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المجلس الاقتصادي والاجتماعي



لجنة حقوق الإنسان
الدورة الحادية والستون
البند ٤ من جدول الأعمال المؤقت

مذكرة من الأمانة العامة

الردود على الاستبيان المتصل بنظم الحماية الوطنية

موجز

أعلن المفوض السامي لحقوق الإنسان، سيرجيو فييرا دي مييو في تقريره المقدم إلى الدورة التاسعة والخمسين للجنة حقوق الإنسان، أنه يعتزم إصدار "مبادئ توجيهية مقتضبة بشأن مفهوم نظام الحماية الوطني ودعوة كل حكومة إلى أن تقدم تقريراً موجزاً لا يتجاوز ثلاث صفحات بشأن عناصر نظام حمايتها الوطني". وبناء عليه وُجّهت مذكرة شفوية إلى جميع الحكومات لدعوتها إلى الرد على ستة أسئلة بشأن نظم حمايتها الوطنية. وتحتوي هذه الوثيقة توليفاً للردود المستلمة. ويرد في مصفوفة البيانات المضمنة في المرفق (بالإنكليزية فقط) موجز، أيضاً، للردود الفردية التي أتيحت نصها بالكامل على موقع مفوضية حقوق الإنسان للاطلاع عليه.

١ - ذكر المفوض السامي لحقوق الإنسان، سيرجيو فييرا دي مييو، في تقريره المقدم إلى لجنة حقوق الإنسان (E/CN.4/2003/14) في عام ٢٠٠٣ أن الحيلولة دون وقوع انتهاكات جسيمة لحقوق الإنسان ستقتضي التركيز على دقة وفعالية نظام الحماية الوطنية في كل بلد. ويهدف التشجيع على تعزيز نظم الحماية الوطنية، أعلن أنه يعتزم إصدار "مبادئ توجيهية مقتضبة بشأن مفهوم نظام الحماية الوطني ودعوة كل حكومة إلى أن تقدم تقريراً موجزاً لا يتجاوز ثلاث صفحات بشأن عناصر نظامها الوطني" (الفقرة ١٦). وتنفيذاً لمبادرة المفوض السامي، وجهت المفوضية بتاريخ ٢٣ حزيران/يونيه ٢٠٠٣ مذكرة شفوية إلى كافة الحكومات ودعتها إلى أن تقدم، بناء على رغبتها، ردوداً مقتضبة على ستة أسئلة.

٢ - وبعثت الدول الثلاثين التالية بردودها: الاتحاد الروسي، والأرجنتين، وإستونيا، وألمانيا، وإيطاليا، وباراغواي، والبرتغال، وبليز، وبنغلاديش، وبيرو، وتركيا، والجزائر، والجمهورية التشيكية، ورومانيا، والسلفادور، وسلوفينيا، والسويد، وسويسرا، وصربيا والجبل الأسود، وغرينادا، وغواتيمالا، وفنلندا، وقبرص، ولاتفيا، ولكسمبرغ، وليتوانيا، ومدغشقر، والمغرب، وهايتي، وهولندا.

٣ - ويمكن الاطلاع على نص الردود بالكامل على النحو المستلم من الحكومات المعنية (بلغاتها الأصلية) على موقع مفوضية حقوق الإنسان على العنوان التالي: <http://www.unhchr.ch/html/menu2/2/60chr/questionnaire.htm>.

٤ - ولقد تم تلخيص الرسائل الواردة بشأن كل سؤال وكل دولة في مصفوفة احتوت العناصر الأساسية لنظم الحماية الوطنية المعروضة (انظر المرفق، بالإنكليزية فقط). وفيما يلي توليف للردود التي قدمتها الحكومات على الاستبيان المتصل بالنظم الوطنية لحماية حقوق الإنسان:

السؤال الأول: كيف تنعكس في دستور البلد أحكام الصكوك والمعاهدات الأساسية في مجال حقوق الإنسان؟

بينت جميع الدول التي ردت على الاستبيان أن لديها أحكاماً دستورية تتعلق بحقوق الإنسان، بعضها يشير إلى حقوق الإنسان عموماً بوصفها مبادئ أساسية من مبادئ الدولة، وبعضها الآخر يخصص صكوكاً دولية بالذكر.

