

Protection of Human Rights in Europe: The Parliamentary Dimension

Aleksandra Chiniava

Abstract—The following paper describes the activity of national and international parliamentary assemblies of the European region in protection and promotion of human rights. It may be said that parliamentarians have a “double mandate” — as members of the international assembly and of their respective national parliaments. In other words, parliamentarization at both international and national level provides a situation for parliamentarians, where they link people, national governments and international organizations. The paper is aimed towards demonstrating that the activity of the main international parliamentary assemblies of the European region have a real positive impact on the human rights situation in the European region. In addition, the paper describes the assemblies that include protection of human rights in their Agenda as one of the main subjects: the EP, the PACE, the OSCE PA and the IPA CIS. Co-operation activities such as joint election observation; participation in inter-parliamentary associations, such as the IPU; conclusion agreements allow assemblies to provide observation of human right situation in the states that are not members of the particular organization and as consequence make their impact broader.

Keywords—Human rights, International parliamentary assembly, IPU, EP, PACE, OSCE, IPA CIS, international election observation.

I. INTRODUCTION

PARLIAMENTARISM has a long history in Europe and has taken different forms. However, the fact that parliamentary assemblies are representatives of people and guardians of human rights has remained unchanged. Nowadays, parliamentarism exists at the national and international levels.

Inter-Parliamentary Union (IPU) defining ‘a democratic parliament’ specified that one of the key characteristics was the effectiveness. An effective parliament means under the definition of the IPU “*the effective organisation of business in accordance with democratic values, and the performance of parliament’s legislative and oversight functions in a manner that serves the needs of the whole population*” [1, p. 7]. In addition the IPU stressed that parliament can provide effectiveness simultaneously at the national and international levels.

At the national level it has to present ‘effective performance of legislative and scrutiny functions’ and to serve ‘a national forum for issues of common concern’ [2]. As an illustration, in a situation with human rights in the country the parliament is a link between the people as a subject of human rights and the government.

At the international level it has to be involved actively in international affairs. It implies that the parliament

A. Chiniava is with the EU Law, Public International Law and Public Law Department, Saarland University, Saarbrücken, 66123 Germany (e-mail: aleksandra.chiniava@gmail.com).

obtains mechanisms that “*allow for parliamentary scrutiny of activities of international organizations and input into their deliberations; mechanisms for ensuring national compliance with international norms and the rule of law; inter-parliamentary cooperation*” [1, p. 11]. In this case, the parliament provides link between an international organization, particularly its international parliamentary assembly, and a national government at the same time keeping its main function — serving to the people.

From the above mentioned definition one might conclude that parliamentarians have a double mandate — as members of the international assembly and of their respective national parliaments. In other words, parliamentarians are under a particular duty to contribute actions concerning human rights issues on both international and national levels.

This paper describes the activity of national parliaments and international parliamentary assemblies in protection and promotion of human rights in Europe and determines whether the activity of international parliaments is one of the effective tools for improvement the human rights situation in the region.

A. Role of National Parliaments

The role of parliamentary oversight of human rights in Europe has been pointed out many occasions by the Parliamentary Assembly of the Council of Europe (PACE) and its rapporteurs.

For example, according to the paragraph 3 of the Resolution 1856 (2012) on ‘Guaranteeing the authority and effectiveness of the European Convention on Human Rights’ [3]: “*National parliaments can play a key role in stemming the flow of applications submerging [the European Court of Human Rights (ECtHR)] by, for instance, carefully examining whether (draft) legislation is compatible with Convention [on Human Rights (ECHR)] requirements and by ensuring that States promptly and fully comply with the Courts judgments*”.

A detailed analysis of how national parliaments may, and ought to, contribute to the effective implementation of international human rights norms was made in the report on ‘National parliaments: guarantors of human rights in Europe’ [4]. The document described in details the role of national parliament in protection of human rights in the European countries.

Two working models that deal with human rights within the parliamentary structures were found. First model provides human rights as “*a horizontal cross-cutting issue that should be taken into account*” by all parliamentary committees in their work. This model is applicable in a big number of countries such as Andorra, Austria, Belgium, Denmark,

Estonia, Finland, Iceland, the Netherlands, Norway, Russia, Slovakia, Slovenia, Spain, Sweden and Switzerland. The second model combined national parliaments, which have a parliamentary committee with a specific human rights mandate. This committee has a task to ensure that the other committees of the parliament act in accordance with human rights. The PACE found this model in Bosnia and Herzegovina, Croatia, Cyprus, the Czech Republic, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, “*the former Yugoslav Republic of Macedonia*”, Moldova, Poland, Romania, Serbia, Turkey and the United Kingdom [4, para. 26–29].

