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ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

Argentina, Australia, Austria, Belgium\*, Burundi, Canada, Chile, Costa Rica, Czech Republic, Cyprus, Denmark\*, Finland, France, Germany, Greece\*, Hungary\*, Italy\*, Kenya, Lesotho, Luxembourg\*, Netherlands, Norway\*, Poland, Portugal, Romania, Russian Federation, Slovakia\*, Sweden\*, Switzerland, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

1993/... Advisory services and Voluntary Fund for Technical Cooperation in the Field of Human rights

The Commission on Human Rights,

Recalling General Assembly resolution 926 (X) of 14 December 1955, in which the Assembly established the United Nations programme of advisory services in the field of human rights, and Economic and Social Council decision 1987/147 of 29 May 1987, pursuant to which the Secretary-General established the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights, renamed the Voluntary Fund for Technical Cooperation in the Field of Human Rights by Commission resolution 1991/49 of 5 March 1991,

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\* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling its latest resolution on the subject, 1992/80 of 5 March 1992, Taking note of the relevant provisions of resolutions adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, inter alia, resolution 1991/35 of 29 August 1991, and of recommendations made in reports submitted to the Sub-Commission, inter alia, the report on the independence of the judiciary and the protection of practising lawyers (E/CN.4/Sub.2/1991/30 and Add.1-4) concerning advisory services,

Convinced of the need for the Secretary-General to intensify efforts to coordinate system-wide advisory services and technical assistance in the field of human rights through flexible inter-agency collaboration,

Convinced also of the need for the Centre for Human Rights to assume the functions of a focal point and clearing-house for inter-agency coordination with other organizations of the United Nations system,

Reaffirming that within the common context of the comprehensive programme of advisory services and technical cooperation, a clear distinction should be made between technical cooperation projects financed under the Voluntary Fund for Technical Cooperation in the Field of Human Rights and activities under the regular budget of the United Nations, while at the same time close coordination between these activities should be ensured,

Noting the importance of expert services, fellowships and scholarships, training courses and seminars under the programme of advisory services as forms of practical assistance to States with a view to ensuring the rule of law and to enabling them to develop the necessary mechanisms to meet international human rights standards,

Noting also that the Centre for Human Rights, in executing projects under the Voluntary Fund, gives priority to activities aimed at building up or strengthening national and regional institutions and infrastructures in the field of human rights,

Reaffirming that advisory services and technical cooperation activities may be a complement to, but never a substitute for, monitoring and investigative activities by the United Nations, as underlined in the report of the Secretary-General (E/CN.4/1992/49),

Welcoming increased cooperation and consultation within the Centre for Human Rights in assisting the Secretary-General to deal with requests submitted by Governments,

Convinced that the Centre for Human Rights needs clear criteria and methods of assessment, following the example of project guidelines which have been drawn up in conformity with approved practices of the United Nations Development Programme, in dealing with requests submitted by Governments,

Convinced also of the need for the Secretary-General to ensure that the introduction of up-to-date data-processing into the management of both the programme of advisory services and the Voluntary Fund is compatible with the information system development plans of the Centre for Human Rights and other relevant United Nations organizations,

Considering it advisable for the Secretary-General to give wide publicity to the possibilities that exist under the programme of advisory services and under the Voluntary Fund for providing technical cooperation in the field of human rights to Governments, at their request, for example through the production and dissemination of an information brochure,

Taking note with appreciation of the report of the Secretary-General on advisory services in the field of human rights, including the Voluntary Fund for Technical Cooperation in the Field of Human Rights (E/CN.4/1993/61 and Add.1),

#### I. ACTIVITIES UNDER THE REGULAR BUDGET OF THE UNITED NATIONS

1. Reaffirms that the programme of advisory services in the field of human rights should continue to provide practical assistance in the implementation of international conventions on human rights to those States which indicate a need for such assistance;

2. Invites competent United Nations bodies, such as the committees set up under the International Covenants on Human Rights, the Committee on the Elimination of Racial Discrimination, the Committee against Torture and the Committee on the Rights of the Child, to continue to make suggestions and proposals for the implementation of advisory services;

3. Requests the Secretary-General to give special attention to proposals made by United Nations human rights treaty bodies, special representatives and special rapporteurs, as well as working groups, and to report on follow-up activities undertaken as a result of such proposals;

4. Requests its special rapporteurs and representatives, as well as the Working Group on Enforced or Involuntary Disappearances and the Working Group on Arbitrary Detention, to include in their recommendations, whenever appropriate, proposals for specific projects to be realized under the programme of advisory services;

5. Encourages Governments in need of advisory services in the field of human rights to avail themselves of the advisory services of experts in the field of human rights, for example, for drafting basic legal texts in conformity with international conventions on human rights;

6. Welcomes the increasing number of requests from Governments for advisory services in these areas;

7. Appeals 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 and regional level for appropriate government personnel on the full and effective application of international human rights standards;

8. Calls upon the Secretary-General to implement all activities under the programme of advisory services on the basis of clearly defined objectives and themes, taking into account the precise needs of the beneficiaries, as well as to follow up and evaluate them;

9. Requests the Secretary-General again to provide as a matter of urgency and in line with his report on the work of the Organization for 1992 (A/47/1) in which he stated, inter alia, that "the Charter of the United Nations places the promotion of human rights as one of our priority objectives", more human and financial resources for the enlargement of advisory services, within existing overall United Nations resources and particularly from section 07 of the regular budget concerning technical cooperation, in order to meet the substantially increased demand, in particular for training activities, such as fellowships, which have proven to be useful in raising awareness of human rights in all sectors of civil society and Government, and the provision of expert services emanating from the mandates and recommendations of the Commission on Human Rights, competent human rights treaty bodies, special representatives, special rapporteurs, independent experts and working groups, as well as from requests by Governments;