السؤال الثاني: هل هنالك عملية رقابية لرصد مدى انعكاس المعايير الدولية لحقوق الإنسان في التشريعات الوطنية؟

أفادت أغلبية الردود المقدمة من الدول بأنه يمكن للأجهزة القضائية بما فيها المحاكم الدستورية أن تستعرض مدى مطابقة القوانين المحلية للمعايير الدولية لحقوق الإنسان المستمدة من الصكوك الدولية التي تكون الدولة المعنية طرفاً فيها. وقد شملت بعض النظم القضائية حقاً دستورياً بالحصول على حماية مؤقتة فيما يتعلق بمجموعة كبيرة من الحقوق والحريات الأساسية المكرسة في الدستور. وفي دول أخرى، تسند لكيانات حكومية مختلفة، من لجان برلمانية ونيابة عامة، بل حتى أمانة المظالم الوطنية، سلطة رصد إدماج القانون الدولي لحقوق الإنسان في القوانين الوطنية. وحسب النظام القانوني المعمول به (أحادياً أو ثنائياً) يُعد القانون الدولي جزءاً من النظام القانوني المحلي. بيد أن أغلبية الدول أقرت أنها ما زالت تحتاج شيئاً ما إلى إدماج القانون الدولي في القوانين المحلية.

السؤال الثالث: ما هي تجربة الهيئة القضائية في الاعتماد على أحكام المعايير الدولية لحقوق الإنسان عند النظر في القضايا المعروضة أمامها؟

يفيد عدد من الردود بأن المحاكم الوطنية تتمسك بصكوك حقوق الإنسان وتأخذ في الاعتبار القانون الدولي لحقوق الإنسان عندما تفسر القوانين الوطنية في القضايا التي لم يُبت فيها. ويختلف مدى الرجوع إلى تلك الصكوك باختلاف البلدان ويتراوح بين الاستناد إليه من حين إلى آخر والتمسك به بصورة دائمة. وتفيد بعض الردود بأن القضاة يقومون بإعمال المعايير الدولية لحقوق الإنسان ويعتمدون عليها من خلال الأحكام الدستورية. واعترفت بعض الدول بأنها قد تحتاج إلى تدريب القضاة والمدعين العامين شيئاً ما لزيادة الوعي بالقانون الدولي لحقوق الإنسان؛ وتتخذ بعض الدول تدابير لتوفير مثل هذا التدريب.

السؤال الرابع: هل هنالك أي ترتيبات محددة لتعزيز التحقيق في مجال حقوق الإنسان في البلد؟

أفادت أغلبية الدول بأنها اتخذت أو تتخذ حالياً تدابير فيما يتعلق بالتحقيق في مجال حقوق الإنسان/الحقوق المدنية أو فيما يتعلق بالتوعية بحقوق الإنسان في المناهج الدراسية الابتدائية والثانوية على حد سواء، وكذلك فيما يتعلق بتدريب فئات مهنية مثل الشرطة، وموظفي الخدمة المدنية، والموظفين القضائيين، والجماعات الدينية. وأشار عدد صغير من الدول إلى تنظيم أحداث بشأن حقوق الإنسان بصورة منتظمة تستهدف الجمهور عموماً. ويتم اتخاذ العديد من المبادرات بالتعاون مع منظمات المجتمع المدني (المنظمات غير الحكومية) أو بشيء من الدعم من المنظمات الدولية (ولا سيما منظمة الأمم المتحدة للطفولة (اليونيسيف) وبرنامج الأمم المتحدة الإنمائي).

السؤال الخامس: ما هي المؤسسات الموجودة المتخصصة في مجال حقوق الإنسان وما هي ممارساتها الجيدة التي يمكن إبرازها؟

بيّنت أغلبية الدول أنه يوجد لديها ما يشبه المؤسسة الوطنية لحقوق الإنسان أو أمانة مظالم وطنية تشرف على مدى الامتثال لحقوق الإنسان. غير أنه يبدو أن من الصعب التأكيد بالضبط من مركز أغلبية هذه الهيئات بالنسبة إلى الحكومة. فأغلبية تلك المؤسسات أنشئت أو أسست من طرف الحكومة أو بموجب مرسوم رئاسي أو وزاري على الرغم من الإفادة بأنها مستقلة.

السؤال السادس: هل هنالك ترتيبات لكشف وتوقع التهديدات المحتملة لحقوق الإنسان بالنسبة إلى الفئات المعرضة لهذا الخطر؟

تناولت أغلبية الردود المستلمة من الدول التشريعات والبرامج الوطنية وخطط عمل معينة بشأن مجموعة من المسائل كمناهضة التمييز، ومكافحة العنف، وحماية فئات معينة مهمشة أو ضعيفة أو محرومة. وأشارت بعض الدول، أيضاً، إلى دور المؤسسات الحكومية أو قوات الأمن ومنظمات المجتمع المدني/المنظمات غير الحكومية في رصد ما تواجهه فئات معينة معرضة للمخاطر من تهديدات لحقوق الإنسان.