Both methods were under the scrutiny of the Committee on Legal Affairs and Human rights of the PACE. Good practices were found in countries from both groups. However, the author of the report concluded that the second model has more advantages than the first one. Besides, he stressed that providing effective oversight of human rights implementation is “*far from satisfactory*” and national parliaments do not use their full potential in this process. Rapporteur offered to the parliamentarians of the PACE to join efforts and establish “*clear and guiding principles*” [4, para. 91–92]. Parliamentarians agreed with the statement and adopted the Resolution 1823 [5] including Appendix 1 – “Basic principles for parliamentary supervision of international human rights standards” to this report.

Also, the role of national parliaments in implementing ECHR standards was deeply examined by Murray Hunt, Hayley Hooper and Paul Yowell in [6] and [7]. Moreover, Hunt cooperated with the PACE and submitted a paper ‘Longer term future of the system of the ECHR and the ECtHR’ in response to “*open call for contributions*” announced by the Committee of experts on the system of the ECHR of the Council of Europe (CoE).

Above-mentioned resolutions, reports such as ‘The role of parliaments in implementing ECHR standards: overview of existing structures and mechanisms’ [8], speeches of high ranking representatives at international events [9], and academic literature demonstrate importance of national parliaments sensibility in regard to human rights issues in Europe.

B. Role of International Parliamentary Bodies

1) *European Parliament (EP)*: The EP is a ‘supranational’ parliament that possesses substantial powers to take part in the decision-making process of the organization. It is directly elected by universal suffrage of nationals of the European Union (EU) [10].

The EU strengthens protection of human rights in Europe by requiring all States that wish to become a member to ratify the ECHR and accept this standard for themselves (Art. 6 (2) Treaty on European Union (TEU)) [11]. Also the EU has negotiated the Charter of Fundamental Rights of the EU (2000), the most modern comprehensive, legally binding after adoption Lisbon Treaty, catalogue of human rights.

The main roles of the EP are contributing to the EU’s policies and monitoring the work of its other institutions.

According to Art. 207 and Art. 218 TEU [12], most international agreements need Parliament’s consent to enter into force. Thus, the EP is able to block documents prohibiting human rights. For this reason the EU could not conclude the textile protocol to the Partnership and Cooperation Agreement between the EU and Uzbekistan, on grounds of child labour issues.

Parliament’s resolutions help to raise awareness about human rights abuses. Resolutions may be a part of the legislative process, an outcome of parliamentary committees’ own-initiative reports, or a result of the urgency debates. The EP Subcommittee on Human Rights, attached to the Committee on Foreign Affairs deals primarily, not exclusively,¹ with human rights issues. It organizes hearings on human rights issues, with the participation of stakeholders, to provide input for resolutions. The subcommittee also provides the day-to-day management of human rights data, while its delegations regularly visit relevant countries.

2) *Parliamentary Assembly of the Council of Europe (PACE)*: The PACE is the deliberative organ (Art. 22 Council of Europe (CoE) Statute). Its importance in the protection of Human rights in Europe is demonstrated by the fact that it elects judges of the European Court of Human Rights (ECtHR), the European Commissioner for Human rights and the Secretary General. Power of the PACE includes monitoring how far the Member States fulfill their obligation under the ECHR and highlighting new facts about human rights violation [13, p. 309].

Committee on Legal Affairs and Human Rights (AS/Jur) is one of ten committees of the PACE that deals, mainly, with the mainstream legal and human rights issues (see [14] for details). For instance, Committee issued the Report on ‘United Nations Security Council (SC) and European Union blacklists’ (Doc. 11454, Rapporteur D. Marty). It analyzed the de-listing procedures and the means of appeal available to the black-listed individuals or entities, and examined whether or not the procedures were compatible with the guarantees of the ECHR. As a result of this report Switzerland undertook initiatives for the establishment of an independent board of appeal to review the list at regular intervals and process application for de-listing [15]. Moreover, Swiss Parliament initiated in 2010 to ‘force’ the Swiss Government to notify the SC that the Swiss authorities should no longer apply the relevant sanctions imposed by SC, if blacklisted individuals were not provided ‘within a three-year period’ adequate fair trial protection conforming with Art. 6 and Art. 13 of the ECHR [13, p. 327].

