



STRENGTHENING PARLIAMENT AS A GUARDIAN OF HUMAN RIGHTS: THE ROLE OF PARLIAMENTARY HUMAN RIGHTS BODIES

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Concluding observations by the Chair, Ms. Loretta Ann P. Rosales, Chairperson, Committee on Civil, Political and Human Rights of the House of Representatives of the Philippines

We have come together these last three days to discuss parliamentary human rights mechanisms and to exchange experiences on how we – as human rights practitioners in parliaments – can be more effective in ensuring respect for rights at home and interact more efficiently with regional and global human rights structures and procedures.

Our starting point was our conviction that we, as elected representatives of the people, and our institution the parliament are the guardians of human rights or as the bastion of human rights. We must see to it that norms for the protection of the human being are translated into national laws. Likewise, we have a duty to oversee the implementation of policies and programmes to ensure that they meet the standards and goals we have set. Finally, we have a natural role, as politicians, to raise issues relating to human rights in public debate and to help forge national consensus to uphold human rights.

While we all agree that everyone in parliament and therefore also every parliamentary committee should take human rights into account in their work, we believe that it is important that a parliamentary committee be specially designated to address human rights issues and make sure that human rights are indeed treated as cross-cutting issues in parliament.

During our discussions we have examined the very wide variety of human rights structures in parliament, their functions and powers. Some of the more important of these powers that were mentioned included the right to summon ministers and government officials, request written reports and documents, hold public hearings particularly with NGOs which constitute an invaluable fountain of information, set up inquiry commissions, undertake field visits, especially to prisons and detention centres, make oral and written questions, etc on action taken on reports and recommendation.

We have heard some very interesting examples of what can be done and I would like to highlight one example from Brazil where the parliamentary human rights committee launched a campaign for the valorisation of human rights in the media, particularly TV. In a country where 97% of the population watches TV, certain programs can annul human rights efforts and efforts to implement a peace culture. Together with UNESCO the committee worked on a programme to fight against such programs, and complaints can now be lodged by telephone (Internet) and raised with competent authorities, the media and their financing institutions (such as multinational corporations) and lead to sanctions. At the same time, the NGOs work

with the TV stations to convince them not to send or modify certain programs. There are also campaigns to incite people not to “consume” such programs.

We have also stressed the importance of ensuring that all MPs within a parliament have the same understanding of human rights. Indeed, unless we as a group agree on human rights, we won't be able to promote and protect them. Hence the need for training programmes.

In order to do that, MPs must also be able to disagree with their own party on human rights matters. As some of you have pointed out, we have to abandon partisan considerations in human rights. Of course, this also presupposes that there is respect for parliamentary immunities.

We also stressed that we have an important role to play at the international level and we must become much more active in order to preserve human rights today. How many of us do in fact know how our countries vote in the human rights commission? How many of us know what instruments our countries have ratified, what reservations our governments have entered when doing so and what periodical reports have been submitted or are due to be submitted?

In order to be more active, we have many tools at our disposal. We can raise questions about ratification, and many of you stressed the need to ratify quickly the Optional Protocol to the Convention against Torture and the Rome Statute. But we can also raise questions about the many reservations that have been made when ratifying conventions, many of which have the pernicious effect of annulling their content.

Our colleague from South Africa gave a concrete example from her country which I think we would all do well to follow. In her country, all national reports to international monitoring bodies have to go to parliament for debate, and parliament ensures that those reports contain a wide variety of views, including those of civil society. To do so, parliament holds debates and public hearings, calls in ministers and requests documents and reports from a wide range of departments and citizens. In South Africa, members of parliament are included in the national delegation to the international monitoring mechanisms so that they can better understand the recommendations that are subsequently made, and of course the parliament plays an active role in ensuring that these recommendations are also followed up and implemented at the national level.

We have also heard several examples of how best to use international norms as minimum standards for national legislation. Many of you point to the need for international law to prevail and, as one of you put it, we are the architects of the norms so we must ensure their application.

We referred to the regional and sub-regional human rights mechanisms, and we all agree that we can do more to interact with those mechanisms. This I think is particularly true on the African continent where there does not yet seem to be much interaction between the African Commission on Human and Peoples' Rights and the parliamentary human rights bodies. Improvements can also be made on the Latin-American and the European continents.

Of course, at meetings such as this one of parliamentary human rights activists, it is impossible not to talk also about the substance of human rights. From the many interventions that have been made, I believe it is clear that we all agree on the universality, inter-dependence and indivisibility of human rights, although cultural, economic and social differences exist and will of course have to be taken into consideration. We have heard concrete examples of how this

can be done, for example, in relation to the application of the Convention on the Rights of the Child in Africa.

We also agree that human rights concern everyone and that we must act together as an international community. Human rights are not a slogan, nor even an ideology, they are juridical, ethical and moral principles which apply to everyday life. Defending human rights means defending the human rights of everyone, even those whose ideas one does not share.

Human rights have made progress at the level of norms, and the problem today lies more in the field of their implementation. You gave many examples of practical obstacles to implementation these days, particularly the absence of resources, including economic, material and human resources. The HIV/Aids pandemic, migration and refugee problems, trade regulations and the behaviour of some States all pose serious problems to human rights.

Many of us, both men and women, have underscored the importance of ensuring equality between men and women as an essential part of human rights promotion and protection. Although we recognise that progress has been made, the level of participation of women in political life is still very disappointing and it is hardly better at this seminar, where only 17% of us are women. We all agree that we have to do much better, much sooner.

Human rights education has also run as a red thread through our discussions. Most of us have underscored the need to create a human rights culture, and the way to do that is by ensuring that all education programmes have a clear human rights focus. When we say education programmes, we do not mean just education in school, but also law enforcement, agencies, etc.

Many of us have also referred to the fight against terrorism, whether state or non-state, which infringes upon human rights. We all agree that terrorism must always be condemned. Terrorism has no religion, no country and no excuse. However, what is equally important is that the fight against terrorism must not result in new human rights violations.

This brings us back to the beginning of our seminar when we observed a minute of silence in memory of the victims of the terrorist attack in Madrid. Our thoughts also went to the victims of the terrorist attacks of 11 September 2001 and to those of the attack of August 2003 on the UN headquarters in Baghdad, in which the former United Nations High Commissioner for Human Rights, Mr. Sergio Viera de Mello, perished. In our minute of silence, we included all victims of gross human rights violations; the indigenous peoples of America and Asia-Pacific, the Arab people and the people of Israel, Latin-America and Africa. Ten years ago, hundreds of thousands of Rwandans were slaughtered in the genocide. We should never forget this tragedy, and I invite all of you to join our colleagues from Rwanda in an act of remembrance on 7 April.

Finally we have spent time discussing where we go from here. Clearly, we want to see increased efforts in strengthening parliament's ability to carry out human rights work. We therefore welcome the partnership between the IPU, the UNDP and the Office of the High Commissioner for Human Rights, and their offer to increase support programmes for parliament in the area of human rights. We believe that such activities can be carried out most profitably at the national, sub-regional and regional levels. Ideally, such activities should focus not only on increasing MPs' knowledge of human rights issues and mechanisms, but should also develop the institutional capacity in parliament.

At the same time, I believe we all agree that this seminar has been extremely useful, and that we should find a way of holding future seminars of this nature. We believe that the interaction that it allows between us and the Commission on Human Rights can only be beneficial to our work back home. We therefore invite the IPU, working together with UNDP and the High Commissioner's Office, to consider holding further meetings of this nature in the coming years. We also invite the IPU to consult with us on specific topics that can be included in the agenda of those future meetings.

Geneva, 17 March 2004