A COMMENTARY ON THE PARIS PRINCIPLES ON NATIONAL HUMAN RIGHTS INSTITUTIONS

The Principles relating to the Status of National Institutions (The Paris Principles) were adopted by National Human Rights Institutions (NHRIs) and endorsed by the UN General Assembly and Human Rights Commission. Since their adoption, they have become the standards applicable to these institutions with a mandate to promote and protect human rights. This book offers a complete study of the Paris Principles, which includes an appraisal of their establishment, evolution and potential for the future; a comprehensive commentary on each provision; and a practical guide to their interpretation including the implications they have for the implementation of the competencies of NHRIs. This is the first book to thoroughly analyse the Paris Principles and will be essential reading for a global audience of both practitioners working for NHRIs and the UN as well as human rights scholars.

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Foreword

The Paris Principles have proved to be highly influential – and also beyond their original scope. Even though national human rights bodies were foreseen to complement the system of human rights treaties as early as in the mid-1940s, the idea did not truly take off until decades later. The 1965 UN convention on racial discrimination had, in a rudimentary way, managed to include a reference to such bodies (in Article 14(2)). Suggestions to consider such bodies were also made when drafting the two 1966 UN covenants but were ultimately rejected.

The role of NHRIs finally became more clear with the 1993 Vienna world conference on human rights. At this conference, States signed on to the idea of establishing or appointing national human rights institutions (NHRIs) based on the adoption of the Paris Principles in 1991 (subsequently approved by the United Nations General Assembly in 1993). This happened in the light of the new international human rights agenda emerging after the end of the Cold War and aimed to strengthen the implementation of human rights norms and standards as they had been developed in past decades. Human rights were to be transferred from the international conventions into the everyday lives of people and regarded as integral parts of any democratic governance system. For this to be realised, strong national institutions were and are needed.

In order to ensure a consistently high level of independence and to avoid politicisation, a self-regulatory scheme for accreditation (A-, B- and C-status, with A indicating full compliance with the Paris Principles) through the International Coordination Committee of National Human Rights Institutions was established in 1993. The close linkage between accreditation status and the possibilities of NHRIs to interact with the United Nations monitoring system, most recently underlined and reinforced by the UNGA Resolution A/RES/68/171 on 16 December 2013, further added to the attractiveness of the Paris Principles. The importance of this short and practical document has equally been recognised in international instruments including OP-CAT (Article 18(4)) and CRPD.
(Article 33(2)) as well as in the work of the Council of Europe in its 2012 Brighton Declaration on the reform of the European Court of Human Rights. This links the international, regional and national human rights instruments together in a dynamic way which strengthens the overall human rights architecture.

From my current position with the European Union Agency for Fundamental Rights (FRA), I cannot but highlight this perspective. In the EU, a clear example of the normative role of the Paris Principles can be found in the FRA’s Founding Regulation. To ensure the FRA is independent from both EU institutions and EU Member States, the Regulation explicitly refers to the Paris Principles in relation to the composition of the FRA’s Management Board. In this way, the Founding Regulation has taken the links created by OP-CAT and CRPD between international instruments and institutions at a national (and regional) level a step further. The Paris Principles should also constitute an obvious starting point in the EU debate on the need to strengthen independence criteria for national-level bodies required under EU law, equality bodies and data protection authorities.

National bodies with a human rights remit are needed for the obvious reason that fundamental rights can most effectively be addressed locally. Therefore, it is very positive that the number of NHRIs has risen from 5 in the early 1990s to more than 100 at the beginning of 2014. However, to effectively address human rights locally, such bodies need to be fully effective and independent, and equipped with sufficient resources and the requisite competence to promote and protect the full spectrum of rights, that is, when NHRIs are Paris Principles-compliant. It should be recalled that while principles create the framework, the people entrusted to fill the frame make the difference. With this book, all of the key actors have a strong tool for helping to ensure the protection of human rights for all.

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Chairperson of the International Coordination Committee of NHRIs from 2004 to 2007
Director of the Danish NHRI from to 1991 to 2008,
an A-status institution
ABBREVIATIONS

APF  Asia-Pacific Forum
AU  African Union
CEDAW  Convention on the Elimination of All Forms of Discrimination Against Women
CRC  Committee on the Rights of the Child
CRPD  Convention on the Rights of Persons with Disabilities
CSO  Civil society organisation
DPO  Disabled people’s organisation
ECOSOC  Economic and Social Council
ECOWAS  Economic Community of West African States
EHRC  Equality and Human Rights Commission (UK)
EU  European Union
FRA  Fundamental Rights Agency of the EU
GO  General Observation
HRC  Human Rights Council
ICC  International Coordinating Committee of National Human Rights Institutions
ICCPR  International Covenant on Civil and Political Rights
ICESCR  International Covenant on Economic, Social and Cultural Rights
ICHRP  International Council on Human Rights Policy
NGO  Non-governmental organisation
NHRI  National Human Rights Institution
NPM  National Preventive Mechanism
NIHRC  Northern Ireland Human Rights Commission
NIRMS  National Institutions and Regional Mechanisms Section
OAS  Organization of American States
OHCHR  Office of the High Commissioner for Human Rights
OPCAT  Optional Protocol to the UN Convention Against Torture
SAHRC  South African Human Rights Commission
SCA  Sub-Committee on Accreditation of the ICC
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<th>Abbreviation</th>
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<tr>
<td>SHRC</td>
<td>Scottish Human Rights Commission</td>
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<tr>
<td>SPT</td>
<td>Subcommittee on Prevention of Torture</td>
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<td>UN</td>
<td>United Nations</td>
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<td>UPR</td>
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