Another example is the report on ‘Alleged Secret Detentions and Unlawful Inter-State Transfers of Detainees Involving CoE Member States’ (Doc. 10957, Rapporteur D. Marty). It analyzed network’s functioning and ten individual cases and made a number of conclusions both about human rights violations and the responsibilities of some CoE Member States, which are bound by the ECHR and the European

¹Also Committee on Foreign Affairs (AFET), the Committee on International Trade (INTA), the Committee on Development (DEVE) and the Committee on Women’s Rights and Gender Equality (FEMM) deal with human right issues in the EU’s external relations.

Convention for the Prevention of Torture (CPT). Remarkably, the EP noted the convergence of the findings of its Temporary Committee and the AS/Jur of the PACE in its Report on 'The alleged use of European countries by the CIA for the transportation and illegal detention of prisoners' [16]. The result of this joined activity is that Poland had to pay Al Nashiri and Zubaydah, terror suspects, EUR 100,000 compensation ordered by the ECtHR, following their torture on Polish soil.

The above-mentioned examples is an abundant evidence that the PACE also has significantly influence on the Human Rights situation through the mechanism provided by the ECHR.

3) *Parliamentary Assembly of the Organization for Security and Co-Operation in Europe (OSCE PA)*: The OSCE PA was established by the Madrid Document in 1991. Three general committees of the Assembly correspond to the three pillars of the Helsinki Final Act (1975):

- political affairs and security;
- economic affairs, science, technology and environment;
- democracy, human rights and humanitarian questions.

The primary task of the OSCE PA is to facilitate inter-parliamentary dialogue among the 57 OSCE participating States (pS). Within the political process of the OSCE, the OSCE PA has an advisory function. Also the representatives of the OSCE PA participate informally in the meetings of other OSCE bodies [10].

Apart from the annual sessions, the activities of the OSCE PA focus on the election observation that will be discussed below.

In addition, the OSCE PA sends delegations of high ranking politicians to areas of tension and crisis in order to promote informal dialogue between parliamentarians of various participating States [17, p. 362]. For example, the OSCE PA has organized meetings between Ukrainian and Russian parliamentarians since the Ukrainian crisis began. Furthermore, it has mandated the creation of an Inter-parliamentary Liaison Group on Ukraine [18], which aim is to bring together lawmakers from Ukraine, Russia and other OSCE pS in an effort to promote dialogue and de-escalation. Consequently, the OSCE PA also plays a significant role in monitoring human rights situation in Europe and stays side by side with the EP and the PACE.

4) *Inter-Parliamentary Assembly of Member Nations of the Commonwealth of Independent States (IPA CIS)*: The IPA CIS was created in 1992 under the terms of the Agreement signed by Heads of founding parliaments of Armenia, Belarus, Kazakhstan, Russia, Tajikistan, Uzbekistan. Further in 1995 the CIS leaders signed the Convention on the IPA CIS where the IPA CIS was recognized as an organ of the CIS and was granted international legitimacy [19].

In 1995 the CIS adopted the Convention on Human Rights and Fundamental Freedoms (Minsk Convention), which came into the force after ratification by three CIS Member States (Art. 38 Minsk Convention). Currently, the Convention is ratified by Russia, Tajikistan, Belarus and Kyrgyzstan. The character of it is ambiguous. On the one hand, it creates human rights protection system within the CIS Member States who are not Contracting Parties to the ECHR. On the other

hand, it undermines the ECHR control mechanism for the new member States to the CoE, who are the CIS Member States. Particularly, as said Andrew Drzemczewski: "*recourse to the Minsk Convention could have preclude the ECtHR from dealing with an application 'that has already been submitted to another procedure of international investigation'*" [20, p. 108]. Several solutions of this collision were suggested:

- not to ratify the Minsk Convention by CIS-states if ECHR is ratified already;
- to get an advice on ratification of the Minsk Convention from the CoE if requested country is member State to both CoE and CIS;
- to discuss with the CoE the differences between the guarantees of the documents if Minsk Convention is ratified and apply priority to the stricter standards with ratification of ECHR [21].

