

Annex

Belgrade principles on the relationship between national human rights institutions and parliaments (Belgrade, 22–23 February 2012)

The 2012 International Seminar on the Relationship between National Human Rights Institutions and Parliaments,^a organized by the Office of the United Nations High Commissioner for Human Rights, the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, the National Assembly and the Protector of Citizens of the Republic of Serbia, with the support of the United Nations country team in Serbia,

In accordance with the Charter of the United Nations, the Universal Declaration of Human Rights, the General Assembly resolutions 63/169 and 65/207 on the role of the Ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights, 63/172 and 64/161 on national institutions for the promotion and protection of human rights and the Human Rights Council resolution 17/9 on national institutions for the promotion and protection of human rights.

Recognizing that the principles relating to the status of national institutions for the protection and promotion of human rights (Paris Principles) state that NHRIs shall establish “effective cooperation” with parliaments,

Noting that NHRIs and parliaments have much to gain from each other in performing their responsibilities for the promotion and protection of human rights,

And recalling the need to identify areas for strengthened interaction between NHRIs and parliaments bearing in mind that the different institutional models of NHRIs should be respected,

Adopts the following principles aimed at providing guidance on how the interaction and cooperation between NHRIs and Parliament should be developed:

I. Parliament’s role in establishing a national institution for the promotion and protection of human rights and securing its functioning, independence and accountability

A. Founding law

1. Parliaments, when deliberating the draft legislation for the establishment of a national human rights institution, should consult widely with relevant stakeholders.
2. Parliaments should develop a legal framework for the national institution for the promotion and protection of human rights (NHRI) which secures its independence and its direct accountability to parliament, in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) and taking into account the general observations of the International Coordinating

^a The Conference was attended by experts from NHRIs, parliaments and universities from Ecuador, Ghana, India, Jordan, Kenya, Mexico, New Zealand, Portugal, Serbia and the United Kingdom of Great Britain and Northern Ireland.

Committee of National Institutions for the Promotion and Protection of Human Rights and best practices.

3. Parliaments should have the exclusive competence to legislate for the establishment of a NHRI and for any amendments to the founding law.

4. Parliaments, during the consideration and adoption of possible amendments to the founding law of a NHRI, should scrutinize such proposed amendments with a view to ensuring the independence and effective functioning of such institution, and carry out consultation with the members of NHRIs and with other stakeholders such as civil society organizations.

5. Parliaments should keep the implementation of the founding law under review.

B. Financial independence

6. Parliaments should ensure the financial independence of NHRIs by including in the founding law the relevant provisions.

7. NHRIs should submit to parliaments a strategic plan and/or an annual programme of activities. Parliaments should take into account the strategic plan and/or annual programme of activities submitted by the NHRI when discussing budget proposals to ensure financial independence of the institution.

8. Parliaments should invite the members of NHRIs to debate the strategic plan and/or its annual programme of activities in relation to the annual budget.

9. Parliaments should ensure that NHRIs have sufficient resources to perform the functions assigned to them by the founding law.

C. Appointment and dismissal process

10. Parliaments should clearly lay down in the founding law a transparent selection and appointment process, as well as for the dismissal of the members of NHRIs in case of such an eventuality, involving civil society where appropriate.

11. Parliaments should ensure the openness and transparency of the appointment process.

12. Parliaments should secure the independence of a NHRI by incorporating in the founding law a provision on immunity for actions taken in an official capacity.

13. Parliaments should clearly lay down in the founding law that, where there is a vacancy in the composition of the membership of a NHRI, the vacancy must be filled within a reasonable time. After expiration of the tenure of office of a member of a NHRI, such member should continue in office until the successor takes office.

D. Reporting

14. NHRIs should report directly to parliament.

15. NHRIs should submit to parliament an annual report on activities, along with a summary of its accounts, and report on the human rights situation in the country and on any other issue that is related to human rights.

16. Parliaments should receive, review and respond to NHRI reports and ensure that they debate the priorities of the NHRI and should seek opportunities to debate the most significant reports of the NHRI promptly.

17. Parliaments should develop a principled framework for debating the activities of NHRIs consistent with respect for their independence.

