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ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS  
SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND  
FUNDAMENTAL FREEDOMS

National institutions for the promotion and protection  
of human rights

Report of the Secretary-General

Addendum

1. Following the preparation of the report summarizing the views received on the above subject (A/39/556), the Secretary-General has received two further replies, one from France dated 4 October 1984 and the other from Thailand dated 1 November 1984, which are summarized below.

France

2. In its reply, with reference to paragraph 11 of the section of the report of the Secretary-General submitted to the General Assembly at its thirty-eighth session (A/38/416) under the heading "Courts of general jurisdiction", France indicated that the Constitutional Council examined the constitutionality of acts referred to it, before they were promulgated, by the President of the Republic, the Prime Minister, the President of the National Assembly, the President of the Senate or 60 deputies or senators (article 61 of the French Constitution of 4 October 1958). Moreover, it was not appropriate to include the Constitutional Council under the heading "Courts of general jurisdiction".

3. It informed the Secretary-General of the creation, by a decree of 30 January 1984, of the Advisory Committee on Human Rights. The Commission was the successor to the Advisory Commission on the Codification of International Law and the Definition of the Rights and Duties of States and of Human Rights, established in 1947. The role of the new Commission was to assist the new Minister for Foreign Affairs, in an advisory capacity, in all matters relating to action by France to promote the protection of human rights in the world, particularly within the framework of institutions responsible for dealing with them or of multilateral negotiations on the subject. The members of the Advisory Commission were appointed by decree of the Minister for Foreign Affairs.

4. With reference to section D of the report (A/38/416), on legal counselling and assistance, it stated that the French legal aid system was full or partial, depending on the total resources available to the person requesting such aid. Recipients of legal aid were free to choose their own lawyer. Furthermore, any person implicated in criminal proceedings, whatever his financial status, could request court-appointed legal counsel.

5. It finally indicated that since the passage of an act dated 13 July 1983, a Supreme Council for Professional Equality Between Women and Men had been set up. The Council was consulted on bills and draft decrees designed to ensure professional equality between women and men, as well as on texts dealing with particular working conditions specific to one or the other sex. The Council could make proposals designed to improve professional equality between men and women. It also prepared an annual report on its activities which was made public.

#### Thailand

6. In its reply, Thailand informed the Secretary-General that under the present judicial system of Thailand the courts of general jurisdiction were vested with the authority to adjudicate criminal and civil cases only. According to the present Constitution of the Kingdom of Thailand (1978), if the constitutional validity of any legal provision was challenged in the course of any litigation the court was required to stay the proceeding and submit the case together with its opinion to the Constitutional Tribunal for a decision. The decision of the Constitutional Tribunal was final and applicable to all cases without prejudice to the judgements of the court which had become final. In this connection, the Constitutional Tribunal could thus be regarded as a national institution for the protection of human rights if the provision of any law infringed upon the basic rights of the Thai citizens.

7. It also informed the Secretary-General that a system of juvenile and children's courts had been established in Thailand in 1951. The Thai Juvenile Courts, which numbered five in all in major provinces, beside the Central Juvenile Court in Bangkok, were authorized to deal with both criminal and civil litigation.

8. Apart from the juvenile courts, a central labour court had been established in Bangkok in 1979 in order to conciliate and arbitrate disputes arising from labour relations. It should be noted that both juvenile and labour courts in Thailand were regarded as judicial organs under the Ministry of Justice without the status of special courts.

9. It referred to the establishment on 15 September 1982 by Order No. 174/2525 of the Bureau of Civil Liberty and Public Interest Protection within the Public Prosecution Department of Thailand. The primary objectives for establishing the Bureau were, inter alia, to render legal counselling services to the public free of charge, to conciliate disputes and to provide counsel for indigent defendants free of charge in both civil and criminal cases. It finally referred to the first legal aid service regulation which was issued by the Public Prosecution Department on 30 December 1982 and set forth detailed rules and stipulations for the seeking of legal aid services from the Bureau. Copies of Order No. 174/2525 and the Legal Aid Regulation of the Public Prosecution Department, B.E. 2525, were attached to the reply and are available for consultation in the files of the Secretariat.

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