



**Dialogue** on  
**Globalization**

CONFERENCE REPORT  
FES GENEVA

**The Role of Parliaments in the UPR**  
**Parallel Event to the 12th Session of the**  
**UN Human Rights Council**  
**16 September 2009**

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## The role of parliaments in the UPR

Within democratic States parliament's primary roles consist of passing legislation and overseeing government action. Elected representatives, including from political minorities, play their role in a system of "checks and balances". In contrast to this significant national role accorded to parliaments, their role in the Universal Periodic Review (UPR) process is surprisingly undefined. Nevertheless, some parliaments are changing this state of affairs and becoming actors of outstanding importance in the national preparation of the UPR and the implementation of its recommendations.

In this panel discussion, Members of Parliament (MP) presented their experiences of involvement in the UPR process during preparation of the national report, the actual review by the Human Rights Council (HRC) and, most importantly, the national implementation of the recommendations. A presentation from the viewpoint of civil society completed the picture, highlighting how the role of parliaments in the UPR could be strengthened and how human rights defenders could interact productively with those important national stakeholders.

The meeting was opened by **Türkan Karakurt**, Director of the Geneva Office of the Friedrich-Ebert-Stiftung and **Ingeborg Schwarz** of the Inter Parliamentary Union, highlighting the concrete need for an involvement of parliaments. For the time being, involvement of parliaments in the UPR was according to them rather an exception than a rule. Two Members of Parliament, personifications of such exception, presented in the course of the event their perspectives.

**Herta Däubler-Gmelin**, Chairwoman of the Committee on Human Rights and Humanitarian Aid of the German Parliament and former Federal Minister of Justice first addressed the general role of parliaments in the HRC, using the German UPR then as an example. Drawing from her rich national, supra-national and non-governmental experience, she called for an improvement of the HRC in creating an independent role for national parliaments. Such an official role could also allow them to become a multiplier raising public awareness on the UN human rights system. On the domestic level, she saw the main role of

parliaments as a link between civil society (NGOs) and government.

Coming to the German UPR experience, she stressed the active role parliament had played, asking the government to involve it into the preparation of the national UPR report. This, according to her, also led to a more self-critical approach in the government's report. Further on in the process, Members of Parliament had participated as parliamentary delegation at the session of the UPR Working Group.

The involvement in preparation and the experience of the actual review entailed a sustained involvement of MPs, continuously inquiring in the follow up about government's implementation of UPR recommendations, trying to improve human rights standards that way.

Suggestions to other national parliaments, she said, were difficult to make on the basis of this national experience. She was cautious especially as every country has its own particularities. A general recommendation was nevertheless the creation of a human rights committee as structured preparatory work for the UPR cannot be done on spontaneous basis. In the lead up to the UPR, she recommended to proactively organize public hearings with civil society and ask the government how the outcome of those will be reflected in the preparation of the national report. Viewing the UPR in its cyclic nature, she also suggested that in the second round of reviews, states could be asked about whether they involved their parliaments in the preparation of the UPR – or why not?

To the HRC she recommended establishing some kind of system to allow for feedback from parliaments on the implementation of the UPR recommendations. Relating to a regional example, she mentioned the involvement of parliaments in the African Peer Review Mechanism; this could be transferred to the UN level.

The second speaker, **Mélégué Traoré** member and former Chairman of the Burkina Faso National Assembly and former Minister of Education added an African perspective, giving the example of his country's UPR. On the international level, he saw general similarities for the involvement of all parliaments in the UPR. The process was new to all

countries, for governments as well as for parliaments. Yet, particularities existed in the national context: here, the development of African parliaments had to be kept in mind.

In African recent history, he identified three generations of parliaments. Obtaining their independence, most African states first installed parliaments that were copies of their colonizer's systems. Between the 1960s and 1990s another type became preminent: political one-party systems which resulted in a weak role of parliaments in their control function. An excessive power of the head of state, combined with a pursuit for national unity did not leave much space for active opposition and political debate. Only in the 1990s multiparty systems began to give more autonomy and political weight to parliaments and the latter became involved in human rights issues. Before, they had seen their role in a merely structural approach of ratifying international conventions, not in national action or follow-up. And yet today, human rights issues had always a lower priority for African parliaments than development considerations, which could be seen also in budget allocation.

