



**PARIS PRINCIPLES
ON
NATIONAL
HUMAN RIGHTS
INSTITUTIONS**



Office of the United Nations High Commissioner for Human Rights
Cambodia Country Office



**UNIVERSAL
DECLARATION
OF HUMAN
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United Nations
Human Rights

OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
Cambodia Country Office - Phnom Penh - Cambodia

Principles Relating to the Status of National Human Rights Institutions

commonly referred to as
“The Paris Principles”

Note: The Principles relating to the Status of National Institutions are commonly referred to as the “Paris Principles” because they were originally drafted in Paris. They have no connection, and should not be confused with, the Peace Accords signed in Paris in 1991: the Final Act of the Paris Conference on Cambodia; the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Agreement concerning the Sovereignty, Independence, Territorial Integrity and Inviolability, Neutrality and National Unity of Cambodia; and the Declaration on the Rehabilitation and Reconstruction of Cambodia.

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Principles Relating to the Status of National Human Rights Institutions

Preface

The “Principles Relating to the Status of National Institutions” were adopted by the United Nations General Assembly on 20 December 1993. They provide basic criteria for determining what constitutes a national institution for the promotion and protection of human rights and whether such institutions are effective, independent and pluralistic.

The Principles are divided into four sections: the first explains the competence and responsibilities of national institutions; the second addresses the composition of national institutions and guarantees for their independence and pluralism; the third sets out the methods of operation for national institutions; and the final section provides additional principles concerning institutions that have quasi-jurisdictional competence.

National human rights institutions, when established in the right circumstances and in accordance with these Principles, can play a significant role in promoting and protecting the human rights and fundamental freedoms set forth in the Universal Declaration of Human Rights and the international human rights treaties.

National institutions come in many different forms. They range from large commissions composed of independent commissioners, to individual commissioners or ombudsmen. National institutions can have different competences: some receive extensive powers to investigate and remedy human rights violations in their countries; others have mandates limited to making recommendations to competent authorities or to furthering public understanding of human rights through education, research and the dissemination of information

Whatever their composition, competence or methods of work, such institutions are all classed as national human rights institutions.

National institutions are intended to complement state organs responsible for ensuring that human rights are protected and observed, first and foremost an independent judiciary. They can also provide an important “bridge” between Government and civil society.

National institutions can only be effective if they are independent of Government control and pluralistic in their membership, representing all parts of society. An institution which conforms to these Principles stands a much better chance of achieving its goals to protect and promote human rights at the national level.

OHCHR Cambodia, November 2006

Principles relating to the status of national institutions

(Resolution adopted by General Assembly
A/RES/48/134, 4 March 1994)

Competence and responsibilities

1. A national institution shall be vested with competence to protect and promote human rights.

2. A national institution shall be given as broad a mandate as possible, which shall be clearly set forth in a constitutional or legislative text, specifying its composition and its sphere of competence.

3. A national institution shall, *inter alia*, have the following responsibilities:

(a) To submit to the government, parliament and any other competent body, on an advisory basis either at the request of the authorities concerned or through the exercise of its power to hear a matter

without higher referral, opinions, recommendations, proposals and reports on any matters concerning the protection and promotion of human rights. The national institution may decide to publicize them. These opinions, recommendations, proposals and reports, as well as any prerogative of the national institution, shall relate to the following areas:

- (i) Any legislative or administrative provisions, as well as provisions relating to judicial organization, intended to preserve and extend the protection of human rights. In that connection, the national institution shall examine the legislation and administrative provisions in force, as well as bills and proposals, and shall make such recommendations as it deems appropriate in order to ensure that these provisions conform to the fundamental principles of human rights. It shall, if necessary, recommend the adoption of new legislation, the amendment of legislation in force and the

- adoption or amendment of administrative measures;
- (ii) Any situation of violation of human rights which it decides to take up;
 - (iii) The preparation of reports on the national situation with regard to human rights in general, and on more specific matters;
 - (iv) Drawing the attention of the government to situations in any part of the country where human rights are violated and making proposals to it for initiatives to put an end to such situations and, where necessary, expressing an opinion on the positions and reactions of the government;
- b)* To promote and ensure the harmonization of national legislation, regulations and practices with the international human rights instruments to which the State is a party, and their effective implementation;
- c)* To encourage ratification of the above-mentioned instruments or accession to

those instruments, and to ensure their implementation;

