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**PROMOTION AND PROTECTION OF HUMAN RIGHTS**

**THE ROLE OF GOOD GOVERNANCE IN THE  
PROMOTION OF HUMAN RIGHTS**

**Report of the High Commissioner for Human Rights**

### **Executive summary**

The present report is submitted pursuant to resolution 2002/76 of the Commission on Human Rights, in which the High Commissioner was requested to reiterate invitations to States and non-governmental organizations to provide examples of activities that have been effective in strengthening good governance practices for the promotion of human rights, to prepare a compilation of that material to serve as indicative ideas for States, and to report to the Commission on the utility of that material for the analysis and technical assistance activities of his Office. In that resolution the High Commissioner was also requested to convene, jointly with the United Nations Development Programme, a seminar on the issue of practical approaches and activities that have been effective in strengthening good governance practices for the promotion of human rights and to report on the outcomes. The requested seminar and the elaboration of the compilation had been postponed, owing to financial constraints. The present report provides an analytical summary of the replies from States and intergovernmental and non-governmental organizations to invitations pursuant to Commission resolutions on the matter. The content of the replies has been organized under five headings. The first, promotion of the rule of law, contains information provided about legislative and institutional initiatives. The second section contains information provided about initiatives and programmes aimed at improving the provision of social services for the population as a key State role. The third section contains information about programmes and projects aimed at improving democratic institutions and participatory mechanisms. The fourth section contains examples of initiatives to combat corruption in the public and private sectors. The fifth section contains information sent by States concerning their programmes of international cooperation for development at the multilateral and bilateral levels. The report concludes that practices of good governance for the promotion of human rights are understood in a broad sense and are an important element in the promotion of human rights.

## CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
Executive summary .....		2
I. INTRODUCTION .....	1 - 3	4
II. PROMOTION OF THE RULE OF LAW .....	4 - 27	5
III. STRENGTHENING SERVICES DELIVERY FOR HUMAN RIGHTS .....	28 - 33	11
IV. STRENGTHENING DEMOCRATIC INSTITUTIONS AND PARTICIPATION .....	34 - 37	13
V. COMBATING CORRUPTION IN THE PRIVATE AND PUBLIC SECTORS .....	38 - 39	14
VI. PROMOTION OF GOOD GOVERNANCE IN INTERNATIONAL COOPERATION .....	40 - 48	15
VII. OTHER ISSUES RAISED IN THE REPLIES .....	49 - 50	17
VIII. CONCLUSIONS .....	51	18

## I. INTRODUCTION

1. In its resolution 2002/76 of 25 April 2002, entitled “The role of good governance in the promotion of human rights”, the Commission on Human Rights requested the High Commissioner for Human Rights to reiterate its invitation to States and to United Nations and other relevant international bodies to provide practical examples of activities that have been effective in strengthening good governance practices for the promotion of human rights at the national level, including activities in the context of development cooperation between States, for inclusion in a compilation of indicative ideas and practices that could be consulted by interested States when required (para. 3). It also requested the High Commissioner to draw on the material provided in analysis and technical assistance activities undertaken by his Office and to inform the Commission on the utility of the material in this respect (para. 4). Accordingly, on 12 August 2002, invitations were transmitted to all Member States and international governmental and non-governmental organizations requesting relevant input. Pursuant to paragraph 4, the High Commissioner has prepared the present report offering an analytical summary of the replies received until 15 November 2002 in response to the invitations transmitted on 12 August 2002, and to those transmitted pursuant to Commission resolutions 2000/64 and 2001/72.

2. The Office of the High Commissioner for Human Rights has received replies from Australia, Azerbaijan, Bolivia, Brunei Darussalam, Chile, Colombia, Cuba, Denmark, Georgia, Guatemala, Kuwait, Mauritius, Mexico, New Zealand, Norway, Pakistan, Portugal, Switzerland, and Thailand, and from the Food and Agriculture Organization of the United Nations, the Office of Legal Affairs of the Secretariat, the United Nations Conference on Trade and Development, the Department of Peacekeeping Operations, the Department of Public Information, the United Nations Human Settlements Programme (UN-Habitat), the United Nations Population Fund, the World Intellectual Property Organization and two non-governmental organizations. The originals of all replies are available for consultation in the files of the secretariat. Most replies have provided concrete examples of practices to strengthen good governance, while others have provided general comments on the concept of good governance or information about the human rights situation in the country concerned. In view of the fact that the relevant Commission resolution requested the provision of practical examples, those examples are emphasized in the present report.

3. In resolution 2002/76, the Commission also requested the High Commissioner, using extrabudgetary funding and working jointly with the United Nations Development Programme (UNDP), to convene a seminar before the fifty-ninth session of the Commission on the issue of practical approaches and activities that have been effective in strengthening good governance practices for the promotion of human rights at the national level. The Commission further requested the High Commissioner to invite States, national human rights institutions, relevant organs and bodies of the United Nations and other relevant international bodies and relevant non-governmental organizations to attend the seminar and to report to the Commission at its fifty-ninth session on the outcomes. Due to financial constraints the holding of the requested seminar and the elaboration of the compilation of indicative ideas and practices have had to be postponed.