Annex

MATRIX

Country	Question I: <i>In what ways are the provisions of the principal human rights instruments and treaties reflected in the Constitution of the country?</i>	Question II: <i>Is there an oversight process on the reflection of international human rights norms in national legislation?</i>	Question III: <i>What is the experience of the judiciary in drawing upon the provisions of international human rights norms when considering cases before them?</i>	Question IV: <i>Are there any specific arrangements to promote human rights education in the country?</i>	Question V: <i>What specialized national human rights institutions are in existence and which of their good practices can be highlighted?</i>	Question VI: <i>Are there arrangements to detect and anticipate potential threats to human rights of groups at risk?</i>
Algeria	By ratifying the main international human rights treaties, Algeria has incorporated into its domestic law human rights provisions, and in particular provisions concerning the administration of justice and the treatment of criminals. After the ratification of international treaties, judges apply these international norms through the implementation of domestic legislation. Reforms are being carried out so as to harmonize domestic legislation with Algeria's international obligations.					
Argentina	Article 75 of the Constitution recognizes constitutional hierarchy to international human rights instruments, inter alia: International Covenant on Economic, Social and Cultural Rights, CDESCR, International Covenant on Civil and Political Rights (and its first Optional Protocol), Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Elimination of All Forms of Discrimination against Women, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and Convention on the Rights of the Child. Other human rights treaties have "supra-legal" hierarchy in the national legal system.	Domestic courts ensure that international human rights obligations assumed by the State are respected. For statutory norms, there exists a constitutional review procedure (<i>control judicial de constitucionalidad</i>) adopted by the Supreme Court.	Courts increasingly refer to international human rights instruments. In 1992 the Supreme Court established that when deciding on the application of an international treaty the jurisprudence of the organs entrusted to interpret the treaty should be followed.	A Federal Education Law (1993) rendered compulsory the teaching of human rights in basic education (from 6- to 14-year-old students) as well as for some intermediary grades (15 years of age and above). The law also contemplates the same obligation for graduate courses for future teachers.	The reply lists nine specialized institutions: 1. The Secretariat for Human Rights under the Ministry of Justice; 2. The <i>Defensor del Pueblo de la Nación</i> ; 3. The Public Defender (uniting the <i>Procurador General de la Nación</i> and the <i>Defensor General de la Nación</i>); 4. The National Institute against Discrimination, Xenophobia and Racism; 5. The National Council for Women; 6. The National Council for Children, Adolescence and Family, under the Ministry for Social Development; 7. The National Institute for Indigenous Affairs; 8. The National Advisory Commission for the integration of disabled people; 9. The <i>Procuración Penitenciaria</i> .	Several laws are in place for this purpose: the Anti-Discrimination law, a law on Reproductive Health, an Action Plan for nutrition, a preventive programme against HIV in children and adolescents, and a plan of action to prevent and eliminate institutional violence.

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Bangladesh	The principles of human rights and fundamental freedoms, as well as provisions of international human rights treaties, are enshrined in the Constitution. Some constitutional provisions include, inter alia: article 11 stating that fundamental human rights are guaranteed as one of the Fundamental Principles of State Policy; equality of all citizens before the law; prohibition of forced labour; and safeguards to arrest and detention.	Articles 44 and 102 of the Constitution empower the High Court Division of the Supreme Court to enforce fundamental rights, and to oversee the incorporation of international human rights norms into national legislation.	Both the Supreme Court and the subordinate judiciary are found vigilant in drawing upon international human rights norms while adjudicating cases before them.	The Government and NGOs have undertaken projects and programmes to this end, such as a UNDP-funded project on human rights training for religious leaders, imams and police. Another project on the inclusion of a human rights component in school curricula is in progress.	A draft bill is being considered for the creation of an independent and permanent National Human Rights Commission, in accordance with the Universal Declaration of Human Rights, the Paris Principles and the Constitution.	No group or section of people is considered to be at special risk in Bangladesh. Law enforcement agencies are vigilant about any threats to the human rights of those considered to be more vulnerable.
Belize	The preamble and sections 3 to 20 of the Constitution mirror the fundamental rights and freedoms secured by the Universal Declaration of Human Rights.	Belize has enacted the Families and Children's Act of 1998, legislation in accordance with the provisions of the Convention on the Rights of the Child.	When considering cases before them, courts draw upon principles from international human rights. This occurs in public law cases when the courts are asked to apply Fundamental Human Rights provisions of the Constitution of Belize. The international human rights norms provide an added source for interpretation and application by the courts.	The main State agencies responsible for human rights are the Ministry of Human Development, the Ministry of Foreign Affairs and the Attorney-General's Ministry. To date, no agency has been charged with the particular responsibility of promoting human rights education. Until 2002, the Ministry of Education and the Belize Human Rights Commission had a special project on human rights education. It was discontinued due to lack of funding.	Most national human rights institutions in Belize are NGOs. They tend to be service providers.	Over the years, the major player in the area of protecting human rights has been the Belize Human Rights Commission. It works in collaboration with government Ministries and NGOs.

