

Paris Principles on national institutions

Principles relating to the Status of National Human Rights Institutions, commonly referred to as “the Paris Principles”

The Paris Principles set out the 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.

What are national human rights institutions?

National institutions come in many forms. They may be concerned with one particular area of human rights (such as the national preventative mechanism under the Optional Protocol of the Convention against Torture) or they may deal with all human rights issues nationally. They range from large commissions composed of independent commissioners, to individual commissioners or ombudsmen. National institutions can have different competencies – some have extensive powers to investigate and remedy human rights violations, whilst others are limited to making recommendations to competent authorities, or to furthering public understanding of human rights.

National institutions can only be effective if they are independent of government control and pluralistic in their membership, representing all parts of society.

What are the responsibilities of a national human rights institution?

A national institution must have the competence to **protect and promote human rights**.

Its mandate must be set out in a **constitutional or legislative text** (an amendment to the Constitution or a law – a sub-decree will not be sufficient).

The national institution may **submit opinions, recommendations, proposals or reports** concerning the protection and promotion of human rights to the government, parliament or other competent body. This means considering laws and regulations, as well as looking at specific cases of human rights violations, and if necessary, expressing an opinion on the position or reaction of the government.

It may also promote and ensure the **harmonization of national legislation**, regulations and practices with international human rights obligations under treaties to which Cambodia is a party; **co-operate with the United Nations** and with regional and other national human rights institutions, and **contribute to the reports** of those bodies; **publicize human rights** and increase public awareness.

Who should be members of the institution?

The composition of the institution and the appointment of its members shall be according to a procedure which ensures the **pluralist representation** of the social forces of civilian society involved in the promotion and protection of human rights.

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In particular, this must enable effective co-operation with human rights NGOs; concerned social and professional organizations, qualified experts; parliament; (and if necessary, government departments – but they may only be involved in deliberations in an advisory capacity)

The national institution should have a structure appropriate to its activities and must have **adequate funding** to enable it to have its own staff and premises. It must be **independent of the government** and not subject to financial control that might affect its independence.

Members must be appointed by an official act which specifies the duration of the mandate.

What is the proper relationship between a national institution and the government?

A national institution is neither a government institution nor a non-governmental organization; it is something in between. It is often said that a national human rights institution should act as a *bridge* between the government and civil society. The institution should therefore develop a constructive working relationship with both the government and civil society while maintaining its independence from both.

How should a national institution operate?

The national institution should be able to:

- Freely (independently) consider any questions falling within its competence which are referred to it by the government or proposed by its members or any petitioner (i.e. anyone may ask the national institution to consider an issue)
- Hear from any person and obtain any information and documents necessary for assessing situations falling within its competence;
- Publicize its opinions and recommendations;
- Meet regularly and whenever necessary, in the presence of all its members;
- Establish working groups or local sections;
- Consult with other bodies responsible for the protection and promotion of human rights;
- Develop relations with human rights NGOs and other relevant organizations.

Can a national institution have the authority to enforce laws or pronounce legal judgments?

A national institution may be granted a quasi-judicial authority, although many states prefer not to grant such powers to their national institution, leaving these powers with the courts.

Additional principles apply to the status of commissions with quasi-judicial competence.

Why are the principles called the “Paris Principles”? Are they the same as the Paris Peace Accords?

The “Paris Principles” are so called because they were drafted in Paris. They relate only to national human rights institutions and apply to every country in the whole world. They have no connection with, and should not be confused with, the Peace Accords, signed in Paris in 1991, which brought to an end the Cambodia conflict.