



Parliamentary
human rights
Committees

Working to
strengthen
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democracy
worldwide



Rule of Law Series Paper

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CHAPTER ONE

Introduction

The Development of International Human Rights Law

While demand for individual rights vis-à-vis power has increased throughout the centuries, “the French Declaration of the Rights of Man and Citizen” (1789) and the American “Bill of Rights” (1791) represent the first attempts to formally define these rights. Fundamental freedoms and human rights subsequently found their way into many national constitutions before finally becoming entrenched in international law.

The massive human rights violations perpetrated by states, especially in the first half of the 20th century, led to the establishment of the League of Nations after World War I and the United Nations after World War II, as well as to the codification of human rights and fundamental freedoms at the international level. Prior to 1945, international efforts to provide legal protection of human rights concerned mainly the protection of the rights of linguistic and ethnic minorities and the protection of industrial workers from gross exploitation. The first true international human rights treaty, the Slavery Convention, was adopted in 1926.

International human rights law saw an unprecedented development after World War II when,

with the establishment of the United Nations in 1945, “*promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion*” (Article, 1 para 3 of the Charter of the United Nations) became a fundamental purpose of the international community.

The Universal Declaration of Human Rights, adopted in 1948, contains the first authoritative interpretation of the term “human rights” in the United Nations Charter. Since then, the United Nations and other inter-governmental organizations, particularly the Council of Europe, Organization of American States, and African Union (formerly Organization of African Unity), have codified human rights in hundreds of universal and regional binding and non-binding instruments. These touch almost every aspect of human life and cover a broad range of political, civil, economic, social, cultural and collective rights, such as the right of people to self-determination, development, the free disposal of wealth and natural resources, and a healthy environment.

The basis of the international human rights legal framework is the “International Bill of Human

Rights,” which includes the Universal Declaration, International Covenant on Civil and Political Rights (ICCPR), and Covenant on Economic, Social and Cultural Rights (ICESCR). The latter two were adopted by the United Nations General Assembly in 1966 and entered into force ten years later, after the required 35 instruments of ratification had been deposited.

The International Bill is complemented by more detailed instruments or treaties that concern specific categories of people or human rights. Of particular importance are the treaties that provide for special expert bodies (i.e., treaty monitoring bodies), which review state compliance with treaties, make recommendations for further progress and, in some cases, receive individual complaints.

Alongside the treaty monitoring bodies, UN expert working groups and special *rapporteurs*

(appointed by the UN’s main human rights body, the Commission on Human Rights) investigate human rights situations in specific countries, as well as the occurrence of violations of specific human rights in all countries.

On the regional level, many states have entered into binding human rights obligations and subjected themselves to supra-national monitoring. For a detailed list of human rights treaties and regional agreements, see Appendices 1 and 2.

As a result of historical developments, human rights codes were initially directed at states and required them to refrain from interfering with those rights. International human rights law and its interpretation has added another dimension which, conversely, requires states to take action. States have a duty to act and must take the necessary measures to ensure that people can exercise their human rights; they also have a duty to protect individuals and ensure that they do not fall victim to abuses by non-state entities. Finally, states must provide an effective remedy in the case of human rights violations.

The Role of Parliament

Today, international human rights law constitutes an all-encompassing web of norms, standards, principles, guidelines and jurisprudence that provide guidance to the settlement of human rights problems, including current challenges such as poverty, migration, trafficking, and human security. If states lived up to their human rights commitments, we would indeed live in a world “*free from want and fear.*” Unfortunately, this is often not the case. The human rights of the great majority of the world’s people are violated on a daily basis, all too often in a gross and systematic manner.

Parliamentary Inquiry Commission into Human Rights Abuses in Aceh, Indonesian House of Representatives

At the end of the 1990s, the Indonesian House of Representatives established a Commission of Inquiry into Human Rights Abuses in Aceh. The Commission drew up a list of thousands of cases of murder, disappearance, rape and torture, recommending that some of them be investigated and taken to court. These abuses occurred while Aceh was a “military operational zone” (DOM period), which means that in virtually all cases members of the security forces were responsible for these crimes. In December 1999, the Commission’s findings were discussed in the new Indonesian Parliament (elected in June 1999) and televised nation-wide. The Commission’s Vice-President, Tengku Nashiruddin Daud, one of the most outspoken members who challenged the military officers regarding their activities, was assassinated in January 2000 when returning from a visit to Aceh. His murder has so far not been solved.

The problem thus centres less on the setting of new human rights standards than on the implementation and enforcement of existing legal instruments. How can we ensure that states live by the human rights commitments they have made at national, regional and international levels?

It is in this context of implementation that parliaments have a part to play. Parliaments, which are themselves the embodiment of the human right to participate in the conduct of the public affairs of one's country (Articles 21 and 25 of the UDHR and of the ICCPR, respectively), have a special responsibility to ensure respect for the human rights of their constituents and are uniquely placed to do so. In contrast to the government, judiciary and civil society groups, parliaments are the place where government policies are (or should be) debated and scrutinised. In parliament, competing policy objectives are balanced to ensure respect for human rights and thus the common good. By virtue of their constitutional mandate to represent the people, parliaments are vested with the necessary powers to fulfill their fundamental role as guardian of human rights.

First, parliaments legislate the legal framework for human rights at the national level. They ratify international treaties, and must ensure that norms set forth in those treaties are translated into national law and implemented.

Second, parliaments approve the budget and set national policy priorities. They must ensure that sufficient funds are provided for human rights implementation and that these funds are used accordingly.

Third, parliaments oversee the action of the executive branch and keep the executive's policies and

Study Committee for Enhancing the Prevention of HIV-AIDS and Drug Addiction, Parliament (*Riigikogu*) of Estonia

In September 2003, the Estonian Parliament set up a Study Committee for Enhancing the Prevention of AIDS and Drug Addiction. The Committee's mandate is: (1) to study the present situation concerning the implementation of the State programme on HIV/AIDS and drug addiction and to make proposals for improving the situation, (2) to analyse the planning and expenditures of programmes, projects and financial resources of foreign aid and to make proposals, (3) to analyse and amend the laws related to preventive measures and, if necessary, to draft new bills, including one prohibiting drug promotion and (4) to assess the sustainability of state HIV/AIDS and drug addiction programmes after their termination. The Committee has a one year term and will deliver a report upon completion of its activities.

actions under constant scrutiny. They can ensure that the government, administration and other state bodies comply with human rights obligations.

Finally, members of parliament are opinion leaders and can help create a human rights culture in their countries.

Human Rights in the Structure of Parliament

Parliamentary activity as a whole affects everyone's enjoyment of human rights. Whether one thinks of security, health, public transport, education, social security, agriculture or immigration policy, parliamentary decision making in each domain will have a direct or indirect effect on the extent to which people enjoy their human rights, be they political, civil, economic, social, cultural, or collective rights.

The way that human rights are integrated into daily parliamentary work has a strong influence on the extent to which parliaments live up to their role as guardians of human rights. Parliamentary work today is carried out mainly in committees,

Why Establish a Parliamentary Human Rights Committee?

Canada

In his foreword to the second report of the Senate Standing Committee on Human Rights, entitled “Promises to Keep: Implementing Canada’s Human Rights Obligations” and published in December 2001, the committee chair outlines the reasons that led to the establishment of a committee dealing exclusively with human rights. The Committee “*will provide a unique interface between government and non-governmental actors in the human rights field, and its work will allow parliamentarians to deepen their knowledge of human rights issues. It will thereby help to ensure that human rights issues receive the concentrated attention they merit and that all parliamentarians are better able to fulfil their responsibility to protect and promote such rights.*” In chapter II, the report states that: “*because Parliament as a whole is a generalist body and must address a variety of policy imperatives, it is vital that any enhanced role for Parliament in human rights be structured so as to ensure that human rights do not get lost in the shuffle, but are instead the subject of focused attention...*” The report further draws attention to the fact that: “*the creation of a parliamentary committee for human rights also has the potential to give a greater sense of urgency to human rights issues and gives visible encouragement to those within and outside government who are working to give human rights a greater priority in the public policy agenda...*”

Gabon

When a multiparty parliament was re-established in Gabon in 1991 after 22 years of single party rule, the opposition insisted on the creation of a committee responsible for all matters relating to communication and human rights. It wanted to prevent the new government from repeating the practices of the former regime, seizing the national media, or abusing human rights. It felt that a parliamentary committee would be an effective mechanism for offering this protection given its oversight function. For this reason, the committee chair was chosen from the ranks of the opposition party. The Committee has since been abolished; human rights matters are now being dealt with by the Committee on Laws and Administrative Affairs, while the communication issues have been entrusted to a committee that has responsibility for social and cultural affairs.

Philippines

The creation of the Human Rights Committee in the Philippine Parliament in 1987 was the result of the strong public clamour for human rights protection and justice, which the Marcos Regime had quashed under martial law rule from 1972 to 1986. As enshrined in the 1987 Constitution, the purpose of the legislature was to establish a favourable policy environment for the promotion of human rights and to ensure the compliance of various State agencies, especially the armed forces, the national police, and other law enforcement agencies.

which are the “engine rooms” of parliament. It is primarily in the different committees that legislative proposals are studied, government departments are scrutinised, and recommendations are made to the House plenary.

Parliaments have adopted one of two basic approaches to integrate human rights into their committee work. The first takes human rights as a cross-cutting issue that should be taken into account by all parliamentary committees precisely because each committee is a “human rights committee” and has to deal with human rights issues. This is the approach that the parliaments

of South Africa, Denmark and New Zealand have followed; such parliaments have also established committees that deal with specific human rights issues, such as women’s and children’s rights.

The second approach is based on the belief that the establishment of a parliamentary committee with an exclusive human rights mandate sends a strong political message, not only to the people but also to the government and other state bodies. Parliaments that follow this approach consider that such committees provide an effective means of ensuring that human rights issues are taken into account by all other parliamentary commit-

tees and that specific human rights knowledge exists within parliament, making it more independent from governmental expertise.

Apart from petition committees, which have a long parliamentary tradition and can be considered the first “human rights” committees, modern parliamentary committees with an exclusive human rights mandate were first created in the early 1980s in South America, beginning with Bolivia in October 1982. Since then, parliaments all over the world—especially in Latin America—have slowly but steadily followed their example.

Most parliaments have opted for an intermediate solution by adding human rights to another committee issue, such as justice or constitutional affairs. From the surveys undertaken by the Inter-Parliamentary Union since 1990, it appears that the number of human rights committees dealing exclusively with human rights issues has remained relatively small, whereas the number of par-

liaments in which committees are entrusted *inter alia* with human rights has steadily risen.

Committees are not the only mechanism by which parliaments can monitor human rights. An increasing number of parliaments have set up the institution of Ombudsman. This office, which is normally responsible for ensuring fairness and legality in public administration, usually reports to parliament and seeks to ensure government compliance with human rights obligations.

