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THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES:
QUESTION OF HUMAN RIGHTS OF PERSONS SUBJECTED TO ANY FORM OF
DETENTION AND IMPRISONMENT

Written statement submitted by the International Institute
of Higher Studies in Criminal Sciences, a non-governmental
organization in consultative status (Roster)

The Secretary-General has received the following communication,
which is circulated in accordance with Economic and Social Council
resolution 1296 (XLIV).

[21 June 1990]

I. BACKGROUND OF THE INSTITUTE

1. The Institute is a non-profit international education foundation, established by Presidential decree under Italian law, devoted to the multi-disciplinary study of the criminal sciences in their broadest meaning. It is under the scientific auspices of the International Association of Penal Law.
2. The Institute enjoys the status of a non-governmental organization on the Roster, and that of a non-governmental organization accredited to the Council of Europe. The Institute has hosted the meetings of a number of committee of experts of the United Nations and the Council of Europe. These committees convened to prepare draft international instruments, including the Convention against Torture and the Basic Principles on the Independence of the Judiciary.

3. Since 1972 the Institute has conducted 110 conferences, seminars and meetings of experts on diverse topics of criminal justice and human rights, with the participation of over 5,600 jurists from 79 countries.

II. THE DEVELOPMENT OF THE ARAB HUMAN RIGHTS PROGRAMME

4. Among the programmes offered annually was a programme in 1985 developed for Arab jurists on the topic of "Criminal justice reform and human rights education". It was attended by jurists from 10 Arab States and from Palestine. At the conclusion of that conference, the participants expressed, in an unanimous resolution, their desire that the Institute convene a meeting of Arab experts to prepare a draft Arab charter on peoples' and human rights. That meeting took place in December 1986. Upon completion, the draft charter was submitted for consideration to the League of Arab States and to all Arab heads of State. Three thousand copies of the published text were widely circulated throughout the Arab world and elsewhere. The wide-ranging support the draft charter received was evidenced by its endorsement by the Arab Union of Lawyers, and by the large number of newspaper and magazine articles which praised it. The debate on the draft charter still goes on in Arab academic, legal and political circles.

III. THE HUMAN RIGHTS TEACHING CONFERENCES

5. The Institute organized a series of five teaching conferences, spanning the programmes (described below) in which more than 350 law professors, judges involved in judicial training programmes or institutes, police academy instructors and senior army military justice officers will have participated. The programme is intended to prepare participants to teach human rights as a specialized course, or as part of other courses. Each conference covers eight working days, seven hours per day. The lectures and discussions are in Arabic, with Arabic language materials.

6. The first of these conferences took place in January 1987, with 42 participants; the second took place in June 1988, with 53 participants; the third in December 1988, with 53 persons participating; the fourth took place in June 1989, attended by 56 participants; and the fifth conference is planned for July 1990, with some 60 participants.

IV. PUBLICATIONS

7. In preparation for teaching human rights in Arab institutions, four basic books have been written, as follows:

(a) Volume I, Human Rights: International and Regional Instruments is a compendium of international and regional human rights conventions, translated into Arabic. The preface was written by the United Nations Under-Secretary-General Jan Martenson;

(b) Volume II, Human Rights: Studies on International and Regional Instruments contains studies and explanatory reports and analyses of international and regional instruments;

(c) Volume III: Human Rights: Applications in the Arab World contains reports on special applications of internationally protected human rights within the Arab world, with specific reference to the Constitutions of the Arab States and laws. Its introduction has statements by King Hussein of Jordan and Prime Minister Mahdi of the Sudan;

(d) Volume IV, Human Rights: Teaching Methods is a methods book on how to teach human rights (and its contents) in law schools, police academies, judicial institutes, military justice and other specialized institutions.

8. These four volumes are the first of their kind ever to be published in Arabic. The Institute has distributed over 1,000 copies of each volume to law professors, researchers, bar associations and law libraries throughout the Arab world.

9. A special publication, under the auspices of the Council of Europe, was released in September 1989. It contains the European Convention on Human Rights and the European Convention on Torture. It is the first Arabic translation and dissemination in book form of these instruments. The preface was written by the Secretary-General of the Council of Europe, Marcellino Oreja.

10. The proceedings of the conference entitled "The Protection of Human Rights in Comparative Criminal Proceedings: Egypt, France, the United States" (described below) was published in September 1989, in "8 Nouvelles Etudes Pénales".

11. The Institute also published the conclusions and recommendation of the conference entitled "Criminal justice reform and human rights education" (1985) and the "Draft Arab charter on people's and human rights" (1986).

V. IMPACT OF THIS PROGRAMME AND OTHER RELATED INITIATIVES IN THE ARAB WORLD

12. Partly as a result of these programmes, a number of law schools and specialized institutions have established human rights institutes and programmes. The universities of Cairo, Zagazig, Mansourah and Assuit have established Human Rights Institutes, and the Research Center of the Egyptian Police Academy is planning one. The following faculties of law have also established human rights courses: Assuit, Casablanca, Cairo, Ein-Shams, Fez, Jordan, Khartoum, Kuwait, Lebanese, Mansourah, Mu'ta, Rabat, Tunis, Zagazig. In addition, the faculties of law of Aleppo, Benghazi and Damascus Universities are planning such courses.

13. These programmes have also initiated or contributed to the process of stimulating research and study of human rights in various parts of the Arab world, which has taken a variety of forms.