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Cyprus	Articles 6 to 25 of the Constitution set out and guarantee fundamental rights and liberties. They are expressed in similar terms as corresponding rights in the European Convention for the Protection of Human Rights and Fundamental Freedoms and other international human rights treaties.	The Attorney-General scrutinizes all legislation before their enactment into law. Other bodies, such as Parliamentary Committees, the Law Commissioner of the Republic and the National Institution for the Protection of Human Rights also can provide their views on human rights legislation. The Supreme Court has pre-emptive review of the constitutionality (and compatibility with human rights provisions of the Constitution) of a law before its promulgation.	The Cyprus judiciary freely draws upon decisions of international and supranational judicial institutions trusted with the application of human rights, in particular to the judgements of the European Court of Human Rights. Information on several cases relating to due process were included in the replies.	Human rights education at both the primary and the secondary level is achieved through an interdisciplinary teaching approach. Extracurricular activities are also carried out to inform, educate, and to generate tolerant perceptions towards difference and cultural diversity.	The reply mentions several institutions and their mandates: 1. The National Institution for the Protection of Human Rights (independent body); 2. Human rights NGOs; 3. The Commissioner for Administration (Ombudsman); 4. The Commissioner for the Protection of Data; 5. The Refugee Authority; 6. The Advisory Committee on Violence in the Family; 7. The National Machinery for Women's Rights.	The Government, the Legislature and the Attorney-General can be seized of the fact that there may be potential threats to human rights of groups at risk through: 1. The Ombudsman's annual reports; 2. Suggestions of the Law Commissioner; 3. Discussions at the Parliamentary Committees and Court Judgements; 4. Information received from the National Institution for the Protection of Human Rights or NGOs.
Czech Republic	An international human rights treaty becomes part of the national legislation once it has been approved by Parliament, ratified by the President of the Republic and has been duly promulgated. Such a treaty takes precedence over national laws.	In the case of any differences between national law and an international human rights treaty, the latter takes precedence over domestic law. The Human Rights Commissioner examines whether the proposed bill is consistent with existing international commitments.	The Czech Republic so far lacks a law that would allow ordinary courts or the Constitutional Court to reopen cases where an international court has found a breach of international human rights obligation on the part of the Czech Republic. The Parliament of the Czech Republic is currently considering a government bill that should allow for the reopening of an already closed case on the basis of a judgement rendered by an international court.	Detailed information about human rights education at schools of all levels and types is contained in the Report on Human Rights Education adopted by the Government in January 2001. Human rights education is also included in training programmes for policemen.	The Public Defender was appointed in 2000. Work is now in progress on an amendment that will broaden the Public Defender's powers. Other relevant national human rights institutions are the Government Commissioner for Human Rights and the Government Council for Human Rights.	The Public Defender of Rights, the Government Commissioner for Human Rights and the Government Council for Human Rights may all make recommendations to the relevant authority when a human rights violation is about to be committed.