In 2015 the issue and the ways of to solve it became actual again because of recent news about possible establishment of analogue of the ECtHR within the Eurasian Union's framework with participation of CIS-states. In case of different approaches to human rights, states who are party to the ECHR could be in situation where they have to commit its obligation under two contradictory documents if they decide to join the new alliance.

Also the IPA CIS as well as the other parliamentary assemblies provides election monitoring activity. Since 2006 the monitoring is organized by the International Institute for Monitoring Democratic and Parliamentary Process and Suffrage in the CIS.

C. Role of Inter-Parliamentary Associations and the Types of Parliamentary Cooperation

1) *Inter-Parliamentary Union (IPU)*: The IPU is the oldest international organization of the parliaments of sovereign States (Art.1 IPU Statute). There are two types of memberships at the IPU: corporate members (national parliaments, including European countries) and associate members (international parliamentary assemblies). International parliamentary assemblies from Europe are represented by the EP and the PACE [22] as associate members.

The IPU adopts legally non-binding resolutions, which are distributed as official documents of the UN, where the IPU has the status of a permanent observer to the UN General Assembly.

The IPU provides forum for the informal exchange of information among Parliaments [23]. Its committee on Democracy and Human Rights is entirely devoted to issue human rights questions.

Last 25 years the IPU has been gathering information on the role, structure, functioning and contact details of parliamentary human rights bodies [24, p. 332] for the purpose of strengthening the role of parliaments as guardians of human rights. Today all information is available online in the form of an electronic directory of parliamentary human rights bodies.

2) *Co-Operation among the EP, the PACE and the IPA CIS:*

International parliaments of the European region cooperate directly, usually using such legal instruments as cooperation agreements. For instance, the PACE and the IPA CIS signed Agreement on cooperation; the PACE and the EP concluded Agreement on the strengthening of cooperation.

According to the Agreement between the PACE and the IPA CIS the Agendas for plenary sessions are to be exchanged, each Assembly is to invite one or more representatives from the other to attend sessions, the President of one Assembly may address the other on special occasions, there is an undertaking to invite Presidents of the two Assemblies or their representatives to conferences and other events that are of interest to both parties. Assemblies also are agreed to cooperate by exchanging relevant documents including reports and adopted texts on a regular basis. Joint meetings of delegations from the respective Bureaux may be held whenever appropriate. In addition, the Secretaries General meet for consultations or exchanges of views at suitable occasions to discuss matters of common interest [25, p. 368].

In 2007, the CoE and the EU signed the Memorandum of Understanding. Under paragraph 46 of the document, the EP and the PACE were “invited to reinforce their co-operation in order to further strengthen the parliamentary dimension of interaction between” them. Following the prescription the Agreement of 2007 was signed by the respective Presidents of the Assembly and the Parliament.

According to the Agreement Assemblies agreed: to hold their Presidents’ meetings periodically as necessary; joint meetings of the Presidential Committee and Conference of Presidents are to be taken place once a year to discuss the state of relations between the two Assemblies and other questions in common interest. Moreover, under the Agreement the Counterpart Committees are encouraged to set up the co-operation with a view how to co-ordinate action and avoid duplication and to identify issue which will constitute a basis for joint activities, including meetings and hearings, invitations for members and rapporteurs of counterpart committees, as well as regular contacts between rapporteurs. Also, the statement on exchanges of information, agendas and other documents was agreed in the Agreement. The EP and the PACE invited each other to represent them at conferences, seminars and other events. The respective secretariats of the counterpart committees were instructed to maintain close contacts and co-operation. The Agreement provides legal basis for the regular high level meetings.

Furthermore, important cooperation in joint election observation missions is to be reinforced by the described agreement.

3) *Election Observation as a Type of Cooperation among Parliamentary Assemblies in Europe:* Joint activity in election observation is one of the types of cooperation between international parliamentary assemblies. There may be defined two types of cooperation. The first type is the external cooperation – among parliamentary assemblies. The second type is the internal, between the parliamentary assembly and the international organization to which that assembly provides parliamentary dimension.

The cooperation concerning election observation among parliamentary assemblies in the European region will be discussed first.

