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REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Argentina, Austria, Canada, Colombia, Costa Rica, Cyprus,
Denmark, Finland, Germany, Federal Republic of, Iceland,
Italy, Netherlands, New Zealand, Norway and Sweden:
draft resolution

Human rights in the administration of justiceThe General Assembly,

Guided by the principles embodied in articles 3, 5, 9, 10 and 11 of the Universal Declaration of Human Rights 1/ as well as the relevant provisions of the International Covenant on Civil and Political Rights, 2/ in particular article 6 which explicitly states that no one shall be arbitrarily deprived of his life and which prohibits the imposition of the death penalty for crimes committed by persons below 18 years of age,

Guided also by the relevant principles embodied in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 3/ and in the International Convention on the Elimination of All Forms of Racial Discrimination, 4/

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- 1/ Resolution 217 A (III).
2/ See resolution 2200 A (XXI), annex.
3/ Resolution 39/46, annex.
4/ Resolution 2106 A (XX), annex.

Calling attention to the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power 5/ and the safeguards guaranteeing protection of the rights of those facing the death penalty 6/ as well as to the Basic Principles on the Independence of the Judiciary, 7/ the Code of Conduct for Law Enforcement Officials 8/ and the Standard Minimum Rules for the Treatment of Prisoners, 9/

Convinced of the importance of the finalization and adoption of the draft Body of Principles for the Protection of All Persons under Any Form of Detention and Imprisonment,

Reaffirming the importance of the principles contained in its resolution 41/120 of 4 December 1986 on standard-setting in the field of human rights,

Recalling its resolutions 40/146 of 13 December 1985, 41/149 of 4 December 1986 and 42/143 of 7 December 1987 on human rights in the administration of justice,

Recognizing the important contribution of the Commission on Human Rights in the field of human rights in the administration of justice, as reflected in its resolutions 1988/33 on human rights in the administration of justice, 1988/40 on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers, 1988/45 on administrative detention without charge or trial and 1988/68 on summary or arbitrary executions,

Acknowledging the important work accomplished in this field by the United Nations crime prevention and criminal justice programme, as reaffirmed, inter alia, by the Economic and Social Council in its resolution 1988/44 of 27 May 1988 and the results of the Committee on Crime Prevention and Control at its tenth session,

Convinced of the need for further co-ordinated and concerted action in promoting respect for human rights in the administration of justice,

5/ Resolution 40/34, annex.

6/ Economic and Social Council resolution 1984/50.

7/ See Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. B.2.

8/ Resolution 34/169, annex.

9/ First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva, 22 August-3 September 1955: report prepared by the Secretariat (United Nations publication, Sales No. 1956.IV.4), annex I.A.

1. Reaffirms the importance of the full implementation of United Nations norms and standards on human rights in the administration of justice;

2. Urges Member States to develop strategies for the practical implementation of these standards, in particular:

(a) To adopt in national legislation and practice existing international standards relating to human rights in the administration of justice, and to make them available to all persons concerned;

(b) To design realistic and effective mechanisms for the full implementation of these standards and provide the necessary administrative as well as judicial structures for their continuous monitoring;

(c) To devise measures to promote the observance of these standards, as well as public awareness about their important role, in particular through their widespread dissemination and through educational and promotional activities;

(d) To include, where appropriate, references to the implementation of these standards in their reports under the various international human rights instruments;

(e) To increase, as far as possible, their support to technical co-operation and advisory services at all levels for the more effective implementation of these standards, either directly or through international funding agencies, such as the United Nations Development Programme, when developing countries include specific projects in their country programmes;

3. Notes with appreciation that the United Nations system continues to give special attention to the elaboration of standards in this field as mandated by Economic and Social Council resolution 1986/10 of 21 May 1986, including on the use of force and firearms by law enforcement officials as well as with regard to unacknowledged detention of persons and on the independence and impartiality of the judiciary, jurors and assessors and independence of lawyers;

4. Encourages the relevant bodies within the United Nations pursuing the setting of new standards in this field to continue their efforts with regard to subjects such as extra-legal, summary or arbitrary executions, or the question of states of emergency;

5. Urges all bodies working on these issues to take fully into account the provisions of its resolution 41/120 of 4 December 1986;

6. Emphasizes the importance of education and public information programmes in this field for law students, the legal profession and all those responsible for the administration of justice;

7. Stresses the significant role of the regional commissions, the specialized agencies, the United Nations institutes in the area of human rights and crime prevention and criminal justice and other organizations of the United Nations

system, as well as intergovernmental and non-governmental organizations, including professional associations concerned with promoting United Nations standards in this field;

8. Welcomes the steps initiated by the Centre for Human Rights and the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the United Nations Office at Vienna to ensure closer co-operation, on the prevention of crime and the treatment of offenders, on all matters of human rights in the administration of justice, especially with respect to criminal violations of human rights and mass victimization;

9. Requests the Secretary-General:

(a) To continue to provide all necessary support to United Nations bodies working on standard-setting in this field;

(b) To continue to assist Member States, at their request, in implementing existing international human rights standards in the administration of justice, in particular under the programme of advisory services;

(c) To develop further the recently created focal points within the Centre for Human Rights and the Centre for Social Development and Humanitarian Affairs to monitor the human rights aspects of the administration of justice within the various elements of United Nations programmes in this field, as well as the work of specialized agencies, regional organizations and non-governmental organizations in consultative status, and to provide, as appropriate, advice on co-ordination and other relevant issues in this field;

(d) To co-ordinate the various technical advisory services carried out by the United Nations Centre for Human Rights and the Crime Prevention and Criminal Justice Branch with a view to undertaking joint programmes and strengthening existing mechanisms for the protection of human rights in the administration of justice;

(e) To draw the attention of special rapporteurs and working groups in the field of human rights to the importance of questions relating to the effective protection of human rights in the administration of justice, in particular with regard to states of emergency;

10. Encourages the development of diversified funding strategies, including recourse to voluntary and mixed multilateral and bilateral contributions for specific projects on human rights in the administration of justice, and the increasing involvement of United Nations development agencies, in particular the United Nations Development Programme;

11. Draws the attention of the Commission on Human Rights and its Sub-Commission on Prevention of Discrimination and Protection of Minorities as well as of the regional preparatory meetings for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders to the issues raised in the present resolution;

12. Decides to consider at its forty-fourth session the question of human rights in the administration of justice.
