

UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL

E/CN.4/1321/Add.4
5 March 1979

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Thirty-fifth session
Agenda item 11 (b)

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS, INCLUDING: (b) IMPORTANCE OF
NATIONAL INSTITUTIONS IN THE FIELD OF HUMAN RIGHTS

Report of the Secretary-General

Addendum

Barbados

The Government of Barbados has examined the guidelines and after comparison with existing practice in Barbados has found that Barbados' existing laws make it possible for all the guidelines to be followed generally. The Government of Barbados considers, however, that if a further in-depth study of its national institutions suggests any modifications appropriate proposals will be communicated later.

Kuwait

The Constitution of Kuwait stipulates, *inter alia*, that society is based on justice, freedom and equality. It also guarantees personal freedom and equality in human dignity, as well as equality in rights and duties before the law, without any discrimination on grounds of race, ethnic origin, language or religion. Thus, the Constitution codifies the principles advocated by the United Nations in the Universal Declaration of Human Rights and other relevant international instruments. The guidelines suggested by the Commission on Human Rights embody these principles, and provide for the supervision of their application in constitutions and domestic legislation.

It is to be noted, however, that the provisions of paragraphs 24 and 25 are open to discussion. They provide that the proposed national institutions should be authorized, within the framework of their constitution and competence, to apply concrete remedies to individual cases of human rights violations.

This would constitute interference with the competence of the judiciary, which alone may consider such matters, just as it does when dealing with public prosecutions instituted in criminal cases. Constitutions, including the Kuwaiti Constitution, have made a point of guaranteeing the independence of the judiciary. A proliferation of judicial authorities may give rise to practical difficulties and to procedural complications. Thus, by empowering the proposed national institutions to discharge functions of conciliation or redress, the two provisions indicated above may lead to interference in the competence of the judiciary and to a proliferation of judicial authorities, and are therefore questionable.