Eric Bjornlund gave the following definition to the process of election observation in ‘Beyond Free and Fair: Monitoring Elections and Building Democracy’. According to the author it is “[a] purposeful gathering of information about an electoral process and public assessment of that process against universal standards for democratic elections by responsible foreign or international organizations committed to neutrality and to the democratic process [aiming at] building an international confidence about the election integrity or documenting and exposing the ways in the process falls short” [26].

Consequently, the role of election observation missions is gathering information about compliance election process with international standards. The common document outlining the international standards is the International Declaration of Principles of Election Observation. The document was created under the aegis of the United Nations Electoral Assistance Division and the National Democratic Institute in 2005 and provided the common standards for election observation managed by international actors. In contrast to the PACE, the EP and the OSCE PA did not participate in the establishment of the Declaration. The EP signed it years later. The OSCE PA President Ilkka Kanerva endorsed it on behalf of the Assembly only in 2015.

In addition to the Declaration, international organizations have published a big number of manuals in the past two decades. The Office for Democratic Institutions and Human Rights (OSCE/ODIHR) is one of the leader that improves and updates the materials regularly, for example, Handbook for the Observation of Campaign Finance of 2015, Handbook on Observing and Promoting the Participation of National Minorities in Electoral Processes of 2014, Election Observation Handbook: Sixth Edition 2010. The OSCE PA and the PACE usually use in their work the ODIHR’s manuals. However, parliamentary assemblies also established its own resolution and recommendations regarding the election observation process. For instance, such resolutions as Resolution 2043 (2015) on “Fostering democratic participation of migrant diasporas”, Resolution 2037 (2015) on “Post-electoral shifting in members’ political affiliation and its repercussions on the composition of national delegations”, Resolution 1897 (2012) on “Ensuring greater democracy in elections” and others were established recently by the PACE.

Following the definition of the EP’s election observation given by Andrea Gawrich [28, p. 124] observation missions of the parliamentary assemblies of the European international organizations may be characterized as the short-term missions provided by parliamentarians. If compare short-term observation missions (STOs) by parliamentary assemblies with STOs by experts, particularly from the ODIHR, some similarity in process can be found. For instance, the PACE’s standard programm for monitors consists of five days [29] (not counting arrival and departure) and the STOs of ODIHR remain in the host country for approximately one week [30,

p. 46]. In addition, ODIHR provides the deployment of long-term observations (LTOs) in multinational teams of two, usually up to six weeks before Election Day [31, p. xi].

According to the above-mentioned Agreement between the EP and the PACE, *“the existing excellent cooperation in joint observation mission reinforced, in particular in the framework of the international observation mission carried out by the OSCE PA, PACE and EP”*.

The statement by Andrea Gawrich that the *“EP cooperation in election observation may be understood as reciprocal legitimacy”* [28, p. 137] might be applicable in general to the cooperation among these three parliamentary assemblies. It should be noted that the PACE and the EP in the joint activity with the OSCE have an opportunity to observe election process in the country that are not its member States. For instance, EP together with the OSCE PA, the PACE and the OSCE/ODIHR observed elections in Moldova, which is a non-EU country (30 November 2014) [32] and in Kyrgyzstan, which is neither CoE nor EU Member State. Hence, parliamentary assemblies have opportunity to extend area for observation through the cooperation with other international organisations.

However, not all elections are observed by all three assemblies in Europe. One of the recent examples of the cooperation between parliamentary assemblies, where the EP did not take part in observation of European region is joint election observation of presidential election 2015 in Belarus. Nevertheless, the PACE, the OSCE/ODIHR and the OSCE PA delegation consisted of 58 parliamentarians and staff members who deployed in several regions of Belarus for Election Day. The result of this cooperation is the statement on ‘Preliminary Findings and Conclusion’ issued in October 2015 [33].

The standard joint report includes findings and analysis, whether the democratic election process complies with international standards, including the OSCE commitments, and with national legislation. Thus, during the election process in Belarus the observers found some infringements of international standards such as lack of political diversity, particularly, no new political party has been registered since 2000 year despite repeated applications, which contradicts to the paragraph 7.6 of the 1990 OSCE Copenhagen Document. In addition, the election observation mission found that it was difficult to define the line between the incumbent’s campaign and the state. It means that paragraphs 5.4 and 7.6 of the 1990 OSCE Copenhagen Document were contravened. Furthermore, transparency and integrity of the election process were not ensured by the national legislation. International observer provided exact examples where the national legislation is at odds with international standards in the report. For instance, it was found that amended election legislation in Belarus keeps limiting freedom of expression banning calls and acts of disruption, cancellation or postponement of elections [33].

