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Standing Committee III -
Democracy and Human Rights

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**FURTHERING PARLIAMENTARY DEMOCRACY IN ORDER TO PROTECT
HUMAN RIGHTS AND ENCOURAGE RECONCILIATION AMONG PEOPLES
AND PARTNERSHIP AMONG NATIONS**

**Preliminary Draft resolution submitted by the Co-rapporteurs
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The 110th Assembly of the Inter-Parliamentary Union:

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

Mindful that human rights empower human beings to shape their lives in accordance with liberty, equality and respect for human dignity and must be safeguarded by every State and the international community,

Affirming the role of parliament in providing a forum for dialogue and peaceful resolution of conflicts,

Recognising that reconciliation goes beyond 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 shown by the variety of reconciliation efforts in countries emerging from conflict, including the diverse Truth and Reconciliation Commissions (TRCs) which have been established,

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

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

Reaffirming relevant IPU resolutions, particularly,

- “Strengthening national structures, institutions and organizations 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 organizations 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;
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; *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, in monitoring the agreements made to this effect, and in adopting such laws as may be necessary to permit their implementation.

B. Implementing reconciliation processes

1. *Urges* States to ensure the early and voluntary return, the resettlement and the rehabilitation of refugees and internally displaced persons; the disarming, demobilization and subsequent training and reintegration of former combatants, especially child soldiers, into civilian life; and the rehabilitation of traumatized populations, in particular women and children;
2. *Calls on* States to establish appropriate forms of justice to address human rights violations which occurred in the course of conflict, including by, where possible and useful, 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;

3. *Calls on* Parliaments to take 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, analyze 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 tolerance to consolidate reconciliation and prevent conflicts
 1. *Encourages* States to adopt effective policies and legislation to eliminate the structural causes - political, legal and economic - of violent conflict;
 2. *Underlines* that the holding of truly free and fair elections is of 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 the freedom of the media;
 4. *Calls also on* parliaments to articulate the diverse needs and aspirations of society while giving priority to addressing and raising the profile of those needs, such as health, education, etc. which are shared by a divided public;
 5. *Stresses* the particular responsibility of individual parliamentarians and their political parties in promoting tolerance for diversity;
 6. *Reaffirms* that parliamentary democracy can only have real meaning insofar as women are represented in parliament on the basis of full equality with men in both law and practice; *strongly urges* parliaments to ensure that such equality can be achieved, including by the adoption of temporary special measures;
 7. *Stresses* the importance of universal ratification of international human rights instruments; *calls on* the parliaments in States which are not yet a 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 and other legal impediments to the prosecution of serious human rights violations;
 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 the crimes falling within the jurisdiction of the Court, the latter's Statute defines rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence both as war crimes and, when committed as part of a widespread or systematic attack directed against any civilian population as crimes against humanity;
 10. *Stresses* that human rights can be enhanced through parliamentary human rights committees as well as the establishment of national institutions, such as Ombudsmen,

for the promotion and protection of human rights; *urges* parliaments to establish such committees and national institutions where they do not yet exist;

11. *Urges* parliaments to ensure that teaching on tolerance, human rights and the culture of peace is included and promoted in formal and informal education.
12. *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 fulfillment of their roles and responsibilities;
13. *Encourages* the involvement of the IPU in parliamentary election monitoring and observation, thereby contributing to the legitimacy of the parliaments borne of these elections.