

## The Paris Principles

The set of international standards that define the role, composition, status and functions of National Human Rights Institutions is known as the Paris Principles. The Paris Principles were adopted without vote by the United Nations General Assembly on 20 December 1993.

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### Summary information

National Human Rights Institutions (NHRIs) are autonomous public bodies established at the national level by the State to promote and protect human rights. The Paris Principles were adopted by the United Nations General Assembly on 20 December 1993. They define the role, composition, status and functions of National Human Rights Institutions.

According to the Office of the High Commissioner for Human Rights (OHCHR, in "[National Human Rights Institutions – History, Principles, Roles and Responsibilities](#)"), the Paris Principles "are broadly accepted as the test of an institution's legitimacy and credibility, and have become part of the human rights lexicon."

### History

The United Nations Economic and Social Council (ECOSOC) first addressed the issue of national human rights institutions in 1946 and invited member states to consider "the desirability of establishing information groups or local human rights committees within their respective countries to collaborate with them in furthering the work of the Commission on Human Rights."

In 1960, ECOSOC, in a resolution which recognized the unique role national institutions could play in the protection and promotion of human rights, "invited Governments to encourage the formation and continuation of such bodies as well as to communicate their ideas and information on the subject to the Secretary-General" (ECOSOC resolution 772 B (XXX), reported in [OHCHR Fact Sheet No.19, National Institutions for the Promotion and Protection of Human Rights](#)).

In 1978, the Commission on Human Rights organized a seminar which resulted in draft guidelines for the structure and functioning of national human rights institutions. The

Commission on Human Rights and then the General Assembly endorsed the guidelines. The General Assembly invited States to take appropriate steps to establish these institutions where they did not already exist, and requested the Secretary-General to submit a detailed report on NHRIs.

In 1991, the first International Workshop on National Institutions for the Promotion and Protection of Human Rights took place in Paris. According to the OHCHR's Professional Training Series No. 4 (Rev.1) "A comprehensive series of recommendations on the role, composition, status and functions of national human rights institutions, known today as the Paris Principles, were a key outcome of the workshop. These recommendations were endorsed by the Commission on Human Rights in March 1992."

The Paris Principles were adopted without vote in a [resolution](#) of the United Nations General Assembly on 20 December 1993.

## **Provisions**

### **Mandate and Responsibilities**

National human rights institutions are required to both protect and promote human rights. They are to be given as broad a mandate as possible, clearly set forth in constitutional or legislative texts that specify the institution's composition and sphere of competence.

National human rights institutions that draw their mandate directly from international treaties and deal with all human rights are the most consistent with the indivisible, interdependent and universal nature of human rights and are considered the "best model." Nonetheless, some institutions' mandates are limited to civil and political rights, thus excluding economic, social and cultural rights. These limitations do not prevent a national human rights institution from complying with the Paris Principles.

The OHCHR notes (Fact Sheet No. 19) that a national human rights institution has responsibility to submit opinions, recommendations, proposals or reports on any matter concerning the protection and promotion of human rights "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." These opinions, recommendations, proposals or reports can relate to:

- any legislative or administrative provisions or provisions relating to judicial organization, intended to preserve and extend the protection of human rights;
- any situation of violation of human rights;
- situations in any part of the country where human rights are violated and making proposals for initiatives to put an end to such situations;
- encouraging the ratification and implementation of international human rights instruments;

- ensuring that national legislation, regulations and practices are harmonized with the international human rights instruments to which the State is a party;
- contributing to the reports that 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;
- assisting in the formulation of programmes for the teaching of and research into human rights; and
- publicizing 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 the press.

Some national human rights institutions do not have authority to inquire into matters concerning the armed forces, the security services and/or Government decisions on international relations. In addition, NHRIs can only address matters that arose after their establishment.

### **Composition**

The process to appoint the members who compose the national human rights institutions must ensure the participation of civil society “social forces” involved in the promotion and protection of human rights by including representatives from:

- 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; and
- universities and qualified experts.

Other participants include representatives from parliament and from government departments (with advisory capacity only).

The principle of pluralism includes the meaningful participation of women in the national human rights institutions.

It is recommended that members of an NHRI have guaranteed, fixed-term appointments of sufficient length to ensure that the institution can function effectively and “members should enjoy immunity from civil and criminal proceedings for acts performed in an official capacity.”

National human rights institutions must have an infrastructure “suited to the smooth conduct of its activities, in particular adequate funding” so that it can 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.”

## Operations

In terms of methods of operation, the Paris Principles provide that national human rights institutions shall:

- 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;
- hear any person and obtain any information and any documents necessary for assessing situations falling within its competence;
- address public opinion directly or through any press organ, particularly in order to publicize its opinions and recommendations;
- meet on a regular basis and whenever necessary in the presence of all its members after they have been duly consulted;
- establish working groups from among its members as necessary, and set up local or regional sections to assist it in discharging its functions;
- 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);
- in view of the fundamental role played by 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.

