parliamentary Union and General Assembly of Uruguay, Conclusions and Recommendations (Montevideo, 15-16 July 2014) <www.ipu.org/splz-e/montevideo14.htm>;
(3) Inter-Parliamentary Union and Parliament of the Kingdom of Morocco, Rabat Declaration (Rabat, 29-30 September 2014); and
(4) Inter-Parliamentary Union and Senate of the Philippines, Report of the Seminar (Manila, 26-27 February 2015) <http://www.ipu.org/splz-e/manila15.htm>

16 UNOHCHR 'Opening statement by Flavia Pansieri, Deputy High Commissioner for Human Rights at the Side event on the role of Parliaments in the work of the HRC, in particular the UPR' (Geneva, 22 June 2015) <http://www.ohchr.org/ar/NewsEvents/Pages/DisplayNews.aspx?NewsID=16194&LangID=E>
17 Joint Committee on Human Rights, The Committee's Future Working Practices (2005–6, HL 239, HC 1575)
18 ibid, p 66
19 See case study in section on Key Practice III.A: Legislative Scrutiny (p 17)
20 Joint Committee on Human Rights n 17, para 27-9
21 See, for the latest example, http://www.parliament.uk/business/committees/committees-a-z/joint-select/human-rights-committee/news-parliament-2015/legislative-scrutiny-launch/
22 Janet Hiebert, "Parliament and the Human Rights Act: Can the JCHR facilitate a culture of rights?" (2006) International Journal of Constitutional Law 1
23 See Key Practice IV: C. Transparency
24 See, for example, Animal Defenders International v United Kingdom (2012) App no 48876/08 (ECtHR [GC], 22 April 2013); SAS v France (2014) App no 43835/11 (ECtHR [GC], 1 July 2014); Parillo v Italy (2015) App no 46470/11 (ECtHR [GC], 27 August 2015)
25 See, for further details, and a list of elements parliamentarians should consider if they wish to engage the principle of subsidiarity: B Chang, "Strasbourg in the Age of Subsidiarity" (UK Human Rights Blog, 21 September 2015) <http://ukhumanrightsblog.com/2015/09/21/strasbourg-in-the-age-of-subsidiarity-enough-reform-to-accommodate-conservative-concerns-brian-chang/>
26 "Belgrade Principles on the relationship between National Human Rights and Parliaments" (Belgrade, 23rd Feb 2012) <http://nhri.ohchr.org/EN/Themes/Portuguese/DocumentsPage/Belgrade Principles Final.pdf>
27 See also the section on Key Practice III.C.C2 Contribution to the Universal Periodic Review process
28 Available at http://www.ipu.org/english/handbks.htm - HR_guide
29 Available at http://www.wfd.org/publications/human-rights-handbook.aspx
30 P Webb and K Roberts, "Effective Parliamentary Oversight of Human Rights: A Framework for Designing and Determining Effectiveness" (KCL, June 2014)
31 ibid
32 Joint Committee on Human Rights, The Committee's Future Working Practices (2005–6, HL 239, HC 1575) p 52
33 Joint Committee on Human Rights, The Committee's Future Working Practices (2005–6, HL 239, HC 1575) p 53
34 N.B. These recommendations were developed by our civil society partners, and may not necessarily reflect the views of the authors