Apart from committees, which are part of a parliament’s formal structure, informal groups and caucuses exist in most parliaments where parliamentarians can discuss issues of particular interest to them, including human rights. In some countries, political groups in parliaments have created spokespersons for matters relating to human rights. The Lower Chamber of the Austrian Parliament is one example of where this has occurred. This paper focuses primarily on formal committees with an explicit human rights mandate.

CHAPTER TWO

Parliamentary Human Rights Committees: Their Powers and Mandates

The Parliamentary Committee System

The basic features of the powers and organisation of parliament are identified in national constitutions, almost invariably giving parliaments exclusive competence to organize their work and proceedings as they deem appropriate. The relevant rules of procedure are laid down in the Standing Orders, the main source of law when it comes to the parliamentary committee system.

Committees are organs of the House and function as “miniature parliaments” that enjoy, in principle at least, the same powers, immunities and privileges as the House Plenary. They fulfil legislative and oversight functions, prepare the work of the Plenary, and submit recommendations.

There are normally two types of committees: permanent and non-permanent. The bulk of parliamentary business is carried out in permanent (often called standing) committees that operate on a continuing basis from one parliamentary term to the next. Non-permanent committees (also called ad hoc, select, study or investigative committees) are created to inquire into and report on a particular matter. They may be established at any time by a resolution of parliament that outlines terms of

reference and sometimes certain procedural aspects. Such committees have a limited life and usually cease to exist upon the presentation of their final report to the House Plenary. Parliaments composed of two chambers often establish joint committees to study and report on questions concerning committees in both chambers.

Human rights are generally dealt with by standing committees. Ad hoc or select committees may be established to examine particular human rights problems arising at a given time. Today, parliamentary committees are generally open to contributions from the public, enabling citizens to become part of the parliamentary decision-making process.

A Variety of Approaches

Standing Committees and Subcommittees

Parliaments that have created human rights committees have adopted a range of approaches.

At present, few parliaments have standing committees dealing exclusively with human rights. They include Angola, Argentina, Austria, Azerbaijan, Belgium, Bolivia, Brazil, Burundi, Cambodia, Canada, Chad, Colombia, Cyprus, Ecuador, Gua-

temala, Honduras, Lebanon, Lithuania, the former Yugoslav Republic of Macedonia, Mexico, Nigeria, Panama, Peru, Philippines, Surinam, Togo, Turkey, Uruguay and Yemen.

Any standing committee may establish subcommittees to study specific human rights issues. One example is the Subcommittee on Human Rights of the Committee on Justice of the Parliament of Mongolia. In the Irish Parliament, the Subcommittee on Human Rights was set up in 2002 by the Foreign Affairs Committee to discuss the human rights situation at home and abroad and to liaise with lobby groups. The Subcommittee of Justice and Prison Affairs of the Committee for Constitutional Affairs, Rights, Freedoms and Guarantees of the Portuguese Parliament regularly visits prisons and institutions for young offenders.

In a number of cases, human rights standing committees are entrusted with specific human rights questions or humanitarian issues. For example, the human rights committees of the Parliaments of Moldova and Croatia deal with questions regarding national minorities. The human rights committee in Slovakia is responsible for women's rights and minorities; in Hungary it handles minorities and religious affairs; in Greece it oversees gender equality issues; and in Paraguay it encompasses indigenous affairs. The German Bundestag's human rights committee is also responsible for humanitarian aid.

The majority of parliaments have included human rights *inter alia* in the mandate of existing standing committees. For example, Belarus has a standing committee for human rights, national relations and mass media; Benin has a committee on law, administration and human rights; the Canadian House of Commons has a committee on justice

and human rights; Cameroon has a committee on constitutional affairs, human rights and liberties, justice, legislation and administration; Chile has a committee on human rights, nationality and citizenship; Thailand has a committee on justice and human rights; and Zambia has a committee on legal affairs, governance, human rights and gender.

Sometimes 'human rights' does not appear in the title of a committee even though it has a clear human rights mandate. This is the case of the Australian Senate's Standing Committees on Regulations and Ordinances and on the Scrutiny of Bills, which both safeguard personal liberties by ensuring that appropriate standards of fairness and eq-

Subcommittee on Trade in Human Beings and Prostitution, Belgian Senate

In September 1999 the Belgian Senate Committee of the Interior and Administrative Affairs, while examining the general guidelines relating to government policies concerning immigration, decided to evaluate the policies regarding foreigners and to make resolutions on this subject. The Committee produced a report on "Government Policies Regarding Immigration," which was approved by the Senate on 3 May 2000.

In the course of the Committee's work, it quickly became clear that questions concerning trade in human beings and prostitution networks should be examined independently from the Government's immigration policies. On 17 October 1999, the Committee created a Subcommittee on "Trade in Human Beings and Prostitution" to examine these issues. To fulfil its mandate, the Subcommittee had to analyse the organisation and functioning of criminal networks, the situation in the victims' countries of origin, the circumstances of their entry into Belgium, as well as the policies of the police and the judiciary and their collaboration at the international level.

The Subcommittee conducted many audits, visits and study tours, and issued a set of recommendations for the Government. As the Subcommittee was not re-established after the last elections in May 2003, the implementation is being monitored by the Standing Committee.

uity are applied to delegated legislation as well as to bills and acts of parliament. Another example is the Belgian House of Representatives, where the Justice Committee has the explicit mandate to monitor the human rights situation in the country; similarly, the Luxembourg Parliament's Legal Committee is responsible for examining general human rights questions.

There may be more than one parliamentary committee with a specific human rights mandate. For example, the Parliament of Slovenia currently has the following committees with an explicit, though not exclusive, human rights mandate: the Committee for Supervision of the Work of the Security and Intelligence Service, which oversees respect for constitutionally guaranteed human rights and freedoms; the Petitions Committee; the Committee on Health, Labour, the Family, Social Policy and the Disabled, which monitors respect for economic and social rights; and the Committee on Home Affairs, which coordinates human rights matters in Parliament.

Non-Permanent Committees

Select or investigative committees are an important tool for parliaments to address a particular human rights problem and propose solutions. Such committees deal with a range of human rights problems.

Informal Parliamentary Structures

Almost all parliaments have informal groups, often transcending political party affiliation, to pursue common interests. Human rights figure prominently among issues considered by such groups. Although they do not have the powers of formal parliamentary committees, their informal nature often enables them to be more outspoken. These

Parliament (*Majlis*) of Iran Examination of Complaints

According to Article 90 of the Constitution of the Islamic Republic of Iran, "whoever has a complaint concerning the work of the Assembly or the executive power or the judicial power can forward a complaint in writing to the Assembly. The Assembly must investigate the complaint and give a satisfactory reply. In cases where the reply relates to the executive or the judiciary, the Assembly must demand proper investigation in the matter and an adequate explanation from them, and announce the results within a reasonable time. In cases where the subject of the complaint is of public interest, the reply must be made public".

The Article 90 Commission, established to implement Article 90, set up a human rights subcommittee in 2002 to handle complaints regarding the violation of citizen's rights. This subcommittee may, with the consent of the Chair, invite concerned individuals to a hearing and carry out on-site visits. The relevant authorities have a duty to cooperate with the Commission and its subcommittees. Cases of public interest are publicized through the *Majlis* tribune and the media is allowed to publish the relevant report. In 2003, for example, a report on detained national religious political activists was published. Between March 2002 and 2003, the Article 90 Commission received 8,775 complaints, a 40% increase from the previous year.

groups have shown that they can become influential operators in promoting human rights issues.

As Senator Alan Missen, the long-standing Chairman of the Parliamentary Group of Amnesty International in the Australian Parliament, asserted in 1985 at the 18th World Conference of the Society for International Development: "The existence and vigorous operation of such bodies strengthens the individual integrity and sense of personal responsibility of members of parliament often threatened by the arrogance of Executive power. They must proclaim their message without fear or favour in this world where injustice thrives in the shadow of silence."

Informal human rights groups are manifold and, like formal committees, several such groups may

exist in a single parliament. For example, the Swedish Parliament has: (1) the Human Rights Group of Parliament, which cooperates with Amnesty International and protests against human rights violations in other countries; (2) the Swedish Supporting Committee for Human Rights in Turkey; (3) the Group of Parliamentarians for Human Rights in Iran; (4) the Swedish Committee for Human Rights of the Kurds, which also includes non-parliamentarians; (5) the Tibet Committee; (6) the Committee for Human Rights in Cuba; (7) the Parliamentary Committee against Anti-Semitism, which belongs to the International Council against Anti-Semitism; and (8) the Parliamentary Coalition for a Humanitarian Refugee Policy. The East Timor Committee, which - like corresponding groups in some 30 other countries - worked for the independence of East Timor, has attained its objective and disbanded.

Amnesty International groups (AI) are another example of informal parliamentary bodies. The

Parliamentary Groups of Amnesty International

The Australian AI Group, which has invited other parliaments to follow its example, has identified the following features as essential if such groups are to maximise their impact:

- adhere to the Amnesty International Charter;
- membership and executive must span all political parties and if possible party leaders should be patrons;
- achieve a balance in the causes it adopts and be seen to be even-handed in its criticisms of human rights violations wherever they occur;
- use the parliamentary forum to publicise AI concerns;
- liaise closely with the National AI section and the Department of Foreign Affairs;
- use its access to the governments of other countries to raise AI issues, both in embassy visits and during overseas delegations in which members of the group are involved.

Australian Parliament was the first to set up such a group in 1973, followed by New Zealand in the 1980s. The Australian AI Group was instrumental in the ratification of the United Nations Convention against Torture in 1989.

Informal groups have variable structures. For example, the All Party Parliamentary Human Rights Group of the Parliament of the United Kingdom is an example of a group that works on the basis of a well established procedure.

Mandate and Terms of Reference

Parliamentary human rights committees have various attributes that determine the extent to which they are instrumental in the promotion and protection of human rights. A parliamentary committee that can only discuss human rights bills or issues referred to it by the House plenary, for example, has less margin for manoeuvre than committees that are able to independently determine their own agendas.

In principle, human rights committees have legislative and oversight functions. They are normally entrusted with the examination of bills and delegated legislation from a human rights angle, and sometimes are specifically mandated to exercise their scrutiny with due regard to the international human rights obligations of their countries.

If entrusted with an oversight function, human rights committees examine, discuss and monitor the human rights situation at national and/or international levels. They can therefore ensure the implementation of legislation. To this end, the Committee on Human Rights and National Minorities of the Parliament of Moldova, for example, sets up ad hoc committees. Six months after

a law is passed, these committees examine its implementation and report back to parliament. Human rights committees may also supervise government programmes, state institutions dealing with human rights, and the government's general progress toward and compliance with human rights norms. They may even be asked to evaluate government progress in light of international human rights treaty obligations and the recommendations of the various treaty monitoring bodies.