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El Salvador	International treaties and statutory law have the same hierarchy in the legal system of El Salvador. In case of conflict between the two, the international treaties will prevail. The first two sections of the Constitution refer to human rights.	The reply given by the Government details the procedures for the incorporation of an international treaty into domestic law.	The Supreme Court stated that judges must apply all existing provisions of the legal system, including those coming from international treaties.	Articles 55 and 60 of the Constitution contain provisions on human rights education. The General Law on Education also contains a provision on human rights education.	Amongst the bodies mentioned are the Supreme Court, Appeal Chambers, and the Procuraduría para la Defensa de los Derechos Humanos.	No reply.
Estonia	Article 3 of the Constitution declares that generally recognized principles and rules of international law are an inseparable part of the Estonian legal system. If laws or other legislation of Estonia are in conflict with international treaties, the provisions of the international treaty will apply.	The Legal Chancellor reviews legislation for conformity with the Constitution and the Acts. Everyone has the possibility of recourse to the Legal Chancellor to verify the non-conformity of legislation to the Constitution and/or international treaties. A person may also challenge the conformity of legislation to international treaties in force at administrative courts. These can declare the relevant provision of law unconstitutional or contrary to an international treaty.	The Supreme Court has, in several judgements, referred to international human rights treaties, such as the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the European Convention for the Protection of Human Rights and Fundamental Freedoms. Most of the provisions of human rights treaties are incorporated into domestic legislation, the Constitution or into other laws. Supremacy of international law was specifically mentioned in a judgement of the Supreme Court in December 2002, on the interpretation of the International Covenant on Economic, Social and Cultural Rights.	In 2002 the Government approved a new national curriculum, to include the subjects of human studies and society studies. Some NGOs organize teacher seminars and publish school materials on human rights education.	The Legal Chancellor also fulfils the functions of Ombudsman. They supervise the activities of State agencies, including the guarantee of the constitutional rights and freedoms of persons. The Police Control Department of the Police Board carries out investigations on police violations.	All persons in the territory and under jurisdiction of the Republic of Estonia will be under the protection of the police. The Legal Chancellor, acting as Ombudsman, may commence proceedings on their own initiative on the basis of information that constitutional rights or freedoms may have been violated in one or several agencies.

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Finland	The Constitution was amended in 2000; it now applies to everyone within the jurisdiction of Finland and not only to its citizens as was the case before. It now includes economic, social and cultural rights. The amendment also increased the direct application of rights and liberties before tribunals and within other public authorities. Public authorities are under the obligation to guarantee the observance of human rights.	When preparing for or revising legislation the Constitutional Law Committee of the Parliament verifies the compatibility of the legislation with human rights norms. After that, the Parliamentary Ombudsman and the Chancellor of Justice are in charge of verifying the general enforcement of legislation by public authorities, the enforcement of their duties in office and that basic rights and human rights are respected.	After ratification, international treaties are in the same position as domestic legislation. Statistics on the references to the international human rights treaties by courts do not exist. The Supreme Court has drawn from the international human rights treaties and the case law of the European Court of Human Rights when justifying its decisions.	The National Framework Curriculum for General Education establishes that the elaboration of schools’ basic ethical values and principles are to be founded on the Universal Declaration of Human Rights. Human rights education is also being promoted through projects, including projects promoting education and training of the Roma minority.	Finland does not currently have any national human rights institution that would as such fulfil all the criteria set in the Paris Principles. However, there are two independent “guardians of legality” in Finland, the Parliamentary Ombudsman and the Chancellor of Justice. In addition, there are several other ombudsmen whose duties include promotion and protection of human rights: the Ombudsman for Minorities and the Ombudsman for Equality.	See response to question No. V.
Germany	The reply of the Government states that rights anchored in international human rights treaties take precedence over national laws and create duties for the inhabitants of federal territory insofar as they can be understood as general rules of international law.	A key instrument for the protection of fundamental rights are constitutional complaints pursuant to article 93 (1) 4a of the Basic Law. Germany has adhered to the Optional Protocol to the International Covenant on Civil and Political Rights, to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, to article 14 of the Convention on the Elimination of All Forms of Racial Discrimination and to article 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, allowing for individual complaints to be dealt with by international bodies.		Several programmes exist on human rights education. The German Institute for Human Rights, established in 2001, carries out, inter alia, education work linked to human rights.	The reply from the Government mentions several commissioners and bodies focusing on human rights protection in specialized areas: 1. The Parliamentary Commissioner for the Armed Forces; 2. The Federal Commissioner for Data Protection; 3. The Federal Commissioner for Human Rights Policy and Humanitarian Aid; 4. The Federal Government Commissioner for Human Rights Matters at the Federal Ministry of Justice; 5. The Federal Government Commissioner for Migration, Refugees and Integration; 6. The Federal Government Commissioner for Matters Relating to Disabled Persons; 7. The German Bundestag Committee on Human Rights and Humanitarian Aid; 8. The German Institute for Human Rights (independent body).	

