

Joint SADC PF and INTER PARES Workshop

ENHANCING PARLIAMENTS' ROLE IN DEFENDING AND PROMOTING HUMAN RIGHTS IN SOUTHERN AFRICA



Highlights



Rt. Hon. Aisha Adams,
Second Deputy Speaker,
Parliament of Malawi

"This workshop comes against the background of the recognition of a growing international consensus on the role of parliaments and human rights and their increasing importance."



Hon. Tendai Nyabani,
Chairperson of the SADC-PF
Standing Committee on
Democratisation,
Governance and Human
Rights (DGHR), Zimbabwe

"This workshop represents a critical juncture in our collective journey to upholding human rights in the region"

Introduction

The Joint Regional workshop ‘*Enhancing Parliaments’ Role in Defending and Promoting Human Rights in Southern Africa*’ was organized by the **INTER PARES | Parliaments in Partnership - EU Global Project to Strengthen the Capacity of Parliaments** in cooperation with the **Southern African Development Community Parliamentary Forum (SADC PF)** and **International IDEA’s Regional Office for Africa and West Asia**. The event was hosted by the **Parliament of Malawi**.

Opened by a distinguished panel of speakers, with a keynote from the Rt. Honourable Aisha Adams, Second Deputy Speaker of the Parliament of Malawi, the workshop engaged honorable members of 14 national parliaments from Southern Africa and the European Union, parliamentary staff, experts, and representatives of international organizations, marking a significant step in parliamentary collaboration between the European and Southern African regions on human rights issues. The opening session emphasized the importance of cooperation via INTER PARES, in particular, the exchange of experiences and opportunities for parliamentarians to learn from each other’s successes and challenges.

The first day of the workshop examined trends in the role of parliaments and human rights, including presentations on the [SADC PF Principles and Guidelines for Parliaments in the Promotion and Protection of Human Rights in the SADC Region](#) and the [INTER PARES Toolkit on Effective Human Rights Engagement for Parliamentary Bodies](#). The first discussion panel addressed how to put parliaments at the heart of human rights. The second discussion panel explored sensitizing parliamentarians on their role in safeguarding human rights in the area of legislation. The final discussion panel of the day continued the theme of sensitizing parliamentarians with a focus on the oversight role.

On the second day, participants discussed practical examples of the role of regional parliamentary bodies and regional governance institutions in fostering and advancing human rights, and issues of parliamentary inclusivity, including for persons with disabilities, and the representation of women and minorities in parliament. The workshop ended with a compelling closing address and call to action by Her Excellency Madam Boemo Sekgoma, Secretary General of the SADC PF.

- The concept note and agenda with speakers can be viewed [here](#)
- The event was livestreamed. Recordings of the conference can be viewed here [DAY 1](#), [DAY 2](#)

INTER PARES | Parliaments in Partnership – EU Global Project to Strengthen the Capacity of Parliaments is the first global parliamentary project of its kind. Funded by the European Union (EU) and implemented by International IDEA, its purpose is to strengthen the capacity of parliaments in partner countries, by enhancing their legislative, oversight, representative, budgetary and administrative functions. It focuses both on elected Members of Parliament (MPs), particularly in their capacity as members of parliamentary committees and on the staff of parliaments’ secretariats.

10 KEY TAKEAWAYS FROM THE WORKSHOP

1 **Parliaments' representative nature make them essential protectors of human rights.** Parliaments embody the collective voice of society, encompassing both majority and minority views. This representative aspect is fundamental in democratic governance, particularly in relation to human rights, as it provides a platform where diverse viewpoints and concerns, including those of the less powerful, can be brought to the fore.



“Parliaments have an important role to play in ensuring respect for human rights especially because of the nature of their functions. Their lawmaking functions mean that they are perfectly placed to ensure that effective measures are taken to prevent human rights violations and to ensure that national law provides practical and effective means by which remedies may be sought for alleged violations of human rights.”

Rt. Hon. Aisha Adams,
Second Deputy Speaker, Parliament of Malawi

2 **Parliamentarians need to accept and adopt their human rights role.** Sensitising parliamentarians to their role in human rights is a key focus of parliamentary human rights engagement.