In South Africa, the Joint Monitoring Committee on the Improvement of Quality of Life and Status of Children, Youth and Disabled Persons monitors and evaluates progress in this field with special reference to the government's commitments with respect to any applicable international instruments and applicable legislation. In rare instances, such as the Joint Committee on Human Rights of the Parliament of the United Kingdom (JCHR), committees examine national reports that are then transmitted to treaty oversight bodies. While many human rights committees are able to consider individual complaints, some—including the JCHR—may be specifically barred from doing so.

Occasionally, a human rights committee's mandate empowers it to provide assistance and take action on behalf of victims of human rights violations and their families. An example is the Committee on Civil, Political and Human Rights of the Philippine House of Representatives.

Committees may be empowered to provide citizens and NGOs with legal aid in cases of human rights violations. Some even have a specific warning function. For example, the Human Rights Subcommittee of the Human and National

**All-Party Parliamentary Human Rights Group,
Parliament of the United Kingdom (PHRG)**

The PHRG was established in 1975 and officially registered with parliamentary authorities in 1986. The group is composed of backbench MPs from both Houses of Parliament, and currently has 135 members. The group is mandated by its members to raise awareness of international human rights issues in the Houses of Parliament, to work for the implementation of the International Bill of Rights by all governments, and to encourage debate, research and further action on such matters.

The PHRG fulfils its objectives by receiving oral and written reports concerning human rights violations throughout the world; organizing missions to collect evidence from areas of concern; communicating the group's concerns about human rights violations to governments, their representatives in the UK, and visiting delegations; asking the Government to explain foreign policy in light of human rights objectives; establishing contacts with intergovernmental agencies and other parliamentary groups in order to widen the debate on human rights; coordinating approaches made to MPs by NGOs; and organizing regular meetings on human rights matters in both Houses of Parliament.

The PHRG has recently highlighted grave and widespread human rights violations in Chechnya, Indonesia, Afghanistan, Burma, Iraq, Palestine, Israel, Turkey, Colombia, Western Sahara, Guatemala, Zimbabwe and Saudi Arabia, as well as the detention of prisoners in Guantanamo Bay and the prosecution of human rights violators.

Minority Rights Committee of the Parliament of Croatia considers human rights violations that are raised by citizens, then informs the standing Committee of the violations and the need to take preventive measures.

Similarly, the Committee on Human Rights and Hearings of the Colombian Senate has an early warning function. It issued three warnings in 2002 concerning the possible invasion and takeover of the "Plan-Tolima" region by paramilitaries, the possible forced displacement of the inhabitants of 27 villages by the FARC-EP guerilla

and paramilitaries, and the activities of the FARC-EP guerrilla in an indigenous community.

Petition committees deal exclusively with petitions and complaints. The subject of petitions may be matters of general concern, proposals for improving the public administration, or individual grievances.

Human rights committees are sometimes empowered to appoint or dismiss public officers and participate in impeachment proceedings. For example, the Committee on Human Rights of the Azerbaijan Parliament, upon recommendation of the President of the Republic, considers and reports on issues relating to the dismissal of judges, as well as of the President and Vice-President of the Chamber of Accounts and the Chamber of Audits of the Republic. The Human Rights Com-

mittee of the Parliament of Guatemala may propose that the House remove the Human Rights Prosecutor, while the Committee on Justice and Human Rights of the Philippine Senate has jurisdiction over impeachment proceedings against all officers removable by impeachment.

With the increase in the number of Ombudsmen, in large part due to parliamentary initiatives, human rights committees have been given the responsibility of examining their reports and proposing or taking appropriate action, if not necessarily appointing them. For example, the Committee on Human Rights of the Parliament of Lithuania (*Seimas*) is empowered to submit proposals concerning the structure, staff and funding of the *Seimas*' ombudsman, and to consider complaints, opinions and proposals referred to the *Seimas* regarding his/her work. If necessary, the *Seimas* may prepare a draft resolution on a vote of no-confidence in an ombudsman and refer it to the plenary for consideration. The *Seimas* may also consider material submitted by the ombudsman concerning a breach of law by ministers of State or other officers answerable to the *Seimas*, and then submit its conclusions to the House.

Another important function of parliamentary human rights committees is education, dissemination of information, and advocacy. The Committee for Human Rights and Complaints of the Cambodian Senate is, for example, tasked with encouraging human rights education for citizens (including those in remote areas and the illiterate) and promoting the public dissemination of human rights through the media.

Human rights committees may also conduct studies and research for the purpose of public dissemination, as is the case of the Human Rights

The Standing Committee on the Reports of the Ombudsman, Parliament of Namibia

The Namibian Parliament established this committee as a result of the Ombudsman Act of 1990 and entrusted it with the following tasks:

- examine, consider and report on the annual and other reports laid before the National Assembly under the Ombudsman Act
- satisfy itself that the Office of the Ombudsman has been carrying out its mandate efficiently and effectively
- make recommendations to or through the National Assembly to improve the overall efficiency and effectiveness of the Ombudsman
- confirm that Government offices, Ministries and Agencies are responding positively to queries and are duly cooperating with the Ombudsman
- recommend to the National Assembly whether specific cases need to be referred back to the Ombudsman for re-investigation
- examine the policies and methodologies followed during the investigation of complaints, so as to ensure that all complaints are investigated and not jeopardised because of a lack of resources.

**Committee on Legal Affairs, Governance,
Human Rights and Gender Matters, Zambian
National Assembly**

Committee Mandate

- (a) oversee the activities of the Ministry of Legal Affairs, Gender in Development Division at the Cabinet Office, the Permanent Human Rights Commission, and other Governments departments or agencies directly related to its operations;
- (b) carry out a detailed scrutiny of certain activities being undertaken by Government ministries, departments and agencies, and make appropriate recommendations to the House for ultimate consideration by the Government;
- (c) study reports and make recommendations to the Government through the House on the mandate, management and operations of Government ministries, departments and/or agencies on issues related to the Committee;
- (d) make recommendations to the Government on the need to review certain policies and/or existing legislation; and
- (e) consider any bill(s) the House may refer to it.

Committees of Belgium, the Canadian Senate (which requires authorisation from the Senate to undertake a study), and the House of Deputies of Brazil.

Human rights committees may also be entrusted with financial tasks, such as approving funding for certain human rights related issues, monitoring the efficiency of implementation, and advising on funding for and financial review of human rights institutions. For example, the Committee on Human Rights, Minorities and Religious Affairs of the Hungarian Parliament prepares parliamentary resolutions on financial assistance to national and ethnic minority organizations. Likewise, the National Minority Rights Subcommittee of the Human Rights and National Minority Committee of

the Croatian Parliament considers financing the specific needs of national minorities.

Terms of reference sometimes explicitly entrust human rights committees with a specific coordination or expertise function. For example, the Committee on Home Affairs of the Slovenian Parliament is mandated with coordinating issues related to the exercise of human rights among all other committees. The Human Rights Committee of the Parliament of Ecuador provides technical assistance to the National Congress in all human rights related matters, while the task of the joint Human Rights Committee of the Belgian Parliament is to promote a continuing dialogue between the legislative, executive, and society.

In some parliaments, human rights committees have a purely advisory function. The joint Human Rights Committee of the Belgian Parliament has no oversight function, but may make recommendations. In Uruguay, the Human Rights Committee advises the Chamber of Representatives on individual human rights; prevention of violence against women and children; racial, religious or cultural discrimination; and the prison system.

**Joint Committee on Human Rights
United Kingdom**

The Committee was set up in January 2001 as a consequence of the 1998 Human Rights Act, which incorporated the European Convention on Human Rights into national law. It is empowered to “consider matters relating to human rights in the United Kingdom” and to consider remedial orders under the Human Rights Act. It interprets this to include: (a) scrutiny of all bills presented to Parliament for their compliance with the Act and other international human rights instruments to which the UK is signatory; (b) examination of reports made by the UK Government under such instruments; and (c) examination of the performance of public authorities in relation to their duties under the Act.

The Composition of Human Rights Committees

Selection of Members

The composition of parliamentary committees generally follows the principle of proportional representation based on the political parties represented in parliament. In most cases, each party group presents a list of candidates for the different committees to the Bureau (presidency) at the beginning of a legislature. After ensuring committee

membership is proportional to parties' representation in Parliament, the Bureau publishes the list and submits it to the Assembly for ratification. This system has some variations:

- Parliaments belonging to the common law tradition usually have a special selection committee; alternatively, they entrust the committee in charge of House affairs with nominating committee members, who are then appointed by the Parliament or the House. In some rare cases, the President of a House may appoint a certain number of committee members; this is the case in the Nigerian Senate's Committee on Human Rights.
- Members of human rights committees may be elected by the House on the basis of candidatures put forward by the majority and minority leaders. This occurs in the parliaments of Azerbaijan, Belarus, and Bosnia-Herzegovina (the Committee for Human Rights, Immigration, Refugees and Asylum of the House of Representatives, respectively).
- Some parliaments, such as Ghana, require the human rights committee members to be selected on the basis of educational background, profession, and/or experience.
- Certain human rights committees are comprised of *ex officio* members. In the Philippines, the majority and minority party leaders are *ex officio* members of the nine-person Senate Committee on Justice and Human Rights.

Depending on the committee's mandate, rules of procedure may reserve seats for representatives of social groups and/or the participation of non parliamentarians. The Human and National Minority Rights Committee of the Parliament of Croatia has

Human Rights Committee Parliament of Lithuania (*Seimas*)

Working Methods and Follow-up

Lithuania's Human Rights Committee works in accordance with a general work plan established by all committees on the basis of the parliamentary session's work programme. Such work plans, which specify the person responsible for implementation and the time limits that apply, are publicly announced and submitted to the Chairman and the Chancellor (Secretary General) of the *Seimas*.

In order to prepare issues for consideration, committees may form preparatory working groups from among their members. These groups may include other *Seimas* members, as well as representatives of state institutions, parties and public organizations, and experts. Likewise, the Committee may invite to its meetings other *Seimas* members, government officials, members of municipal councils, and representatives of interested institutions. Committee meetings are open to representatives of the media, with the exception of meetings that have been specifically designated as closed.

Following each meeting, a report is prepared for the *Seimas* Press Service in which the discussions and adopted decisions are summarized. Committee decisions are adopted by open, simple majority vote of the participating members. Minority opinions must be announced with the committee's decisions, which are referred to the *Seimas* in writing. Decisions are also sent to concerned state institutions in the form of recommendations. With the exception of the courts, institutions must consider the decisions and inform the committees about the result of their deliberations and any consequent measures.

five deputies who are elected from among the ranks of national minorities and four members appointed to the Committee (a representative of the Roman Catholic Church, the Orthodox Church, the Croatian Helsinki Committee, and B.A.B.E., an association that promotes women's rights).

