HIGH COMMISSIONER
FOR HUMAN RIGHTS
IN THE RUSSIAN FEDERATION

INTERNATIONAL
OMBUDSMAN FORUM

EN

THE MOSCOW PRINCIPLES

concerning the status, activities and international cooperation of national human rights institutions around the world

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THE MOSCOW PRINCIPLES

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THE MOSCOW PRINCIPLES

Preamble:

affirming their commitment to the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, as well as the universally recognized principles and norms of international law;

proceeding from the recognition of the dignity of every person, the equality of all people, and the inalienability of fundamental rights and freedoms as the common heritage of humanity;

recognizing that the promotion and protection of human rights and freedoms fall primarily within the domain of law and should be aimed at ensuring the effective protection of the individual, restoring violated rights and preventing violations;

taking into account that the modern world is characterized by the emergence of a multipolar world order, a diversity of historical, cultural, religious and civilizational traditions, as well as differences among national models of social and state development;

emphasizing that the universal nature of fundamental human rights and freedoms is compatible with respect for the historical and cultural identity of peoples and the diversity of legitimate ways of ensuring and protecting them;

recognizing the importance of traditional spiritual and moral values, including the values of human life and dignity, family, justice, compassion, responsibility, mutual respect, social solidarity, historical memory and continuity between generations;

noting that the politicization of human rights issues, the use of selective approaches and double standards may undermine confidence in national and international human rights protection mechanisms and weaken the unifying nature of human rights activities;

emphasizing that human rights and freedoms must not be used as a means of political pressure, discriminatory isolation, interference in internal affairs or geopolitical confrontation;

proceeding from the need to strengthen the legal, objective and impartial nature of human rights activities, ensure the political neutrality of national human rights institutions and apply legal criteria equally;

recognizing that international human rights cooperation should be based on equality, mutual respect, the sovereign equality of States, openness to dialogue, a willingness to seek mutually acceptable solutions and respect for civilizational diversity;

considering that national human rights institutions are capable of playing a special role in shaping such a system of cooperation,

the following Moscow Principles are hereby proclaimed.

SECTION I

Fundamental Principles

PRINCIPLE 1.

Human Dignity

Human dignity is the fundamental basis for the activities of national human rights institutions.

Every person possesses equal dignity and should enjoy the protection of their fundamental rights and freedoms regardless of citizenship, origin, nationality, language, sex, beliefs, social status or any other circumstances.

The activities of national human rights institutions should be aimed, first and foremost, at preventing violations, protecting individuals and restoring their violated rights.

PRINCIPLE 2.

Universality and Civilizational Diversity

Fundamental human rights and freedoms are of universal significance.

The universality of human rights does not entail mandatory uniformity in the forms through which they are exercised and protected. In ensuring human rights, account may be taken of the historical, cultural, religious, social and civilizational characteristics of peoples and States, subject to compliance with the international obligations they have undertaken.

No cultural or civilizational model should be regarded as having the exclusive right to determine the forms of social development for the entire international community.

PRINCIPLE 3.

Traditional Values

The protection of human rights and freedoms can and should be combined with respect for the traditional spiritual and moral values of peoples.

Such values include, in particular, human life and dignity, family, responsibility, justice, compassion, mutual assistance, social solidarity, historical memory and continuity between generations.

Traditional values are regarded as a means of strengthening human dignity, social stability and responsibility towards future generations and must not be used to arbitrarily deny fundamental rights and freedoms.

SECTION I / CONTINUED

Fundamental Principles

PRINCIPLE 4.

The Legal Nature of Human Rights Activities

The protection of human rights is, first and foremost, a legal activity.

Assessments of the human rights situation should be based on applicable law, reliable facts, established circumstances and professional legal reasoning.

Political interests, ideological preferences and foreign policy considerations must not replace legal assessment.

PRINCIPLE 5.

The Inadmissibility of Double Standards

Equality of all people before the law presupposes the equal application of criteria used to assess respect for human rights.

Situations that are comparable in substance should be considered on the basis of comparable legal approaches, irrespective of the State concerned, its political system, international alliances or foreign policy position.

The selective application of human rights criteria is incompatible with the objective and good-faith protection of human rights.

PRINCIPLE 6.

Sovereign Equality and Non-Interference

International cooperation in the field of human rights is based on the sovereign equality of States, respect for their international legal personality and non-interference in internal affairs.

The sovereignty of a State does not exempt it from the bona fide fulfilment of its international human rights obligations.

In turn, human rights issues must not be used as grounds for arbitrary interference, political pressure or denial of the sovereign equality of States.

SECTION II

Mandate and Functions of National Human Rights Institution

PRINCIPLE 7.

Broad Human Rights Mandate

A national human rights institution should have sufficient competence to effectively promote, ensure and protect human rights and freedoms.

Its status, objectives and principal safeguards for its activities should be firmly established in national law.

The mandate granted to the institution should enable it to address both individual human rights violations and systemic issues.

PRINCIPLE 8.

Core Functions

Within the limits of national legislation, a human rights institution may:

a) examine the state of respect for human rights and freedoms;

b) consider information concerning possible human rights violations;

c) address state authorities and other competent organizations;

d) submit opinions, recommendations and proposals;

e) analyse legislation and its implementation in practice;

f) contribute to the improvement of national human rights protection mechanisms;

g) conduct monitoring, analytical and educational activities;

h) assist in protecting persons who face greater difficulties in exercising their rights;

i) engage with civil society and the academic and expert communities;

j) cooperate with national human rights institutions of other States and with international organizations.

SECTION II / CONTINUED

Mandate and Functions of National Human Rights Institution

PRINCIPLE 9.