Parliamentarians have a duty to champion human rights, not just within the parliament but also in communities directly impacted by their decisions. They should lead by setting a high standard in understanding and advocating for rights, helping others, especially the marginalized, to realize and assert their own rights. By doing so, parliamentarians not only represent the diversity of their constituents but also actively engage in safeguarding the rights of all, particularly those who are vulnerable or have limited means to voice their concerns.



“Legislators must lead by example – know your rights, help others to know theirs. In conflicts, know both sides of the story and do not learn it from the media or magazines or propaganda brochures, get it from the source themselves or as close as possible. Call out human rights abuses and use your voice to fight for the underdog. Your challenge is to leave a legacy, your legacy should be to speak for the weak, the harassed and the abused.”

Hon. Darren Bergman,
SADC PF DGHR Member, South Africa

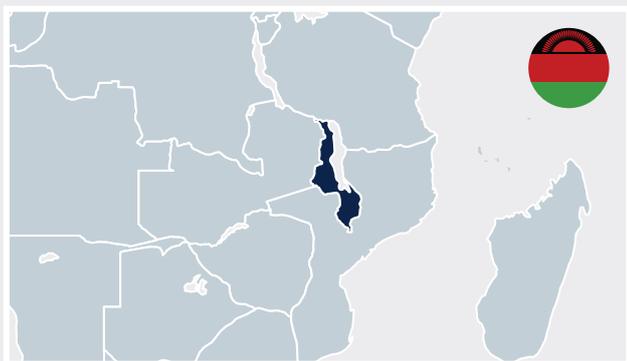


“Democratic parliaments are the national institution where the diversity of citizens are represented meaning that parliaments cannot turn a blind eye to the mistreatment of a part of the population”

Dr Jonathan Murphy,
Head of INTER PARES, International IDEA

3 Parliamentary oversight has a paramount role in human rights. The availability to parliaments of specific mechanisms, such as requesting the attendance of government ministers, and holding hearings with a wide range of state bodies and external experts, can significantly enhance human rights oversight.

By effectively operationalizing their oversight roles, parliaments can ensure they are more than merely reactive entities but are proactive guardians of human rights, guaranteeing that the rights of all individuals are actively protected and respected. This active engagement is critical in fostering democratic societies where human rights are not just acknowledged but also vigorously defended and promoted.



In **Malawi**, parliament plays a pivotal role in overseeing the government’s actions and holding it accountable for its treatment of persons with albinism. Parliament discusses the national action plan, and raises awareness of issues to keep it on the government’s agenda. Parliament also engages with the public, raising awareness of the plan, and assessing the impact of the plan on persons with albinism. By leveraging budgetary oversight powers, the Malawi parliament ensures the successful implementation of the national action plan, working with civil society, government ministries and agencies to ensure the rights of persons with albinism are protected.



In **Slovakia**, the Committee for Human Rights and Ethnic Minorities, has a range of functions that support its oversight role. The Committee is responsible for monitoring the compliance of laws with international standards, and can request remedial action be taken. It can invite members of the Government, heads of government departments, and the Attorney General to its meetings. Authorities are obliged to attend, provide any requested explanations and reports, and submit supporting documents. Where the Committee requests a response or a report, Members of the Government and the heads of other central bodies are obligated to respond within a time period set in law.

4

Parliaments should enhance their engagement with international human rights systems. Integrating parliaments more deeply with the international human rights framework is not merely beneficial but imperative. Parliaments that exercise their human rights responsibilities serve as vital connectors between global human rights standards and domestic legislative processes. This enables them to effectively translate international human rights norms into actionable policies and laws within their own countries. Such integration is instrumental in fostering effective governance and upholding the rule of law, positioning parliaments as key players in both preventing human rights violations and ensuring the institutionalization of these standards.



“Importantly, parliaments have the power to bridge the gap between international standards and domestic legislation that serve as critical instruments in translating global commitments into tangible actions for our citizens.”