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Grenada	The provisions of the Constitution reflect the Universal Declaration of Human Rights.	At present there is no oversight process on the reflection of international human rights norms.	Members of the judiciary may be individually trained in the area of international law, and would be sensitized through training and distribution of materials from United Nations agencies.	There is no known comprehensive programme to promote human rights education. Some educational work has been done by UNICEF on child rights. UNDP is expected to give training on international treaties. Local coalitions also work on educating the wider public on different human rights issues.	The reply from the Government mentions the Amnesty International Grenada Chapter and the Grenada Human Rights Association.	The organizations mentioned when replying to question V seek to detect and anticipate potential threats particularly to women, children, and detained persons.
Guatemala	Articles 44 and 46 of the Constitution establish human rights and the place of international treaties within the national legal order.	The Congress Commission on Human Rights is entrusted, inter alia, to carry out studies regarding the human rights aspects of legislation, to make recommendations to State organs so that measures be taken to promote and protect human rights and to maintain communication with national and international human rights organs.	Article 46 of the Constitution and provisions of the Law on the Judiciary state that it is compulsory for judges to take into account norms established in the treaties ratified by Guatemala. Currently, no database exists quantifying the number of times international treaties have been invoked by judges. The establishment of a School for Judicial Studies is an important step in this direction, as courses are provided on the application of international norms in the domestic legal system.	Human rights education is promoted through the following legislation: 1. Constitutional provisions; 2. General Law of Education; 3. <i>Ley del Procurador de Derechos Humanos</i> ; 4. The Agreements for Peace.	Several institutions are mentioned in the reply: 1. <i>Comisión Presidencial Coordinadora de la Política del Ejecutivo en Materia de Derechos Humanos</i> ; 2. <i>Procuraduría de Derechos Humanos</i> ; 3. Human Rights Office of the National Army of Guatemala; 4. Human Rights Office of the National Civilian Police; 5. <i>Defensoría de la Mujer Indígena</i> ; Several NGOs were also mentioned.	Information is provided on different programmes being implemented for the protection of vulnerable groups, such as women, children and indigenous peoples.

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Haiti	The provisions of the main human rights treaties are reflected in article 276-2 of the Constitution. The Constitution mentions the Universal Declaration of Human Rights in its preamble. International treaties have a self-executing effect in Haiti.	Strictly speaking, there is no oversight procedure as mentioned in the question. However, the Constitution establishes an Office for Citizen Protection, aiming to protect all persons against any sort of abuse from the public administration.	Members of the judiciary draw upon international human rights norms when considering cases.	Human rights courses are given in all law faculties and in high school philosophy courses. A project currently exists to include a human rights course in the high school curriculum.	No reply.	No reply.
Italy	Article 1 of the Constitution states that the Italian legal system has to be developed in line with international law. Several laws are mentioned authorizing the ratification of international human rights treaties.	The Ministry of Foreign Affairs is the first mechanism engaged in evaluating international law provisions, particularly human rights provisions, which could be included within the Italian legal framework. The Italian Parliament, with its relevant mechanisms, is engaged in translating international law into domestic law.	The translation into domestic law of human rights principles, and mainly of the European Convention on Human Rights and Fundamental Freedoms, has been continuing through Constitutional Law No. 2/1999. The so-called Pinto's Law was adopted to diminish the high number of Italian cases submitted to the European Court of Human Rights.	The reply mentions several presidential decrees on human rights and education. The Ministry of Education implements programmes aimed at promoting an effective culture of human rights.	The reply mentions the following institutions: 1. The Commission on Human Rights at the Italian Government; 2. The Commission on Human Rights at the Inter-Ministerial Committee on Human Rights at the Italian Ministry of Foreign Affairs; 3. The National Committee on Bioethics; 4. The National Commission on Equality and Equal Opportunities; 5. The Italian Commission at UNESCO; 6. The National Observatory on Children; 7. The National Centre for Studies and Analyses on Children; 8. The Commission on Integration Policies.	No reply.