## II. PROMOTION OF THE RULE OF LAW

4. **Australia** reported that the Australian Human Rights and Equal Opportunity Commission implements federal legislation in the areas of human rights, anti-discrimination and social justice. Its activities include the consideration of complaints, responding to public enquiries and human rights education and training. Examples of its activities include two programmes. Its "Tracking your Rights" Programme is an education package developed by the National Aboriginal and Torres Strait Islander Community Education Project, which provides strategies for dealing with discrimination and conflict across the country. The "Youth Challenge" Programme brings together high school students in different regions of the country for a one-day event that focuses on real-life issues such as disability, transition to work, racial and sexual discrimination and harassment. Australia was the first country to complete a National Action Plan on Human Rights in response to the call of the 1993 World Conference on Human Rights and to submit it to the Commission on Human Rights in 1994. The Plan is an attempt to draw together government policy relating to the domestic observance of human rights, and highlights challenges in promoting domestic human rights observance and future government action in the area. The Plan was updated in 1995 and in 1996-1997.

5. **Azerbaijan** provided information about its legal system and national institutions in charge of protecting and promoting human rights. Under the 1995 Constitution, the Azerbaijani people are the sole source of State power in the Republic. Citizens have the right to participate in the Government directly or through their representatives. The Constitution also provides that international treaties to which Azerbaijan is a party are an integral part of its legal order. In this respect, Azerbaijan has acceded to a number of treaties on human rights matters that are now part of its internal legal order. Under the 1998 State programme for the protection of human rights, a Human Rights Research Institute has been set up to encourage research and broaden knowledge on the matter. A number of important laws have been drafted with the help of foreign experts that ensure proper protection of human rights in accordance with international undertakings. There are also a number of laws that protect social rights, minorities and the rights of women and children. The Azerbaijani Constitution protects the political rights and freedoms of the citizens, and this has prompted the organization of a wide range of non-governmental and voluntary groups. Local governments constitute important means to ensure public participation in government. In 1999, elections to the municipalities were for the first time held in the country. Azerbaijan has been discussing draft legislation for the establishment of the office of the ombudsman in the country. In so doing, it has received expert advice from the Organization for Security and Cooperation in Europe Office for Democratic Institutions and Human Rights and the Directorate General of Human Rights of the Council of Europe.

6. **Colombia** provided information about its institutional system for the protection of human rights and the progress in monitoring the human rights situation in the country. In 2000, the Government set up the Standing Intersectoral Commission as a high level decision-making body to coordinate and ensure consistency in State action regarding human rights and humanitarian law. It also set up an administrative department that focuses on the implementation and expansion of the National Plan of Action for human rights and international humanitarian law. A Technical Advisory Group was set up comprising the Administrative Department, the National Police Human Rights Unit, the Human Rights Office of the Armed Forces, the Office of the Attorney-General, the Office of the Procurator General and the Office of the Ombudsman.

7. In 1999, Colombia adopted a policy to ensure respect for and promotion of human rights, which is implemented through the Office of the Vice-President of the Republic. Emphasis has been placed on law enforcement through training officials, strengthening human rights and humanitarian law offices in military garrisons, and the adoption of a new Military Penal Code. Women and children have received special attention in the context of the armed conflict in the country. In this respect, the main concern has been to protect children from being involved in the armed conflict.

8. **Georgia** provided information about its legal system and institutions. Chapter II of the 1995 Constitution protects human rights and fundamental freedoms. Georgia has acceded to several of the universal human rights treaties and regularly submits reports to the monitoring bodies of those treaties. A special agency for the preparation of those reports has been established within the National Security Council. Under the Constitution, international treaties entered into by Georgia take precedence over the interstate normative acts if they do not contradict the Constitution. There are several bodies in the Georgian Parliament that deal with human rights matters. The President of the Republic has created the post of Deputy Secretary of the National Security Council on Human Rights Issues, with the power to control and coordinate executive action in the human rights field. The President has also an Assistant on Minority-Related Issues, who is the head of the Department of Minority-Related Issues. Under the auspices of this body, a special council has been set up with the participation of more than 60 non-governmental organizations. The Parliament elected the first Public Defender (ombudsman) in 1997. The functions of this official comprise the investigation of human rights violations and reporting to appropriate bodies and individuals.

9. **Guatemala** included in its report a background of the human rights situation prevailing in the country, and a description of the Government's human rights policy and activities carried out to protect and promote human rights. It also provided examples of activities and training courses to promote human rights at the national level, with particular emphasis on education in the field of human rights. In 1997, the Presidential Commission for Human Rights (COPREDEH) established an Institutional Forum with membership from all governmental authorities. The task of the forum is to implement the international commitments of Guatemala in the field of human rights. COPREDEH also held a series of seminars for military and police officers during 2000, and set up an Internet page and a documentation centre with information about international instruments and mechanisms of protection and promotion of human rights. Several other training activities have been organized by COPREDEH and other governmental agencies in collaboration with international bodies such as the United Nations Mission in Guatemala and the International Committee of the Red Cross (ICRC). These activities include seminars for teachers and staff of the Ministry of Education, courses for members and instructors of the National Civil Police, and courses for members of the armed forces. COPREDEH has also concluded an agreement with ICRC to organize further seminars and workshops on human rights and international humanitarian law.