Turning to the UPR, he ascertained no significant parliamentary experience with the UPR process. In Burkina Faso, parliament was not invited to participate in the preparation of the national report. Only upon inquiries by individual MPs the government even became aware of this possibility. Still, neither government nor parliament were prepared to enter into meaningful cooperation on human rights topics. Consequently, there were also no MPs included in the 15 person delegation sent by Burkina Faso to the UPR Working Group.

His suggestion to African – and other - parliaments was that they needed to be involved in the UPR preparations, especially due to their role as bridge between governments and civil society. In the same way, inter-ministerial committees should engage, as, at least in the case of Burkina Faso, they constituted the link between national politics and the rural population. A first step in his view would be to inform governments of the possibility to consult with parliament in this process and to insist on the need to involve them especially as they are crucial for the follow up of UPR

recommendations. Implementation of those recommendations was impossible without parliament, which was responsible of legislative action and, due to the decentralized system also the only way to initiate changes on the national level. For his country he suggested that human rights, in particular the UPR process should become part of the annual parliamentary report.

In conclusion he drew a positive experience from his country's first UPR. For parliament, he said, it was important to engage in regional and international cooperation at inter-parliamentary meetings within the African continent and in the frame of the Inter Parliamentary Union.

Completing the picture with a civil society perspective **Camila Asano** from the Brazilian NGO CONECTAS explained how an NGO can actually collaborate in the national UPR process, initiating parliamentary involvement.

The recently established Brazilian Committee on Human Right – an example of collaboration between MPs and NGOs - was an ideal forum to present the Human Rights Council record of the Brazilian government to the MPs. Many MPs were not aware of Brazil's stands, which highlights a severe problem which comes along with the low public scrutiny the HRC attracts in many countries: positions taken by governments can sometimes be far from the position of the country's parliamentary human rights committee without the awareness of the latter.

Pointing to the benefits parliamentary involvement can have for civil society, Ms. Asano stressed the role of public hearings, initiated by parliament. By using this formal mechanism already available in parliament, NGOs can obtain information on the government's policy aims in regard to human rights in general and the preparation of the UPR report in particular. In Brazil, a coalition of NGOs started very early – already during the institution building phase of the HRC in 2006 to engage in the construction of the UPR process. This involvement from the beginning made them valuable experts to advise MPs. Through the national Human Rights Committee, they suggested that the national UPR report should be coordinated by government, resulting in

discussions among government, parliament and NGOs that fed into the national report.

Based on this long and sustained involvement, she evaluated the Brazilian UPR as a positive experience for parliament and civil society. The progressive use of mechanisms like public hearings and the transparency created (as public hearings are TV broadcasted) contributed according to her greatly to this experience. The civil society involvement also resulted in several hearings in the follow up to the UPR with the aim to break down the “UN language” to make it understandable for the general public. Webcast files from the UPR session were also very helpful in this process. Further lessons learned for her organization were the need to use existing mechanisms for the new purpose. Regarding the implementation phase she recalled the importance to keep the Brazilian government to its promise to publish each year a report on implementation of UPR recommendations. The same should be asked from all countries undergoing the UPR.

During the following **Question and Answer** session various issues were raised, relating to country examples as well as the UPR in general. Among others, the potential role of parliament in linking national civil society with an often politically active Diaspora was mentioned. A government representative also recalled how important it was for the executive branch to know very early about a parliament’s wish for involvement. He saw the responsibility lying with parliament to express its wish to be consulted. Participation at a UN meeting might also be eye-opener for MPs – so he pointed out that interest should be raised among parliamentarians in all regions. Another issue was how to maintain interest or even enthusiasm of MPs in the UPR during the whole four-year cycle. Would e.g. the German Human Rights Committee transfer its knowledge to other parliamentary committees – interior, foreign affairs - charged with parts of the implementation of recommendations?

In **wrapping-up** Ms. Däubler-Gmelin mentioned on this point that the German Human Rights Committee could always consult with Ministers of all sectors directly, without necessarily going through the respective parliamentary committees.

Still, networking and sharing of knowledge would be needed to anchor human rights as a cross-cutting issue. Mr. Traoré returned to the need to raise awareness on human rights among MPs and also mentioned the idea to change the nature of parliamentary committees, including human rights as a cross-cutting issue instead of a standalone item. Human rights problems had to be acknowledged in all spheres of government and life. Ms. Asano also stated that in many parliaments one encountered either lack of interest or knowledge. NGOs therefore should show the impact decisions at the UN have on the national level. This could close the circle as national implementation of UPR recommendations often required legislative action and a review of the state budget, effects of which in turn would be evaluated in the next UPR round.

*About the author:*

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