Committee Chair (Bureau)

The chairpersons of parliamentary committees play an important role in guiding committee work. In the majority of cases, they are elected by the committee from among its members at the first meeting. Informal agreements between the parties may enable the chair to be a member of the opposition. More rarely, party membership of the bureau is explicitly regulated; for example, the chair and vice-chair of the Committee on Human Rights and Hearings of the Colombian Senate must not belong to the same political party or movement.

In some parliaments, committee chairs are elected by the plenary. Examples include the Committee for Human Rights, National Relations and Mass Media of the House of Representatives of Belarus, and the Committee on Human Rights, Minorities and Status of Women of the Slovak Parliament.

Duration of Mandate

Committee members are normally elected for the term of the legislature. In some cases, members are elected or appointed for a lesser term; for example, members of the Human Rights Committee of the Parliament of Panama are elected for a one year term.

Functioning, Working Methods, Powers

Agenda Setting

A human rights committee's agenda depends on its mandate. Committees that may only deal with

matters referred to them by the House are less in control of their own agenda than committees that may identify their own human rights issues; in particular, more empowered committees can take account of suggestions from the public, other members of parliament, or concerned human rights institutions.

The agenda is normally determined by a majority vote of the committee; in some cases, such as the Angolan Human Rights Committee, the committee chair may be tasked with setting the agenda.

Place of Meeting

While committee meetings are usually held in the parliament building, human rights committees may meet in any venue—though external meetings are likely to be less formal.

Frequency

Frequency of meetings differ greatly, ranging from only when necessary to several times a week.

Working Methods

Committees' powers and working methods affect the results they can achieve. Normally, committees utilize the following methods:

Parliament of the United Kingdom

Committee Inquiry Procedures

- Committee chooses own subjects of inquiry and announces them in press release;
- Written evidence sought from interested parties;
- Oral evidence heard from key witnesses;
- Study visits conducted at home and abroad;
- Chairman's draft report considered, amended, agreed and published;
- Government replies within 60 days;
- Report may be debated in House plenary.

Human Rights Committee Canadian Senate

Parliamentary Fact Finding Mission

In October 2003, the Canadian Senate mandated its Human Rights Committee to conduct a fact-finding visit to Geneva and Strasbourg to “inquire into Canada’s compliance with the UN International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights” and to visit the Human Rights Court of the Council of Europe in Strasbourg “to inquire into areas of application of the European Social Charter as a model in Canada.” During its visit the delegation learned that UN *rapporteurs* come to Canada to meet with the government, private business and individuals, but never with Canadian parliamentarians. It expressed the belief that it “*would be desirable that the special rapporteurs also meet with Canadian parliamentarians when they come to Canada.*”

Committees may undertake inquiries into a given subject, which normally involves taking oral and written evidence and making reports. Committees may ask for written evidence from people and organizations with an interest in their inquiries and/or the necessary expertise. It will normally ask and may—in cases of non-compliance—order the government department or institution concerned to produce a memorandum or provide specific information on the subject in question. Parliamentary Standing Orders often set time limits on the production of such information; for example, officials in the Czech Republic have 30 days.

Committees may also invite individuals and representatives of organizations to give oral evidence to supplement written documentation. Through question and answer sessions, MPs are able to explore an issue, gain greater insight into the problem, and propose possible solutions.

Committees are typically empowered to order the appearance of witnesses. However, this power

rarely applies to members of the Government; for example, committees in Commonwealth countries are often unable to order the attendance of ministers. Committees with a purely advisory character (such as the Joint Human Rights Committee of the Belgian Senate) also lack the power to summon ministers. In practice, however, ministers in these countries are likely to attend the hearing upon invitation. In New Zealand, the minister in charge of a bill is entitled to participate in committee hearings. In Gabon, the prime minister and ministers have the right to speak or attend committee meetings if they so wish. Normally, committees may not summon members of the judiciary. Committees can hold a single evidence session to focus attention on a particular issue, or they can organise special events, such as thematic days, special parliamentary hearings, or conferences.

Committee members may also visit people and places in the country and abroad to observe how things work in practice, as well as how other countries handle similar problems. Sometimes, the approval of the plenary is necessary to carry out on-site missions, as in the Canadian Senate’s Committee on Human Rights. It is very rare for the conduct of on-site visits to be expressly prohibited, however, as in Uruguay.

On-site visits are among the most important means by which a human rights committee can study human rights issues and ensure government compliance with human rights norms. It allows them to visit prisons and detention centres; verify the living conditions of refugees, asylum seekers, displaced persons, and disadvantaged groups in their society; visit schools and orphanages; and check working conditions in factories and mines. Additionally, it enables MPs to travel abroad to

Petition Committees

The right to petition is at least as old as the institution of parliament itself. It has even been argued that the Parliament in the United Kingdom originated in meetings of the King's Council where petitions were considered. In France, the right to petition parliament for redress of grievances has existed almost permanently since the French Revolution. With the increase in the influence and importance of parliaments, petitioning parliament became one of the main methods of airing grievances, so that parliaments had to set up special committees to cope with the ever increasing number of petitions. These committees can be considered as the first "human rights" committees as their aim was and still is to redress injustice. Although today, redress for injustice is sought mainly before the courts, parliamentary petition committees continue to exist in many parliaments and have taken on a new role as "an interface between the Elector and the Elected, the Governor and the Governed, the Administrator and the Administered."

meet with international or regional human rights bodies and to inquire into human rights problems elsewhere.

Committees may establish working groups or sub-committees either to study specific issues or focus on one aspect of a committee's remit. For example, the Human Rights Committee of the Mexican Senate has set up four sub-commissions: Legislative Studies, International Relations and Relations with Human Rights Organizations, Promotion and Dissemination of Human Rights, and Follow-up to the Recommendations of the National Human Rights Commission and International Organizations.

Outcome of Work and Implementation

In carrying out their mandate in the field of legislation, committees consider, debate, and amend bills according to a well-defined procedure that normally consists of several stages. Any amendments proposed by the committee must first be adopted by the House before they become law.

If a committee that has been charged with examining whether legislation is in compliance with certain human rights standards finds a bill lacking, it may recommend that the House not allow the legislation. The Australian Senate Committee on the Scrutiny of Bills, for example, prepares an "Alert Digest" that is usually tabled weekly when the Senate is sitting. Adverse comments on any bill are also formally drawn to the attention of the Minister responsible, who is invited to respond within a certain timeframe.

The outcome of a committee inquiry or an on-site visit is normally a report with recommendations. Committees may also issue an opinion or adopt a resolution on the subject they have studied. Such documents may take different routes once adopted by the committee.

A number of committees refer their reports and recommendations to the House plenary for a final deci-

**Committee on Public Petitions
Sri Lanka**

In Sri Lanka, the Committee on Public Petitions examines and makes decisions on petitions of individuals or groups that are presented to Parliament by MPs regarding infringements of fundamental rights or other injustices by a public official or an official of a public corporation, local authority, etc. After petitions are presented to Parliament, they are referred to the Committee for deliberation on appropriate action. The cases are then normally referred to the ministry concerned. The Committee can call for oral and written evidence from relevant officials and the petitioner. The Committee may also organise on-site inquiries and refer a case to the Ombudsman. The Committee's final decision is conveyed to the petitioner through the MP who presented the petition to Parliament. The Committee reports to Parliament on its findings and recommendations, and its report is published by Parliament. The authority concerned is directed to take any measures recommended by the Committee.

sion and take no further action. The Human Rights Committees of Belarus, Benin and Gabon, for example, do not carry out any implementation or specific follow-up activities. In the latter case, the Bureau of the House decides on any follow-up action to be taken and may decide to debate a report in a plenary session and/or refer it to the competent minister.

In the majority of cases, committees refer their conclusions to the House and other concerned bodies, such as governmental departments and state institutions. Follow-up action by the committee can sometimes only be taken once the House has adopted its recommendations, as is the case in South Africa. Owing to the principle of separation of powers, committee decisions or recommendations are not binding on the government or other executive authorities; however, these bodies are obliged to take action.

In most cases, the government must produce a response to a committee report. Under the Standing

Orders of the House of Representatives of Canada, for example, the government must submit a global response to a report within 150 days of its submission. In the United Kingdom, government departments are expected to reply to committee reports within 60 days, unless a longer period has been agreed upon with the committee.

Follow-up to a government's response may take different forms: it may be debated in the House or the committee may choose to follow up on its reports in other ways, such as asking the minister concerned to give further evidence.

In the Committee on Human Rights, National Minorities and Inter-Ethnic Relations of the Ukrainian Parliament, the committee chair is in charge of follow-up to committee decisions. In the Committee on Human Rights and Hearings of the Colombian Senate, a committee coordinator is appointed to present a report on his/her activities if requested by the committee.

**Committee for Constitutional Affairs,
Rights, Freedoms and Guarantees
Parliament of Portugal**

Awareness Raising

At the initiative of the Committee for Constitutional Affairs, Rights, Freedoms and Guarantees, the Portuguese Parliament created a Human Rights Prize in 1998 to commemorate the 50 year anniversary of the Universal Declaration of Human Rights. The prize (Euro 25,000) is awarded each year on 30 November to an NGO or individual that contributed to the dissemination and respect of human rights in Portugal, or that denounced human rights violations in Portugal or abroad. The Committee sets up a jury that studies the candidates and proposed a winner. The prize is bestowed in Parliament during a solemn ceremony each year on 10 December, Human Rights Day. It was given for the first time in 1990 to the Committee for the Rights of the Maubere People (Indonesia). In 2003, it was awarded to "Ninho", an association that supports prostitutes who want to give up such work.

Petition Committees

Petition committees use the same methods as other committees, but the very nature of their work means they cooperate more frequently with ombudsmen institutions. In the final analysis, it is the parliament's responsibility to ensure implementation of committee recommendations by using its oversight function.

Publicity

Human rights committees, like other parliamentary committees, have some discretion as to whether their meetings, proceedings, and reports are made public. Sometimes, rules of procedure require the publication of major committee documents in the Official Gazette or parliamentary

publications. The drive for more transparency in public administration has generally resulted in opening up committee proceedings to the public, although committees must remain entitled to hold certain sittings or parts of sittings in private to safeguard the confidentiality of private or sensitive information.

In many parliaments, committees' evidence-taking sessions are now public; in addition, ministerial statements at hearings are published, as are committee reports and findings as well as bills. An increasing number of parliaments publish these documents on their websites, where they also provide other information facilitating interaction with the general public, such as calendars of meetings, topics to be discussed and guides for witnesses.

