

**AMNESTY
INTERNATIONAL**



Implementation of UPR outcomes – the role of Parliamentarians in the UPR

Second UPR cycle: the challenge of implementation

- Recommendations are key to achieving the UPR objective of improving the situation of human rights on the ground
- Which recommendations serve us well?
- Need for clarity on government support – or not
- Huge number of recommendations – some 20,000 in the first cycle – what happens 10-15 years from now?
- Quality of recommendations: some concrete, some vague -- some are based on recommendations from expert bodies

From recommendations to implementation

- Typically 150-170 recommendations per country review – many overlap
- Need for authoritative consolidation, drawing out central themes
- The UPR can provide a framework for implementation of UN recommendations -- UPR, Treaty Bodies, Special Procedures, OHCHR fact-finding missions, etc. -- in a national human rights plan
- Complementarity between UPR and expert bodies:
 - UPR can reinforce implementation of expert body recommendations
 - TB and SP recommendations insert human rights expertise in the UPR
 - Expert bodies have weight in terms of expertise and the UPR has political weight
- The UPR can provide a national platform for coordinated and integrated implementation of human rights obligations with input from a range of stakeholders: Government, Ministries, NHRIs, Parliamentarians, Civil society
- National monitoring mechanism with wide representation and charged with reporting publicly on progress

Role of Parliamentarians in the UPR

- The UPR modalities do not mention the role of Parliamentarians; however...
- The role and responsibilities of Parliamentarians are crucial to deliver the core objective of the UPR of enhancing the fulfilment of a state's human rights obligations:
 - **Ensuring government accountability:** overseeing the implementation by the government of its human rights obligations and commitments and of recommendations made to it
 - **Passing legislation:** overseeing ratification of international human rights treaties, enacting national legislation in line with international treaties, lifting reservations made against treaty obligations,
 - **Adopting budgets for government spending:** ensuring funding for human rights implementation
 - **Representing the electorate:** Facilitating consultations with constituencies, within Parliament, within government

Role of Parliamentarians before the review

- **Awareness raising** in the constituencies they represent as well as among other Parliamentarians
- Participating and facilitating **national consultations** on the issues to be addressed in the review and possible commitments by the government to address these
- Contributing to the drafting of the **National Report**, discussion in parliament of the draft report – questions to ministers, ensuring key human rights concerns are addressed
- Contribute **concrete and targeted recommendations** to other States during their review

Role of Parliamentarians during the review

- Participation in the delegation to the UPR Working Group:
 - Familiarize themselves with the UPR process
 - Assist in identifying solutions to issues raised
 - Assist in determining the position of the State under review on the recommendations made by other States, ensuring clarity of position on all recommendations
- Network with others, including civil society representatives monitoring the review

Role of Parliamentarians after the review

- Consideration of the (draft) Outcome Report – in particular the recommendations taken under consideration
- Contribution to the government's response to the recommendations (the Addendum to the Outcome Report)
- Facilitate and participate in discussion of implementation at the national level, including with all relevant stakeholders
- Contribute to the development of a national implementation plan, by clustering recommendations, combining with other UN recommendations, setting benchmarks and indicators – in consultation with civil society
- Monitoring of progress to implement the recommendations and contribute to public reporting, in a process that involves civil society
- In the longer term: encourage and participate in a mid-term review

Other opportunities for Parliamentarians in the UPR

- Use of the **information generated by the UPR**: The National Report, The UN Compilation and The Stakeholder Summary could be used as background for bilateral affairs with other States
- Upcoming **reviews of other States**:
 - opportunity to foster **foreign policy and foreign relations**, e.g. by suggesting issues to be raised in those reviews
 - In some countries Parliamentarians themselves face human rights violations – reviews can be used to raise concern and suggest measures to **protect the human rights of Parliamentarians** to enable them to carry out their work

In conclusion: an obvious and evolving role for Parliamentarians

- The various resolutions and decisions on the UPR may be silent on the role of Parliamentarians -- however:
 - Much of the **good practice** that has developed in the first cycle of the UPR is not codified, e.g. national consultation
 - There is an **obvious role for Parliamentarians in the UPR** – important to explore, share experience, encourage participation and contribution, build good practice