

March 2004: National Human Rights Institutions and Legislatures: Building an Effective Relationship: The Abuja Guidelines

Representatives of National Human Rights Institutions (NHRIs) and Parliaments from ten Commonwealth countries came together for a workshop in Abuja, Nigeria, from 22 to 25 March 2004. The workshop aimed to explore the ways in which NHRIs and Parliaments can work together, and support each other, for the better protection and promotion of human rights. Building on the *Best Practice for NHRIs* developed by the Commonwealth Secretariat in 2001, the workshop discussed and agreed *The Abuja Guidelines on the Relationship Between Parliaments, Parliamentarians and Commonwealth NHRIs*, to provide a suitable basis for the effective development of such relationships.

The workshop was organised by the National Human Rights Commission of Nigeria, the Committee on Human Rights of the Nigerian House of Representatives, The Legal Resources Consortium of Nigeria and the British Council. Financial support was provided by the UK Foreign and Commonwealth Office.

Read *The Abuja Guidelines* here:

THE ABUJA GUIDELINES ON THE RELATIONSHIP BETWEEN PARLIAMENTS, PARLIAMENTARIANS AND COMMONWEALTH NATIONAL HUMAN RIGHTS INSTITUTIONS (NHRIs)

23 – 26 March 2004

Abuja, Nigeria

Introduction

- Representatives of Commonwealth national human rights institutions and Commonwealth parliaments meeting in Abuja, Nigeria have discussed ways to develop a constructive relationship between their respective institutions.
- It was recognised that both NHRIs and parliaments can make an invaluable contribution to the promotion and protection of human rights.
- It was agreed that parliaments should develop a special working relationship with NHRIs.

- It was recognised that parliaments and parliamentarians have a significant role to play in support of the work of NHRIs.
- It was further recognised that NHRIs have a significant role to play in support of the work of parliaments and parliamentarians.
- Representatives also noted the need to publicise the following Guidelines as widely as possible.
- It was agreed that the following Guidelines (the Abuja Guidelines) can form a suitable basis for developing an effective relationship between parliaments, parliamentarians and NHRIs for the promotion and protection of human rights.

THE ABUJA GUIDELINES

What Parliaments and Parliamentarians can do to support the work of a national human rights institution

1. Parliaments should produce an appropriate legislative framework for the establishment of national human rights institutions in accordance with the Paris Principles and the Commonwealth Best Practice Principles.
2. Parliamentarians should have a sound knowledge of international human rights and international human rights instruments as well as the work of NHRIs.
3. NHRIs should organise periodic meetings to create awareness amongst parliamentarians of both human rights and the work of NHRIs.
4. Parliaments and NHRIs should evolve an effective working relationship to better promote and protect human rights.
5. Each jurisdiction should develop an appropriate role for parliamentarians in the appointment and removal of human rights commissioners.
6. The proposed budget of a NHRI should be submitted directly to parliament for vetting and approval.
7. Parliament should ensure that adequate resources and facilities are provided to a NHRI to enable it to perform its functions effectively. Parliament should also ensure that resources are in fact made available to the NHRI.
8. The annual report of a NHRI should be sent to parliament promptly.

9. The annual report and other reports of NHRIs should be debated in parliament promptly. Government's response to the report should also be tabled in parliament promptly.
10. An all-party parliamentary committee should have specific responsibility for overseeing and supporting the work of a NHRI. In smaller states, this function might be undertaken by an existing parliamentary standing committee.
11. Human rights commissioners should be invited to appear regularly before the appropriate parliamentary committees to discuss the annual report and its other reports.
12. Parliamentarians should invite human rights commissioners to meet with them regularly to discuss matters of mutual interest.
13. Parliamentarians should ensure that sufficient time is given to a consideration of the work of NHRIs.
14. Parliamentarians should ensure that their constituents are made aware of the work of NHRIs.
15. Parliamentarians should scrutinise carefully any government proposals that might adversely affect the work of a NHRI and seek the views of the commissioners thereon.
16. Parliamentarians should ensure that part of the mandate of a NHRI is to advise parliament on the conformity or otherwise of any legislation that may affect the enjoyment of human rights in the country.
17. Parliamentarians should consider revising their Standing Orders in order to enable them to develop a more effective relationship with a NHRI.
18. Parliamentarians should ensure that recommendations for action from NHRIs are followed-up and implemented.

What a national human rights commission can do to support the work of parliament and parliamentarians

1. Human Rights Commissioners should obtain a thorough knowledge of the role, functions and constraints of parliament and parliamentarians.
2. Human Rights Commissioners should brief parliamentarians on human rights issues regularly and on their own particular area(s) of responsibility. Parliament should meet with the NHRI to discuss and agree on the timing of these briefings
3. Human Rights Commissioners should provide parliamentarians with regular expert, independent advice on national, regional and international human rights issues, instruments and mechanisms.
4. A NHRI should be under a statutory obligation to submit annual reports both on its work and on the state of human rights in the country.

5. There should be a statutory obligation on a NHRI to submit a special report on any human rights violations in the country that require urgent attention from parliament. Such reports must be tabled and debated in parliament and government should respond within a stipulated period.
6. A NHRI should provide on-going training for parliamentarians on human rights principles.
7. A NHRI should advise parliamentarians on the human rights implications of all proposed legislation and constitutional amendments as well as existing laws.
8. Human Rights Commissioners should inform parliamentarians on the research into human rights issues being undertaken by NHRIs.
9. NHRIs should hold regular human rights seminars and conferences with parliamentarians.
10. Human Rights Commissioners should keep parliamentarians informed of the compliance or non-compliance of the State with its international and regional treaty obligations.
11. A NHRI should make recommendations to parliament regarding efforts required to achieve State compliance with regional and international human rights treaty obligations.
12. A NHRI should advise parliaments on the creation of human rights committees in parliament and co-operate with such committees.
13. Where appropriate, NHRIs can involve parliamentarians in public events organised by them.
14. Where appropriate, NHRIs can encourage parliamentarians to contribute articles in their publications.
15. NHRIs should establish mechanisms to liaise with parliamentarians.