



INTER-PARLIAMENTARY UNION

Third Committee

Agenda item 69: Promotion and protection of human rights United Nations, 28 October 2009

STATEMENT by Ambassador Anda Filip, Permanent Observer

Mr. Chairman,

Parliament is well placed to promote and protect human rights and fundamental freedoms. Most of parliament's work has an impact on the enjoyment of human rights and fundamental freedoms. It is therefore important that parliaments are equipped to understand their role as guardians of human rights, and to know the substance of those rights and the international human rights machinery. The objective of the human rights programme of the Inter-Parliamentary Union is thus to strengthen the capacity of parliaments to promote and protect human rights.

The IPU has consistently advocated the establishment of specialised human rights committees within parliaments. These committees can generate specialised human rights expertise within parliaments, and ensure that human rights become a concern for all other parliamentary bodies. They can also be the parliamentary focal point for monitoring the compliance of States with their obligations as members of the United Nations and parties to international human rights treaties.

This scrutiny role vis-à-vis the international human rights machinery and the committees that monitor compliance with the main human rights treaties must be effective. The recommendations or concluding observations of the treaty bodies invariably require both legislative action and budgetary resources. However, parliaments should be involved long before these bodies issue their conclusions. The national reports which State parties submit would gain from parliamentary input. Parliamentarians should also be included in the national delegations which discuss the reports with the treaty bodies.

Working in close cooperation with the OHCHR, the IPU has started helping parliaments to familiarise themselves with the human rights treaty body system. An initial series of activities has been carried out in francophone African parliaments. The results, such as ratification of the Optional Protocol to the Convention against torture in one State, a review of legislation on children's rights in another, or the release of long-term detainees in a third, are very encouraging.

The same goes for the Universal Periodic Review. Experience to date shows that governments by and large do not involve parliaments in this novel process, despite the fact that parliamentary participation is essential to making it effective. A recent IPU meeting on the UPR demonstrated enormous interest among parliaments in the process.

The parliamentarians insisted that their legislatures should play a part in drafting the national report, which provides a unique opportunity for countries to take a close look at their national human rights situation, and that the report should be debated in parliament before it becomes final. Likewise, they urged that parliamentarians be included in the national delegations presenting the report to the Human Rights Council, and that the outcome of the UPR be tabled in parliament and discussed. The IPU will follow up on these recommendations.

Mr. Chairman,

Parliamentarians can only stand as guardians of human rights to the extent that they themselves enjoy such rights. The most important of these is freedom of expression. I hardly need say that this is not always the case. 30 years ago the IPU set up a special Committee on the Human Rights of Parliamentarians to examine communications regarding violations of the human rights members of parliament. At its most recent session the Committee examined 60 cases concerning 250 members of parliament throughout the world. They reveal a wide range of human rights violations, including murder, enforced disappearances, extra-judicial executions, politically motivated prosecution, and arbitrary arrest and detention.

Some of these violations occur during a coup d'état such as the one that took place in Madagascar earlier this year. Parliament was suspended in March and the members who spoke out for a return to constitutional order have been arrested and detained, humiliated and ill-treated. Some have been sentenced, and others forced into hiding with arrest warrants pending. This is all happening in flagrant disregard for the Maputo agreement of August 2009 which stipulates the annulment of all politically motivated prosecutions.

A similar scenario has been playing in Niger, where parliament was dissolved after it had refused to grant the incumbent Head of State an extension of his mandate. All the members are being prosecuted on dubious charges. They were detained for several days before being conditionally released; two of them remain behind bars.

In one way or another, violations of human rights of members of parliaments invariably originate in a violation of freedom of expression. The threat comes not only from governments or other quarters, but often from the MPs' own political parties. All too often, they suppress criticism within their own ranks. There are a number of countries where parliamentarians lose their mandate if they fail to vote along party lines, resign from the party or are expelled from it. These are dangerous developments. They corrode the parliament's ability to represent people and hold government to account.

We should all be preoccupied with the widely-held perception of political life as a closed space where there is little room for dissent and real consideration of alternative policy options. There is a clear need for guarantees for the rights of the opposition and the liberty of parliamentarians to speak freely, without fear of harassment or punishment, including by their own political parties. We need to do much more to foster greater political tolerance among citizens and political leaders through education, communication, and by upholding the highest standards of ethics in public life.

Please allow me to conclude by saying that the IPU will continue to provide support to the United Nations machinery for the promotion and defense of human rights, including the Universal Periodic Review. We will continue our work in defense of the human rights of members of parliament and we look to the United Nations and its member States to assist us in this task. Thank you.