

PARLIAMENTARY DIPLOMACY ON HUMAN RIGHTS

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Rarely does the foreign policy on human rights of a democratic country reach all dictatorships, since economic interests prevail, i.e. priority is given to exporting products and attracting foreign investment. This is one of the reasons why parliamentary diplomacy is needed. The Parliament is a power independent of the Executive and for this reason its members, elected by popular vote, have the political capacity to carry out activities that governments cannot, especially in developing democracies.



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Introduction

There is quite a lot of literature on «parliamentary diplomacy», its evolution, scope and growth, but regarding its role in the defense and international promotion of democracy and human rights, much remains to be done, especially from Latin America.

For Stelios Stavridis, «parliamentary institutions are involved in international affairs in three main ways: by monitoring and influencing the foreign policies of national governments; by carrying out international activities and actions, known as parliamentary diplomacy; and by establishing and empowering parliaments as representative bodies of regional or global organizations, mainly through international parliamentary institutions (IPIs)»¹.

Typical forms of Parliamentary Diplomacy are the support or rejection of governmental foreign policy; the activity and institutional role of Parliamentary bodies, such as the Foreign Affairs Committee; the activities of Speakers of the House; inter-parliamentary meetings; participation in Regional (Parlatino) and International (World Inter-Parliamentary Union) Parliamentary Organizations; parliamentary friendship groups; parliamentarians' networks; and electoral observation missions.²

With respect to the specific scope of Parliamentary Human Rights Diplomacy, the following can be included: plural representation; special commitment to democratic principles; control over the Executive Branch in foreign policy; globalization of democracy as a means of promoting world peace, placing the international community above the national interest of the State itself; and fundamentally,

1 Stelios Stavridis, *Diplomacia parlamentaria: El papel de los Parlamentos en el mundo*, <http://www.revista-redi.es/es/articulos/la-diplomacia-parlamentaria-el-papel-de-los-parlamentos-en-el-mundo/>.

2 Gonzalo Salimena, *Pensar las relaciones internacionales desde la diplomacia parlamentaria*, <https://www.teseopress.com/contrapuntos/chapter/9-pensar-las-relaciones-internacionales-desde-la-diplomacia-parlamentariafootnote-el-presente-capitulo-de-este-libro-constituye-algunas-ideas-expuestas-en-mi-tesis-doctoral-en-relaciones-internacio/>.



involvement in issues that the government and its diplomacy cannot address in formal relations with other countries, especially non-democratic ones.

A fundamental aspect of Parliamentary Diplomacy on Human Rights is to incorporate in political parties the defense and international promotion of democracy, by establishing a commitment, actions and contact networks that will later serve for its implementation from a legislative position.

Parliamentary Activism in International Human Rights Advocacy

Most democratic countries include human rights in their foreign policy, but in very few cases can this policy be characterized as «active» or is generally applied. In most cases it is merely a declarative or even demagogic expression.

Included in the chapter on «The International Dimension of Democracy», Article 27 states: «A democracy should support democratic principles in international relations. In that respect, democracies must refrain from undemocratic conduct, express solidarity with democratic governments and non-State actors like non-governmental organisations which work for democracy and human rights, and extend solidarity to those who are victims of human rights violations at the hands of undemocratic regimes»³.

The last part of the aforementioned article enshrines what is known as «international democratic solidarity», that is, the claim for the victims of persecution, imprisonment and political harassment by dictatorships.

Dictatorships of different political colors have the common denominator of invoking respect for sovereignty and non-interference in internal affairs, as well as not submitting to the supervision of the universal human rights system, avoiding being held accountable for their internal situation and refusing to receive the visits of UN special procedures that make them uncomfortable.



DICTATORSHIPS OF DIFFERENT POLITICAL COLORS HAVE THE COMMON DENOMINATOR OF INVOKING RESPECT FOR SOVEREIGNTY AND NON-INTERFERENCE IN INTERNAL AFFAIRS, AS WELL AS NOT SUBMITTING TO THE SUPERVISION OF THE UNIVERSAL HUMAN RIGHTS SYSTEM, AVOIDING BEING HELD ACCOUNTABLE FOR THEIR INTERNAL SITUATION AND REFUSING TO RECEIVE THE VISITS OF UN SPECIAL PROCEDURES THAT MAKE THEM UNCOMFORTABLE.