10. Also requests the Secretary-General to pursue his efforts towards a comprehensive plan for advisory services and technical cooperation in the field of human rights, taking into account the comments and views expressed by Governments at the forty-eighth session of the Commission on Human Rights;

## II. ACTIVITIES UNDER THE VOLUNTARY FUND FOR TECHNICAL COOPERATION IN THE FIELD OF HUMAN RIGHTS

11. Expresses its appreciation to the Secretary-General for the projects realized since the establishment of the Voluntary Fund for Technical Cooperation in the Field of Human Rights and to Governments and non-governmental organizations for their contributions, and invites other Governments and non-governmental organizations to consider contributing;

12. Emphasizes that the objective of the Voluntary Fund is to provide financial support for international cooperation aimed at building up and strengthening national and regional institutions and infrastructures which will have a long-term impact on improved implementation of international conventions and other international standards on human rights;

13. Welcomes the new global approach and the new policy developed by the Centre for Human Rights to address the specific demands of a requesting Government by carrying out a comprehensive needs assessment and developing an overall programme containing specific projects aimed at strengthening the human rights infrastructure of a country;

14. Encourages the Secretary-General to pay due attention to the particular needs of developing countries from all regions with a view to implementing the new global approach as outlined in the report of the Secretary-General (E/CN.4/1993/61, sect. I.C);

15. Underlines that any assistance through technical cooperation in the field of human rights under the Voluntary Fund has to be well prepared, and that there should be a regular follow-up between the involved national bodies and the Centre for Human Rights, to be reflected in the report of the Secretary-General;

16. Encourages the Secretary-General and the Centre for Human Rights to participate actively in the formulation of projects regarding technical cooperation in the field of human rights, in close consultation with the Governments concerned, taking into account relevant suggestions made by human rights treaty bodies, special rapporteurs and non-governmental organizations and efforts for wider cooperation at the regional level;

17. Takes note of the document annexed to the report of the Secretary-General (E/CN.4/1993/61, annex III), entitled "The role of boards of trustees in human rights assistance funds";

18. Requests the Secretary-General to appoint a board of trustees for the Voluntary Fund for Technical Cooperation, composed of five persons with

wide experience in the field of human rights and in technical cooperation, acting in their personal capacity and selected in order to guarantee a broad scope of criteria and backgrounds with due regard to equitable geographic distribution to advise the Secretary-General on the administration and operation of the Voluntary Fund;

19. Requests the Board of Trustees to assist the Secretary-General in particular in streamlining and rationalizing the working methods and procedures of the Voluntary Fund, including developing long-term policy guidelines, reviewing specific projects, reviewing all financial aspects of the Voluntary Fund with regard to transparency and accountability, relations and cooperation with other organizations with regard to project evaluation and follow-up, reviewing implementation of decisions of the Board of Trustees and reporting;

20. Further requests the Board of Trustees to promote and solicit contributions and pledges to the Voluntary Fund,

21. Requests the Secretary-General to include the report of the Board of Trustees on their activities in his annual report to the Commission on Human Rights on advisory services and technical cooperation;

22. Decides to review the arrangements of the Board of Trustees after a period of three years, taking into account comments by the Secretary-General in his future reports;

23. Invites the Centre for Human Rights to consider developing model projects for legal protection and the strengthening of the independence of the judiciary as part of the core activities of the Voluntary Fund, bearing in mind the need to adapt these projects to the particular needs of developing countries in all regions;

24. Also invites the Centre for Human Rights to give special attention to strengthening the capacity of national and regional institutions to collect and disseminate information on human rights and establish common practices for cooperation with the United Nations in this area;

25. Encourages Governments to seek contact and to cooperate with non-governmental human rights organizations in formulating and implementing programmes under the Voluntary Fund;

26. Requests the Secretary-General, with the assistance of the Board of Trustees, to guarantee transparency of the criteria applied and of the rules of procedure to be followed in carrying out technical cooperation in the field of human rights;

## III. SYSTEM-WIDE COOPERATION

27. Requests the Secretary-General to explore yet further the possibilities offered by cooperation between the Centre for Human Rights and specialized bodies and other organizations of the United Nations system, such as the Centre for Social Development and Humanitarian Affairs, the United Nations Children's Fund, the United Nations Development Programme, the United Nations Institute for Training and Research, the Office of the United Nations High Commissioner for Refugees, the United Nations Interregional Crime and Justice Research Institute, the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization and the World Bank;

28. Also requests the Secretary-General to bring the need for further technical cooperation in the legal field that has been indicated by a number of States to the attention of the United Nations bodies and the specialized agencies that are active in providing assistance in the field of development with a view to promoting human rights in the development strategies and policies of the United Nations system;

29. Encourages, in this regard, the Secretary-General to explore fully the possibilities for a system-wide use of model projects for legal protection and in the independence of the judiciary to be developed for Human Rights;

30. Also encourages the cooperation between the Centre for Human Rights and the United Nations Development Programme, and the leadership of both organizations to enhance further coordination and cooperation between them, in particular with a view to integrating, with the advice of Commission on Human Rights, projects for strengthening human rights into the overall country programmes of the United Nations Development Programmes and in order to prepare and execute jointly individual projects benefiting from the opportunities offered by resident representatives of the Programme;

31. Requests the Secretary-General to report annually to the Commission on Human Rights on the progress made in the implementation of the programme of advisory services and technical cooperation in the field of human rights and, in a distinct part of his annual report, on the operation and administration of the Voluntary Fund for Technical Cooperation in the Field of Human Rights.

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