The joint report provides preliminary findings and conclusions, made before the completion of the election process. Further, each of the organizations provides its own final report separately: the ODIHR presents it some eight weeks after completion of the election process, the OSCE PA and the PACE presents their reports at Standing Committees, Sessions, Meetings or Foreign Affairs Committee (in the EP

case). Usually Assemblies and the ODIHR provide some particular recommendations to the host government in their final reports.

One of the aims of the election observation activity is providing the society with an assessment of the elections in particular country for purpose to prevent same mistakes and improve situation during the next election process. According to Judith G. Kelley, *“by providing the public with an assessment of the findings the observers are able to influence national and international perceptions regarding the legitimacy of the election process”* [34, p. 35].

There is another type of cooperation where two Institutions of one Organization can provide the election observation, for instance, in case of the OSCE. The OSCE PA and the OSCE/ODIHR concluded Co-operation Agreement CIO.GAL/7/97 to escape overlapping, redundancy, unnecessary expense and confusion of activities. According to this Agreement *“OSCE PA has engaged almost exclusively in the observation of parliamentary elections by short-term observers, the ODIHR has engaged in election assistance, long-term assistance, long-term observation and short-term observation of presidential, parliamentary and municipal elections, as well as referendums”*.

Nevertheless, the OSCE PA and the ODIHR resemble more relations of two different international organizations than two independent institutions of the same international organization. The Secretary General (SG) of the OSCE PA expressed his regrets during the meeting Autumn Meeting in Geneva in 2014 that the ODIHR Director Michael Georg Link insists on treating the OSCE PA in the same manner as other parliamentary assemblies not linked to the OSCE undermining the purpose of the above-mentioned Co-operation Agreement of 1997. The OSCE PA has to *“emphasize the importance of having OSCE work together as one organization during election observation”* [35]. Moreover, the Ministerial Council of the OSCE according to the paragraph 15 of the OSCE MC Decision 19/06 on Strengthening the Effectiveness of the OSCE *“recognizes that close cooperation with the OSCE Parliamentary Assembly considerably enhances the visibility of the OSCE’s election observation efforts, and calls on the ODIHR to continue to work in partnership with the Parliamentary Assembly on election observation missions on the basis of the 1997 Co-operation Agreement”* [36].

However, for last ten years the ODIHR has been criticized by the OSCE PA constantly for ignoring the Co-operation Agreement, signed in 2012, particularly, assembly insists on free flow of information between the ODIHR long-term observers and the OSCE PA Delegation, use agreed terminology and others. The main issue remains treatment Parliamentary Assembly as a parliamentary dimension of the OSCE and not as a separate organization to escape situation where the OSCE PA and the OSCE/ODIHR disagree in front of a broader circle of representatives, including other parliamentary assemblies [37].

Despite of the tension that exists between these two independent structures of the OSCE, the fact that the OSCE PA, which agenda includes human rights issue, provides parliamentary dimension of the organization is

undisputable. As Spencer Oliver, Secretary General of the OSCE PA stressed, “*Parliamentarians bring professional political experience and sound political judgment to the election observation missions, adding visibility and credibility to election monitoring projects*” [27].

II. CONCLUSION

The parliamentary dimension in Europe is presented by a significant number of international and national parliaments. All of them are capable to provide an important contribution to protect human rights through the different activities and cooperation.

Conventionally international parliamentary assemblies have been defined as the organs of international organizations composed of the representatives of each member state, elected by their national parliaments among the members thereof, or appointed among the members of that parliament. In turn, all the appointed parliamentarians to the international parliamentary assemblies initially should be elected by the people to represent their interests in a democratic society. People are a subject of the human rights. Consequently, protection of human rights is one of their interests, which can be presented by the elected parliamentarians at both international and national levels. This ‘double mandate’ provides an opportunity to impact on the executive powers from inside and outside the country, by using cooperation with international organizations as parliamentarians of their assemblies simultaneously.

National parliamentarians in the international parliamentary assemblies also have an opportunity to provide the organizations with information on human rights situation directly from their country. However, there is always a chance that someone might hide some unpleasant information to protect image of the country. In this case, international parliamentary assembly always may use such sources of information as reports of non-governmental organizations. Also regular debates among parliamentarians concerning serious violation of international law and human rights help to determine the truth and real problems in the country, even if it tries to hide the facts.