Hon. Tendai Nyabani,
Chairperson of the SADC-PF Standing
Committee on Democratisation,
Governance and Human Rights, Zimbabwe



External engagement includes meaningful participation in regional parliamentary forums. Fora such as SADC PF can provide specific support to parliaments in their human rights work in implementing international and regional standards into national legislation. For example, in **Tanzania**, the parliament used SADC PF’s model law to help review their national legislation on child marriage and violence against women. The parliament of **Namibia** found that the SADC PF model law helped to build the capacity of members of parliament looking at legislative reform in this area and strengthen the content of the law itself. In the **European Region** several regional organizations can be requested to provide expert feedback on the compliance of draft or amended national laws with international human rights standards.

5

Parliamentary Committees’ central importance in human rights should be recognised. Parliamentary committees serve as a linchpin for human rights within legislative bodies, as they play a vital role in holding governments accountable.

Parliamentary committees can ensure that human rights are a central focus of legislative activities. Their functions enable them to hold the government accountable through hearings and inquiries, by reviewing human rights reports and overseeing the allocation of budgets. These committees are often composed of members from various political backgrounds, and may be chaired by opposition MPs, which enhances their importance as representative bodies, but can mean they face the challenge of achieving consensus on complex human rights issues.

As identified in the [INTER PARES Toolkit](#), **the benefits of parliamentary committees to parliaments’ role as a human rights actor include centralizing expertise and competency in human rights, and reinforcing parliamentary understanding and commitment to its human rights obligations.** A dedicated mechanism not only informs and enriches parliamentary debates on human rights issues but also facilitates effective liaison with international and regional human rights mechanisms.



“One of the great roles of parliamentary committees is to discuss any aspect that comes under the umbrella of human rights issues, and it is extremely important to have professional legislative bodies that are advising parliament on the content of rights. Because even if governments have good ideas and intentions, sometimes they may not know the standards, the standards might be quite new or not well known in public discourse.”

Mr Adam Bodnar,
Senator, Polish Senate

6

The political opposition is integral to parliamentary human rights advocacy.

The role of the opposition in parliaments is fundamental to upholding human rights standards and providing necessary checks on the majority party. Their involvement ensures a balanced and comprehensive approach to human rights legislation and oversight.

However, the opposition's role in parliamentary human rights advocacy extends beyond providing a check on the majority party to ensuring that the voices of all groups, including minorities and those not in power, are heard and considered in human rights deliberations. This diversity of perspectives supports the development of comprehensive human rights policies that address the needs and rights of the entire population.

The opposition, therefore, plays a key role in fostering inclusive dialogue, challenging the status quo, and bringing attention to issues that may be overlooked by the majority. Their active participation is vital for maintaining a healthy, democratic balance in the legislative process, ensuring that human rights legislation is not only robust and fair but also representative of the wider society.



“Democratic Parliaments are essential human rights actors, because they represent the diversity of the country, they ensure that the human rights of everyone are taken into account in law making and government oversight. Parliament is a place where issues and concerns can be raised even by those who are not in power and this is the only state institution where this is consistently the case.”

Dr Jonathan Murphy,
Head of INTER PARES, International IDEA

7 **Meaningful Civil Society and NGO engagement significantly enhances parliamentary processes.** This requires ensuring access to parliamentary information and processes and that parliament maintains transparency in these procedures to foster effective collaboration and oversight.

Parliaments should proactively seek input, expertise, and perspectives from NGOs and civil society to inform legislative processes, policy decisions, and oversight activities. This collaboration ensures that a wide range of voices, particularly from marginalized or underrepresented communities, are heard and considered in the parliamentary decision-making process. It strengthens democratic governance by promoting transparency, accountability, and inclusivity, ultimately leading to more effective and representative policymaking.



“Discussions on human rights tend to have a biased concentration on civil and political rights, however let us always remember that the role of parliament with regard to human rights is more than that. It is also about facilitating strong, independent and responsive institutions. It is about setting the tone for transparency and accountability while at the same time ensuring equal and active participation of citizens. It is about ensuring that adequate legislative measures are in place to observe and safeguard the rule of law. And above all, it is about respecting all rights of all people despite differences in opinion and understanding, differences in religion and culture and personal beliefs.”

Ivo Hoefkens,
Head of Cooperation, European Union
Delegation to the Republic of Malawi



“Civil society need to have a presence within parliament. Parliament needs to increase civic spaces to ensure that civil society organizations are given the freedom to participate and also have a say when it comes to the lawmaking processes.”