In addition, a national human rights 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, nongovernmental organizations, associations of trade unions or any other representative organizations.” In these circumstances the national human rights institution is considered to have quasi-judicial competence and, as such, functions entrusted to the NHRI may be based on the following:

- “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;
- informing the party who filed the petition of his rights, in particular the remedies available to him, and promoting his access to them;
- hearing any complaints or petitions or transmitting them to any other competent authority within the limits prescribed by the law;
- 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.”

There are two main types of institutions with complaint-handling functions. The first are NHRIs that can themselves impose a binding decision on the parties following an investigation. The second—more common than the first—can make a finding and refer the matter to a specialized board or tribunal that is independent of the institution or to the courts in order to obtain a binding decision. National human rights institutions may act on behalf of the complainant during the process or on behalf of the public interest, depending on their legal mandate. In some instances, complainants are required to obtain their own representation.

### **Canada’s Commitments and Responsibilities**

Canada’s national human rights institution is the Canadian Human Rights Commission.

The Canadian Human Rights Commission was established in 1977 by the [Canadian Human Rights Act](#). The Commission has responsibility to administer the Act and is responsible for receiving and resolving complaints under that act. It “deals with discrimination complaints against the federal government, First Nations governments, and private companies that are regulated by the federal government such as banks, trucking companies, and telecommunications companies.” The Commission also “provides an independent dispute resolution process designed to resolve discrimination complaints at the earliest opportunity.” In addition, the Commission ensures compliance with the Employment Equity Act.

As reported at the [Commission’s website](#), “The Commission protects the core principle of equal opportunity and promotes a vision of an inclusive society free from discrimination by:

- [ promoting human rights through research and policy development;
- [ protecting human rights through a fair and effective complaints process;
- [ representing the public interest to advance human rights for all Canadians; and
- [ auditing employers under federal jurisdiction for compliance with employment equity.”

In addition to the Canadian Human Rights Commission [every province and territory in Canada has a human rights commission, except for British Columbia which has only a Human Rights Tribunal and Nunavut which has a Fair Practices Officer](#). It should be noted that in Ontario, complaints go directly to the Human Rights Tribunal of Ontario and in Saskatchewan complaints go to the Courts. The Canadian Human Rights Commission maintains a close liaison with these organizations to foster common policies and practices and to avoid conflicts respecting the handling of complaints in cases of overlapping jurisdiction.

## International Monitoring and Implementation

The national human rights institutions around the world established the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights in 1993 to coordinate the activities of NHRIs internationally and to accredit members as complying fully with the Paris Principles.

The International Coordinating Committee has a Sub-committee on Accreditation with a [“mandate”](#) to review and analyse accreditation applications forwarded by the International Coordinating Committee’s Chair and to make recommendations to the Committee on the compliance of applicants with the Paris Principles.”

There are currently three levels of accreditation:

- “A” Voting member: complies fully with the Paris Principles;
- “B” Observer member: does not fully comply with the Paris Principles or has not yet submitted sufficient documentation to make that determination; and
- “C” Non-member: does not comply with the Paris Principles.

“A” status institutions can “participate fully in the international and regional work and meetings of national institutions as voting members, and they can hold office in the Bureau of the International Coordinating Committee or any sub-committee the Bureau establishes. They are also able to participate in sessions of the Human Rights Council and take the floor under any agenda item, submit documentation and take up separate seating.”

“B” status institutions “may participate as observers in the international and regional work and meetings of national institutions. They cannot vote or hold office within the Bureau or its sub-committees. They are not given NHRIs badges, nor may they take the floor under agenda items and submit documentation to the Human Rights Council.”

“C” status institutions “have no rights or privileges with the International Coordinating Committee or in United Nations rights forums. They may, at the invitation of the Chair of the Bureau, attend meetings of the International Coordinating Committee.” It should be noted that the International Coordinating Committee plans to eliminate “C” status since such an institution is not by definition a national human rights institution.

All “A” status National Human Rights Institutions are subject to reaccreditation every five years to ensure that they maintain and improve their compliance with the Paris Principles. Institutions must provide documents to support their reaccreditation applications. Unless there are compelling and exceptional circumstances, a National Human Rights Institution that fails to provide these will lose its status and be required to re-apply anew.

[According to the OHCHR](#), As of March 2015 73 67 National Human Rights Institutions were accredited as being in compliance with the Paris Principles.

The Canadian Human Rights Commission is in full compliance with the Paris Principles and maintains an “A” status. This status was [last confirmed in May 2011](#).

## **References**

[National Human Rights Institutions – History, Principles, Roles and Responsibilities – OHCHR Professional Training Series No. 4 \(Rev.1\)](#)

[OHCHR Fact Sheet No.19, National Institutions for the Promotion and Protection of Human Rights](#)

[United Nations General Assembly resolution 48/134 on National Institutions for the promotion and protection of human rights](#)

[Canadian Human Rights Act](#)

[Canadian Human Rights Commission](#)

[Infact Canada – Human Rights Commissions in Canada](#)

[International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights – Chart of the Status of National Institutions](#)