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Latvia	According to article 89 of the Constitution, the State recognizes and protects fundamental human rights in accordance with the Constitution, laws and international agreements binding on Latvia. This has been one of the bases for the holding of the Constitutional Court that the human rights provisions of the Constitution have to be interpreted in light of international agreements binding on Latvia and relevant case law.	The competence of the Constitutional Court includes, inter alia, deciding on the compatibility of national legislation with international treaties binding on Latvia. When incompatible provisions are invalidated by the Constitutional Court, it exercises a negative form of oversight. The Representative of the Government before international human rights institutions monitors whether the binding decisions and recommendations made by international human rights organizations are being executed.	In its judgements, the Constitutional Court refers routinely to international human rights instruments and to the relevant case law, most often to the European Convention on Human Rights. The courts of general jurisdiction refer to international human rights instruments less often.	At high school, students study the subject "Politics and Law" as an optional course. In addition, the National Human Rights Office distributes information about human rights provided in international agreements binding on Latvia. The Institute of Human Rights at the University of Latvia organizes summer schools and seminars.	The National Human Rights Office considers individual complaints, and carries out analysis and research into the human rights situation. The Human Rights Office can bring a case to the Constitutional Court so as to invalidate legislation that is incompatible with Latvia's human rights obligations.	In 2002 the post of Minister for Special Assignments for Children and Family Affairs was established to, inter alia, protect the human rights of certain groups at risk. In 2003 a Division for the Protection of Children's Rights in the National Human Rights Office was established. This office can receive complaints on violations of children rights.
Lithuania	Chapter two of the Constitution provides for civil and political rights; chapter three provides for social, economic and cultural rights. International treaties ratified by Lithuania are directly applicable before the national courts and other authorities.	International human rights standards recognized at domestic level are protected in Lithuania. For this, it is possible to rely directly on the ratified international treaties before the Lithuanian courts and other institutions. In November 2002, Parliament adopted the National Action Plan for the Promotion and Protection of Human Rights in Lithuania.	In recent years the courts, especially the Supreme Court and the Constitutional Court, have drawn upon the provisions of international human rights instruments when considering cases. The courts have taken into account decisions adopted by the Human Rights Committee as well as by the European Court of Human Rights.	Human rights education is an integral part of the secondary school curricula. Students can choose special courses on legal education and humanitarian law. The Ministry of Justice regularly organizes training for judges, prosecutors, attorneys and notaries, including on human rights.	The replies mention the following institutions: 1. Human Rights Committee of Seimas (Parliament); 2. Seimas Controller (Ombudsman); 3. Controller for Protection of the Rights of the Child; 4. Equal Opportunities Controller (Ombudsman) ; 5. Government Representative at the European Court of Human Rights;	The Constitution contains a general anti-discrimination clause. The existing institutions, especially the Ombudsmen institutions, are engaged in preventive actions by participating in decision-making and organizing of training activities devoted to human rights protection. While analysing different cases they spot out trends and put forward proposals to prevent further violation of human rights. Any

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Lithuania (cont'd)					6. Department of National Minorities and Lithuanians Living Abroad under the Government of the Republic of Lithuania; 7. Human Rights Centre (NGO).	vulnerable group or person can seek assistance using these mechanisms.
Luxembourg	The Constitution contains a chapter on civil liberties and fundamental freedoms. The Constitution is currently being revised in order to introduce the concept of equality between men and women.	The Conseil d'Etat reviews legislation before it is enacted, whereas the judiciary does it after its enactment.	To the extent that international provisions are directly applicable, judges may take them into consideration.	Human rights training has been given to police, prison personnel and to the judiciary. Currently human rights does not figure within school curricula, but certain aspects of human rights are addressed in the context of other subjects.	The replies mention the following institutions: 1. National Council for Foreigners; 2. Special Permanent Commission against Racial Discrimination; 3. Consultative Commission on Human Rights; 4. Consultative Commissions for Foreigners; 5. Mediator.	The reply refers to the reply given to question No. V, in particular to those organs related to foreigners.
Madagascar	In its preamble, the Constitution mentions several international human rights instruments, including the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women. Civil and political rights are also enunciated.	The Criminal Code integrates some international human rights norms, including norms on arbitrary detention.	Members of the judiciary base their judgements on international norms, especially on child rights.	Human rights courses are given at <i>Ecole Nationale de la Magistrature et de Greffes</i> . The National Commission on Human Rights organized training on human rights for administrative penitentiary staff, and for members of the police.	The National Commission on Human Rights and NGOs should be supported in their actions for the protection of human rights.	No such provisions as of yet, but NGOs could alert to or prevent violations of human rights.