10. **Kuwait** informed that its Constitution, adopted in 1962, contains provisions that establish a government system characterized by transparency, responsibility, accountability and participation. The Constitution proclaims that sovereignty resides in the people, and establishes the principle of separation of powers. Other provisions guarantee the powers of the National

Assembly to pass laws and the independence of the judiciary. Parts II and III of the Constitution deal with human rights and freedoms and provide for an approach to good governance that upholds human rights and seeks to promote the well-being of the human person.

11. **Mauritius** informed that a National Commission on Human Rights had been established under the Protection of Human Rights Act, which came into force in 1999. The functions of the Commission include ensuring that no violations of human rights take place at the national level and dealing with complaints about violations of the rights set forth in chapter II of the Constitution.

12. In **Norway** the issue of good governance and human rights was given attention in the report to the parliament containing a Plan of Action for Human Rights. The Government of Norway has also amended the instructions for the preparation of legislation to ensure that overriding concerns, including human rights, are taken into account in the law-making process. The Government has also established a system of liaison officers in the ministries to improve the way in which inquiries concerning human rights are dealt with and to help to make the ministries' knowledge of human rights accessible to the public. The liaison officer will also coordinate the individual ministry's human rights work.

13. **Portugal** provided information about a dissemination campaign launched by the Council of Ministers in 1998 in commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights. Activities in this framework included dissemination of materials, awareness-raising campaigns and the designation of 10 December as a National Human Rights Day. Dissemination work will continue at the level of schools and local communities in the context of the United Nations Decade for Human Rights Education. Portugal underlined the role played by national human rights institutions in the area of information and combating discrimination. It mentioned the Ombudsman, the High Commissioner for Immigration and Ethnic Minorities, the Bureau of Documentation and Comparative Law of the Office of the Attorney-General, the Commission on Equality in Employment, and the Commission on the Equality and Rights of Women.

14. In its reply **Turkey** stated that respect for human rights as an ideal of humanity is reflected in its Constitution and in international instruments to which Turkey is a party. The constitutional amendments of October 2001 introduced new provisions in the field of freedom of thought and expression, prevention of torture, personal security, privacy and freedoms of communication, residence and association. Turkey has also become a party to several international human rights instruments and is taking steps to accede to or ratify others. It also cooperates closely with United Nations human rights bodies and special mechanisms, some of whom have recently visited the country. Turkey has put in place an institutional machinery to promote and protect human rights. The State Ministry Responsible for Human Rights and the Human Rights Inquiry Commission of the Turkish Grand National Assembly were established in 1990. There is a Human Rights High Council that leads human rights work within the Government, a Human Rights Department that functions as secretariat of the High Council, a Human Rights Advisory Council within the Office of the Prime Minister, and several Human Rights Inquiry Delegations with representatives from governmental and non-governmental bodies. In 2000, the Government established Human Rights Councils in all provinces and

districts. A bill has also been introduced in the National Assembly to create the post of Public Inspector (Ombudsman). Turkey also informed about several training and awareness-raising activities it has carried out.

15. **Venezuela** provided information about its Constitution and the institutions of the Ombudsman and the Procurator-General. The 1999 Constitution requires investigation and punishment of offences against human rights and recognizes the right of victims to reparation. That Constitution provides for the creation of the Office of the Ombudsman and a constitutional division within the Supreme Court. The Office of the Ombudsman is responsible for the promotion and enforcement of the rights enshrined in the Constitution and in international human rights treaties ratified by Venezuela. Its functions include the dissemination and effective protection of human rights by submitting recommendations and observations to improve the protection of human rights to relevant bodies. In this regard, the Office of the Ombudsman has undertaken several activities in the area of human rights education, and has urged governmental bodies to take human rights as guiding principles in their actions. With reports to the Government, the Ombudsman contributes to good governance by being able to respond to the people's needs. The Procurator's Office of the Government of Venezuela has also conducted training activities in the area of human rights for procurators and lawyers and plays an important role in coordinating activities with civil society and leading the work of procurators in the human rights and constitutional fields.

16. The United Nations Department of Peacekeeping Operations reported various practical examples identified in the work of the peacekeeping missions of the United Nations in several countries. The United Nations Civilian Police (UNCIVPOL) is involved in activities relating to good governance and promotion of human rights in the context of the work of the United Nations Mission in Western Sahara (MINURSO). UNCIVPOL protects material evidence collected during the process of identification of eligible voters for an eventual referendum on the question of the independence of Western Sahara. It also provides security to observers and delegates and ensures the free and impartial access for those coming for registration. For this purpose, UNCIVPOL officers were briefed on refugee law and on how to better assist refugees during the process of repatriation, with particular attention to women, the elderly and other vulnerable groups.