**Parliamentary Human Rights Committees:
Regional Parliamentary Assemblies and the
Inter-Parliamentary Union**

The promotion and defence of democracy and human rights have been among the main objectives of some of the world's oldest inter-parliamentary organizations, such as the Inter-Parliamentary Union, the world organization of national parliaments, the Council of Europe, and the Latin American Parliament. Other regional assemblies have established committees to deal with human rights issues, including the Parliamentary Assembly of the OSCE, the Central American Parliament, the Andean Parliament, and the Amazonian Parliament.

The OSCE General Committee on Democracy, Human Rights and Humanitarian Questions deals mainly with the issues of "Basket Three" of the Helsinki Final Act (which focus on human rights and individual freedom), preparing a report and

Petitions before the European Parliament

Any citizen or resident of the European Union, as well as any company, organisation or association with its headquarters in a member state, may submit a petition to the European Parliament on a subject that falls within the EU's sphere of activities. The subject may be a matter of general concern, an individual grievance, or an appeal to the Parliament to take a stance on a matter of public interest. The Petitions Committee is not a judicial body and does not have enforcement powers, but it acts by approaching other bodies of the Parliament or the EU. In recent years, the Committee has received approximately 1000 petitions annually, mainly concerning social affairs, environmental problems, freedom of movement, and discrimination.

Petitions are an important means of enforcing European law. They may help settle problems in cases where courts, including the European Court of Human Rights, lack competence. For example, in 2000, the European Court of Human Rights denied admissibility in a case concerning Danish workers who were irradiated by plutonium when a American B-52 crashed at Thule, Greenland, in 1968 with several nuclear bombs on board. The legal action brought in Denmark by workers seeking compensation for radiation-induced cancers and illnesses failed.

In 2001 the matter was referred to the Petitions Committee of the European Parliament, which heard the case in November 2003. The Committee accepted the petition. The Chair directed Denmark to respond to the petition, and required the state to give the Committee its entire file on the Thule nuclear disaster.

draft resolution for presentation at the annual plenary session.

The human rights committees of the other three parliaments are entrusted with the promotion of human rights in member countries and the design of regional plans and programmes aimed at solving social problems of member countries. In the Amazonian Parliament, the committee is also engaged in strengthening ethnic identity, protecting the historical and cultural patrimony of native communities and peoples of Amazonia, and promoting the use of ethno-historical knowledge in regional development programmes.

Although the powers of these committees are limited - they may not, for example, call for papers or persons - their work is nevertheless very important. Through their reports and activities such as seminars, specialised conferences and missions, they draw the attention of member parliaments to important human rights issues and lobby. For example, in a joint meeting held in October 2002, the Latin-American Inter-Parliamentary Human Rights Committee (CILDH) and the Human Rights Committee of the Latin American Parliament urged member states to ratify the Statute of the International Criminal Court. Moreover, these committees provide a platform for MPs to exchange views, familiarise themselves with human rights policies in other countries, and work to-

Parliamentary Immunity

If parliamentarians are to work effectively, they must be able to exercise their freedom of expression without fear of retaliatory measures or politically motivated prosecution. Known as immunity, this privilege is enjoyed by MPs across the world. Parliamentary immunity varies in scope. In all parliaments, MPs enjoy 'non-accountability', which means they cannot be held accountable for anything they say in the exercise of their parliamentary duties. This principle was first laid down in Article 9 of the United Kingdom's Bill of Rights of 1689, stipulating that "*the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament.*" In parliaments following the French tradition, MPs enjoy 'inviolability': they can only be prosecuted if parliament has lifted their immunity. Immunity, which is not impunity, is less a protection of the individual MP than a guarantee of independence and sovereignty of the institution of parliament.

Similarly, persons who give oral or written testimony to parliamentary committees in the course of inquiries normally enjoy immunity for the statements or declarations they make on this occasion. Are therefore not liable in court for the answers they give to the questions asked.

gether for solutions to some of the human rights problems regionally and internationally.

The European Parliament

The European Parliament, together with the Parliamentary Assembly of the Council of Europe, is among the most important actors in Europe in the field of human rights. Its committees enjoy similar powers to those of national parliaments. The European Parliament has set up several committees with a specific human rights mandate, namely:

- The Committee on Foreign Affairs, responsible inter alia for matters relating to human rights, the protection of minorities, and the promotion of democratic values in developing countries. The Committee is assisted in this context by a Subcommittee on Human Rights.
- The Committee on Civil Liberties, Justice and Home Affairs, responsible for human rights and fundamental freedoms in the European Union; the measures needed to combat all forms of discrimination on the grounds of sex, religion, racial or ethnic origin, disability or sexual orientation; the protection of individuals with regard to the processing of personal data; matters relating to the maintenance and development of an area of freedom; security and justice; and matters relating to drugs and drug addiction.
- The Committee on Development, responsible for the promotion and implementation of the cooperation policy of the European Union. Since the early 1980s, it has also included in its mandate support for the process of democratisation, good governance and human rights in developing countries.

- The Committee on Women's Rights and Gender Equality, responsible for the definition and protection of women's rights in the EU and the promotion of women's rights in developing countries; equal opportunities policies, the removal of all forms of discrimination based on sex, and implementation and further development of gender mainstreaming in all sectors; and the follow-up and implementation of international agreements and conventions involving the rights of women.
- The Petition Committee, responsible for the consideration of petitions and associated actions, and relations with the Ombudsman.

These committees may, with the agreement of the Bureau of Parliament, instruct one or more of its members to undertake a study or a fact-finding mission. Committees may put questions to the European Council or the Commission and any member may table questions for written answers to these bodies. They may also, without requiring authorisation, table a motion for a resolution concerning cases of human rights violations and may ask the President in writing for a debate to be held on an urgent case of a breach of human rights, democracy and the rule of law.

Parliamentary Assembly of the Council of Europe

The Parliamentary Assembly of the Council of Europe established a Committee on Legal Affairs and Human Rights after its creation in 1949. The committee, which has a Subcommittee on Human Rights, is the oldest human rights committee at the inter-parliamentary level. Its mandate covers a variety of human rights issues, which include providing advice on affiliation requests and scrutinizing candidates for adhesion to their human

Follow-up to Committee Recommendations Parliament of Zambia

In 1999, the Parliament of Zambia made a fundamental change to its committee system in order to enhance its capacity to scrutinise the Executive and to enable increased participation of the people in the affairs of their country. Under the reformed committee system, the public and the media may now attend committee sittings while citizens may also make written submissions relevant to topics on the committee's agenda. The Parliament's website provides information on committee sittings, the items to be discussed, and general guidelines on how to make submissions.

In 2002 the work program of the Committee on Legal Affairs, Governance, Human Rights and Gender Matters included a tour of select prisons in the country, which resulted in recommendations to the government regarding each prison. For example, after observing that a transport shortage at Lusaka Central Prison had resulted in inmates missing court cases, the committee recommended that the Government address the problem as soon as possible. The Committee asked the Government to assist the prison by providing water in order to improve sanitation and reduce the spread of water-borne diseases. Upon learning that inmates were sometimes asked to pay for release warrants issued by a member of the judicial staff, the Committee requested that the Deputy Registrar verify this allegation and submit a report.

In 2003, the Committee considered the government's follow-up to its recommendations. It was informed that the Ministry of Home Affairs was in the process of procuring appropriate motor vehicles for the prison service. Regarding the provision of water to the prison in order to improve sanitation, the Ministry reported that the rehabilitation of the water and sewage system at Lusaka Central and other Prisons had begun. Finally, the Committee was informed that the Judicial Department had examined the allegations of a court marshal demanding payment before issuing release warrants; this ultimately resulted in an investigation and appropriate disciplinary action.

After examining the government's response, the Committee asked to be updated on the progress made in improving transportation, sewage and rehabilitation at Lusaka Prison. It further requested the judiciary to provide more information on the specific action taken against the disciplined officer.

rights record, giving opinions on draft conventions, drawing up proposals for the improvement of the functioning of the European Convention on Human Rights, and examining candidatures of judges for the European Court. More generally, the Committee examines all human rights issues of concern in Europe.

The Committee regularly holds expert hearings on subjects such as cyber crime, the legal status of the Roma in Europe, and the role and functioning of the institution of ombudsman in transition societies. One of the approximately fifteen yearly meetings is held in a member state, which enables the Committee to study the human rights situation within that state.

The Committee drafts resolutions, adopts reports, and makes recommendations to the Assembly. After debate, the Assembly adopts either a recommendation to be placed before the Committee of Ministers or a resolution in which the Assembly takes a position on the subject.

The Inter-Parliamentary Union (IPU)

In addition to IPU's standing Committee on Democracy and Human Rights, which debates human rights issues and proposes draft resolutions for adoption by the IPU Assembly, the IPU established a special mechanism in 1976 to defend the human rights of members of parliament, namely, the Committee on the Human Rights of Parliamentarians. The idea underlying its creation is that MPs can only fulfil their roles as guardians of human rights if they enjoy their own human rights.

The Committee is composed of five titular members who represent the major regions of the world. They are elected by the IPU's Governing Council

in their personal capacity for a five-year term and meet four times a year. The Committee's mandate is to examine complaints that are referred to it regarding human rights violations affecting MPs. By cross-checking with the authorities of the countries in question and with the sources of information, respectively, the Committee seeks to obtain a settlement in the cases it has declared admissible in line with applicable national and international human rights law.

The Committee's procedure is confidential, but it may decide to make a case public by bringing it to the attention of the Governing Council. In such cases, it submits a public report and a draft resolution for adoption by the Council.

On the occasion of the bi-annual IPU Assemblies, the Committee regularly invites delegations for an exchange of views on the case(s) it is examining. It may also carry out on-site missions, provided the authorities give their consent. As the Committee continues examining a case until it believes that a satisfactory settlement can be found, it has been dealing with some cases for many years; for example, a case in Honduras concerning an MP who was assassinated in 1988 remained open until 2003, when one of his murderers was finally arrested and brought to justice.

Special Cases

New Types of Monitoring Instruments: Offices and Delegations in the French Parliament

Very often, parliaments rely—often by necessity—on government expertise, data and information when examining certain issues. To gain greater expertise and autonomy from the government, the French Parliament has set up new monitoring instruments, namely offices and delegations. These bod-

Visits to Police Detention Sites

The new French Criminal Code, which entered into force in June 2000, authorises members of the French Parliament to visit police detention places at any time. There is no restriction to this right other than the secrecy of the investigation. Consequently, visits may take place at night-time or during weekends and holidays, while parliamentarians are not obliged to announce their visit. As only MPs are granted this right, they may not be accompanied by any non-MP (members of local parliaments, defence counsel, journalists etc). MPs may not enter into contact with detainees; given the secrecy of the investigation, they are forbidden to be present at interrogations and examine records of investigators.