³ Inter-Parliamentary Union, Universal Declaration on Democracy, 16 September 1997, available at: <https://www.refworld.org/docid/48abd598d.html> [accessed 19 July 2023].



But rarely does the human rights foreign policy of a democratic country reach all dictatorships, since economic interests prevail, i.e. the priority given to exporting products and attracting foreign investment.⁴ This is one of the reasons why parliamentary diplomacy is needed.

The Parliament is a power independent of the Executive and for this reason its members, elected by popular vote, have the political capacity to carry out activities that governments cannot, especially in developing democracies. Obviously, the foreign ministries and embassies of dictatorships will be able to transmit their complaints, but the diplomatic response of a democratic government will always be that these are initiatives of representatives of an independent power and that parliamentarians are accountable to their voters, party platform and their own personal trajectories.

In this regard, there is much that a parliamentarian can do to defend human rights internationally. For example, they can present bills condemning cases of human rights violations in dictatorial countries and request statements from the respective governments in intergovernmental bodies; denounce electoral processes that are not free, fair and transparent in autocratic regimes; and recognize the work and initiatives of democratic activists at risk.

Projects in Parliament may include the request for the release of political prisoners, the demand for free elections with international observation, the formulation of recommendations and observations to be made by their country during the Universal Periodic Review of a dictatorship in the UN Human Rights Council, and other requests to the Executive Power in votes on human rights in Intergovernmental Organizations.

Electoral observation missions in countries where the elections are suspected of lacking transparency are essential to subsequently decide on the recognition of the respective government. Even if there are no guarantees for political participation, as is currently the case in Nicaragua, Parliamentary Human Rights Diplomacy can request the activation of democratic clauses and warn that a government lacking electoral legitimacy will not be recognized.



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⁴ Alejandro Anaya Muñoz and Gabriel C. Salvia, *Los derechos humanos en las relaciones internacionales y la política exterior* (CADAL/KAS, 2021): <https://www.cadal.org/libros/pdf/Los-derechos-humanos-en-las-relaciones-internacionales-y-la-politica-exterior.pdf>



ROSA MARÍA PAYÁ, DAUGHTER OF OSWALDO PAYÁ NEXT TO FEDERICO PINEDO IN 2018 DURING HER VISIT TO THE ARGENTINE REPUBLIC.



URUGUAYAN SENATOR RAFAEL MICHELINI AND CUBAN ACTIVIST MANUEL CUESTA MORÚA

Parliamentary Human Rights Diplomacy implies establishing a democratic clause for the creation of Parliamentary Friendship Groups (PFG), not admitting them with countries whose representatives do not emerge from free and competitive elections. It is contradictory for a parliament with plural representation to include a PFG with a country where a single-party regime rules, as in the cases of Cuba and China, representing an affront to those who risk their freedom and life in those authoritarian contexts.

Receiving publicly pro-democratic referents residing in or exiled from countries ruled by dictatorships is a gesture of moral support and recognition, which dictatorships deny them, and of international visibility. A praiseworthy example to cite is that of Federico Pinedo, who in 2018 being provisional president of the Senate of the Argentine Nation received in his office the Cuban democratic activist Rosa María Payá, daughter of the promoter of a referendum in Cuba, Oswaldo Payá, who died in a suspicious traffic accident in Cuba. Pinedo received the head of Cuba Decide flanked by the flags of Argentina and Cuba. Another similar example was that of Uruguayan senator Rafael Michelini, son of Zelmar Michelini, an uruguayan journalist and politician assassinated in the city of Buenos Aires by the Argentine military dictatorship as part of the sinister Condor Plan. Michelini, parliamentarian of the then ruling Frente Amplio of Uruguay, received in his office his Cuban progressive colleague, Manuel Cuesta Morúa, Ion Ratiu Award 2016.