17. The United Nations Mission in Bosnia and Herzegovina (UNMIBH) focuses its mandate on contributing to the establishment of the rule of law in Bosnia and Herzegovina by assisting in reforming and restructuring the local police and monitoring and auditing the police role in maintaining law and order and protecting human rights. UNMIBH efforts have helped to create State institutions that did not exist before. In order to professionalize and shield the police from political influence, UNMIBH worked towards the introduction of the post of an independent Police Commissioner in each police administration. It has also implemented a system of independent assessment and accreditation of law enforcement agencies that comply with basic standards for democratic police institutions. Recommendations are also issued and taken into account in the process of police reform. The recommendations include the introduction of a non-military rank structure, a transparent performance assessment policy, streamlining of the management and the establishment of public complaints bureaux in each law enforcement agency to deal with public complaints against law enforcement officials in a transparent and fair manner. A key aspect for the police protection of human rights is the existence of transparent



and effective internal disciplinary procedures to avoid situations of impunity of police officers themselves. UNMIBH has worked with the different ministries to ensure that structural reforms are made to allow the flow of information between levels of accountability, adequate resources are provided and standardized record keeping mechanisms are established. UNMIBH and local police also developed model procedures and record keeping materials to help the police to bring its practices regarding arrest and custody of people into conformity with international standards. Police methods of searching have also received attention and the number of searches conducted without a proper court warrant has been reduced. All of these have been complemented with training activities and materials for police officers and sensitization campaigns directed to the population at large.

18. The United Nations Mission in Sierra Leone (UNAMSIL) has given particular attention to the judicial system, which was devastated after 10 years of war, as a key component in the promotion of good governance and the rule of law in the country. There has been significant progress in the restoration of civil authority throughout Sierra Leone, for instance in the redeployment of police forces. However, the restoration of a functioning judiciary has taken a longer time. The main objective is to strengthen the judicial system and auxiliary bodies through a process of reform and capacity-building. This process has three components: legal and structural reform compatible with international standards, rehabilitation of infrastructure, and capacity-building. The last component includes training of judges, registrars, prosecutors, lawyers, police officers and prison staff on issues relating to the protection of human rights. UNAMSIL has also provided crucial support to the creation and work of the Truth and Reconciliation Commission and the Special Court to promote reconciliation while bringing the perpetrators of the worst humanitarian law violations to justice.

19. The Food and Agriculture Organization of the United Nations (FAO) informed that human rights, peace and good governance are at the core of the “Elimination of food insecurity in the Horn of Africa: A strategy for concerted Government and UN agency action”, prepared by the Inter-Agency Task Force on the United Nations response to long-term food security agricultural development and related aspects in the Horn of Africa. FAO sent a copy of the report on the above issue that is available in the secretariat for consultation.

20. The United Nations Human Settlements Programme (UN-Habitat) reported several examples of best practices in strengthening good governance and the rule of law. The “Safer Cities: Dar es Salaam” Project was initiated in 1997 by UN-Habitat with technical support from the International Center for the Prevention of Crime in Canada and UNDP. The initiative aims at coordinating and strengthening local institutional crime prevention capacity, changing attitudes and promoting a culture of adherence to the laws and reducing youth unemployment through skills training and cultural activities. Dar es Salaam is the largest city in Tanzania and before 1997 it accounted for over 25 per cent of all crime incidents reported to the police. The project works on a bottom-up approach to mobilize the community and local resources in establishing crime prevention initiatives. This has decentralized the task of dealing with petty crime to the neighbourhood level instead of relying on the conventional justice system, anchoring social justice with community rather than penal values. Other cities in Tanzania (Arusha, Mbeya and Morogoro) have approached “Safer Cities Dar es Salaam” for assistance to create and support the development of a Safer Cities initiative in their towns and cities.

21. Other projects reported by UN-Habitat include “Democratization in Tukums Region” in Latvia and the “Training Programme in Public Security, Human Rights and Citizenship” in Brazil. The former was conceived to create a democratic system of social assistance incorporating the inhabitants’ needs and mobilizing them to actively support themselves. The project has achieved increased participation and cooperation among community-based organizations in concrete projects that improve their well-being. The project in Brazil was designed to counter police arbitrariness, the aggravation of exclusion and violence in Amapá through the provision of training to police officers and the improvement of police management and organization. The training programme included social psychology, group interaction and self-analysis focusing on changes in behaviour and attitudes based on the respect of ethical principles of citizenship, defence and security for the people.

22. The United Nations Conference on Trade and Development informed that its secretariat is currently embarking on a new programme on Good Governance in Investment Promotion. The first phase of the programme will provide assistance to investment promotion agencies in five least developed countries. The project aims at increasing transparency and efficiency in the operation of investment promotion agencies and establishing local training capacities in effective investment promotion and ethical conduct in the public sector.

23. The United Nations Population Fund (UNFPA) provided information about its activities assisting developing countries in the promotion of reproductive health and rights, the development of population and development strategies that enable capacity-building in population programming, and in promoting awareness in population and development issues. Through its technical cooperation, UNFPA works with national counterparts and other partners to effectively guarantee the right to reproductive health. Its activities extend to emergency situations where access to reproductive health needs to be guaranteed. UNFPA supports the role and rights of women in sustainable development and supports the formulation of comprehensive population policies. Its activities include capacity-building support and training. In this context, it has carried out training activities in cooperation with host countries and other international organizations in South Africa, the Niger, Afghanistan and East Timor.