18. Parliaments should hold open discussions on the recommendations issued by NHRIs.

19. Parliaments should seek information from the relevant public authorities on the extent to which the relevant public authorities have considered and responded to NHRIs recommendations.

II. Forms of cooperation between parliaments and NHRIs

20. NHRIs and parliaments should agree the basis for cooperation, including by establishing a formal framework to discuss human rights issues of common interest.

21. Parliaments should identify or establish an appropriate parliamentary committee that will be the NHRI's main point of contact within parliament.

22. NHRIs should develop a strong working relationship with the relevant specialized parliamentary committee including, if appropriate, through a memorandum of understanding. NHRIs and parliamentary committees should also develop formalized relationships where relevant to their work.

23. Members of the relevant specialized parliamentary committee and NHRI should meet regularly and maintain a constant dialogue, in order to strengthen the interchange of information and identify areas of possible collaboration in the protection and promotion of human rights.

24. Parliaments should ensure participation of NHRIs and seek their expert advice in relation to human rights during meetings and proceedings of various parliamentary committees.

25. NHRIs should advise and/or make recommendations to parliaments on issues related to human rights, including the State's international human rights obligations.

26. NHRIs may provide information and advice to parliaments to assist in the exercise of their oversight and scrutiny functions.

III. Cooperation between parliaments and NHRIs in relation to legislation

27. NHRIs should be consulted by Parliaments on the content and applicability of a proposed new law with respect to ensuring human rights norms and principles are reflected therein.

28. Parliaments should involve NHRIs in the legislative processes, including by inviting them to give evidence and advice about the human rights compatibility of proposed laws and policies.

29. NHRIs should make proposals of amendments to legislation where necessary, in order to harmonize domestic legislation with both national and international human rights standards.

30. NHRIs should work with parliaments to promote human rights by legislating to implement human rights obligations, recommendations of treaty bodies and human rights judgments of courts.

31. NHRIs should work with parliaments to develop effective human rights impact assessment processes of proposed laws and policies.

IV. Cooperation between NHRIs and parliaments in relation to international human rights mechanisms

32. Parliaments should seek to be involved in the process of ratification of international human rights treaties and should consult NHRIs in this process of ratification, and in monitoring the State's compliance with all of its international human rights obligations.

33. NHRIs should give opinions to parliaments on proposed reservations or interpretative declarations, on the adequacy of the State's implementation of human rights obligations and on its compliance with those obligations.

34. Parliaments and NHRIs should cooperate to ensure that the international treaty bodies are provided with all relevant information about the State's compliance with those obligations and to follow up recommendations of the treaty bodies.

35. NHRIs should regularly inform parliaments about the various recommendations made to the State by regional and international human rights mechanisms, including the universal periodic review, the treaty bodies and the special procedure mandate holders.

36. Parliaments and NHRIs should jointly develop a strategy to follow up systematically the recommendations made by regional and international human rights mechanisms.

V. Cooperation between NHRIs and parliaments in the education, training and awareness-raising of human rights^b

37. NHRIs and parliaments should work together to encourage the development of a culture of respect for human rights.

38. NHRIs and parliaments should work together to encourage education and training about human rights being sufficiently incorporated in schools, universities and other relevant contexts, including vocational, professional and judicial training in accordance with relevant international standards.

39. NHRIs and parliaments should work together to improve their mutual capacity on human rights and parliamentary processes.

40. NHRIs, parliaments and all parliamentarians should seek to work together in public awareness, education campaigns and encourage mutual participation in conferences, events and activities organized for the promotion of human rights.

VI. Monitoring the Executive's response to court and other judicial and administrative bodies' judgements concerning human rights

41. Parliaments and NHRIs as appropriate should cooperate in monitoring the Executive's response to judgements of courts (national and, where appropriate, regional and international) and other administrative tribunals or bodies regarding issues related to human rights.

42. NHRIs should monitor judgements against the State concerning human rights, by domestic, regional or international courts and, where necessary, make recommendations to parliament about the appropriate changes to law or policy.

^b In relation to the United Nations Declaration on Human Rights Education and Training.

43. Parliaments should give proper consideration to NHRIs recommendations about the response to human rights judgements.

44. Parliaments and NHRIs as appropriate should encourage the Executive to respond to human rights judgements expeditiously and effectively, so as to achieve full compliance with human rights standards.