Parliamentary Diplomacy in Human Rights can also include the awarding of an international Prize to a reference person who stands out for his or her peaceful activism in an authoritarian context, following the example of the one named after Andrei Sakharov awarded by the European Parliament.⁵

The institutionalization of Parliamentary Human Rights Diplomacy, beyond the periodic renewal of the legislative body and political changes, would be strengthened by the competitive appointment of a Parliamentary Commissioner for Human Rights and International Democratic Solidarity. The aforementioned actions by parliamentarians would be under the orbit of the person occupying this position, who should emerge from a very broad consensus so that his or her function does not end up being politicized and biased.

Parliamentarians protecting parliamentarians and activists: the case of the Bundestag

As in many cases, comparative experience can serve as a guide for adopting good practices, as in this case parliamentary diplomacy committed to human rights and international democratic solidarity. One example is the «Parliamentarians Protect Parliamentarians» program, an action of the German Bundestag in favor of parliamentarians and human rights defenders persecuted abroad.

The rationale of this initiative perfectly summarizes the idea of «Parliamentary Human Rights Diplomacy» and is worth transcribing in full:⁶

Human rights defenders and threatened parliamentarians need protection worldwide.

No one advocating the implementation and observance of human rights in Germany runs any risk in doing so. There is no threat of punishment, nor is there any danger involved. In many other countries, however, people who defend human rights can themselves become the victims of human rights abuses.

Lawyers, journalists, trade unionists, and representatives of women's organizations, ethnic and religious minorities and indigenous peoples are under particular threat as defenders of human rights.

⁵ <https://www.europarl.europa.eu/sakharovprize/es/the-prize/andrei-sakharov>

⁶ https://www.bundestag.de/resource/blob/875662/e23ed707a581e42630ac83bdeb/PsP_Flyer-englisch-data.pdf



In many countries, politicians are also among the human rights defenders who are at risk. They may be elected representatives, opposition politicians or mayors, and they are frequently active in very difficult political conditions. Exercising their right to freedom of expression is usually their sole offence. The criticism they voice often makes them a thorn in the side of state institutions in countries where the human rights situation is problematic, and of paramilitary groups. They are frequently slandered, threatened, removed from office, subjected to arbitrary arrest, sentenced for «subversive» activities, tortured or even murdered. Some people seen as undesirables «disappear» forever. Those responsible are seldom convicted.

This is why the members of the German Bundestag's Committee on Human Rights and Humanitarian Aid launched the «Parliamentarians Protect Parliamentarians» campaign. The basic idea is that the Members of the German Bundestag, who can carry out their work in safety, should help fellow parliamentarians who are at risk in other countries and persecuted human rights defenders.

With its adoption of a cross-party motion on the protection of threatened human rights defenders in December 2003, the German Bundestag has undertaken to participate in the initiative established by the Inter-Parliamentary Union (IPU) to protect parliamentarians worldwide. In this way, the Bundestag is fulfilling the voluntary commitment it has made in the IPU framework to contribute to the protection and promotion of human rights. The campaign represents a milestone in solidarity between German and foreign parliamentarians and human rights defenders, and a significant contribution to a credible human rights policy.

What can Members of the Bundestag do for their fellow parliamentarians abroad?

Members of the Bundestag have a network of international contacts which they can use on behalf of fellow parliamentarians who are at risk. The «Parliamentarians Protect Parliamentarians» campaign is not conducted solely by the members of the Committee on Human Rights, who are in any case already actively involved on behalf of many victims of human rights abuses. On the contrary, all Members of the Bundestag -irrespective of their areas of expertise- are called on to participate.



THE «PARLIAMENTARIANS PROTECT PARLIAMENTARIANS»

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The Secretariat of the Committee on Human Rights and Humanitarian Aid provides Members with information about whether opposition politicians are under threat in a country with which the Members have contact or intend to visit, and offers advice on how best to support them. In cooperation with the Federal Foreign Office, the Inter-Parliamentary Union and non-governmental organisations, the Secretariat compiles briefing notes with the names of threatened or persecuted parliamentarians and human rights defenders in a specific country.

