

Concluding remarks on the seminar by Mr Murray Hunt, the General Rapporteur of the event

1. **Why** does parliamentary engagement with human rights matter?

- **Effectiveness** – parliaments, as the institutions which enact the legal framework, are well placed to protect and give effect to human rights in the laws they pass, including the general measures often required by judgments of the European Court of Human Rights
- **Legitimacy** – as elected representatives of the people, members of parliament can help legitimate human rights, by taking ownership of them, and countering the increasingly popular perception that human rights are imposed on democratic decision-makers by unelected and untrusted national and international institutions

2. **What** should parliaments do? Two key roles:

- Scrutinising legislation for compatibility with ECHR
- Following up on Court judgments to ensure swift and full implementation

Both functions should be done systematically and comprehensively – so that the Government knows that all its legislation and all its responses to human rights judgments will be carefully scrutinised by Parliament.

3. **How** should parliaments do it?

Institutional structures, mechanisms, processes and practices matter – you need Committees with appropriate expertise, at both staff and members level, and developed systems for scrutiny.

- Ideally a specialised human rights committee *plus* mainstreaming of human rights across the parliament, with the human rights committee providing human rights leadership in the parliament and becoming an engine of mainstreaming
- Human rights committee should be permanent; have a clear and broadly defined remit; have the full range of powers to enable it to investigate properly and to initiate amendments to legislation; should be robustly independent, of both the Government and civil society; and should have a pluralistic composition.

4. Capacity: Independent human rights legal expertise matters – it should be available to the specialised human rights committee and should also be available across the parliament. It should be adequately resourced. There should be institutional guarantees of independence. Ideally the legal expertise will be in a central legal service serving the whole parliament, and proactively deployed to where it is needed to assist with human rights scrutiny. High quality legal

information/research is also needed, from the parliament's research service, or harnessed from highly expert external sources of academic expertise.

5. **Information** from the Government is crucial. For legislative scrutiny, the Government's own internal assessment of ECHR compatibility should be made available to parliament, to facilitate scrutiny (see eg the ECHR Memorandum the UK Government publishes alongside Government Bills it introduces into Parliament). For scrutiny of Government response to human rights judgments, action plans and action reports to the Committee of Ministers should be made available to the parliament, and the Government should report regularly to parliament on its progress with implementation, again to facilitate parliamentary engagement and scrutiny.

6. **Dialogue and collaboration** with others is essential eg NHRIs, human rights commissioners, ombudsmen, civil society, academia. A dialogue approach should also be taken with the Government. Making clear to the Government Parliament's expectations will help to promote such a relationship (see eg the JCHR's Guidance to Departments in relation to human rights judgments, setting out the Committee's expectations about the information the Government will provide to the Committee, the timetable for the provision of such information, etc.)

7. **Proactivity and leadership** are crucial – there is a great deal that parliamentary committees and parliamentarians can do without having to wait for changes to parliamentary rules or new laws. For example, human rights committees can decide that they will aim to do systematic scrutiny of legislation and response to judgments. Human rights mainstreaming also depends on staff taking the initiative. Secretariats should make proactive suggestions to members, who depend on the expertise of parliamentary staff.

8. Crucially – this parliamentary engagement is all **complementary** to the role of courts, not an alternative to it.

9. Human rights expertise must be provided in a way which helps parliamentarians to perform their role. Human rights scrutiny is not a technical scrutiny exercise for lawyers. It must be **empowering** for parliamentarians not disempowering.

10. The UN's **Draft Principles** on Parliaments and Human Rights contain some useful guidance for parliaments seeking to increase their engagement with human rights issues and with the international machinery for their protection.