Hon. Utaara Mootu,
SADC PF DGHR Member, Namibia

8 **Collaboration with independent state bodies is required for comprehensive oversight.** Partnerships with external organizations like ombudspersons and national human rights institutions broaden the scope of parliamentary oversight and enhance accountability. These collaborations bring diverse perspectives and expertise, enriching the parliamentary process.

These bodies often possess specialized knowledge, expertise and insights that can aid parliaments in identifying and addressing human rights issues as well as preventing human rights violations. Such partnerships also facilitate the exchange of best practices and innovative approaches to human rights challenges, enhancing the parliament's ability to effectively respond to evolving societal needs. Furthermore, these collaborations strengthen the parliament's role in international human rights advocacy, enabling it to contribute more actively to global discussions and solutions for human rights issues.



“Without parliaments we can’t have effective governance representation. Parliaments are best placed to prevent violation of human rights and institutionalization of rule of law across the region.”

Dr Roba Sharamo,

Regional Director for Africa and West Asia, International IDEA



In **Sweden**, there is a robust level of collaboration between the parliamentary committees and the ombudsperson. Every year the ombudsperson submits a report to the committee. The committee ensures the ombudsperson has the funds and the means of doing their oversight over the public system. Parliament also elects these ombudspersons. The committee uses the reports of complaints to the ombudsperson like a ‘handbook’ to find issues that need to be fixed.

9

Resource constraints in parliamentary engagement on human rights must be addressed. The efficacy of parliamentary engagement on human rights is frequently hindered by a lack of resources and capacity. Provision of adequate guidance and the development of comprehensive guidelines can help to bridge this gap by helping to show parliamentarians how to effectively engage on human rights. Financial and human resources must also be put into parliaments’ human rights work.



“Human rights need funds. The allocation of resources is important because parliament has the role to pressure the executive to ensure the principles and policies that come out from SADC PF, such as the gender model laws as well as international and local treaties, are incorporated into laws and policies adopted by parliament. Parliament has to ensure that there is a legal framework, which grants powers to the parliament to have an active role in the budget process”

Hon. Utaara Mootu,

SADC PF DGHR Member, Namibia

Resource requirements include the necessity of human rights capacity building for parliamentarians. Capacity building equips parliamentarians to be able to effectively engage in debates on human rights, as well as human rights advocacy and oversight. Building capacity requires focused training and continuous professional development.



“While parliaments role in relation to the enhancement of human rights has historically been neglected, there is a need to have more debates in parliaments about the requirements of the state’s human rights obligations. This is whether they are grounded in national law like the national constitutions and other statutes, or international law including international human rights treaties the states are subscribed to. Such debates help to democratize human rights by encouraging elected politicians to take more ownership of these fundamental values and to properly consider applicable human rights standards in their wake.”

Rt. Hon. Aisha Adams,
Second Deputy Speaker, Parliament of Malawi

10 **Ensuring accountability and managing the immunity of parliamentarians is an important component of parliaments position as a human rights actor.**

Parliamentarians must act in accordance with human rights, and those acting against such rights, including by spreading misinformation and hate speech, undermine public confidence in the parliament.

Parliamentary ethics committees enable parliamentarians to be held accountable. A free and independent media is also a significant aspect of maintaining the integrity of parliamentary institutions. Both serve as checks, ensuring that parliamentarians maintain a high standard of integrity and responsibility in their public statements and actions. These mechanisms preserve the credibility and trust in parliamentary institutions and uphold the principles of transparency and accountability in the legislative process.



“Parliaments need to be transparent. Meetings should be open to anyone who wants to attend them. Our reports are open to whoever wants to read them.”

Hon. Darren Bergman,
SADC PF DGHR Member, South Africa



Next Steps



“Human rights are not static in nature, and they will necessarily evolve over time in pace with greater standards for human dignity and decency. It is the duty of Parliaments to evaluate the changes over time and ensure that the legislative framework adapts to enhanced standards of human rights protection.”