24. The World Intellectual Property Organization (WIPO) provided information on its work programme in the field of cooperation for development, which aims at contributing to the realization of good governance in intellectual property rights management across the globe. The programme focuses on assisting developing countries to optimize their use of intellectual property system for their economic, social and cultural benefit. The activities are developed in the areas of institution-building, including infrastructure and country or region-specific action plans, training at the national and regional levels for law enforcement officers, lawyers and judges, advice in the preparation of legislation, and the promotion of productive entrepreneurship through assistance for the establishment of innovation support services in developing countries. As support for its activities, WIPO has elaborated and uses guides and Internet training packages that allow it to reach out to a wide spectrum of the public.

25. The Office of Legal Affairs of the United Nations underlined the link between good governance and the rule of law, in particular the international rule of law in which international treaties play a central role. Further to the objectives and commitments drawn by the Secretary-General of the United Nations in several reports, a subcommittee prepared the report

entitled "An era of application of international law", which was subsequently converted into an action plan and approved by the Secretary-General. Item 1 of the plan about encouraging participation in multilateral treaties has been fully implemented, whereas item 2, on assistance to States for treaty implementation, is in the process of implementation. To encourage participation in the multilateral treaty framework, in particular in human rights treaties, the Office of Legal Affairs has carried out various treaty events to raise awareness about international law and the breadth of treaties affecting human rights.

26. Two non-governmental organizations also submitted information about their work in the field of good governance in the promotion of human rights. Africa Governance Alert works in Cameroon in the promotion of human rights and good governance through research, training and the publication of a magazine. It provided a copy of its activities report for the years 1997 to 2001 as well as copies of its periodical publications. These materials are available in the office of the secretariat for consultation.

27. The Grassroots Women Foundation works in collaboration with international organizations on an initiative about model local government councils in Nigeria. The aim is to ensure popular participation in government programmes as well as transparency and accountability. It has undertaken training activities for community leaders.

### III. STRENGTHENING SERVICES DELIVERY FOR HUMAN RIGHTS

28. In its reply, **Brunei Darussalam** stated that the Government provides good governance to its people by placing strong emphasis on ensuring the provision of basic standards in health care, education, housing and welfare for the people. In the area of health, the Government provides free medical and health care to the population. One of the achievements is the immunization coverage that reaches 95 per cent of all children. In the area of housing, the National Housing Scheme is designed to give to those without land the opportunity to build their own houses at a subsidized price to be paid over 20 to 30 years. The Government also provides financial assistance, advice and monthly allowances to widows, orphans, the elderly and handicapped persons. Education is free from the age of 5 years up to university level and the level of school enrolment is on the increase. Universal primary education has been achieved and the number of students dropping out from schools is decreasing. Literacy rate is around 95 per cent and is going higher. The Government has set up special units to assist children with disabilities and provides meals for primary school children in rural areas.

29. **Cuba** provided some information about the principles underlying governance in the country, notwithstanding its reservations and concerns on the matter. They are: the massive participation of everyone in all areas of activity, ceaseless efforts to achieve social justice with laws and policies designed to achieve equitable distribution of wealth, support and respect for the results of public consultations mechanism, permanent accountability of representatives elected to public office through reporting procedures and the right of people to revoke mandates, universal education, the responsibility and duty to show solidarity and provide assistance to those in disadvantage at the national and international levels, and respect for diversity and rejection of all forms of discrimination.

30. The United Nations Human Settlements Programme (UN-Habitat) also provided examples of good governance in the area of delivering social services. The Relocation of Backyard Tenants Project was initiated to give response to the problem of people housed in shelters constructed using scrap building materials in the black suburb of Kuisebmond in Walvis Bay, Namibia. In March 2000, the Management Committee of the Municipal Council resolved that an action plan be devised for the relocation of “shack dwellers” to a designated settlement area. Various meetings were held between municipal councillors and municipal officials culminating in the decision to establish a settlement area where residents would be allowed to erect informal structures built with non-conventional building materials. The Tataleni Relocation Steering Committee was composed of affected community members and officials and councillors of the local authority. The Committee was tasked, among other duties, with acquiring ministerial approval for a maximum of four units per plot and the identification of new sites for future extensions. The creation of Tataleni Village has greatly contributed towards solving some of the problems related to backyard squatting, facilitating access to housing with safe drinking water, electricity and refuse bins.

31. The Bureau d’assistance aux collectivités pour l’habitat social (BAHSO), operating in Senegal, is a good example of efficiency in the delivery of urban services in the field of access to land and shelter. Senegal has a population of 8 million with 40 per cent living in urban areas. The limited availability of private housing programmes and the economic crisis generated the construction of temporary housing units on government or privately owned land. BAHSO was established in 1986 within the Ministry of Town Planning and Housing, in partnership with UN-Habitat, German Technical Co-operation (GTZ) and the Government of Senegal. BAHSO mission is to assist the cooperative societies in the implementation of their building programmes related to accessing serviced parcels of land, housing and infrastructure. BAHSO operates on a national scale, handling administrative and financial processes for purchase of land and houses, training and supervising cooperative members in building construction and ensuring popularization of new building technologies. BAHSO support is based on a free and voluntary affiliation of cooperative members. The initiative is being replicated in Mali.

