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FOR HUMAN RIGHTS IN CAMBODIA



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AUX DROITS DE L'HOMME AU CAMBODGE

**អង្គការសហប្រជាជាតិ**  
**ការិយាល័យនៃទីស្តីការគណៈរដ្ឋមន្ត្រីសហប្រជាជាតិ**



**CONFERENCE ON THE ESTABLISHMENT OF  
A NATIONAL HUMAN RIGHTS INSTITUTION IN CAMBODIA**

**“Key elements and application of the Paris Principles”**

**Statement by**

**The Office of United Nations High Commissioner for Human Rights**

**Siem Reap, Cambodia  
26 September 2006**

The Office of the United Nations High Commissioner for Human Rights welcomes the opportunity given during this “Conference on the establishment of a national human rights institution in Cambodia” to explain the Paris Principles and to emphasize the importance of complying with recognized international standards when engaging in the establishment of an independent and credible national human rights institution.

National human rights institutions are in their work guided by the “Principles relating to the status of national institutions”, commonly known as the Paris Principles. These were adopted by the United Nations General Assembly in 1993. They have since been widely accepted, and should be adhered to. According to these Principles, a national human rights institution should be able to promote and protect all economic, social, civil, cultural and political rights. The six key criteria of the Paris Principles are:

- Independence guaranteed by statute or constitution;
- Autonomy from government;
- Pluralism, including in membership;
- A broad mandate based on universal human rights standards;
- Adequate resources; and
- Adequate powers of investigation

A national institution shall thus have a broad and clearly defined mandate, based on international human rights instruments, and cover all the territory and groups of society. Its mandate shall be clearly set forth in a constitutional or legislative text, specifying its composition and its sphere of competence. Its legislation shall be drafted in open and transparent consultations, including with civil society.

The types of national human rights institutions vary from National Human Rights Commissions and Ombudsmen to specialised institutions which function to protect the rights of particular groups such as women, indigenous people, minorities and children.

A national institution shall be accessible to all persons, particularly vulnerable groups including persons with disabilities and those who do not speak the official languages. A neutral operating space where individuals feel welcome is crucial with access throughout the territory, including to persons in places of detention.

Upon request from its members, the Government or any petitioner, without any referral to higher authority, the national institution shall submit on advisory basis to the Government or Parliament opinions, recommendations or reports relating to legislative or administrative provisions as well as to any specific human rights situation. These proposals may be publicized through public opinion or the media.

A national institution is further expected to ensure the promotion, harmonization and effective implementation of national legislation and practices in line with international human rights instruments. The national institution shall encourage the ratification and implementation of international human rights treaties as well as contribute to the preparation of states party reports.

A national institution shall cooperate closely on a regular basis with non-governmental organizations and civil society including through advisory committees. It shall establish effective working relations with the Government, Parliament and the Judiciary and engage with the international mechanisms such as the treaty bodies and special procedures mandate holders of the United Nations as well as regional and international networks of national human rights institutions.

A national institution is expected to promote human rights education and culture, to ensure training of public officials including security forces, to establish a research, documentation and training capacity with the government, the parliament, the judiciary, civil society and the media, as well as to pay particular attention to vulnerable groups, and in general combat all forms of discrimination and racism.

A national institution shall by mandate promote and protect all human rights as enshrined in the Constitution and in international human rights treaties, which includes the authority to receive and investigate individual and systemic complaints, to initiate public hearings and enquiries, to undertake inspections of all places of detention without prior consent, to provide advisory services, including to law enforcement and security institutions, to provide interim relief as required and to have the ultimate authority, should its recommendations for resolving violations of human rights not be acted on, to carry cases forward to the courts for effective resolution.

The composition of a national human rights institution and the appointment of its members, by means of election or otherwise, shall guarantee the pluralist representation of the social forces of civil society, such as representatives of non-governmental organizations, trade unions, concerned social, youth and professional organizations (including lawyers, doctors, journalists and scientists), trends in philosophical or religious thought, universities and experts, as well as Parliament. Representatives of Government departments should only participate in the deliberations in an advisory capacity.

In order to ensure its operational, financial and functional independence from the Government the national institution shall dispose of adequate funding enabling it to have its own staff and premises. The institution shall manage its own funds through state allocation from Parliament with no intermediary, determine its own priorities based on its legislative mandate, be accountable to Parliament through annual reports and audits, draft its own rules and regulations, and recruit its own staff loyal to the institution only.

The selection process of its Chairperson (a recognized eminent person) and its members should be transparent and participatory with clearly defined terms. The selection criteria includes demonstrated human rights experience, no prior criminal conviction, recognized national credibility, integrity and impartiality, no association with any political parties during their term of office, gender balance and geographical distribution. The staff of the institution shall be pluralist in composition reflecting the full diversity of society.

In order to ensure a stable mandate for the members of the institution, their appointment shall be effected by an official act which shall establish the specific duration of the mandate which may be renewable, provided that the pluralism of the institution's membership is ensured. Dismissal of members and staff in general should be undertaken on an extraordinary basis and with clearly defined objective criteria. While the recruitment and standards of employment of the staff should be determined by the institution, the terms and conditions are to be clearly stipulated within the legislation.

A national institution should be of reasonable size with full-time members (to be reflected in its legislation) so as to function in the most efficient way. The institution shall meet on a regular basis and whenever necessary in the presence of all its members.

The establishment of a national human rights institution requires political will, patience, tenacity, conviction and clear dedication to the Paris Principles. If done properly, and if established in a conducive environment, it will give birth to a credible institution, one that can be seen as an effective complement to state organs, giving independent expert advice, including on States' international commitments, and providing access to justice for the most vulnerable.

Beyond the minimum standards of the Paris Principles, an effective national human rights institution requires a supportive environment in which to work. There must be political will within the Government, an effective and independent judiciary and other democratic institutions, an engaged civil society and a sensitized bureaucracy, military and police forces. The members of the institution and its staff must be committed to human rights values as well as experienced and appropriately qualified in working for human rights. Strong leadership and good management of the institution are critical. Lastly, an effective national human rights institution requires general understanding and acceptance of its unique mandate in relation to the Government, the legislature, the judiciary and civil society organizations, all of which are part of a national system of protecting and promoting human rights.

The Office of the United Nations High Commissioner for Human Rights has an extensive experience in accompanying the establishment of independent national human rights institutions throughout the world, including through the provision of legal advice, and stand ready to work with Cambodia towards reaching this objective.