The paper describes the main international parliamentary assemblies of the European region that include protection of human rights in their Agenda as one of the main subjects: the EP, the PACE, the OSCE PA and the IPA CIS. The EP is a very different from the rest in the list and may be set under another type — ‘supranational’ parliamentary assemblies. The main difference of the EP from the other international parliaments, that it is directly elected by the EU citizens and it has real legislative power. However, the framework of the EU border restricts the EP. In this case the influence outside the EU can be provided through the cooperation with other international parliamentary assemblies and institutions. One of the examples of such cooperation is the election observation activity of the EP with the OSCE/ODIHR. Nevertheless, not only the EP expands the territory of its influence using the way of cooperation with the OSCE. It also can be said about the PACE. Both of them get access to the Central Asia via the OSCE.

Despite the fact that the leading role in the election observation belongs to the OSCE/ODIHR, the parliamentarians of the OSCE PA, the PACE, the EP provide a full political assessment of the election process in compliance with international standards and national legislation. Moreover, the election observation itself is checked to meet the international rules, its transparency and credibility. The findings of the parliamentarians are discussed at the international level. Assemblies provide government of the observed country with recommendations how to align election legislation. During the next election observation mission fulfillment of these recommendation is checked. This election observation process and further implementation of the given recommendations could be a good indicator showing the depth of political will to co-operate with international organizations and not only with their parliamentary assemblies.

Parliamentary assembly describes the act of speaking and discussion. Another indication of political will is readiness to except public criticism. The open discussion of found infringements of the human rights in the country at the international parliamentary forums provides positive results, even if the government does not want to provide any changes. This reaction itself is the result and can help to provide a different strategy and try to convince the member states of the need to change matters. Unfortunately, at the present time international parliamentary assemblies struggle with the absence of political will to fulfill its recommendations or even its international obligations. However, parliamentarism at international level is a very impotent mechanism. It provides a forum for discussions, experience exchange and even mutual accusations among the member states. All this information combined with other sources helps to create a real picture of the human rights situation in a particular region. Moreover, announcing of the problem publicly can be the first step to its solutions.

REFERENCES

- [1] D. Beetham, *Parliament and Democracy in the Twenty-first Century: A Guide to Good Practice*. Inter-Parliamentary Union, 2006.
- [2] Parliament and democracy in the twenty-first century: a guide to good practice, IPU, p. 11, 2006.
- [3] PACE, “Resolution 1856 on ‘Guaranteeing the authority and effectiveness of the European Convention on Human Rights’,” 2012. (Online). Available: <http://assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewPDF.asp?FileID=18060>
- [4] C. Pourgourides, “National parliaments: guarantors of human rights in Europe,” 10 2010, no. 12636. (Online). Available: <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=12866>
- [5] PACE, “Resolution 1823 on ‘National parliaments: guarantors of human rights in Europe’,” 6 2011. (Online). Available: <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=18011>
- [6] M. Hunt, H. Hooper, and P. Yowell, *Parliaments and Human Rights: Redressing the Democratic Deficit*, ser. AHRC Public Policy Series, 2015, no. 5.
- [7] M. Hunt, H. Hooper, and P. Yowell, *Parliaments and Human Rights: Redressing the Democratic Deficit*, ser. Hart Studies in Comparative Public Law. Bloomsbury Publishing, 2015.
- [8] PACE, “The role of parliaments in implementing ECHR standards: overview of existing structures and mechanisms,” 9 2015. (Online). Available: <http://website-pace.net/documents/10643/695436/20142110-PPSDNotefondstandardsCEDH-EN.pdf/113ad45b-7ffd-4ee7-b176-7fb79ad32f93>
- [9] K. Sasi, in *Joint Conference PACE and IPA CIS*, 2013.

