



**Economic and Social  
Council**

Distr.  
GENERAL

E/CN.4/1988/40  
18 January 1988

Original: ENGLISH

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COMMISSION ON HUMAN RIGHTS

Forty-fourth session  
1 February - 11 March 1988  
Item 22 of the provisional agenda

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

REPORT OF THE SECRETARY-GENERAL

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## INTRODUCTION

1. By its resolution 1987/37, the Commission on Human Rights, having taken note with appreciation of the report of the Secretary-General on "Advisory Services in the Field of Human Rights" (E/CN.4/1987/33 and Add.1 and Add.1/Corr.1 and Add.2), considered that the programme of advisory services in the field of human rights should increasingly be focused on the provision of practical assistance in the implementation of international conventions on human rights to those States which indicate a need for such assistance, and encouraged the efforts of the Secretary-General to award human rights fellowships to, and organize training courses for, persons directly involved in the implementation of international conventions on human rights. The Commission also invited competent United Nations bodies to make suggestions and proposals for the implementation of advisory services, requested its special rapporteurs and representatives, as well as the Working Group on Enforced or Involuntary Disappearances, to inform Governments of the possibility of availing themselves of the services provided for under the programme of advisory services and to include in their recommendations, whenever appropriate, proposals for specific projects which should be realized under the programme of advisory services. The Commission further appealed to all Governments to consider making use of the possibility offered by the United Nations of organizing, under the programme of advisory services in the field of human rights, information and/or training courses at the national level for appropriate government personnel on the application of international human rights standards and the experience of relevant international organs. Finally, the Commission requested the Secretary-General to report to the Commission at its forty-fourth session on the progress made in the implementation of the programme of advisory services in the field of human rights.

2. In compliance with that request, the competent United Nations bodies, such as the committees set up under the international instruments on human rights, were invited to make suggestions and proposals for the implementation of advisory services. Special rapporteurs and representatives as well as the Working Group on Enforced and Involuntary Disappearances were requested to inform Governments, whenever appropriate, of the possibility of availing themselves of the services provided for under the programme of advisory services and to include in their recommendations, whenever appropriate, proposals for specific projects which should be realized under the programme of advisory services. The Commission will be informed in due course of any proposals that may be submitted in response to its requests.

3. At the same session the Commission adopted resolutions 1987/13 on the situation of human rights in Haiti; 1987/36 on the situation in Equatorial Guinea; and 1987/53 on the situation of human rights in Guatemala. Information on the implementation of these resolutions is contained in documents E/CN.4/1988/38, E/CN.4/1988/6 and E/CN.4/1988/42 respectively.

4. The Commission also adopted resolution 1987/38 requesting the Secretary-General to establish and administer, in accordance with the Financial Regulations and Rules of the United Nations, a voluntary fund for advisory services and technical assistance in the field of human rights and to report to it annually on the operation and administration of the trust fund as part of his annual report on advisory services in the field of human rights. Information on the implementation of this resolution is presented below.

#### TRAINING COURSES

5. At the same session, but under a different item, the Commission, inter alia, invited the Secretary-General to finalize as expeditiously as possible preparations for a training course on human rights teaching to be held in Bangkok in 1987, and requested him to report on the results of the course to the Commission at its forty-fourth session (resolution 1987/41). The report on the training course held at Bangkok from 12 to 23 October 1987 is contained in document E/CN.4/1988/39/Add.1.

6. In the framework of the activities of the advisory services programme, a subregional training course for Spanish-speaking countries in Central America and the Caribbean was held at San José, Costa Rica, from 23 November to 4 December 1987 on the preparation and presentation of national reports pursuant to United Nations conventions on human rights.

7. The Training Course was organized by the Centre for Human Rights in collaboration with the Inter-American Institute of Human Rights. The Course also received the assistance of the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders.

8. The main objective of the Course was to train officials of the national authorities of States parties of the region who are responsible for the drafting and preparation of national reports on measures undertaken by their Government to give effect to the obligations arising under the United Nations conventions on human rights. Twenty-three officials from 11 countries, namely, Colombia, Costa Rica, Cuba, Dominican Republic, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama and Venezuela, participated in the Training Course.

9. The Training Course was opened with a ceremony in the Legislative Assembly of Costa Rica. The President of Costa Rica and the President of the Legislative Assembly were present and the former opened the Training Course.

10. The programme was designed in two parts: first, to give the participants an overall view of the two relevant systems protecting the rights of the individual (United Nations and the Inter-American) as well as to familiarize them with the main provisions of the United Nations human rights conventions; and, secondly, to focus on the reporting obligations and specific requirements contained in the international instruments. A number of practical exercises, simulating the work of the Human Rights Committee, were employed to acquaint the participants with the requirements of the reporting obligations engendered by the various human rights conventions.

