

## **Celebrating National Human Rights Institutions on the 30th Anniversary of the Paris Principles**

This year, the world celebrates 75 years of [the Universal Declaration of Human Rights](#) (UDHR). Human Rights Day on the 10<sup>th</sup> of December marks the United Nations's adoption of the UDHR, a milestone moment for human rights. The UDHR was a post-war, international consensus on fundamental and universal human rights standards for all people and all nations. Over the last 75 years, a collaborative international legal system of treaties, courts, experts and forums have been built on its foundations.

2023 is also the 30<sup>th</sup> anniversary of the Paris Principles being endorsed by the United Nations (UN). The Principles set out the standards for independent, effective and robust National Human Rights Institutions (NHRIs). As Scotland's NHRI, the Scottish Human Rights Commission works to make these systems effective and meaningful in Scotland.

### **About the Scottish Human Rights Commission**

The Scottish Human Rights Commission – known as 'the Commission' or the SHRC – was established by an Act of the Scottish Parliament in 2006 to promote and protect human rights in Scotland.

The Act gives us the general duty to promote awareness, understanding and respect for human rights and, in particular, to promote best practice in relation to human rights.

We have a number of powers to advance the understanding of human rights. These include to publish advice, guidance and ideas; conduct research and provide education and training; review and recommend changes to any area of Scots law, policy or practice; conduct inquiries

complying with certain requirements; intervene in civil court proceedings and enter places of detention, subject to certain requirements.

We are an A-status NHRI. This means that we have been reviewed for our compliance with the international standards in the Paris Principles. A-status confirms to the UN that we offer a trustworthy and independent view into what is happening in Scotland, and gives us formal roles in official human rights processes such as treaty monitoring or meetings of the Human Rights Council. In this way we can act as Scotland's independent human rights voice domestically, regionally and internationally.

## **The role of National Human Rights Institutions**

NHRIs are the 'bridge' between international and domestic human rights systems. This means we ensure that international and regional bodies have the necessary facts to understand how human rights are being respected, protected and fulfilled in Scotland and that duty bearers in Scotland are acting compatibly with their obligations in Scots and international law.

NHRIs are unique bodies. They are independent from government, parliaments and the courts, but also public bodies with powers to hold others to account. Independence is essential to an NHRI's functioning – both our functional independence, for example, the ability to make choices about how the Commission allocates time and resources independently of government; and our personal independence, for example, our office holders and staff are politically neutral, impartial, independent and accountable.

A strong NHRI is essential to accountability for human rights. We help the government, parliament and all other public bodies to understand and meet their human rights obligations and we work with civil society and the public sector.

The Global Alliance of National Human Rights Institutions is the umbrella organisation of all NHRIs. It notes that:

*“An NHRI’s mandate should be interpreted in a broad, liberal and purposive manner to promote a progressive definition of human rights which includes all rights set out in international, regional and domestic instruments, including economic, social and cultural rights.”*

## **The Paris Principles**

Principles Relating to the Status of National Human Rights Institutions (the Paris Principles) set out the minimum standards that NHRIs must meet in order to be considered credible and to operate effectively.

These standards require NHRIs to have:

- **Broad mandates:** able to promote and protect all human rights
- **Broad function:** the ability to deliver on their mandate by providing advice, reporting and monitoring, handling complaints and human rights education, amongst other “responsibilities”
- **Independence from government:** set out in legislation or the Constitution
- **Pluralism:** so, the NHRI reflects the “social forces involved in the promotion and protection of human rights” in the relevant country
- **Adequate powers:** for example, the ability to initiate inquiries and investigations, gather the evidence and documents they need, consult with NGOs and State institutions and publicise their reports, findings and recommendations
- **Adequate resources:** so that NHRIs have the funding, staffing, infrastructure and institutional capacity to perform their functions and discharge their responsibilities
- **Cooperative work:** collaborating with other State institutions, NGOs and civil society groups
- **International engagement:** contribute our knowledge and expertise to international and regional human rights bodies and mechanisms.

In March, the UN Secretary-General António Guterres commended the Paris Principles as:

“Instrumental in setting standards for Member States to establish National Human Rights Institutions. These institutions are key allies and powerful partners for change. They hold governments accountable and help to achieve a culture of human rights in their countries, often in the face of complex challenges.”<sup>1</sup>

The UN endorsed the Paris Principles in 1993 and continues to strongly encourage all States to establish or strengthen an NHRI in compliance with them. A number of resolutions of the General Assembly, Human Rights Council, treaty bodies and special procedures (a list of mechanisms established by the UN Human Rights Council to report and advise on human rights from a thematic and country-specific perspective) advocate for stronger NHRIs. Having a Paris Principles-compliant NHRI is an indicator of compliance with the UN’s Sustainable Development Goals.

## **Strengthening human rights in Scotland**

As the Scottish Government looks to make new law to strengthen the protection of human rights in Scotland, the Commission is actively considering how we can ensure that it has the powers and resources to ensure that everybody’s human rights are protected.

The SHRC has a broad mandate, and modest resource to deliver our work. The level of funding for our mandate has been an ongoing area of concern during our accreditation processes.<sup>2</sup>

We support the understanding of and implementation of seven international human rights treaties, the European Convention on Human Rights in Scotland, relevant judgements of the European Court of Human Rights and host of regional human rights standards. We research, report and monitor how human rights are being realised in communities. And when things go wrong, we have some powers to hold bodies accountable. These powers are subject to strict conditions, unlike other NHRIs in the rest of the UK.

In June 2023, we published [At a Crossroads - which way now for the human rights system in Scotland?](#) In this discussion paper, we note and share widely held concerns about access to justice in Scotland, especially for further marginalised members of society. While it is clearly for the Scottish Parliament to decide how to address the accountability gap for human rights, human rights without opportunities for redress are not adequately protected.

A strengthened SHRC, properly enabled to fulfil its full mandate as the effective guarantor of all human rights in Scotland, could support a more robust human rights culture.

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<sup>1</sup> [Paris Principles 'Crucial Tool' to Protecting Human Rights at National Level, Secretary-General Tells Global Alliance | UN Press](#)

<sup>2</sup> [ganhri.org/wp-content/uploads/2021/08/EN-SCA-Report-June-2021.pdf](http://ganhri.org/wp-content/uploads/2021/08/EN-SCA-Report-June-2021.pdf)