The Personal Initiative Right

A national human rights institution should be able to identify independently issues requiring its attention.

The initiation of an examination of a human rights issue should not require a political or administrative instruction where independent action is permitted by the institution's legal mandate.

SECTION IV

Pluralism and Public Representation

PRINCIPLE 10.

Pluralism

A national human rights institution should be open to engagement with various lawfully operating public and civic groups.

Such engagement may include human rights and other civil society organizations, academic and educational communities, professional associations, religious and cultural organizations, family and youth associations, charitable organizations and other representatives of civil society.

The forms through which pluralism is ensured shall be determined with due regard to national legislation, the state structure and social traditions.

SECTION V

Working Methods

PRINCIPLE 11.

Objectivity and Evidence-Based Approach

A national human rights institution should base its findings on verifiable information, factual circumstances and legal reasoning.

Information should be assessed with due regard to its origin, reliability and completeness.

PRINCIPLE 12.

Dialogue Instead of Confrontation

The principal means of human rights activities should be legal dialogue, mediation, recourse to competent authorities, professional persuasion, the preparation of recommendations and the search for practical solutions.

In international engagement, national institutions should avoid dogmatism, moralizing and attitudes based on the assumption that one human rights model is inherently superior to another.

Priority should be given to cooperation that makes it possible to provide effective protection to an individual or restore a violated right.

PRINCIPLE 13.

Accessibility of Protection

National human rights protection mechanisms should be as accessible to the public as possible.

Individuals should have the opportunity to obtain information about the procedure for submitting complaints, the competence of the institution and the available remedies.

Particular attention should be paid to removing obstacles that make it difficult for persons in vulnerable situations to submit complaints.

SECTION VI

International Cooperation

PRINCIPLE 14.

Cooperation on an Equal Footing

National human rights institutions develop bilateral, regional and multilateral cooperation on the basis of equality, mutual respect and professional integrity.

International relations between such institutions should serve the practical interests of protecting individuals and should not be made dependent on the degree of political affinity between individual States.

PRINCIPLE 15.

Civilizational Dialogue

International human rights cooperation should promote the search for common legal and humanistic foundations while respecting cultural and civilizational diversity.

Differences between national human rights protection models should be regarded as a basis for professional exchange and dialogue, rather than as automatic evidence that one model is inconsistent with another.

The universality of human rights should unite peoples and must not be used to impose uniformity on their historical and cultural development.

PRINCIPLE 16.

Exchange of National Practices

Each national human rights institution may possess experience that is valuable to other States and societies.

Such experience should be freely studied, discussed and adapted to national circumstances.

International human rights cooperation should not be based on a model that permanently divides participants into those who set standards and those who receive them.

SECTION VI / CONTINUED

International Cooperation

PRINCIPLE 17.

Political Neutrality of International Mechanisms

International and regional forms of cooperation among national human rights institutions should strive for political neutrality.

Disagreements between States should not automatically lead to the termination of professional human rights cooperation.

Discriminatory isolation of national institutions, collective responsibility or the selective application of professional criteria solely on political grounds must not be permitted.

PRINCIPLE 18.

Regional Mechanisms

The development of regional and interregional mechanisms for cooperation among national human rights institutions contributes to strengthening the international human rights protection system.

Such mechanisms may take into account the historical, cultural and legal characteristics of the respective regions, promote the exchange of experience and ensure more prompt interaction on specific human rights issues.

Regional diversity should complement, rather than undermine, the universal nature of fundamental human rights and freedoms.

SECTION VII

Human Rights in the Face of Modern Challenges

PRINCIPLE 19.

Technological Development

The development of artificial intelligence, digital platforms, automated systems and other technologies should take place with respect for human dignity and fundamental rights and freedoms.

National human rights institutions should pay attention to issues concerning the protection of privacy and personal data, equal treatment, human security and the prevention of the misuse of technology.

Technological progress should serve individuals, society and sustainable development.

PRINCIPLE 20.

Protection of the Family and Future Generations

The family, motherhood, fatherhood, childhood and intergenerational solidarity are of considerable importance for the sustainable development of society and the protection of human dignity.

National human rights institutions may pay particular attention to the protection of children, support for the family, the prevention of violence and exploitation, and the safeguarding of the interests of future generations.

The exercise of human rights should be accompanied by responsibility towards other people and society.

PRINCIPLE 21.

Historical Memory

Preserving historical memory contributes to the protection of human dignity, the prevention of the recurrence of mass human rights violations and the strengthening of social responsibility.

National human rights institutions may contribute to countering racism, Nazism, xenophobia, ideologies of superiority and the justification of crimes against humanity.

SECTION VIII

Consideration of Individual Complaints

PRINCIPLE 22.

The Right to Submit a Complaint

In accordance with national legislation, a human rights institution may receive individual and collective complaints concerning alleged violations of human rights and freedoms.

The complaints procedure should be clear and accessible and should not create unjustified obstacles for applicants.

Complaints should be considered impartially, irrespective of citizenship, origin, beliefs, political views or any other circumstances unrelated to the substance of the matter under consideration.

PRINCIPLE 23.

Assistance in Restoring Rights

The purpose of considering a complaint is to assist in the effective restoration of a violated right or to ensure that an individual has access to an effective protection mechanism.

Within the scope of its powers, a national institution may request information, obtain explanations, engage with competent authorities, inform applicants of the remedies available to them, facilitate mediation and propose measures to remedy identified violations.

The practice of considering individual complaints should also be used to identify systemic human rights issues and prevent their recurrence.

In cases involving cross-border complaints, national institutions should strive for direct professional cooperation, irrespective of political disagreements between the States concerned.