CURRENT BENEFICIARIES BY COUNTRY OF THE "PARLIAMENTARIANS PROTECT PARLIAMENTARIANS" PROGRAM

COUNTRY	CLASSIFICATION IN THE DEMOCRACY INDEX 2020	SCORE
Afghanistan	Authoritarian Regime	2.85
Saudi Arabia	Authoritarian Regime	2.08
Algeria	Authoritarian Regime	3.77
Armenia	Flawed Democracy	5.35
Azerbaijan	Authoritarian Regime	2.68
Bahrain	Authoritarian Regime	2.49
Belarus	Authoritarian Regime	2.59
Bosnia	Hybrid Regime	4.84
Brazil	Flawed Democracy	6.92
Cambodia	Authoritarian Regime	3.10
Cameroon	Authoritarian Regime	2.77
Colombia	Flawed Democracy	7.04
Democratic Republic of Congo	Authoritarian Regime	1.13
Cuba	Authoritarian Regime	2.84
Chad	Authoritarian Regime	1.55
Chile	Full Democracy	8.28
China	Authoritarian Regime	2.27
Egypt	Authoritarian Regime	2.93
Ethiopia	Authoritarian Regime	3.38
Philippines	Flawed Democracy	6.56
Guatemala	Hybrid Regime	4.97
Honduras	Hybrid Regime	5.36
Hong Kong	Hybrid Regime	5.57
India	Flawed Democracy	6.61
Iran	Authoritarian Regime	2.20
Israel	Flawed Democracy	7.28
Kazakhstan	Authoritarian Regime	3.14
Laos	Authoritarian Regime	1.77
Malasia	Flawed Democracy	7.19
Mexico	Flawed Democracy	6.07
Moldova	Hybrid Regime	5.78
Myanmar	Authoritarian Regime	3.04
Nicaragua	Authoritarian Regime	3.60
Pakistan	Hybrid Regime	4.31
Russia	Authoritarian Regime	3.31
Syria	Authoritarian Regime	1.43
Sri Lanka	Flawed Democracy	6.14
Tanzania	Hybrid Regime	5.10
Türkiye	Hybrid Regime	4.48
Ukraine	Hybrid Regime	5.81
Uganda	Hybrid Regime	4.94
Uzbekistan	Authoritarian Regime	2.12
Venezuela	Authoritarian Regime	2.76
Viet Nam	Authoritarian Regime	2.94
Zimbabwe	Authoritarian Regime	3.16

Source: Source: Own compilation based on information provided by the Secretariat of the Commission for Human Rights and Humanitarian Aid of the Bundestag and *The Economist's* report *Democracy Index 2020*.



The Members use this information to decide how they can best help threatened colleagues without potentially exposing the person in question to additional danger. The motion on the protection of threatened human rights defenders proposes various options for action:

- ▶ Drawing attention, both in Germany and abroad, to threatened and detained human rights defenders in talks with political decision-makers and in letters of petition, urging that they be protected or released;*
- ▶ Paying tribute to the commitment of human rights defenders when abroad –where possible– by meeting them in person for a discussion, visiting them in prison, pressing for them to be given a fair trial, or observing court proceedings;*

The information provided by the Committee Secretariat can also be used for forms of support within Germany. It offers a good basis for petitions and talks with political decision-makers from countries in which human rights are violated.

To ensure that the information and lists of names are kept up to date, it is important for Members who have held talks or travelled abroad to pass on their impressions to the Secretariat of the Committee on Human Rights and Humanitarian Aid, notify it of the steps they have taken, and make recommendations as to what course of action should be taken in future.

Getting involved is worthwhile –because the campaign aims to protect the courage and perseverance of human rights defenders worldwide.