H. E. Boemo Sekgoma,
Secretary-General, SADC Parliamentary Forum

- 1 Continued Regional and Global Engagement and Peer-Level Exchange:** To continually enhance their role in human rights, parliaments must engage in ongoing dialogue and share best practices at a peer level. This exchange of good practices, such as through peer-workshops, helps to develop and adapt strategies in human rights promotion and protection.
- 2 Build Parliamentary Expertise and Capacity:** Initiatives such as SADC PF model laws, the INTER PARES Toolkit and a free online course on parliaments and human rights (to be launched via the Agora platform in early 2024), can support parliamentary capacity in understanding the specific requirements of a range of international human rights standards on important topics. Specific capacity building on how to implement the model laws would be helpful. Parliaments themselves should also identify ways to support the understanding of human rights by members of the public.
- 3 Focus on Resource Allocation and Institutional Effectiveness:** Successful functioning of parliaments in promoting and protecting human rights is contingent upon the allocation of adequate human and financial resources and strengthening of institutional capacities.
- 4 Enhance Solidarity for Protecting the Human Rights of Parliamentarians:** Parliamentarians often confront challenges, including threats and intimidation, in their human rights advocacy roles. This underscores the importance of building solidarity and synergies among regional and international parliamentary bodies to support their efforts.
- 5 Recommendations for Future Action:** To bolster their effectiveness in human rights, parliaments **should make specific action plans** for capacity building, implementing human rights-sensitive budgeting practices, fostering parliamentary inclusion, and enhancing regional and international collaboration. Additionally, it is recommended that parliaments **find concrete ways** to work closely with independent National Human Rights Institutions and civil society to further these goals. These steps are vital for ensuring that parliaments remain effective and responsive in their crucial role of safeguarding human rights.

The international community should build on the OHCHR [Draft Principles on Parliaments and Human Rights](#), taking into account the important work of SADC PF in developing its own principles, and elaborate clear guidelines to support enhanced and meaningful parliamentary engagement on human rights.

Thank You



On behalf of INTER PARES | Parliaments in Partnership – the EU’s Global Project to Strengthen the Capacity of Parliaments, we express our deepest appreciation to:

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- SADC PF Standing Committee on Democratisation, Governance and Human Rights and its Secretariat for co-organizing the event.
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- The distinguished Speakers and Moderators of the Workshop, including:

Hon. Aisha Adams, Second Deputy Speaker of the National Assembly of Malawi; **Hon. Boemo Sekgoma**, Secretary General of the SADC PF; **Hon. Tendai Nyabani**, Chairperson of the SADC PF Standing Committee on Democratisation, Governance and Human Rights; **Mr. Ivo Hoefkens**, Head of Cooperation, European Union Delegation to the Republic of Malawi; **Dr Roba Sharamo**, Regional Director for Africa and West Asia, International IDEA; **Mr Gram Matenga**, Programme Manager, International IDEA; **Hon. Utaara Mootu**, SADC PF DGHR Member, Namibia; **Hon. Jerónima Agostinho**, SADC PF DGHR Member, Mozambique; **Hon. Darren Bergman**, SADC PF DGHR Member, South Africa; **Hon. Leonard Mwalwanda**, SADC PF DGHR Member, Malawi; **Ms Maureen Shonge**, Regional Policy Specialist, Women’s Political Participation, UN Women Eastern and Southern Africa Region (ESARO); **Mr Sheuneni Kurasha**, SADC PF Programme Manager Democracy, Governance & Human Rights; **Hon. Cláudia Santos**, Vice-President of the Committee on Constitutional Affairs, Rights, Freedoms and Guarantees, Parliament of Portugal; **Mr. Adam Bodnar**, Senator, Parliament of Poland; Former Polish Ombudsman for Citizens Rights; **Hon. Erik Ottoson**, Deputy Chairperson of the Committee on the Constitution, Parliament of Sweden; **JUDr. Eduard Csudai**, PhD, Head of Secretariat, Committee on Human Rights and National Minorities, National Council of the Slovak Republic; **Mr Stefan Krauss**, Head of Human Rights Action Unit, European Parliament; **Dr Kirsten Roberts Lyer**, Professor, Central European University, Human Rights Practitioner and Author of the INTER PARES Toolkit; **Dr Landilani Banda**, Legal Practitioner & Drafter of the SADC PF Principles & Guidelines.

- Honorable Members and staff of the national parliaments of the SADC region.

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