11. The participants were found to be highly motivated and enthusiastically took part in the programme of the Training Course. At the end of the Course they completed a questionnaire designed to assess the impact of the programme. Their replies demonstrate that the format of the Course was found to be useful and relevant, and in general responded to problems experienced by Governments.

12. The participants to the Training Course also made the following two suggestions:

(a) That the training received during the Course be strengthened and deepened through follow-up activities which could complement the knowledge acquired during the Course. Such activities would take the form of fellowships, advisory services of experts to national authorities on specific matters, subregional or regional courses or seminars.

(b) That a manual or handbook be designed and issued for the use of civil servants responsible for drafting and preparing national reports which are submitted to and examined by supervisory bodies under United Nations conventions on human rights.

13. A similar subregional training course for Government officials from English-speaking African countries was held at Lusaka, Zambia, from 9 to 20 November 1987 on the preparation and submission of national reports under the various international human rights instruments. The course was organized by the United Nations Institute for Training and Research (UNITAR) in co-operation with the Centre for Human Rights, under the auspices of the Government of Zambia, and was financed by voluntary contributions. The main objective of the course was to help the Governments of the region to meet their reporting obligations under the international human rights conventions, to facilitate their speedy ratifications and effective implementation and to promote in the region a better understanding and awareness of the international human rights system. More specifically the course aimed at:

(a) Familiarizing the participants with the substantive provisions of the major international human rights instruments and the reporting requirements relating to each of them;

(b) Increasing the participants' understanding of the role and functions of the supervisory bodies responsible for monitoring the implementation of the instruments at the national level through the examination of national reports;

(c) Strengthening and further developing the participants' skills for drafting and submitting such reports;

(d) Providing the participants with a forum for sharing information and experience on human rights issues of concern to the region.

14. Twenty-eight participants from 17 English-speaking countries of the subregions and the Organization of African Unity took part in the training course. The resource persons consisted of a selected mix of internationally recognized experts, including former and current members of the Human Rights Committee, academics, members of Governments and non-governmental organizations as well as staff members of the Centre for Human Rights. The combination of experts from within and outside the region highlighted well the many diverse aspects of human rights.

15. The participants and the resource persons in the training course supported the proposal made on the occasion of previous courses for the preparation of a manual on human rights reporting under major international human rights instruments for use by Government officials concerned.

#### Future training courses

16. Contacts and arrangements are under way with a view to organizing in 1988 two regional training courses in the field of human rights, one for the Arab region and the other for Latin America, as well as a national training course in Togo.

#### FELLOWSHIPS

17. Under the advisory services fellowship programme for 1987, the Secretary-General received 64 government nominations for individual human rights fellowships. The Secretary-General has attempted to ensure a broad distribution of the fellowships among the nationalities of the applicants with priority given to applicants from developing countries in conformity with General Assembly resolutions. Recommendations were made for awarding 30 individual fellowships to candidates from 28 countries.

18. In 1988, the Secretary-General will continue to provide human rights fellowships within the available financial resources and according to the relevant subprogramme presented in the outline (see below) for a medium-term plan of activities.

#### ADVISORY SERVICES OF EXPERTS

19. In accordance with General Assembly resolution 926 (X) the programme of advisory services also provides for the advisory services of experts in the field of human rights. Since the inception of the programme in 1956, only a few Governments have availed themselves of these expert services. Recent resolutions of the Commission on Human Rights have encouraged Governments to do so (1987/37 and 1987/38). The Secretary-General wishes to inform the Commission that, depending on the availability of funds, this component of the advisory services programme remains at the disposal of Member States and that he would welcome the interest of Member States in this regard (see outline for a medium-term plan of activities below).

#### VOLUNTARY TRUST FUND: FUND-RAISING ACTIVITIES AND FINANCIAL STATUS

20. At its forty-third session, the Commission on Human Rights considered the report of the Secretary-General (E/CN.4/1987/33 and Add.1, Add.1/Corr.1 and Add.2) submitted in pursuance of its resolution 1986/52 of 13 March 1986.

21. By its resolution 1987/38, the Commission on Human Rights requested the Secretary-General "to establish and administer in accordance with the Financial Regulations and Rules of the United Nations a voluntary fund for advisory services and technical assistance in the field of human rights". The Economic and Social Council, by its decision 1987/47 of 29 May 1987, endorsed the resolution of the Commission on Human Rights.

