Introduction

The protection of human rights should take place in one’s country, where one lives and comes face to face with authority or power. The concept of the national protection system is therefore one of the most strategic for the universal realisation of human rights. It is thus understandable that the Summit of world leaders, meeting on the occasion of the 60th anniversary of the United Nations (UN) in 2005, highlighted the right to be protected and that Secretary-General Kofi Annan, in his last report on conflict prevention, emphasised the responsibility to prevent gross violations of human rights.¹

Even before the adoption of the Universal Declaration of Human Rights, the Economic and Social Council, in 1946, had recognised that national implementation arrangements and human rights information and education would be essential to take forward the task of implementing the provisions of the Declaration universally. The Council invited Member States to consider the desirability of establishing information groups or local human rights committees to collaborate with them in furthering the work of the Commission on Human Rights. The Commission on Human Rights early on highlighted these two aspects and decided to give them particular attention.

The attention given to both subjects, however, would be spotty in subsequent years. The Commission did call for reports from the Secretariat on the topic and also mandated the organisation of world-wide seminars on the role of national institutions in the promotion and protection of human rights. One such seminar, held on the occasion of the 30th anniversary of the Universal Declaration, in 1948, adopted farsighted recommendations on the topic. Subsequently, the General Assembly adopted the Paris Principles on National Institutions and a solid pattern of cooperation was worked out

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between the Commission and representatives of national human rights commissions.\textsuperscript{2} The Vienna World Conference on Human Rights noted the constructive contribution of national human rights institutions.

In this essay we shall look briefly at the history and elements of the concept of a national protection system before proceeding to examine its constitutional, legislative, judicial, institutional, educational and monitoring aspects. Finally, we shall look at ideas for bringing the concept more to the fore in the future of international cooperation for the universal realisation of human rights.

**History and ingredients of the concept of a national protection system**

In 1946, the Economic and Social Council invited Member States to consider establishing local human rights committees to collaborate with them in supporting the Commission on Human Rights. A UN Seminar on National Institutions for the Promotion and Protection of Human Rights held in 1978 put forward a set of helpful guidelines for the functioning of national human rights institutions. Those guidelines were further built upon in the Principles Relating to the Status of National Institutions (The Paris Principles), which were endorsed by the General Assembly in its resolution 48/134 of 20 December 1993.

The Paris Principles called for national institutions to have responsibilities such as: submitting recommendations, proposals and reports on matters relating to human rights to the government, parliament or other competent bodies; promoting conformity of national laws and practices with international human rights standards; encouraging ratification and implementation of international standards; contributing to the reporting procedure under international instruments; assisting in formulating and executing human rights teaching and research programmes and increasing public awareness of human rights through information and education; and cooperating with the United Nations, regional institutions and national institutions of other countries.

In 2003, this author in his capacity as the then High Commissioner for Human Rights wrote to all governments inviting them to provide concise summaries of their national protection systems under the following headings:

1. In what ways are the provisions of the principal human rights instruments and treaties reflected in the constitution of the country?
2. Is there an oversight process on the reflection of international human rights norms in national legislation?
3. What is the experience of the judiciary in drawing upon the provisions of international human rights norms when considering cases before them?
4. Are there any specific arrangements to promote human rights education in the country?
5. What specialised national human rights institutions are in existence and which of their good practices can be highlighted?
6. Are there arrangements to detect and anticipate threats to human rights of groups at risk?