- d)* To contribute to the reports which States are required to submit to United Nations bodies and committees, and to regional institutions, pursuant to their treaty obligations, and, where necessary, to express an opinion on the subject, with due respect for their independence;
- e)* To cooperate with the United Nations and any other agency in the United Nations system, the regional institutions and the national institutions of other countries which are competent in the areas of the protection and promotion of human rights;
- f)* To assist in the formulation of programmes for the teaching of, and research into, human rights and to take part in their execution in schools, universities and professional circles;
- g)* To publicize human rights and efforts to combat all forms of discrimination, in

particular racial discrimination, by increasing public awareness, especially through information and education and by making use of all press organs.

Composition and guarantees of independence and pluralism

1. The composition of the national institution and the appointment of its members, whether by means of an election or otherwise, shall be established in accordance with a procedure which affords all necessary guarantees to ensure the pluralist representation of the social forces (of civilian society) involved in the protection and promotion of human rights, particularly by powers which will enable effective cooperation to be established with, or through the presence of, representatives of:

- Non-governmental organizations responsible for human rights and efforts to combat racial discrimination, trade unions, concerned social and professional organizations, for example, associations

of lawyers, doctors, journalists and eminent scientists;

- Trends in philosophical or religious thought;
- Universities and qualified experts;
- Parliament;
- Government departments (if they are included, these representatives should participate in the deliberations only in an advisory capacity).

2. The national institution shall have an infrastructure which is suited to the smooth conduct of its activities, in particular adequate funding. The purpose of this funding should be to enable it to have its own staff and premises, in order to be independent of the government and not be subject to financial control which might affect this independence.

3. In order to ensure a stable mandate for the members of the institution, without which there can be no real independence, their appointment shall be effected by an official act which shall establish the specific duration of the mandate. This mandate may be

renewable, provided that the pluralism of the institution's membership is ensured.

Methods of operation

Within the framework of its operation, the national institution shall:

1. Freely consider any questions falling within its competence, whether they are submitted by the government or taken up by it without referral to a higher authority, on the proposal of its members or of any petitioner,

2. Hear any person and obtain any information and any documents necessary for assessing situations falling within its competence;

3. Address public opinion directly or through any press organ, particularly in order to publicize its opinions and recommendations;

4. Meet on a regular basis and whenever necessary in the presence of all its members after they have been duly consulted;

5. Establish working groups from among its members as necessary, and set up local or regional sections to assist it in discharging its functions;

6. Maintain consultation with the other bodies, whether jurisdictional or otherwise, responsible for the protection and promotion of human rights (in particular, ombudsmen, mediators and similar institutions);

7. In view of the fundamental role played by the non-governmental organizations in expanding the work of the national institutions, develop relations with the non-governmental organizations devoted to protecting and promoting human rights, to economic and social development, to combating racism, to protecting particularly vulnerable groups (especially children, migrant workers, refugees, physically and mentally disabled persons) or to specialized areas.

Additional principles concerning the status of commissions with quasi-judicial competence

A national institution may be authorized to hear and consider complaints and petitions concerning individual situations. Cases may be brought before it by individuals, their representatives, third parties, non-governmental organizations, associations of trade unions or any other representative organizations. In such circumstances, and without prejudice to the principles stated above concerning the other powers of the commissions, the functions entrusted to them may be based on the following principles:

1. Seeking an amicable settlement through conciliation or, within the limits prescribed by the law, through binding decisions or, where necessary, on the basis of confidentiality;

2. Informing the party who filed the petition of his rights, in particular the remedies available to him, and promoting his access to them;
3. Hearing any complaints or petitions or transmitting them to any other competent authority within the limits prescribed by the law;
4. Making recommendations to the competent authorities, especially by proposing amendments or reforms of the laws, regulations or administrative practices, especially if they have created the difficulties encountered by the persons filing the petitions in order to assert their rights.

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