22. The Secretary-General, accordingly, established the Voluntary Fund and, as authorized by paragraph 3 of Commission resolution 1987/38, on 16 November 1987 he notified Governments, intergovernmental and non-governmental organizations and appealed for contributions to the newly-established Fund.

23. In addition to the notes verbales and letters sent respectively to Governments and organizations (intergovernmental and non-governmental) respectively on 16 November 1987, appeals were made in 1987 to collect contributions through informal contacts with Government representatives and at several meetings, as well as through contacts with agencies of the United Nations system and with intergovernmental and non-governmental organizations. The Centre is considering the possibility of requesting to be represented at the annual Pledging Conference for voluntary funds of the various United Nations programmes which takes place at Headquarters during the General Assembly.

24. As at 11 January 1988, the total income from resources paid or pledged was as follows:

Government of Canada	\$Can	150 000
Government of Norway	Norwegian Kroner	1 000 000
World Blind Union	\$US	1 000

25. The Secretary-General intends to utilize the additional financial support provided by the Fund, as appropriate, for practical activities focused on the implementation of international conventions and other international instruments as outlined below in a medium-term plan of activities for the advisory services programme.

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OF HUMAN RIGHTS: AN OUTLINE FOR A MEDIUM-TERM PLAN OF ACTIVITIES

26. The United Nations programme of advisory services in the field of human rights was established pursuant to General Assembly resolution 926 (X) of 14 December 1955 and complemented in 1967 by Commission on Human Rights resolution 17 (XXIII) to provide government officials and persons whose functions are related to the promotion and protection of human rights opportunities for training and exchange of information; to provide expert advice to Governments upon request; and the organization of seminars and training courses on various aspects of human rights. These activities have been financed from the United Nations regular budget. The proposed resources from the United Nations regular budget required for the biennium 1988-1989 amount to \$765,700.

27. The objective of the Voluntary Fund for Advisory Services as stated in Commission resolution 1987/38, paragraph 2, is "to provide additional financial support for practical activities focused on the implementation of international conventions and other international instruments on human rights promulgated by the United Nations, its specialized agencies or regional organizations". Resources pledged to the Voluntary Fund will accordingly permit a wider, fuller and more consistent implementation of the advisory services programme, developed in the light of the additional responsibilities emanating from resolutions adopted by the General Assembly, the Commission on Human Rights and its Sub-Commission, relating to practical assistance in the implementation of human rights obligations.

28. The endeavours of the Centre for Human Rights for the promotion and protection of human rights could be translated under a developed advisory services programme into: (a) furthering knowledge and understanding of international human rights standards and their normative contents, with a view to promoting their widest application; (b) facilitating the implementation of

international instruments (application of substantive provisions);  
(c) practical assistance in the creation and development of national infrastructures for the promotion and protection of internationally recognized human rights norms and assistance to Governments in this respect.

29. The above purposes of the advisory services programme should be addressed to all countries and serve various target groups. They might be attained through a consolidated framework of inter-related subprogrammes as outlined in the following pages. Each should be accompanied by an intensive information campaign providing for the dissemination and distribution of human rights materials. Target groups should include regional and national governmental and non-governmental human rights organizations. It should be emphasized that the scope and, ultimately, the effectiveness of the programme will depend upon the extent of resources - whether financial or in other form - available.

#### Main subprogrammes

30. Subprogramme 1 would consist of regional seminars in those regions which could most benefit from such assistance i.e., where a large number of States are not parties to human rights instruments,

Themes should relate to the deepening and dissemination of knowledge of all or some of the protected civil, political, economic, social and cultural rights, depending on the main preoccupations of the region concerned, with a view to the ultimate achievement of universal adherence to major international instruments on human rights.

#### Examples:

Protected rights as a standard of achievement;

Effective enjoyment of human rights;

Rights of persons belonging to national, ethnic, religious and linguistic minorities;

Administration of justice;

Implementation of human rights as an intrinsic component of peace and development;

International machinery to monitor observance and protection of human rights.

Target groups could include officials concerned with the administration of justice, universities and other institutions' teaching staff, media representatives (journalists and editors), national institutions, professional organizations, trade unions, non-governmental organizations.

31. Subprogramme 2 would consist of:

(a) Regional training courses mainly for States parties to major human rights instruments.

Themes should relate to obligations entailed in the implementation of those instruments such as:

Constitutional, legislative, administrative and other measures required for implementation as provided for in Article 2 of both Covenants;

Rights which do not admit of derogation according to universal human rights standards;

Administration of justice;

Academic freedoms and cultural rights;

Migrant workers rights and social rights;

Right to participation in public life;

Preparation of reports.