32. The Comprehensive Revitalization of Urban Settlements Project was executed in Chengdu, one of the most severely polluted cities in China. It addressed the deterioration of the two rivers surrounding the city and the related problems as well as the proliferation of squatter and slum settlements on the banks of both rivers. Owing to the amount of capital investment required and the number of people and communities affected, the Municipal Government of Chengdu adopted a strategy of partnership and participation. Over 30,000 households previously inhabiting the slums on both banks of the two rivers have been rehoused since 1995 in new, fully equipped housing estates. The vacated land has been used to create a continuous green space replete with parks, gardens and recreational and cultural facilities. The two rivers have been de-silted, widened and their ecological flow restored, reducing flood vulnerability to a 200-year risk. A series of concomitant projects dealt with solid waste, sewage collection and treatment, industrial effluent, road infrastructure, transport and communications, and parks and gardens. The lessons learned in participatory planning and partnership are being transferred through the secondment of staff involved in the project to surrounding towns and districts.

33. Other examples reported by UN-Habitat include a project in Bucharest, that addressed the needs of older people in one sector of the city. A partnership between a non-governmental organization, the local government and foreign financial support permitted the provision of social and medical services for the elderly in that sector. Another project in Bulgaria aimed at the rehabilitation of disabled people through the provision of technical advice, social consultation, professional training and at-home services. Finally, a participatory project implemented in Teresina, Brazil, achieved the consolidation of villages and slum areas of the town into neighbourhoods with basic urban services.

#### IV. STRENGTHENING DEMOCRATIC INSTITUTIONS AND PARTICIPATION

34. **Mexico** submitted information from its Federal Electoral Institute (IFE), the electoral organ of the Mexican State. Mexico has implemented electoral reforms since 1990. With the electoral reform of 1994, control of the electoral bodies passed to non-partisan independent citizen councillors in charge of monitoring the overall process. In 1996, the members of the General Council, the governing body of IFE, were made eligible by a two-thirds majority of the House of Deputies. This enhanced the independence of that body. To ensure reliability in the electoral system, an entirely new electoral roll was compiled for the federal elections of 1991, and, since 1997, the list of voters in the polling stations include a photograph of the voter to ensure his or her identity. In the 1994, 1997 and 2000 elections, Mexican citizens were widely involved as electoral observers with the financial support and in cooperation with national and international organizations. Several other international organizations were also invited and given facilities to act as observers. Mexico has been a member of the Inter-American Union of Electoral Organizations since 1996. The authorities also carried out other parallel or concomitant activities, including the holding of children's election, the organization of seminars and courses and the conclusion of agreements with other countries and international organizations in the field of development cooperation.

35. **Pakistan** provided information about steps taken in the past three years to improve governance in the country. The National Reconstruction Board was set up in 1999 to undertake the reconstruction of the State institutions to establish genuine and sustainable democracy and durable good governance. A major change was implemented in 2001 at the district level and below. The new system aims at allowing improved participation from marginalized segments of society. For instance, with regard to women, 33 per cent of seats in Zila Councils and Tehsil/Town Councils will be reserved to indirectly elected women, in addition to the seats already reserved for women in each council. At the level of the National Assembly, the number of seats reserved for women has risen from 20 to 60. The reforms also aim at improving the participation and representation of minority communities. In union councils, 1 out of 21 has been reserved for minorities, and in Tehsil/Town Councils and Zila Councils the number of representatives from minorities will be increased to 5 per cent. Similar numbers and percentages apply to representatives of peasants and workers. In the National Assembly and Provincial Assemblies a number of seats have been reserved for non-Muslims. Union, Tehsil and District Councils have committees to monitor the performance of the Government at the respective level.

36. **Thailand** informed that, in 1999, it had adopted a regulation of the Office of the Prime Minister on Good Governance. The regulation lays down six basic principles of good governance in public administration: rule of law, meritocracy, transparency, participation, accountability and efficiency. To enhance participation there is a need for awareness-raising action. The Government has held a series of seminars and workshops on the matter addressed to a wide public. Each public office, as well as the private sector, is encouraged to develop codes of conduct based on the six principles mentioned above. There is also legislation that provides civil servants with the right to petition and a policy of decentralization and participation that includes the establishment of the Autonomous Administration Organizations in provincial development planning.

37. The United Nations Human Settlements Programme provided the example of the Naga City Participatory Planning Initiatives implemented in Naga, a city in central Philippines. Over the past 10 years, it has become one of the recognized models in Philippine local governance. Building on the 1991 Local Government Code mandating the need for greater participation in local governance, Naga City passed its "Empowerment Ordinance" in late 1995. The Naga City People's Council set the stage for what has been an important experiment in local governance. Civil society has been empowered to work closely with the local government to design, implement and evaluate the City's development agenda. Three priority areas for action under the aegis of the Naga City Participatory Planning Initiatives had been identified in 1996: the clean-up of the Naga River, the management of solid waste and the revitalization of the Naga City Hospital. The participatory process skills developed in Naga City have been applied to several new initiatives.