Likewise, any Israeli MP is entitled to visit any place, including prisons and prisoners. Members of the Knesset used this right so often that the Knesset's House Committee established a Subcommittee for Member's visits to prisons to regulate such visits.

ies do not intervene in the legislative process, and remain distinct from the permanent committees. Their mandate is to "keep a legal and technological watch" on the domain entrusted to them, inform parliamentarians of their findings, and evaluate the impact of decisions adopted by institutions operating within their domain. These bodies are composed of members of both Houses of Parliament, while matters can be referred to them by either the executive bureau or a parliamentary committee.

One of the current delegations deals with the rights of women. It is responsible for informing both Houses of the consequences of government policies regarding equal opportunities between men and women. The delegation also monitors the implementation of equality laws. Recent work concerned equal remuneration for men and women, the TRACE (Trajectoire d'accès à l'emploi) programme concerning access to employ

ment, and questions regarding the patronymic surname, abortion, and contraception.

Commission for Future Generations

Legislation and the way it is implemented affect not only the lives of people today, but also the lives of future generations. This is particularly true today as technological means make it possible to exploit resources in an unprecedented way, inducing changes that could have a negative impact on the ability of future generations to exercise their human rights.

The Israeli Knesset has dealt with this problem by creating a special parliamentary body, the Commission for Future Generations. It was established through a private member's bill, which was introduced in October 2000 and enacted into law in March 2001. The Commission's main task is to ensure that the country's legislation takes account of the needs and rights of future generations. The body is presided over by a commissioner who is chosen by an ad-hoc parliamentary committee and appointed by the Speaker.

The Commission's task is to give the Knesset information and opinions on issues that are of special concern to future generations, as well as to raise public awareness about the importance of considering the long-term future. The Commission is authorized to review the agenda of parliamentary committees, give an opinion on the possible impact of a bill or regulation on future generations, and propose bills. The Commission may request information from governmental or other public institutions. In addition, it has been asked to establish a council composed of experts in different fields that will determine its agenda and advise on future proceedings.

CHAPTER THREE

Parliamentary Human Rights Bodies and Other Human Rights Actors

Relationship With other Parliamentary Committees

Human rights committees only rarely fail to entertain formal contacts with other parliamentary committees. However, some committees report directly to the House plenary, such as the Australian Senate Committees on Regulations and Ordinances and on Scrutiny of Bills, the Human Rights Committee of the Lower Chamber of the Austrian Parliament, and the Committee on Human Rights of the Parliament of Cyprus.

In most parliaments, there is regular interaction between committees. For example, the Standing

NGO Liaison Committee, Israel

On 9 December 2003, in honour of International Human Rights Day, the Law and Justice Committee established a special subcommittee at the initiative of its Chairman to act as liaison between the Knesset, the Committee, and human rights organisations. The purpose of this initiative was: (1) to open the door of the Knesset to NGOs; (2) to examine legislative proposals of NGOs concerning human rights in Israel; and (3) to broaden understanding among MPs and the general public regarding human rights, including environmental and welfare rights.

Similarly, the Human Rights Committee of the Mexican Senate set up a subcommittee responsible for relations with human rights NGOs.

Orders of the National Assembly of Angola enable periodic committee meetings to exchange experiences and information. Close contacts usually exist between committees dealing with the same issue in the upper and lower Houses.

Bills are usually studied by several parliamentary committees before they are debated in the plenary. Normally, committees are invited either through the House Bureau or by the committee directly to provide an opinion on a given subject. For example, the Foreign Affairs Committee of the German Bundestag was entrusted with overall responsibility for dealing with a motion on the world-wide prohibition of human embryo cloning while its Committees on Legal Affairs, on Health and Social Security, on Human Rights and Humanitarian Aid, on Education, Research and Technology Impact, and on Affairs relating to the European Union were entrusted with an advisory role. Petition committees will normally contact the committees that deal with issues related to the subject of complaints. Committees may also decide to hold joint sessions.

In some parliaments, committee members are by law part of the Assembly Bureau or another committee. In the Egyptian Parliament, for example,

the Chairpersons of the Committee on Constitutional and Legislative Affairs and on Complaints and Proposals are *de jure* members of the General Committee and the Ethics Committee. Similarly, the Chairperson and Vice-Chairperson of the Committee on Laws, Administrative Affairs and Human Rights of the Parliament of Gabon are members of the Conference of Chairpersons, which determines the National Assembly's agenda.

The majority of parliamentary human rights committees do not maintain systematic and continuing relationships with their counterparts in other countries. However, the Latin American Parliament and Latin American Inter-Parliamentary Human Rights Committee have helped facilitate closer contacts between national parliamentary human rights committees in the region.

Relationships with Other Human Rights Actors

At the National Level

Parliamentary human rights bodies normally enjoy a fairly close relationship with executive human rights bodies, such as human rights ministries or departments within ministries. Regular meetings with government agencies may also be organised. For example, the Petition Committee of the Slovakian Parliament holds annual talks with representatives of ministries on complaints by petitioners regarding the implementation of laws and respect for time limits in decision-making.

However, in some countries, the principle of separation of powers and the necessity of safeguarding independence prohibits human rights committees from entering into any relationship with government or executive offices apart from hearings and other parliamentary oversight mechanisms. This is the case for the Human Rights Committees of the

Joint Activities of Human Rights Committees and National Human Rights Institutions

The Human Rights Committee of the Mexican Senate and the National Human Rights Commission developed a programme of support to migrants. Its aim is to defend and promote the human, civil and labour rights of people of Mexican origin living in the United States. In the framework of this programme, several visits to the states of Florida and Arizona were carried out in 2002, during which meetings with affected individuals as well as political and social actors were held to determine problems and seek appropriate solutions.

Philippine Parliament, as well as the South African Joint Monitoring Committees on the Improvement of Quality of Life and Status of Children, Youth and Disabled Persons, and on the Improvement of Quality of Life and Status of Women.

Parliaments and their human rights committees normally foster a close relationship with the Ombudsman, which frequently extends beyond formal contacts as the ombudsman is usually appointed by parliament. Their reports are normally examined by the human rights committees prior to their submission to the House plenary and Executive.

Similarly, national human rights committees may have a mandate to review reports produced by human rights institutions. For example, the Standing Committee on Justice and Human Rights in the Canadian House of Commons is competent to examine reports by the Human Rights Committee. In Ethiopia, the Human Rights Commission (along with the Ombudsman) is accountable to the Committee on Legal and Administrative Affairs of the House of Representatives. In Ghana, the Commission on Human Rights and Administrative Justice and the Serious Fraud Office submit an annual

report for discussion to the Committee on Constitutional, Legal and Parliamentary Affairs before it is debated in the plenary and submitted to the government.

The majority of parliamentary human rights committees enjoy good relations with NGOs, which can be instrumental to achieving concrete results. Committees may consult with NGOs as witnesses, seek to engage in dialogue and obtain information, and cooperate with them on a permanent basis. For example, NGOs participate regularly in sittings of the Committee on Human Rights and Religions of the Bulgarian Parliament; they may also take the floor and distribute information.

Successful Cooperation between Parliamentary Human Rights Bodies and NGOs

The joint efforts of the Committee for Equal Opportunity Policy of the Slovenian Parliament and the NGO Klju led to the signing in October 2003 of a treaty on human trafficking, whereby Slovenia will grant trafficked persons legal status.

The passage of the Clean Diamonds Act in April 2003 exemplifies the successful result of NGO cooperation with the US Congress. Human rights groups, humanitarian advocates, and faith-based organizations worked with Congress, the diamond industry, and the international community for several years to develop a certification system and complementary U.S. legislation. The US branch of Amnesty International hailed the Act as “*a significant step toward protecting American consumers from underwriting the cost of warfare and human rights abuses in Africa...*”

The establishment of the International Criminal Court is another example of successful cooperation. Over 2,000 NGOs coalesced under the leadership of the Coalition for the International Criminal Court, including Parliamentarians for Global Action (PGA). PGA conducted workshops for MPs, and continues to support parliamentarians and human rights committees that are lobbying their parliaments to fully support the court.

Cooperation between UNDP and the Lithuanian Parliament

The Lithuanian Parliament, its Committee on Human Rights, and the UNDP cooperated closely in developing a national human rights action plan. First, priority issues were identified through a participatory process and experts drafted a baseline study on human rights in Lithuania. Next, the study was validated through a national conference and regional workshops. Finally, the plan was drafted, incorporating the findings of the baseline study and the consultation. The plan was debated in committees and approved by Parliament on 7 November 2002. An analysis of the process later concluded that the leading role played by the human rights committee was instrumental, as it ensured broad involvement of the public. Active facilitation by UNDP was perceived as important for initiating and sustaining the process in the early stages; the decreased intensity of UNDP involvement in later stages enabled the commitment of national entities to take root.

Cooperation at International and Regional Levels

Permanent contacts or consultations between parliamentary human rights committees and international or regional bodies are the exception rather than the rule. Such contacts have mainly developed in Europe and Latin America.

In order to strengthen cooperation with national parliaments in the field of human rights, the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament has been organizing since 2001 an annual hearing of national parliament representatives with an interest in the European Union Charter of Fundamental Rights. One of the more recent hearings, held in April 2003, was devoted to highlighting the violations and shortcomings of European policies in this area. The hearing also examined and encouraged best practices as applied in some member states to create a genuine European area of freedom, security and justice.

In Latin America, cooperation between national parliaments and their human rights committees and regional parliamentary organizations exists mainly through the Latin American Inter-Parliamentary Committee on Human Rights (CILDH) and the Human Rights Committee of the Latin American Parliament. A national committee normally holds the Executive Secretariat of the CILDH; at present it is the Committee on Human Rights, Nationality and Citizenship of the Parliament of Chile.

The number of parliaments and human rights committees that take an interest in regional and international (especially UN) human rights activities is increasing. More MPs, often members of human rights committees, are attending meetings of the UN Commission on Human Rights. Some parliaments, such as the German Bundestag, regularly send delegations to attend part of the session.

Human rights committees are also taking an increasing interest in how their governments vote at Commission meetings. For example, the Human Rights Subcommittee of the Irish Parliament asked the Minister of Justice why Ireland, contrary to usual practice, had not supported the resolution on the Human Rights of Persons with Disabilities that was tabled at the 59th session of the UN Commission on Human Rights. In a similar vein, the Human Rights Committee of the Mexican Senate asked the Government to instruct its delegation to the UN Commission on Human Rights not to sponsor or co-sponsor any resolution against Cuba and to abstain from voting.

The technical assistance that the United Nations and its agencies provide to parliaments enables closer cooperation between UN human rights monitoring bodies and human rights committees. However, much still needs to be done in this field.

