

How can parliaments better protect the rule of law and human rights?

Remarks by Natalie Samarasinghe, Executive Director, United Nations Association – UK

7 September 2015

I am delighted to be here today with distinguished guests and colleagues, and to be able to address you on behalf of the United Nations Association – UK.

UNA-UK is the only NGO in this country that exists to make the case for the United Nations and to support greater engagement – by parliament, civil society and the public – with our international system.

We are greatly encouraged by today's event. We believe that serious discussion of the role of parliaments in the protection and promotion of human rights is long overdue, and the themes to be covered by this conference are important and timely, not only because of the domestic debate on human rights in the UK, but because our international system is under considerable strain and will require concerted efforts by us all if we are to maintain the gains we have made since the UN was founded.

This year marks the 70th anniversary of the UN and in discussing the achievements of the Organization, UNA-UK places much emphasis on the international human rights system – the laws and norms that have been developed; the mechanisms for oversight and implementation; and the very concept of "human rights for all".

We have come a long way since the early days of human rights at the UN, when states overwhelmingly focussed on promotion and not protection, arguing that implementation of human rights was a "domestic affair" that thus did not merit consideration at the international level. Today, there is certainly an expectation that states' compliance with international human rights obligations can and should be discussed; and that there are certain gross abuses – apartheid, mass atrocities – where the international community has a duty to act. The links between human rights, peace and development are recognised. So too is the impact of individual states' actions on the health of the system as a whole.

However, it remains the case that while the protection of human rights globally should matter to us all, their implementation is, essentially, a domestic affair. States choose to ratify international treaties and are responsible for ensuring that these commitments are incorporated into domestic laws and policies. The UN can monitor their performance, raise issues and make recommendations but ultimately the real action takes place at the national level.

Human rights protection is a national conversation; a negotiation between states and the public. And parliament – our representatives, are absolutely crucial to this process.

For example, according to the Inter-Parliamentary Union, about 60 to 70 per cent of recommendations that emerge from UN human rights mechanisms, notably the Human Rights Council's Universal Periodic Review, fall under the concern of parliamentarians.

In essence, my remarks today are a plea from civil society for support from parliamentarians in making human rights a reality for the people they represent.

Parliaments have a shared responsibility in ensuring governments deliver on their international human rights obligations. This includes active engagement in the process of translating these obligations into national laws and policies, holding the Executive to account on implementation, and supporting complementary bodies, notably National Human Rights Institutions but also NGOs, through ensuring their independence and ability to operate, including through adequate financial and human resourcing.

Most importantly, parliaments can serve as a bridge between the public, government and UN system – highlighting the connection between international and national obligations and mechanisms, demonstrating their relevance and value to people in the UK, and helping their constituents to see these mechanisms as valuable tools for their own protection.

I really want to emphasise the need for parliamentary debate on national human rights issues. UNA-UK has been monitoring parliamentary business on human rights issues and overwhelmingly the focus is on situations in other countries. While there have been considered debates and questions on particular national issues – the UK's report to the Committee on the Rights of the Child, for example – this engagement is not systematic.

This means that valuable opportunities to strengthen human rights protections in the UK, at a time when many people, including UNA-UK's members and supporters, are concerned that these protections could be weakened, are being missed.

On the UK's Universal Periodic Review (UPR), for instance, there could be much greater engagement by Parliament in the production of the UK's national report and meetings with civil society on the shadow report. Parliamentarians could participate in the review itself. After the review, parliament should discuss the UK's responses, helping to shape implementation plans for accepted recommendations and pushing, where appropriate, for explanations on those recommendations that were not accepted.

At various points in the review cycle, there could be debates on implementation – the strength of the UPR lies in its potential to be an ongoing process at the national level – not just a four-yearly event in Geneva.

We know that the Joint Committee on Human Rights is seeking to play a greater role in this area but it has a very broad and challenging mandate in terms of legislative scrutiny and tight resources.

UNA-UK has been seeking ways to fill this gap, supporting public and civil society engagement in UN reviews, holding briefing meetings for MPs and Peers under the auspices of the All-Party Parliamentary Group on the UN, and producing reports on the UK's relationship with the Human Rights Council. In 2013, for example, we coordinated public input in England, Wales, Scotland and Northern Ireland into a Ministry of Justice consultation on the UPR. Over 80% of the responses came through our initiative.

We believe these activities have helped to increase public and parliamentary understanding of, and engagement with, the UN's human rights mechanisms, and we are currently seeking funding to expand this work. However, we do not believe that such work can take the place of structured formal engagement.

We also recognise that civil society action is very different to action by elected representatives. Parliament has a vital role in creating a sense of national ownership,

and in demonstrating that international human rights are not *diktats* from institutions, other states or “human rights do-gooders”, but hard-won protections that matter greatly to people in this country. These protections should be celebrated and, above all, used.

The UK has often played a positive role in supporting human rights mechanisms at the UN. On the UPR, for instance, it has voluntarily produced mid-term reports. It could do more by integrating good practice from other states – South Africa, for example, where national reports are reviewed by Parliament; Brazil, where the human rights parliamentary committee has organised hearings on UPR; or Germany, which has included parliamentarians in its delegations.

By setting a good example in its own conduct the UK can help to strengthen the system as a whole. I have focussed here on UPR but my comments could apply more widely, to treaty bodies, engagement with Special Procedures and efforts to strengthen OHCHR.

I very much hope that our parliamentarians will work with others, including on the development of a set of principles, to raise the level of participation internationally and thereby strengthen the protection of human rights nationally. Thank you.