## **V. COMBATING CORRUPTION IN THE PRIVATE AND PUBLIC SECTORS**

38. **Colombia** provided information about its anti-corruption policies. In Decree 2405 of 1998, the President of the Republic proposed an anti-corruption programme that focuses on two types of action. On the one hand, there are prevention strategies that aim at strengthening the ethical values of civil servants through training sessions. The programme uses a virtual ethical centre which provides Internet access to information on ethical and legal standards for citizens and officials, and a National Civil Service Training Plan. On the other hand, there is a policy to strengthen control and penalties through the Citizens' Sub-Commission of the National Moralization Commission established in 1995 and other bodies. Decree No. 266 passed in 2000 formulates a strategy of transparency in public contracts and establishes the principles applicable to resource management and the competence of public officials. In April 2000, the Government convoked a constitutional referendum in order to establish a new institutional framework to combat patronage and corruption in the public service.

39. **Mexico** provided information on the measures it has taken to reduce corruption in the Federal administration. The 1994 decree reforming the federal law on the responsibilities of public servants provides that the State assumes financial responsibility in the event of infringements by public officials of the rights of citizens. This provision guarantees that the injured citizen will receive full reparation. The Government that took office in 2000 has adopted measures to ensure that every government entity implements strategies to monitor and prevent

corruption. There are agreements with citizens groups, such as Citizen's Alliances, that monitors the procurement of goods by the public sector, or the so-called Sectoral Agreements that represent a broad coalition of civic and business organizations which identify problems and propose improvements in the public sector. The Government has also helped to set up comprehensive service centres that provide information and support to the public regarding transactions and procedures. Priority is given to civic participation. That is reflected in the signing of the National Agreement to Ensure Transparency and Combat Corruption, to which 83 non-governmental, business and labour organizations, political parties, the Government and academic institutions have signed up. A scheme that involves visits by undercover public servants to government departments to make inquiries or gather evidence about corruption has been put in place. The Government has complemented these measures with dissemination materials and the compilation and circulation of statistics.

## **VI. PROMOTION OF GOOD GOVERNANCE IN INTERNATIONAL COOPERATION**

40. **Australia** provided several examples of strengthening good governance in its activities for development cooperation. It noted that supporting good governance in developing countries is a key priority for its aid programme. The four key areas of assistance under the aid programme's governance framework are: improving economic and financial management, strengthening law and justice, increasing public sector effectiveness, and strengthening civil society. The Centre for Democratic Institutions (CDI), established in 1998, assists in supporting development and strengthening democratic institutions in developing countries. It focuses on short, intensive training programmes to strengthen democratic and civil society participation in parliamentary, judicial, media and public sector reform processes. CDI works on human rights and anti-corruption with present and future leaders, encourages networking and gender equality, and works cooperatively with other institutions in the field.

41. The Human Rights Small Grants Scheme provides small grants to in-country organizations (mainly non-governmental) for activities aimed at developing domestic capacities to respect, promote and protect human rights in a direct and tangible way. The Asia-Pacific Forum of National Human Rights Institutions was initiated in 1996 and seeks to strengthen the institutional capacities of, and cooperation between, existing national human rights commissions in the Asia-Pacific region, and encourages and assists regional Governments to establish national human rights institutions. Other projects and activities undertaken by Australia in the framework of its aid programme include technical cooperation agreements and assistance to specific projects in various countries.

42. **Bolivia** provided information on human rights projects carried out with international support. The Programme for the Promotion and Defence of Human Rights was funded by the Office of the United Nations High Commissioner for Human Rights and UNDP. It comprised a series of seminars and workshops for armed forces and police officers. An agreement has been concluded with military and police academies to incorporate human rights in the study curricula of future officers. The Centre for Justice and Human Rights, located in a coca-producing and conflictive area, was funded by the United States. It involved the promotion and dissemination of human rights through the provision of medical care and the monitoring of detention centres

and provision of legal advice by competent authorities. The Offices of Human Rights for Indigenous Peoples are located in three regions and are funded by the Swiss Cooperation for Development. They provide human rights training and information, and monitor and report on instances of human rights violations to the competent authorities. Bolivia also informed about draft legislation on equality, anti-corruption and human rights, being considered for adoption in parliament.

43. **Denmark** provided a nine-volume set containing the evaluation of its support to human rights, democracy and good governance. In addition to the synthesis report, the other volumes deal with justice, constitution and legislation, elections, media, participation and empowerment, and assessments of the support to Ghana, Guatemala, Mozambique and Nepal. Among the conclusions are the realization that promotion of democracy and human rights is a long-term project and donors must update their strategies accordingly. Danish support has been flexible and relevant to local conditions. Challenges in the field of adequate responses to multicultural societies, the achievement of policy coherence, the involvement of the business community and the implementation of a rights-based approach to development are also identified. The volumes contain a list of programmes and projects supported by the Danish Development Cooperation Programme and are available at the secretariat for consultation.