CHAPTER FOUR

Best Practices Regarding the Conduct of Investigations

Effective investigations usually involve the collection of written and/or oral evidence from relevant government officials and agencies, national and international institutions and organisations, experts familiar with the subject, and concerned individuals (as appropriate). In most cases, a thorough investigation also requires on-site visits to the country in question. These practices are illustrated by the following two examples.

Canada

In November 2002, the Canadian Senate mandated its Human Rights Committee to study and report on Canada's adherence to the American Convention on Human Rights.

The Committee studied the question throughout 2002 and released its report in May 2003. During its investigation, the Committee took evidence from representatives of the Departments of Foreign Affairs and International Trade and of Justice, non-governmental organisations (e.g., Amnesty International, National Action Committee on the Status of Women, Grand Council of Crees, Canadian Lawyers for International Human Rights), and individual experts. It conducted a four-day fact-finding mission to Costa Rica, meet-

ing with the President and judges of the Inter-American Court of Human Rights, the President and members of the Inter-American Commission on Human Rights, members of the Inter-American Institute of Human Rights and representatives of local human rights institutions and NGOs. The committee also collected extensive documentation.

It arrived at the conclusion that Government concerns about the ratification of the Convention were unfounded and recommended that: "*Canada take all necessary action to ratify the American Convention on Human Rights, with a view to achieving this goal by 18 July 2008, the 30th anniversary of the Convention.*"

Belgium

During the 1999-2003 legislature, the Subcommittee on Trafficking of Human Beings, established by the Standing Committee on the Interior and Administrative Affairs of the Belgian Senate, examined the causes and mechanisms of the trafficking of persons. It dealt in particular with trafficking for the purpose of sexual exploitation, trafficking in sport (especially football), the death of immigrants during their transfer in a container to Ireland, and visa fraud in relation to trafficking.

To examine the question of trafficking for the purpose of sexual exploitation, the Subcommittee heard representatives of the National Ukrainian Council Against the Trafficking of Human Beings, the Belgian Centre for Equal Opportunities and the Fight Against Racism, national prosecution offices and national police, the Albanian police, the national Red Cross society, national and international NGOs, and a victim of trafficking. The Subcommittee also exchanged views with the Prime Minister, the State Secretary for Development Cooperation of the Ministry of Foreign Affairs, and the Ministers of the Interior, Justice, Budget, Social Integration, and Social Economy.

It conducted a study tour to Albania and Italy, as well as to several French cities. Members participated in the Rome Conference on the Trafficking of Women and Children for Purposes of Sexual Exploitation and on Co-operation. It visited the main Brussels police station and several NGOs dealing with trafficking and caring for victims. Finally, the Subcommittee viewed several films on the subject.

For each topic, the Subcommittee issued specific recommendations and sometimes sharply criticised certain failures and practices of the national police. For example, the Subcommittee recommended increased cooperation with the home countries of victims of trafficking, as well as the organisation of high-quality information and prevention campaigns in those countries. It also asked the government to present action plans with a budget. It recommended strengthening and adequately funding the national reception centres, as well as improving the legal status in Belgium of victims of human trafficking. Finally, it made recommendations aimed at improving cooperation at European and international levels.

The Subcommittee's recommendations were adopted by the Standing Committee and conveyed to the Prime Minister and the Ministers of the Interior and Justice. The Standing Committee is currently monitoring the implementation of its recommendations.

CHAPTER FIVE

Legislative Initiatives of Parliamentary Human Rights Bodies

Given the number and variety of subjects with which parliamentary human rights bodies engage, it is difficult to provide a comprehensive picture of their overall achievements in the legislative field. An evaluation of their impact could only be made on a country-by-country basis.

Replies to the survey on parliamentary human rights bodies, conducted by the Inter-Parliamentary Union for the past two years, indicate that legislative questions related to penal law and children's rights are high on the agenda of most human rights committees. This section provides some concrete examples of legislative initiatives taken by committees.

Penal law

In December 1999, the Justice Committee of the Belgian House of Representatives proposed an amendment for insertion in the Penal Code calling for universal condemnation and prosecution of certain violations of fundamental social rights. Because the bill was not adopted during the legislative session, it became null and void. A new legislative initiative would be required to continue the debate in the new Parliament.

In September 2003, the Canadian House of Commons adopted, at the initiative of a member of its

Committee on Justice and Human Rights, an amendment to the Criminal Code that enabled punishment for incitement to hatred.

In 2001, the House of Representatives of the Philippines approved a bill proposed by the Chair of its Human Rights Committee prohibiting the public display in a degrading manner of persons arrested, accused, or under custodial investigation. The House plenary is due to debate a committee-sponsored bill concerning the rights of accused persons and defendants and the penalties to be imposed when those rights are violated.

In July 2002, at the initiative of its Human Rights Committee, the Uruguayan Chamber of Deputies adopted a law on the Protection of Victims of Domestic Violence; one of the committee's current objectives is the approval of a bill on crimes against humanity.

Death penalty

A number of parliaments, such as those in Belarus, Austria, Germany and the Philippines, have sought to obtain a resolution abolishing the death penalty at national and international levels. The Human Rights Committee of the Philippine House of Representatives, for example, proposed a bill in August 2002 that called for the abolition of the death

penalty. It was signed by more than half of the members of the House, and was approved on Second Reading. However, the House failed to pass the bill on Third Reading when it adjourned for Christmas break in December 2003.

Conditions of detention

Addressing conditions of detention is a high priority for most parliamentary human rights committees. For example, the Egyptian Parliament passed

an amendment to a law on the organisation of prisons that prohibits the use of whipping as punishment. The Human Rights Committee of the Parliament of Panama worked on a bill concerning prison reform, and the Human Rights Committee of the Uruguayan Parliament drafted working regulations for detainees. Following the visit of the Cypriot Human Rights Committee to Nicosia Central Prison, measures were taken to reduce the number of inmates per cell, improve hygiene, provide medical and psychological support, and separate minors from those serving long sentences.

Children's rights

Although many parliaments have committees specifically charged with child protection, general human rights committees also devote considerable time to this issue. The Human Rights Committee of the Cypriot Parliament, for example, reviewed the Law on Children and proposed the establishment of an Ombudsman/Defence Council for Children, as did the Human and National Minority Committee of the Croatian Parliament. The General Affairs Committee of the Icelandic Parliament, which oversees human rights matters, proposed a new family law taking account of children's rights.

Other topics mentioned by parliaments in the IPU survey include gender equality and equal opportunities (e.g., adoption of a law on equal opportunities for men and women in Slovenia); the right to health (a Charter of Patients' Rights and a bill on safeguarding the rights of patients in Cyprus, the adoption in Lithuania of a law on the Rights of Patients and Compensation of Damage to their Health); the right to privacy; the rights of refugees and migrants, minorities and indigenous peoples; the rights of disabled persons; measures to prevent

**Human Rights Committee
Philippine House of Representatives**

Legislative highlights in past parliamentary sessions include:

- A bill declaring 4-10 December as "Human Rights Consciousness Week" became law on 1 April 2003;
- A bill abolishing the death penalty, not yet adopted;
- Compensation for the victims of human rights violations during the Marcos regime, approved on second reading on 12 September 2003;
- Approval of the UN Declaration on the Protection of All Persons from Enforced Disappearance, adopted by the House on 22 January 2002;
- A resolution on the promotion of international humanitarian law as an important tool in the resolution of internal armed conflict, adopted on 22 January 2002;
- A bill prohibiting public display of arrested persons in a degrading manner, adopted on third reading on 19 December 2001;
- A bill prohibiting discrimination on the basis of sexual orientation, adopted by the Committee and due for deliberation in the House plenary;
- A bill providing for the rights of accused persons and defendants and for penalties in the case of their violation, approved by the Committee and due for deliberation by the House; and
- A bill providing for a mandatory course on human rights for all officers, members and trainees of the Philippine Armed Forces and Law Enforcement Agencies and other state employees, approved by the Committee and due for deliberation by the House.

trafficking in persons; and issues related to reconciliation and reparation in countries such as Argentina, Chile, Colombia and Ghana. Committees have also studied or made proposals on the establishment or power expansion of Ombudsmen or other human rights institutions. For example, the Joint Human Rights Committee of the

UK Parliament made specific recommendations regarding the establishment of a National Commission on Human Rights and Equality. The recommendations of the Committee on Human Rights and Humanitarian Aid of the German Parliament resulted in the establishment of the German Institute of Human Rights in March 2001.

The Committee on Human Rights and Humanitarian Aid, German Bundestag

The Committee on Human Rights and Humanitarian Aid of the German Bundestag was established during the 14th term of Parliament (1998-2002), making it the first body of its kind in a European Parliament. Examining a broad range of issues related to national and international matters during this term, the Committee dealt with 546 items involving human rights or humanitarian issues and acted as lead committee for 70 of them. It deliberated on: non-state persecution; economic, social and cultural rights; instruments and measures to combat torture; human rights in the war against terrorism; the death penalty; women's rights (with particular emphasis on genital mutilation and honour killings); the reinforcement of children's rights (sex tourism and child prostitution); national immigration policy; racism; national and international conditions of custody; freedom of the press; and humanitarian aid in crisis regions (Afghanistan, Sudan,

- As a result of the committee's activities and discussions, the German Bundestag adopted a resolution on 18 April 2002 concerning Human Rights and Developments in Tibet and on the Worldwide Fight Against and the Banning of Torture.
- A resolution adopted by the Committee in the field of non-state and gender-specific persecution helped to ensure that a clause for hardship cases was included in the Immigration Act and that this Act recognised such persecution as grounds for asylum.
- The Committee's recommendations were fed into the parliamentary resolution regarding the deployment of the German Army in Macedonia. As the original mandate did not adequately ensure the protection of civilians, the Committee's comments led to the inclusion of appropriate provisions in the mandate.
- In its first report on arms export, the German Parliament, based on an opinion given by the Committee, called on the Federal Government to include in future reports information on the export of dual use goods and potential torture implements.
- As a result of its mission to Afghanistan, the Committee secured an increase in funding for humanitarian aid.
- The Committee played a decisive role in the establishment of the German Institute of Human Rights
- Finally, the Committee's efforts to achieve a memorandum on the deportation of Chechen refugees was successful: the competent authorities heeded its call to suspend deportations until the domestic situation in Chechnya had stabilized and more information was gathered regarding inland alternatives for refugees.

CHAPTER SIX

Tools MPs Can Use to Pursue Human Rights Issues

Parliamentarians have a wealth of opportunities to discuss human rights problems at home and abroad through domestic institutions and regional/international organizations (except in Asia, where no regional human rights machinery currently exists.)

At the National Level

Parliamentarians, regardless of their committee membership, have a number of parliamentary procedures at their disposal to monitor and promote human rights. In addition, there are various human rights initiatives they can take outside of parliament.

