

UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL

E/CN.4/1984/44
16 January 1984

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fortieth session
Item 22 of the provisional agenda

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

Report of the Secretary-General

I. DECISIONS AND RECOMMENDATIONS OF UNITED NATIONS BODIES ADOPTED DURING 1983 THAT AFFECT THE ADVISORY SERVICES PROGRAMME IN THE FIELD OF HUMAN RIGHTS

A. Commission on Human Rights (Thirty-ninth session); Economic and Social Council (first regular session, 1983)

1. The Commission on Human Rights at its 54th meeting on 9 March 1983 adopted resolution 1983/47 concerning advisory services in the field of human rights designed to help the Government of Uganda to continue guaranteeing the enjoyment of human rights and fundamental freedoms, paying particular attention to the areas spelled out in Commission resolution 1982/37 and Economic and Social Council decision 1982/139. The Commission further decided to review this question at its fortieth session under the item "Advisory Services in the field of human rights" in the light of the report of the Secretary-General on the implementation of this resolution. With regard to such implementation, attention is drawn to the report of the Secretary-General contained in document E/CN.4/1984/45.

2. At the same session the Commission considered the human rights situation in Equatorial Guinea, and adopted resolution 1983/32 whereby it recommended a draft resolution for adoption by the Economic and Social Council. The Council by its resolution 1983/35 took note of the report of the Secretary-General 1/ and of the report submitted by two constitutional experts: Mr. Rubén Hernández-Valle and Mr. Jorge Mario Laguardia, who were recruited by the Secretary-General, at the request of the Government of Equatorial Guinea, to assist the Equatorial Guinea National Commission to draft a constitution for that country. The Council requested the Secretary-General in conjunction with the Government of Equatorial Guinea, to consider what further measures could be taken by the United Nations to assist that

1/ E/CN.4/1983/17

Government in the continued implementation of the plan of action and to report to the Commission on Human Rights at its fortieth session. Further the Commission on Human Rights was requested to consider this question at its fortieth session under the item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories". For the implementation of the resolution, attention is drawn to the report of the Secretary-General, contained in document E/CN.4/1984/27.

3. The Commission on Human Rights also considered the human rights situation in Bolivia, and at its 52nd meeting on 8 March 1983, adopted resolution 1983/33 which was subsequently approved by decision 1983/146 of the Economic and Social Council adopted at its first regular session in 1983.

4. In its resolution the Commission considered that the United Nations should be prepared to consider providing assistance to any nation emerging from a period of human rights violations, if that nation so requested, in order to contribute to respect for human rights and fundamental freedoms. It also noted with satisfaction the determination of the constitutional Government of Bolivia to take the necessary measures to ensure that a thorough investigation of all past violations of human rights was undertaken with a view to establishing responsibility through due process of law. It further requested the Secretary-General to provide advisory services and other forms of appropriate human rights assistance as might be requested by the constitutional Government of Bolivia. Information about the implementation of the resolution is contained in the Secretary-General's report in document E/CN.4/1984/46.

5. In considering the question of the "Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief", the Commission adopted resolution 1985/40. The resolution was subsequently approved by decision 1983/150 of the Economic and Social Council. Pursuant to the resolution the Secretary-General was requested, inter alia, to hold, within the framework of the Advisory Services Programme in the period 1984-1985, a seminar on the encouragement of understanding, tolerance and respect in matters relating to freedom of religion or belief.

B. General Assembly (thirty-eighth session)

6. At its thirty-eighth session, the General Assembly appropriated funds for the biennium 1984-1985 for the technical assistance programme including funds for the programme of advisory services in the field of human rights.

7. It will be recalled that the General Assembly adopted at its thirty-seventh session resolution 37/172 in which the General Assembly requested the Secretary-General to compile and update his reports on the status of regional arrangements for the promotion and protection of human rights, and to include therein a review of the exchanges of experience and information between the United Nations and regional organs and organizations for the promotion and protection of human rights, as well as ways and means to further such exchanges and to report to the General Assembly at its thirty-eighth session.

8. Pursuant to this resolution, the Secretary-General submitted a report contained in document A/38/480.

9. Following consideration of the Secretary-General's report, the General Assembly, on 16 December 1983, adopted resolution 38/97 in which it took note of the report of the Secretary-General; thanked the specialized agencies, the regional commissions and the regional intergovernmental organizations as well as the non-governmental organizations concerned, which have contributed to the preparation of that report; and invited the specialized agencies, the regional commissions and the regional intergovernmental organizations which have not yet been able to do so to communicate to the Secretary-General their views on exchanges of information between the United Nations and the regional organizations and bodies for the promotion and protection of human rights, together with their views on ways and means of furthering such exchanges. The General Assembly also invited the Secretary-General to submit to the General Assembly at its thirty-ninth session a further report amplifying the report prepared in accordance with resolution 37/172 and decided to consider this question further at its thirty-ninth session.

II. SEMINARS

10. At its thirty-sixth session the General Assembly adopted resolution 36/169 entitled "Observance of the thirty-fifth anniversary of the Universal Declaration of Human Rights". In paragraph 2 of the resolution the General Assembly requested the Secretary-General to initiate appropriate activities at the United Nations level, such as those indicated in the annex to the resolution, to celebrate the thirty-fifth anniversary of the Universal Declaration of Human Rights. One of the measures recommended by the General Assembly to be undertaken by the Secretary-General at the United Nations level was the organization in 1983 at Geneva, of a special international seminar to discuss the experiences of different countries in the implementation of international standards on human rights.