44. **Chile** provided information about its Programme of Technical Cooperation for Developing Countries that was initiated in 1993. The Programme has three components: technical cooperation, triangular cooperation and scholarships. Among the activities that have contributed to good governance and human rights are the programme of peace in Colombia that works on institutional strengthening, support to displaced people, decentralization and local planning; the seminar on governance in Guatemala that supported the work of the High Commissioner for Peace; the regional seminar on governance and democracy for Central America, Cuba and the Dominican Republic; and the programme of cooperation with Ecuador that provides support to a programme of economic development in the northern frontier of the country. Chile provided detailed information about the regional seminar "Governance and Democracy", held in the Dominican Republic in June 2002 with the objective of generating discussion and reflection in the region about governance and democracy as elements that contribute to efficiency in government and strengthen democratic and participatory processes.

45. **New Zealand** stated that good governance is essential to poverty reduction and sustainable development. The Ministry of Foreign Affairs and Trade provides assistance and funding for good governance projects through New Zealand Official Development Assistance bilateral funds and the Good Governance Programme. Some of the projects funded include the Cambodian Institute of Human Rights that provides training for public officials and community leaders, the South African Human Rights Commission that carries out anti-racism and anti-sexism training with the police, and funding for several fellowships to strengthen the Indonesian Human Rights Commission's investigatory capacity. Funds and assistance have also been provided to several seminars and symposiums on human rights in China, the Commonwealth countries and in Thailand.

46. In its reply, **Norway** stated that good governance and the rule of law are prerequisites for development and, as such, they are targeted in its bilateral and multilateral development cooperation. In this regard, the government Plan of Action for Human Rights emphasizes the



need to strengthen the public administration and the legal apparatus in developing countries, to follow up programmes through political dialogue with the partner's authorities, and to support UNDP approach, in particular in relation to the establishment of the competence-building Africa Governance Forum. The Government attached to its reply a copy of the Norwegian Agency for Development Cooperation's Good Governance and Anti-corruption Action Plan 2000-2001, which contains a list of projects and programmes supported by Norway on the matter and is available for consultation in the secretariat.

47. **Switzerland** provided information about the activities of its Swiss Agency for Development and Cooperation (SDC). SDC undertakes direct actions, support programmes of multilateral organizations and helps to finance programmes run by aid organizations in the areas of bilateral and multilateral cooperation, humanitarian aid and cooperation with Eastern Europe. The promotion of human rights, democracy and the rule of law is one of the main objectives of Swiss foreign policy and its development cooperation. In 1998, a standard paragraph has been introduced in all project agreements stressing the values on which SDC activities are based. Respect for human rights is one of these values.

48. For instance, in Pakistan SDC supports activities within the sectors of human rights and non-formal education for girls and civil society programme. In the Niger, in collaboration with non-governmental organizations and the Ministry of Justice, SDC supported projects relating to reform of the penal code and the work of the National Commission for Human Rights and Freedom. In Bolivia, it supported the process of reform of the judiciary, provision of legal aid and the work of the local ombudswoman. SDC also supports several non-governmental organizations in Palestine that work, among others, in the provision of mental health care and human rights education in universities and colleges. In Turkey, the group Women for Women's Human Rights, which works on human rights training and advocacy and lobbying, receives support from SDC. In the Russian Federation and in Kosovo, projects relating to ensuring fair elections, the provision of psychosocial services for children and the modernization of prisons also receive support from SDC.

## VII. OTHER ISSUES RAISED IN THE REPLIES

49. Cuba pointed out that the concept of good governance is defined solely by the ideas and models that a group of developed countries are trying to impose on the rest. Commission resolution 2002/76 makes an unacceptable distinction between good governance at the national level and at the international level. Apart from being untenable, this approach attempts to conceal the responsibilities of developed countries for the chronic underdevelopment of countries of the South. Moreover, the concept of good governance is manipulated to assert domination and political influence by attaching it as a condition to the cooperation for development. Cuba believes that democracy cannot be assessed by the degree of deference shown by countries of the South to values and norms imposed by the Western Powers.

50. Cuba also identified some of the barriers, national and international, in the way of the full achievement of governance that meets the needs and interests of peoples. They include the following: the lack of political will to meet the needs of poor and marginalized people,

limitations in the availability of resources, unequal distribution of resources and property within countries, insufficient popular participation, and the inability of States to act as economic agents or to redistribute national resources. Cuba considers that the role of the State should be strengthened to meet its primary responsibilities. At the international level, Cuba noted a contradiction between the attempts of some countries to promote democratic and participatory governance in third countries and their membership in international organizations where there is no transparency or equal participation of all countries. Examples of “bad governance” at the global level include disinvestment in economies of the South, worsening of unequal conditions of trade, predatory action by transnational corporations and the steady decline in Official Development Assistance to the third world.

## VIII. CONCLUSIONS

**51. The replies reflect a broad understanding of the concept of good governance as well as its relevance for the promotion of human rights at the national level. They also reflect a growing interest and awareness in the international community of the importance of good governance for the realization of the broad range of human rights and sustainable development.**

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