Target groups: could include government officials directly involved in subject matter, legislators, judges, police and prison officials and others responsible for the administration of justice.

(b) The preparation of a "resource book" or manual with a view to assisting government officials directly responsible for the implementation of human rights instruments and preparation of their countries' reports thereon.

(c) Subsequent international seminars for official participants from States parties to consider obstacles encountered and difficulties experienced in the implementation of instruments.

32. Subprogramme 3 would consist of advisory services of experts and technical assistance in the field of human rights. The overall aim would be to assist Governments in the development of the necessary infrastructures to meet international human rights standards. This subprogramme might lend itself in particular to funding under the Voluntary Fund, as well as to the direct provision of technical experts and other forms of assistance. Project proposals might be drawn from, inter alia, suggestions of human rights organs such as the Sub-Commission, the Human Rights Committee, and Working Groups and special rapporteurs, and would include national-level programmes developed pursuant to recommendations of special rapporteurs. Projects could entail co-operation with or utilization of, non-governmental organizations.

Target countries would comprise those which have already indicated their needs in such areas pursuant to Sub-Commission resolution 1984/19, as well as those mentioned for that purpose in specific resolutions of the Commission or recommended by its special rapporteurs. The Centre could take the initiative in making offers of assistance to such countries, as well as to newly-established Governments advocating the promotion and protection of human rights.



Examples:

Strengthening of legal institutions:

Drafting of legal texts in conformity with international human rights standards;

The development of adequate law libraries;

Training of judicial officials;

Publication of official law journals;

Collection and classification of legal materials;

Recruitment of legal and other experts and visiting lecturers.

Development of other judicial and administrative institutions to protect human rights (see also subprogramme 6).

Assistance in other related human rights areas where expert advisory assistance would be of value to the requesting State.

Supportive subprogrammes

33. Subprogramme 4: Fellowships - to be awarded annually to official government nominees directly involved in functions affecting human rights, as well as members of national commissions of human rights and national non-governmental organizations concerned. Under this programme, a certain number of fellowships could be awarded each year to persons who, while participating in human rights seminars or training courses, had shown special interest in and the ability to further the cause of human rights in their respective societies. All fellows would spend the first and last week of the five to six-week fellowship at the Centre for Human Rights. First week: briefing by staff members and attendance at current meetings of intergovernmental human rights bodies, followed by three/four-week participation in human rights training course at Strasbourg (International Institute of Human Rights) or training in other institutions with the approval of the Centre. Last week: exchange of experience, evaluation of programme, presentation of individual reports including each fellow's conclusions and recommendations intended for his superiors.

34. Subprogrammes 5: the establishment of regional arrangements in those regions still lacking them. To advance this objective, seminars should be held drawing upon the knowledge and experience of the United Nations development agencies in the regions concerned as well as on the experience of established arrangements in other regions. The subprogramme would include assistance for the implementation of recommendations reached at those seminars and of General Assembly and Commission on Human Rights resolutions concerning the establishment of regional depository centres for United Nations human rights materials. It would also include assistance towards the establishment of regional institutes for training purposes as well as for specialization in human rights. The concept of regional advisers on human rights could be studied as a possible mechanism in this respect.

35. Subprogramme 6: National institutions - Regional seminars or training courses should be held with a view to developing effective national institutions, including non-governmental organizations, for the promotion and protection of human rights in accordance with national legislation. Where such institutions exist, the aim would be to maintain their effectiveness, independence and integrity and enhance their role as focal points for the dissemination of human rights materials and as catalysts for other public information activities in the field of human rights. A basic reference document on the various forms which national commissions might take is provided by the handbook on national institutions for the use of Governments, contained in the Secretary-General's report E/CN.4/1987/37. Other activities under this subprogramme would be considered as requested by the United Nations bodies concerned.

36. Ad hoc subprogrammes at the national level should always be taken into consideration and given due priority, since their establishment emanates from relevant Commission resolutions or from specific requests of Member States. Specific assistance programmes might follow the lines suggested in subprogramme 3.

37. The above outline is intended as a possible guide to the medium-term direction of advisory services available through the Centre for Human Rights. It is hoped that with the establishment of the Voluntary Fund for Advisory Services, additional resources will be forthcoming to meet the growing volume of requests for such services. Within the Centre itself, a restructuring has recently been undertaken in order to provide fresh emphasis on the provision of advisory services. In strengthening this aspect of the United Nations human rights programme, the Centre for Human Rights would aim to further the promotion of national infrastructures for human rights as an essential element in the implementation of relevant international standards and legislation.