



**Economic and Social
Council**

Distr.
LIMITED

E/CN.4/1996/L.76
16 April 1996

ENGLISH
Original: SPANISH

COMMISSION ON HUMAN RIGHTS
Fifty-second session
Agenda item 8

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY
FORM OF DETENTION OR IMPRISONMENT

Argentina*, Australia, Austria, Bulgaria, Canada, Chile, Colombia,
Costa Rica*, Cuba, Denmark, Dominican Republic, Ecuador, Finland*,
France, Hungary, Italy, Latvia*, Netherlands, Nicaragua,
Philippines, Poland*, Republic of Korea, Senegal*, South Africa,
Sweden, United Kingdom of Great Britain and Northern Ireland,
Uruguay* and Venezuela: draft resolution

1996/... The right to restitution, compensation and rehabilitation
for victims of grave violations of human rights and
fundamental freedoms

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of
Human Rights, the International Covenants on Human Rights, other relevant
human rights instruments and the Vienna Declaration and Programme of Action,

Reaffirming that, pursuant to internationally proclaimed human rights
principles, victims of grave violations of human rights should receive, in
appropriate cases, restitution, compensation and rehabilitation,

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

Considering that the question of restitution, compensation and rehabilitation of victims of grave violations of human rights and fundamental freedoms has received insufficient attention and should continue to be addressed in a more systematic and thorough way at the national and international levels,

Noting with interest the positive experience of countries that have established policies for the reparation of victims of grave violations of human rights,

Reiterating its appreciation of the study on the subject prepared by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Theo van Boven, contained in his final report (E/CN.4/Sub.2/1993/8),

Recalling its resolution 1994/35 of 4 March 1994 in which it expressed the hope that priority attention would be given to this question, in particular on the specific field of violations of human rights, and regarded the proposed basic principles and guidelines contained in the study of the Special Rapporteur as a useful basis for that purpose, and recommended that the Sub-Commission on Prevention of Discrimination and Protection of Minorities should, in conformity with Sub-Commission resolution 1993/29, take measures to examine the proposed basic principles and guidelines with a view to making proposals thereon and to report to the Commission,

Recalling also its resolution 1995/34 of 3 March 1995 in which it requested States to provide information to the Secretary-General about legislation already adopted, as well as that in the process of being adopted, relating to the right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms,

Taking note of the report of the Secretary-General submitted to the Commission in compliance with its resolution 1995/34 (E/CN.4/1996/29),

1. Calls upon the international community to give increased attention to the right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms;
2. Encourages the Sub-Commission to continue to give consideration to the proposed basic principles and guidelines at its forty-eighth session, in accordance with its decision 1995/117 of 24 August 1995, with a view to making substantial progress on this matter in the specific field of violations of human rights;

3. Expresses its appreciation to States that provided information on the matter to the Secretary-General, in compliance with resolution 1995/34, for their valuable contribution in this field;

4. Requests States that have not yet done so, to provide information to the Secretary-General on the legislation already adopted, as well as that in the process of being adopted, relating to the right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms;

5. Expresses its appreciation to the Secretary-General, for his report (E/CN.4/1996/29 and addenda);

6. Requests the Secretary-General to prepare an additional report, taking into account the information provided by States, for submission to the Commission at its fifty-third session;

7. Decides to continue to consider this matter at its fifty-third session under agenda item 8.