Every parliamentarian can utilise the normal oversight tools that exist in every parliament. One of the most useful is addressing oral and written questions to the Head of the Government, Ministers, and other government officials. Though the procedures may differ from parliament to parliament, asking questions remains one of the best ways for members of parliament to hold the executive to account. Similarly, interpellations—where parliamentarians ask the government to explain its policies in a certain domain—are also an effective tool to this end. In addition, any member of parliament may request

the establishment of a parliamentary inquiry committee or introduce a private member bill. Even though such bills may not always be adopted, legislative initiatives encourage debate and raise awareness of human rights issues.

Parliamentarians may also set up informal groups to pursue human rights issues, as discussed earlier. Such groups can be effective as their members' parliamentary work and contacts gives them the necessary knowledge, access to documents, and influence to push issues forward. They can be a particularly helpful way of sharing concerns about human rights problems in a given country. In addition, discussions during bilateral parliamentary visits can be followed up with the diplomatic missions of the countries concerned. Moreover, parliamentarians can organize campaigns to push forward certain issues as did, for instance, several members of the Chamber of Deputies of Brazil who set up a "Parliamentary Front Against Slave Work."

As members of political parties, MPs are responsible for ensuring that their parties are aware of human rights obligations and are considering such issues when conducting their work. MPs can also make sure that human rights are addressed within the structure of their political par-

ties and corresponding parliamentary groups.

Members of parliament are opinion leaders: what they say and do will influence the human rights culture in their countries. Through press conferences, interviews, newspaper articles, and other media work, MPs can help to create or strengthen domestic human rights. They can also further this aim by organizing seminars, workshops or other events in their regions, as well as by supporting human rights NGOs.

Finally, in many countries (e.g., Germany, Austria, France), a certain number of MPs may request that the constitutional court examine the conformity of a bill or law with the constitution. Opposition members may use this option if they believe a law adopted by the majority infringes on constitutionally entrenched human rights guarantees. In some countries, individuals—including parliamentarians—are entitled to file human rights cases on behalf of others. In Sri Lanka, for example, a member of parliament filed a fundamental human rights case with the Sri Lankan Supreme Court on behalf of his driver, who had been arrested and tortured by police. The Supreme Court declared that the driver's fundamental rights had been violated and awarded him compensation (SC case N°861/98).

At the Regional Level

Parliamentarians may address regional human rights organizations and parliamentary assemblies to raise human rights issues.

They can refer reports or petitions to the relevant committees of regional parliamentary assemblies, while regional human rights organizations also offer procedural avenues for MPs to highlight human rights problems. Under the African Char-

ter of Human and People's Rights, complaints can be submitted by anyone so the legal question of the victim's standing does not arise. There is no reason why parliamentarians should not utilise this channel. In Europe, the European Court of Human Rights allows third-party interventions, which MPs may use to refer their views on human rights issues to the Court.

Any member of parliament may contact and submit information to the special *rappoteurs* that currently exist at the regional levels, working on issues such as Freedom of Expression in Latin America and on Minorities in Europe.

At the International Level

Any parliamentarian has the option of providing information to international human rights monitoring bodies or cooperating with NGOs in drafting "shadow" reports. Any parliamentarian may seek contact with the United Nations Special *Rapporteurs*, submit information about their own countries or other countries, raise individual cases, and seek help in pushing for improvements at the national level.

The International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of Racial Discrimination (CERD), the Convention Against Torture (CAT), and the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) provide for inter-state complaints procedures, which allow state parties to submit complaints to any of the respective treaty bodies if another state party is not fulfilling its obligations. To date, no inter-state complaint has been submitted to any of the treaty bodies, although the procedure is mandatory in the case of CERD.

Parliamentarians could consider using this mechanism to monitor human rights violations in countries that are parties to these instruments and, in the case of ICCPR, CAT, and CMW, have recognized the competence of the relevant treaty body to consider such complaints.

In its general comment No. 31 on “The Nature of the General Legal Obligation Imposed on States Parties to the Covenant,” the Human Rights Committee, the treaty body established under the ICCPR, reminds state parties that: “...to draw attention to possible breaches of Covenant obligations by other state parties should not be regarded as an unfriendly act but as a reflection of legitimate community interests...”

This section invites state parties to ratify the inter-state complaints procedure or, if they already have done so, of utilising that procedure.

Parliamentarians may also take advantage of the expertise offered by international human rights organisations by cooperating with them. In particular, they can propose the creation of Amnesty International parliamentary groups.

Finally, if MPs themselves become victims of human rights violations, they, their families and their legal counsel may seek redress by referring a complaint to the Inter-Parliamentary Union Committee on the Human Rights of Parliamentarians.

CHAPTER SEVEN

Conclusion

Parliaments all over the world have become increasingly aware that they have a special responsibility to promote and protect human rights and to work towards the creation of a human rights culture in their countries. The establishment of parliamentary committees mandated to deal with human rights, either in general or regarding particular issues, reflects this increasing awareness.

It is clear that the mandate and the powers that human rights committees are given affect their ability to contribute effectively to the promotion and protection of human rights.

A broad overall mandate that encompasses legislative and oversight functions, as well as the ability to advise other committees, ensures that the committee can deal with all relevant human rights issues, take legislative initiative, and address problems referred by third parties. However, including human rights among a committee's other areas of consideration does not seem to give the issue sufficiently prominent attention. A specific reference in the committee's mandate to international or regional human rights treaties that are binding on the country will make it easier to ensure that recommendations of such bodies are taken into consideration by parliament and its committees.

The powers to summon persons and papers and to carry out on-site missions are essential if human rights committees are to effectively exercise their oversight function. It is also imperative that government and administrative authorities are obliged to respond in some manner to a committee's recommendations or conclusions.

Committee reports and recommendations should be publicised, thereby enhancing the general public's interest in parliament's work and facilitating stronger public involvement. Parliamentary human rights committees should be as open to the public as possible and should maintain close ties with NGOs and other national and international human rights actors, including UN Special *Rapporteurs*. Close interaction between the people and their representatives is a vital means of strengthening democracy; in many countries, there is still much to be done in this area.

Human rights are not and should not be a partisan issue. The opposition should therefore be represented in human rights committees.

No matter how perfectly its mandate, working methods, and powers are conceived, the effectiveness of a human rights committee ultimately depends on the political will of each committee

member to “make it work”. A strong mandate and strong powers are useless if a committee remains inactive. Yet even when a parliamentary human rights committee does little, its very existence is a sign of political commitment; this should encourage the public to bring forward human rights concerns and remind members of their responsibility.

While the ideal situation would be a parliament in which all members are imbued with a sense of human rights and personal responsibility to ensure

these rights are respected, we are unfortunately far from this situation: MPs often represent ideological positions, and parliaments sometimes adopt laws that are out of line with human rights principles and obligations. While such situations may at times be corrected by other state actors, particularly the judiciary, a body within parliament specifically designed to promote and protect human rights is an extremely important tool that can bring help to create a human rights culture within parliament and in society as a whole.

APPENDIX 1

MAJOR UNIVERSAL HUMAN RIGHTS INSTRUMENTS

United Nations Declarations

- Universal Declaration of Human Rights, 1948
- Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, 1981
- Declaration on the Human Rights of Individuals who are not Nationals of the Country in which they Live, 1985
- Declaration of the Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985
- Declaration on the Right to Development, 1986
- Declaration on the Rights of Persons Belonging to National or Ethnic, Linguistic and Religious Minorities, 1992
- Declaration on the Protection of all Persons from Enforced Disappearance, 1992
- Declaration on the Elimination of Violence against Women, 1993
- Declaration on Human Rights Defenders, 1999

Core Human Rights Treaties

- International Covenant on Economic, Social and Cultural Rights, 1966/76
- International Covenant on Civil and Political Rights, 1966/76
- International Convention on the Elimination of All Forms of Racial Discrimination, 1965/69
- International Convention on the Elimination of All Forms of Discrimination against Women, 1979/81
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984/87
- Convention on the Rights of the Child, 1989/90
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 1990

UNESCO

- Convention against Discrimination in Education, 1960/62

Other United Nations Human Rights Treaties

- Slavery Convention 1926/55, with Additional Protocols
- Convention for the Prevention and Punishment of the Crime of Genocide, 1948/51
- Convention relating to the Status of Refugees, 1951/54
- Convention on the Political Rights of Women, 1952/54
- Convention on the Reduction of Statelessness, 1954/75
- Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, 1968/70
- Rome Statute for an International Criminal Court, 1998/2002
- Convention against Transnational Organised Crime, and Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, 2000

International Labour Organization

- Freedom of Association and Protection of the Right to Organise Convention (No. 87), 1948/50
- Right to Organise and Collective Bargaining Convention (No. 98), 1949/51
- Equal Remuneration Convention (No. 100), 1951/53
- Abolition of Forced Labour Convention (No. 105), 1957/59
- Discrimination (Employment and Occupation) Convention (No. 111), 1958/60
- Employment Policy Convention (No. 122), 1964/66
- Minimum Age Convention (No. 138), 1973/76
- Indigenous and Tribal Peoples Convention (No. 169), 1989/91
- Worst Forms of Child Labour Convention (No. 182), 1999/2000

Council of Europe

- European Convention for the Protection of Human Rights and Fundamental Freedoms 1950/53, and Additional Protocols
- European Social Charter 1961/65, with Additional Protocols and Revised European Social Charter, 1996/99
- European Convention on the Legal Status of Migrant Workers, 1977/83
- European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, 1987/89

APPENDIX 1

REGIONAL HUMAN RIGHTS TREATIES

Council of Europe (continued)

- European Convention for the Protection of Human Rights and Fundamental Freedoms 1950/53, and Additional Protocols
- European Social Charter 1961/65, with Additional Protocols and Revised European Social Charter, 1996/99
- European Convention on the Legal Status of Migrant Workers, 1977/83
- European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, 1987/89
- European Charter for Regional or Minority Languages, 1992/98
- Framework Convention for the Protection of National Minorities, 1995/98
- European Convention on the Exercise of Children's Rights, 1996/2000
- Convention on Human Rights and Biomedicine, 1997/99
- European Convention on Nationality, 1997/2000

Organisation of American States

- American Convention on Human Rights ("Pact of San José"), 1969/78, and Additional Protocols
- Inter-American Convention to Prevent and Punish Torture, 1985/87
- Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, 1994/95
- Inter-American Convention on Forced Disappearance of Persons, 1994/96
- Inter-American Convention on International Traffic in Minors, 1994/97
- Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities, 1999/2001

Organisation of African Unity

- African Charter on Human and Peoples' Rights, 1981/86
- OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, 1969/74
- Convention on the Rights and Welfare of the African Child, 1990/99

Organisation of African Unity

- African Charter on Human and Peoples' Rights, 1981/86
- OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, 1969/74
- Convention on the Rights and Welfare of the African Child, 1990/99