- [10] F. Arndt, "Parliamentary assemblies, international," in *Max Planck Encyclopedia of Public International Law (MPEPIL)*, 2013.
- [11] E. Klein, "Human rights, activities of international organizations," in *Max Planck Encyclopedia of Public International Law (MPEPIL)*, 2007.
- [12] Consolidated version of the Treaty on European Union, Official Journal C 326, pp. 0001 – 0390, 10 2012.
- [13] A. Drzemczewski and J. Lowis, "The work of the parliamentary assembly of the council of europe," in *Parliaments and Human Rights*, M. Hunt, Ed. Bloomsbury Publishing Plc, 2015.
- [14] PACE, "Timeline: the Council of Europe's investigation into CIA secret prisons in Europe," 2014. (Online). Available: <http://assembly.coe.int/nw/xml/News/News-View-en.asp?newsid=5722>.
- [15] D. Marty, "Addendum to the report 'United Nations Security Council and European Union blacklists'," 01 2008, no. 11454. (Online). Available: <http://assembly.coe.int/Documents/WorkingDocs/2007/edoc11454.htm>.
- [16] Temporary Committee on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners, Rapporteur: Fava, G.C., "The alleged use of European countries by the CIA for the transportation and illegal detention of prisoners," 01 2007, (2006/2200(INI)), para. 33.
- [17] M. Fuchs and A. P. von Winter, *The OSCE Parliamentary Assembly Origins, Functions, Method of Work and Constituent Bodies*, ser. OSCE Year Book. Nomos Verlagsgesellschaft, 1995.
- [18] "Baku Declaration and Resolutions Adopted by the OSCE Parliamentary Assembly at the Twenty-Third Annual Session," 1st Committee Resolution: Political Affairs and Security, 07 2014, para. 38.
- [19] "Convention on the Interparliamentary Assembly of Member Nations of the Commonwealth of Independent States," 05 1995, Articles 1, 12.
- [20] A. Drzemczewski, "Reflection on a remarkable period of eleven years: 1986 to 1997," in *Liber amicorum Peter Leuprecht*, ser. Mondialisation et droit international, O. Delas, P. Leuprecht, and M. Leuprecht, Eds. Bruylant, 2012.
- [21] J. Frowien, "Analysis with regard to the ECHR," *Human Rights Law Journal*, vol. 17, no. 3-6, pp. 181 – 183, 1996.
- [22] Memorandum on co-operation between the PACE and the IPU, 11 May 1993.
- [23] F. Arndt, "Inter-parliamentary union," in *Max Planck Encyclopedia of Public International Law (MPEPIL)*, 2009.
- [24] I. Schwarz, "The work of the inter-parliamentary union," in *Parliaments and Human Rights*, M. Hunt, Ed. Bloomsbury Publishing Plc, 2015.
- [25] P. Evans and P. Silk, *The Parliamentary Assembly Practice and Procedure*. CoE Publishing, 2013.
- [26] E. C. Bjornlund, *Beyond Free and Fair: Monitoring Elections and Building Democracy*. Woodrow Wilson Center Press with Johns Hopkins University Press, 2004.
- [27] R. S. Oliver, *The parliamentary assembly and its political influence in the OSCE*, p. 6. (Online). Available: <https://www.oscepa.org/documents/all-documents/documents-1/historical-documents-1/955-2005-the-parliamentary-assembly-and-its-political-influence-in-the-osce>.
- [28] A. Gawrich, *The European Parliament in International Election Observation Missions (IEOMs): devision of labour or decreased influence?*, ser. Routledge Advances in European Politics. Taylor & Francis, 2015.
- [29] PACE, *Rules of Procedure PACE*, 2015, ch. Appendix XI Observation of elections by the parliamentarians, paragraph vii.
- [30] OSCE, *Election Observation Handbook*, 6th ed. ODIHR, 2010.
- [31] OSCE, "Handbook for long-term election observers," 2007.
- [32] OSCE International Election Observation Mission, "Statement of preliminary findings," 2014.
- [33] OSCE International Election Observation Mission, "Statement of preliminary findings and conclusions," 2015. (Online). Available: <http://www.osce.org/odihr/elections/belarus/191586?>.
- [34] J. Kelley, *Monitoring Democracy: When International Election Observation Works, and why it Often Fails*. Princeton University Press, 2012.
- [35] OSCE, "News from Copenhagen, Number 538," 2014.
- [36] OSCE, "Decision No. 19/06 Strengthening the effectiveness of the OSCE," 2006. (Online). Available: <http://www.osce.org/mc/23209>.
- [37] OSCE, "The Dubs Report," 2012. (Online). Available: <https://www.oscepa.org/election-observation/brochures-documents/documents/1541-dubs-report-on-election-observation-co-operation>.