11. This seminar was held at Geneva, from 20 June to 1 July 1983. The report of the seminar, issued as document ST/HR/SER.A/15, has been circulated to members of the Commission. The Secretary-General also made this report available to the General Assembly at its thirty-eighth session. In this connection, the Secretary-General wishes to inform the Commission that due to lack of time, the seminar was unable to consider the draft conclusions and recommendations which had been prepared by the Rapporteur and approved by the Bureau for the consideration by the seminar.

FUTURE SEMINARS

12. As mentioned in paragraph 5, the Secretary-General has been requested to hold in the period 1984-1985 a seminar on the encouragement of understanding, tolerance and respect in matters relating to freedom of religion or belief.

13. At its thirty-sixth session the Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted resolution 1983/2 in which it recommended to the Commission and through it the Economic and Social Council to request the Secretary-General to organize a seminar on ways and means by which to achieve the elimination of the exploitation of child labour in all parts of the world.

14. In planning future seminars, under the programme of Advisory Services, including those mentioned in paragraphs 12 and 13 the Secretary-General will take into account the relevant resolutions and decisions adopted by the General Assembly, the Economic and Social Council, the Commission on Human Rights and other United Nations bodies dealing with human rights, as well as the suggestions made in this regard by those organs in the course of their deliberations.

III. FELLOWSHIPS AND TRAINING COURSE

A. Fellowships: extent of participation in the 1983 programme, nature of awards and programme for 1984

15. Under the terms of General Assembly resolution 926 (X), human rights fellowships are available to qualified candidates nominated by Member States who plan to study any subject in the field of human rights which is of concern to the United Nations (as defined in the United Nations instruments, international covenants, declarations and resolutions regarding universal respect for human rights and fundamental freedoms) provided, however, that the subject is not one that falls within the scope of other existing technical assistance programmes or one for which adequate advisory assistance is available through a specialized agency. In the selection of candidates, preference is given to persons having direct responsibilities in the field of the implementation of human rights in their respective countries.

16. In 1983, the Secretary-General received 86 governmental 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. Within the financial resources available, recommendations were made for the award of 26 individual fellowships to candidates from 26 different countries. In this connection, attention is drawn to the annex to this report.

17. Candidates nominated by Governments in 1983 continued to be of a high level in terms of their qualifications. The recipients of fellowship awards included, in particular, government officials with responsibility for the administration of justice and for drafting legislation, as well as other officials from ministries of justice, of education, of the interior and of foreign affairs, and officials of police departments.

18. In 1984, the Secretary-General will continue to provide human rights fellowships, within the available financial resources, as appropriate.

B. Training course

19. In 1983 no training course was organized under the programme.

20. Depending on the availability of funds the Secretary-General will, in co-operation with the interested Governments, explore the possibilities of organizing regional training courses on human rights in future years, in accordance with resolution 17 (XXIII) of the Commission on Human Rights.

IV. ADVISORY SERVICES OF EXPERTS

21. 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. The Secretary-General wishes to inform the Commission that, depending on the availability of funds, this component of the advisory services programme is still in existence and that he would welcome the interest of Member States in this regard.

22. In accordance with the Commission's resolutions 1983/33 and 1983/47 respectively, advisory services of experts will be provided to the Governments of Bolivia and Uganda.

ANNEX

1983 HUMAN RIGHTS FELLOWSHIP PROGRAMME

RECIPIENT COUNTRIES AND THE TOPICS OF STUDY
OF THEIR RESPECTIVE FELLOWS

Country	Topic of study
1. Austria	Protection of human rights in the drafting of international conventions, with special reference to the drafting of the international convention against torture and other cruel, inhuman or degrading treatment or punishment
2. Bulgaria	Human rights and scientific and technological progress
3. Central African Republic	Measures to safeguard the human rights of refugees
4. Costa Rica	Protection of human rights of convicted and released offenders and of their families
5. Dominican Republic	Comparative study of the provisions of the American Declaration of the Rights and Duties of Man and those of Universal Declaration of Human Rights
6. El Salvador	Institutions for the protection of human rights in the developing countries
7. Ghana	The role of the public prosecutor in the protection of human rights with special reference to the protection of human rights in criminal procedure
8. Jamaica	Role of the ombudsman and related institutions in relation to the protection of the rights of the citizens
9. Jordan	Implementation of the economic and social rights contained in the International Covenant on Economic, Social and Cultural Rights
10. Kenya	Protection of human rights in the developing countries with special reference to the drafting and implementing of legislations
11. Malaysia	Protection of human rights in the administration of justice, with special reference to periods of emergency and the role of the police in the protection of human rights

Country	Topic of study
12. Mongolia	Protection of human rights in the elaboration and implementation of legislation with reference to methods of implementation at the national level of international conventions on human rights with regard to both law and practice
13. Nicaragua	Participation in local administration as a means of promoting human rights
14. Pakistan	Protection of human rights in the administration of justice
15. Peru	Human rights and the promotion of freedom of information
16. Singapore	Judicial organization and administration in relation to the protection of human rights
17. Somalia	Implementation of the International Covenants on Human Rights
18. Spain	Human rights and scientific and technological developments, and the promotion of freedom of information
19. Syrian Arab Republic	Protection of human rights in the administration of justice
20. Togo	Protection of human rights in the administration of justice
21. Uganda	Protection of human rights of convicted and released offenders and of their families
22. Ukrainian SSR	Correlation between scientific and technological progress, freedom of information and human rights
23. Upper Volta	Human rights and the promotion of freedom of information
24. Venezuela	Advancement of human rights in the formulation and implementation of economic and social rights
25. Viet Nam	Human rights and development
26. Zambia	Protection of human rights in the administration of justice with special reference to civil law and procedure