The literature on parliamentary diplomacy refers to its informality in dealing with relations with other countries, especially non-democratic ones. The program of the Bundestag includes the formality of this activity, worthy of imitation in other democratic parliaments, although not free of political bias, as can be seen in the scope of the same to a Latin American country considered by *The Economist* as a «full democracy».⁷

⁷ <https://www.eiu.com/n/campaigns/democracy-index-2020/>



Conclusion

Parliamentary diplomacy on human rights faces as its main challenge the fact that voters mainly demand from their representatives to address domestic issues, much more so in flawed democracies, such as most of Latin America. In other words, why should a parliamentarian be concerned with the situation in various dictatorships around the world when there are human rights problems and an important public policy agenda for improvement in their own country?

One answer is the adoption of international democratic solidarity as part of foreign policy and, therefore, of parliamentary human rights diplomacy. Putting oneself in the shoes of those who cannot participate in the political life of their country and who are denied not only the possibility of joining a political party and competing for public office, but also the right to express their opinions, assemble, associate, demonstrate, be informed and move freely.

Now, in countries that lived through dictatorships and then received important signs of international democratic solidarity, including from foreign parliamentarians,⁸ Memory plays a fundamental role in the moral obligation to provide support to current victims of non-democratic regimes.

Concern about serious human rights situations in other countries can also contribute to strengthening fundamental freedoms in one's own country, i.e., valuing the democracy in which one lives and which allows for changing governments through free elections, resorting to justice, demonstrating peacefully, accessing public information and informing oneself through a variety of alternative media, for example.

However, parliamentary diplomacy on human rights has other limitations. One is the worrying case in some countries, such as Argentina, where pro-government parliamentarians subordinate themselves to the foreign policy of the government, being controlled in their international activity and thus seriously affecting their independence. This generally happens when parliamentarians did not obtain their positions after participating in an internal competition and therefore «owe



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⁸ See Lucio Garzón Maceda «La primera derrota de la dictadura en el campo internacional», in: Hugo Quiroga and César Tcach (Eds.) *Argentina 1976-2006 Entre la sombra de la dictadura y el futuro de la democracia*, Homo Sapiens Ediciones, 2006; Roberto Álvarez „A 40 años de la visita de la Comisión Interamericana de Derechos Humanos a la Argentina (CIDH)”, https://www.cadal.org/publicaciones/archivo/Documento_PD_79.pdf



obedience» to those who decided on their candidacy. The other limitation is what is known as «term of office», the fact that parliamentarians hold office for a certain period of time, so that whoever assumes a commitment of this type may do so for the duration of their mandate.

Consequently, a first step in implementing effective parliamentary diplomacy on human rights begins with the political parties, in which those who will later become members of Parliament are formed and become involved. In this sense, the international relations areas of political parties should include the defense and promotion of human rights in their work agenda, incorporating general criteria and not double standards. That is to say, not to fall into the contradiction of being critical of the dictatorships of Nicolás Maduro in Venezuela and Daniel Ortega in Nicaragua, and at the same time strengthen ties with the Chinese Communist Party.

Political parties must also cooperate with civil society and independent human rights leaders in order to broaden their view of their international insertion and not to limit themselves to their internal discipline, which is uncomfortable in the face of committed and innovative opinions.

All indices that globally measure the state of civil and political liberties show the decline of democracy in the world in recent years. For this reason, parliamentarians from democratic countries can do much not only for their own country, but also for other countries where international support is essential for those who defend human rights under very difficult political conditions to find reasons for hope.



CADAL is a private, non-profit, non-partisan foundation, whose mission is to promote human rights and international democratic solidarity.

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The **Regional Program Political Parties and Democracy in Latin America (KAS Political Parties)** has been contributing since 2012 to strengthening political parties and consolidating democracies in Latin America. Complementing the activities of the Foundation's national programs, KAS Political Parties works on three thematic pillars: the exchange between political parties, the training of new generations of politicians at the regional level and addressing the new challenges to liberal democracy. KAS Political Parties sees itself not only in the Latin American context, but also as a bridge between Latin America and Europe, always from the perspective of a strategic alliance of values.

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