

Global developments in the role of
parliaments in the protection and
promotion of human rights and the rule of
law: An emerging consensus –
2018 update

Executive
Summary
2018



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In March 2017 we published a Report, *Global developments in the role of parliaments in the protection and promotion of human rights and the rule of law: An emerging consensus*, which presented the results of a comprehensive survey of the most significant international and regional initiatives designed to increase the role of parliaments in this vital area. The Report demonstrated, beyond doubt, a worldwide turn to parliaments to protect and promote human rights and the rule of law, not as an alternative to courts and other institutional means of providing such protection, but to complement and work alongside those other institutions. The purpose of the Report was to draw attention to the emergence of a new global consensus, that the protection of human rights and the rule of law cannot simply be left to courts and legal remedies, but is a responsibility shared by parliaments with those legal institutions.

This short *Update* brings the earlier Report up to date by surveying relevant international developments between March 2017 and June 2018. The *Update* is intended to complement rather than replace the previous Report, and should therefore be read together with it. The *Update* is also intended to complement the survey of country practice being compiled by the Inter-Parliamentary Union and Office of the UN High Commissioner for Human Rights at the request of the UN Human Rights Council, and therefore focuses primarily on developments at the international level.

The *Update* demonstrates that the emerging consensus demonstrated in the earlier Report has continued to develop and is now even more firmly established in international and regional practice. There is at present an unprecedented level of attention given to the importance of increasing parliamentary engagement with both the international and regional machinery for protecting human rights, and other national human rights and rule of law actors. The UN General Assembly, Office of the UN High Commissioner for Human Rights, UN Development Program and the Committee on the Elimination of Discrimination Against Women,

as well as the Inter-Parliamentary Union, the Organisation internationale de la Francophonie and Council of Europe, have all continued to recognize the importance of parliamentary involvement in human rights protection, and have all taken steps to increase this involvement over the past year. In a significant indication of the importance of the subject, the UN Human Rights Council has decided that the theme of its next Forum on Human Rights, Democracy and the Rule of Law, to be held on 22 and 23 November 2018 in Geneva, will be 'parliaments as promoters of human rights, democracy and the rule of law'.

Nevertheless, there is scope for much more to be done to increase parliamentary engagement with the recommendations of the Universal Periodic Review of the Human Rights Council and the human rights treaty bodies. This *Update* underscores how this can be achieved through

- (i) reform of the UN human rights pillar that systematically includes parliaments,
- (ii) further parliamentary capacity building work as well as
- (iii) the promulgation of internationally agreed principles on Parliaments and Human Rights, through a process involving parliaments themselves, that can be used as a helpful reference point for domestic parliamentary capacity building efforts, an idea that was endorsed by the UN Secretary-General in a report last year. This will enable parliaments and parliamentarians to realise their potential as the significant actors uniquely placed not only to play a leading role in bridging the 'implementation gap' that exists between states and international human rights mechanisms, but to bring about the necessary long term shift from a culture of reaction to a culture of prevention in the protection of human rights.

“The Secretary-General encourages a more proactive engagement of parliamentarians in the work of international human rights mechanisms, including through the development of a set of principles and guidelines that would assist and guide them...Parliaments are uniquely positioned to contribute to closing the implementation gap, to prevent violations of human rights and to ensure better protection, especially of vulnerable groups, by ensuring the implementation of human rights recommendations. It may be noted that within the context of the universal periodic review, some 60 to 70 per cent of recommendations require or involve parliamentary action”

Report of the UN Secretary-General to the 72nd session of the UN General Assembly, August 2017.
(<http://undocs.org/A/72/351>)



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