14. In December 1987, the University of Cairo Law School held a conference entitled "Teaching human rights in law schools".

15. Since 1987, the Egyptian Association of Criminal Law has held its three annual congresses on a topic which included human rights.

16. In April 1988, a conference was held in Alexandria entitled "Protection of human rights in comparative criminal proceedings: Egypt, France, and the United States". It was organized by the Institute in collaboration with the Egyptian, French and American sections of the International Association of Penal Law. Its proceedings were published in "8 Nouvelles Etudes Pénales" (1989).

17. In January 1989, an international conference was held entitled "United Nations declaration on principles of justice for victims of crime and abuse of power". The conference's recommendations were read in the presence of President Mubarak, the Egyptian Cabinet and many dignitaries, and were carried by Egyptian television and radio programmes on that day. The recommendations incorporated the work of a committee of experts which convened at the Institute to prepare draft implementation measures for the United Nations declaration (these implementation measures are currently before the United Nations).

18. The Council of Arab Ministers of the Interior conducted a training session in Cairo in September 1989 for senior law enforcement officials, and one of the topics was entitled "Protection of victims of crime".

19. In May 1989, a conference on the same subject was organized by the Algerian Bar Association at Batna.

20. In August 1989, the International Academy of Constitutional Law of Tunisia held a session entitled "Constitutional Law and Human Rights".

21. A committee of experts has been working at the Institute on the preparation of an Arab draft convention against torture, which is based in part on the 1984 United Nations Convention and the 1986 European Convention. The text is in the process of publication and will be widely circulated.

22. In 1989, a research project was developed by the Institute entitled "Protection of human rights in the comparative criminal proceedings of Arab States" and culminated in a major conference in Cairo in December 1989. Forty-five national reports from 15 Arab States were presented and 3 general reports synthesizing the pre-trial, trial and post-trial phases were presented. The conference was under the auspices of President Hosni Mubarak and was attended by several Cabinet officers and some 350 law professors, senior police and military officers. This study was the first of its kind and its publication will lead to a better understanding of the laws and practices of Arab States.

23. In June 1990, the Institute will start a three-year summer programme on human rights for graduate law students in Arab law schools. This programme, which will be for credit towards masters' and doctoral degrees in Arab law schools, will prepare 90 to 100 persons who will join the academic ranks of their respective universities. This new programme will further stimulate the teaching of the subject.

24. A sixth conference on teaching human rights is being considered for 1990-1991.

25. A seminar for media persons entitled "Role of the media in the dissemination and protection of human rights" is in the planning stage.

VI. RANGE OF INSTITUTIONAL PARTICIPATION

26. Altogether some 350 law professors, judges, police academy instructors and military justice personnel have been directly involved in the programmes conducted at the Institute between December 1985 and December 1990.

27. Among the participants were Cabinet or former Cabinet members, chief justices and justices of Supreme Courts, high-ranking army and police officers, and senior government lawyers.

28. Universities and institutions whose representatives participated in the Institute's Arab human rights programmes from the Atlantic to the Gulf are located in: Morocco, Tunisia, Algeria, Libya, Egypt, Sudan, Jordan, Palestine, Syria, Lebanon, Iraq, Saudi Arabia, Kuwait, United Arab Emirates and the Republic of Yemen.

VII. SIGNIFICANCE OF INDIVIDUAL PARTICIPATION

29. The calibre of personalities attending the Institute's activities attests to the support it has in academic, public and official circles. Among those who have attended are: ministers from Egypt, Tunisia and Syria; chief justices and Supreme Court justices from Algeria, Egypt, Jordan, Lebanon, Morocco, Saudi Arabia, Sudan, Syria, Tunisia and the United Arab Emirates; university presidents from Cairo, Mansourah and Mu'tah; deans of the law schools of the universities of Aleppo, Alexandria, Cairo, Damascus, Ein-Shams, Fez, Jordan, Khartoum, Mansourah, Rabat, Tanta, Tunis and Zagazig; directors of the judicial training institutes of Egypt, Jordan, Tunisia and Morocco; presidents of the national bar associations of Lebanon, Morocco and Syria; military procurator generals of Egypt and Tunisia; directors of police academies and research centres of the Ministries of the Interior of Algeria, Egypt, Iraq and Saudi Arabia; ambassadors from Egypt, Morocco, Syria and Tunisia; and law professors from every Arab law school.

VIII. CONCLUSION

30. The cumulative effect of these programmes and publications is expected to create a culture of respect and observance for human rights through institutionalized educational programmes. The multiplier effect will assuredly have an impact on the development of democracy and the strengthening of the rule of law in Arab societies. These programmes have already demonstrated that they encourage and strengthen human rights; develop networking and self-reinforcing support among Arab jurists; enhance inter-Arab regional co-operation; stimulate educational and research programmes; encourage teaching; provide opportunities for exchange of individual and national experiences; provide new pedagogical models; generate a climate of openness and understanding; stimulate media and public interest; and involve public officials in a positive way.

31. These activities, which are new to the Arab world, are also unique in the third world for their intensive penetration and systematic application, and for the significant involvement of such a large number of scholars from the entire region. Never has there been such a systematic and far-reaching programme on human rights in a single region of the world.

32. The protection of human rights is one of the basic goals of justice in any society. It is also the foundation of democracy, through which the Arab world can attain peace, stability and progress. It is toward this humanistic goal that these efforts are directed.
