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INTER-PARLIAMENTARY UNION

Resolution adopted by consensus* by the IPU 110th IPU Assembly

(Mexico City, 23 April 2004)

**Furthering parliamentary democracy in order to protect human rights and
encourage reconciliation among peoples and partnership among nations**

The 110th Assembly of the Inter-Parliamentary Union,

* Following adoption of the resolution, the delegation of India expressed reservations regarding operative paragraph C.9 concerning the International Criminal Court. Although it supported the resolution, it could not support this paragraph, as the Court's jurisdiction did not extend to terrorism.

Aware that a well-functioning democracy is crucial to ensure the promotion and protection of human rights and effective reconciliation,

Mindful that the full enjoyment of human rights empowers human beings to shape their lives based on liberty, equality and respect for human dignity, and must be safeguarded by every State and the international community,

Affirming the role of parliaments and inter-parliamentary bodies in providing a forum for dialogue and peaceful resolution of conflicts,

Recognising that reconciliation goes beyond the formal legal settlement of disputes, and is both a process and a goal,

Recognising further that true reconciliation is closely linked to an acknowledgement and punishment of the crimes of the past through prosecution, mediation, truth-telling and compensation,

Recognising also that there is no single model for reconciliation, as evidenced by the variety of reconciliation efforts in countries emerging from conflict, including the various Truth and Reconciliation Commissions which have been established,

Affirming the important role of national parliaments, regional assemblies, the Inter-Parliamentary Union and the United Nations in preventing conflict, restoring peace and advancing reconciliation,

Stressing the important role of women in the prevention and resolution of conflicts and in peace-building,

Recalling in this regard the contribution made by the IPU in offering all parties involved in or affected by a conflict a direct opportunity for dialogue, assistance in strengthening transitional assemblies and parliaments in post-conflict situations and in addressing human rights concerns affecting parliamentarians in such situations, through its Committee on the Human Rights of Parliamentarians,

Reaffirming relevant IPU resolutions, particularly,

- “Strengthening national structures, institutions and organisations of society which play a role in promoting and safeguarding human rights” (Copenhagen, September 1994);
- “The prevention of conflicts and the restoration of peace and trust in countries emerging from war: the return of refugees to their countries of origin, the strengthening of democratic processes and the hastening of reconstruction” (Windhoek, April 1998);
- “The contribution of parliaments to the peaceful coexistence of ethnic, cultural and religious minorities, including migrant populations, within one State, marked by tolerance and the full respect for their human rights” (Berlin, October 1999); and
- “The role of parliaments in assisting multilateral organisations in ensuring peace and security and in building an international coalition for peace” (Geneva, October 2003),

A. Laying the groundwork for effective reconciliation processes

1. *Reaffirms* its call on States to institute, promote and implement national reconciliation processes aimed at achieving sustainable solutions to internal conflicts and internal crises provoked by international conflicts, *underlines* the importance of building a reconciliation process into post-conflict reconstruction at an early stage, and *points out* that reconciliation

may also serve to strengthen and deepen democracy in societies with a legacy of widespread human rights abuses;

2. *Stresses* the need for the adoption of confidence-building measures so as to create a climate of trust in which conflicting parties can pursue their reconciliation efforts;
3. *Strongly believes* that reconciliation processes can only be sustained if they are truly inclusive, and *calls on* States to ensure the participation therein of both men and women on an equal footing, and of all components of society;
4. *Affirms* that parliaments play an essential role in securing a national consensus regarding the need and form of reconciliation, monitoring the agreements made to this effect, and adopting such laws and providing the resources needed to ensure their implementation;
5. *Encourages* parliaments to consider the full range of possible instruments of reconciliation, in particular truth-telling, reparations, healing and education, as well as different forms of justice, including community-based restorative measures;

B. Implementing reconciliation processes

1. *Urges* States to ensure the early and voluntary return, resettlement and rehabilitation of refugees and internally displaced persons; the disarming, demobilisation and subsequent reorientation and reintegration of former combatants, especially child soldiers, into civilian life; and the rehabilitation of traumatised populations, in particular women and children;

2. *Calls on* States to establish appropriate forms of justice to address violations of human rights and international humanitarian law which occur in the course of conflict, including, where possible and useful, by the establishment of Truth and Reconciliation Commissions on the basis of: (i) a fair representation of national diversity and a gender balance in their membership; (ii) the provision of adequate resources; and (iii) a clearly defined mandate and the mechanisms needed for implementation;
 3. *Calls on* parliaments to play an active part in debating and encouraging progress in reconciliation processes, including through hearings and the consideration of progress reports, and, where Truth and Reconciliation Commissions have been established, by ensuring that their work and recommendations are made public and implemented;
 4. *Invites* the IPU to gather, analyse and make available lessons drawn from comparative experiences of parliaments and their members working in post-conflict settings;
- C. Promoting democracy, human rights and a culture of peace and tolerance to consolidate reconciliation and prevent conflicts
1. *Encourages* States to eliminate the structural causes of violent conflict, and to adopt effective policies and legislation to prevent conflict in future;
 2. *Underlines* that the holding of truly free and fair elections based on secret balloting and universal suffrage, monitored by independent election authorities, is always of paramount importance in the establishment of parliaments reflecting national diversity and,

particularly in countries emerging from violent conflict, is essential in consolidating and advancing the reconciliation process;

3. *Calls on* parliaments to respect the political rights of opposition parties and freedom of the press;
4. *Also calls on* parliaments to articulate the diverse needs and aspirations of society, while giving priority to addressing and emphasising needs such as those related to health and education, which are shared by a divided public;
5. *Stresses* the particular responsibility of individual parliamentarians and their political parties in promoting tolerance of diversity;
6. *Reaffirms* that parliamentary democracy can only be truly meaningful if women are represented in parliament on the basis of full equality with men, both in law and in practice, and *strongly urges* parliaments to ensure that such equality is achieved, *inter alia*, by the adoption of temporary special measures;
7. *Stresses* the importance of the universal ratification of international human rights and international humanitarian law instruments, and *calls on* the parliaments in States which are not yet party to those instruments to examine the reasons thereof and to consider ratification as soon as possible;
8. *Calls on* parliaments to ensure that there are no statutes of limitations or other legal impediments to the prosecution of serious violations of human rights and international humanitarian law;

9. *Invites* all States to consider, if they have not already done so, acceding to and/or ratifying the Rome Statute establishing the International Criminal Court, and *recalls* that, in establishing which crimes fall within the jurisdiction of the Court, the latter's Statute defines rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation and any other form of sexual violence as war crimes and, when committed as part of a widespread or systematic attack directed against any civilian population, as crimes against humanity;
10. *Encourages* all countries to implement United Nations Security Council Resolution 1325 (2000) on Women and peace and security, given the important role of women in the prevention, management and resolution of conflicts and in peace-building activities;
11. *Stresses* that human rights can be enhanced through the work of parliamentary human rights committees, as well as through the establishment of national institutions such as ombudsmen for the promotion and protection of human rights, nationally and internationally, and *urges* parliaments to establish such committees and national institutions where they do not yet exist;
12. *Calls on* parliaments to become more active in the field of improving respect for human rights and international humanitarian law, and in monitoring the implementation of decisions related thereto by the relevant bodies;
13. *Urges* parliaments to ensure that tolerance, human rights, the culture of peace and the norms and principles of international humanitarian law are included and promoted in formal and informal education syllabuses, in consideration of the importance of school

literature in inculcating democratic values and in helping to prevent young people from becoming involved in a culture of violence;

14. *Calls on* the IPU to strengthen its assistance, where appropriate, to nascent parliamentary institutions, such as transitional and/or constituent assemblies and their successor parliaments, with a view to strengthening their substantive and technical capacities for the effective performance of their roles and responsibilities;
15. *Encourages* the involvement of the IPU in parliamentary election monitoring and observation, so as thereby to contribute to the legitimacy of the parliaments thus elected.