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Morocco	The Constitution of Morocco mentions human rights, and in particular equality before the law, freedom of expression, opinion and association. The judiciary respects the right to fair trial and to counsel. The new Penal Code also enshrines human rights.			The Centre for Documentation, Information and for Training on Human Rights is creating a common methodology for the dissemination of human rights.	The reply mentions the following institutions: 1. The Human Rights Ministry; 2. The Consultative Council for Human Rights; 3. The Institution for Petitions; 4. NGOs such as the Moroccan Association for Human Rights, the Moroccan Organization for Human Rights and Amnesty International.	The Moroccan Criminal Code has provisions on, inter alia, abductions, assault on honour, and kidnapping of minors.
Netherlands	The reply mentions that the interpretation of national legislation in light of human rights conventions is required by the Constitution. The reply also gives details on constitutional provisions on human rights.	Individuals can lodge complaints before the Equal Treatment Commission and the National Ombudsman. In addition to the responsibility of Government and the judiciary to supervise observance of human rights, there are numerous governmental and non-governmental organizations whose aim is to follow with a critical eye government action in the area of human rights.	The applicability of the provisions of international law in the national legal order is explicitly regulated in articles 93 and 94 of the Constitution. Courts are called upon every day to interpret rules of international law. In the great majority of cases, the rules concerned are provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms. Provisions of the International Covenant on Civil and Political Rights are also applied on a regular basis.	In the Netherlands there is no separate strategy or national institution for human rights education. Human rights education in general is fully integrated in regular education. The attainment targets for education encourage schools to integrate human rights education in the courses being taught.	The reply mentions the following institutions: 1. The Council of State; 2. The National Ombudsman; 3. The Equal Treatment Commission; 4. The Data Protection Board; 5. The Human Rights Committee of the Advisory Council on International Affairs.	The organizations mentioned in the reply to question V as well as the following organizations play a particular role in detecting possible threats to human rights of vulnerable groups: 1. National Minorities Consultation; 2. Advisory Committee on Alien Policy; 3. Forum; 4. National Platform on Consultation and Cooperation Against Racism; 5. ADOR; 6. Dutch Committee of Jurists for Human Rights; 7. Vluchtelingenwerk.

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Paraguay	The Constitution incorporates, inter alia, civil and political rights, child rights, economic, social and cultural rights, women's rights, indigenous peoples', and labour rights. International treaties have constitutional hierarchy.	The reply details the procedures for the incorporation into domestic law of an international treaty that has been ratified.	The number of cases in which the judiciary draws upon international human rights norms is increasing. The establishment of a Human Rights Unit within the Supreme Court and of a Documentation Centre has contributed to this.	Human rights education has been incorporated in the curricula of elementary and high schools as well as in universities.	The Defensoría del Pueblo was established in 2001. In many Ministries Human Rights Units have been established. Both Chambers of Congress have Human Rights Commissions.	Special laws exist on the protection of children and adolescents, as well as for girls, women and indigenous peoples.
Peru	Human rights provisions emanating from regional and international treaties are enshrined in four chapters of the 1993 Constitution. The Habeas Corpus and the Acción de amparo are also established by the Constitution.	The National Council on Human Rights is the State organ responsible for the promotion, coordination and protection of human rights. It also has an advisory role to the Executive in human rights matters.	In accordance with articles 3 and 55 of the Constitution, judges are obliged to refer to international human rights norms when adjudicating cases. No statistics exist for the moment on this practice.	Law 27,741 of May 2002 establishes compulsory courses on the Constitution, human rights and international humanitarian law, for all levels of education, be it civil or military. The National Police also receives courses on human rights. Several agreements providing for human rights training are mentioned in the reply.	The reply mentions the following institutions: 1. The National Council for Human Rights; 2. The Commission for Human Rights within the Ministry of the Interior; 3. The Centre for International Humanitarian Law for the Armed Forces within the Ministry of Defence; 4. The National Coordinator for Human Rights (NGO).	The Ministry for Women and Social Development has programmes for the protection of children, adolescents and women. The National Commission for Andean and Amazonian Peoples promotes the full development of these peoples. A free hotline, provided by the Ministry of the Interior, is available for complaints on human rights violations.
Portugal	The Constitution establishes that international treaties ratified by Portugal shall apply in national law, following their official publication. The provisions of the Constitution and laws relating to fundamental rights shall be construed and interpreted in	The compatibility of international human rights instruments with domestic legislation is examined, at the internal level, with their respective process of ratification.	The provisions of international treaties are directly binding and can be applied by courts. The European Convention on the Protection of Human Rights and Fundamental Freedoms is the instrument most often invoked by the courts.	In 1998 a national plan of action for human rights education was adopted. An action plan to diffuse to the Decade for Human Rights Education has been in place since 1999. The Office for Documentation and Comparative Law provides additional information.	The reply mentioned several institutions: 1. The Ombudsman; 2. The High Commissioner for Immigration and Ethnic Minorities; 3. The Commission for Equality and Women's Rights; 4. The Commission for Equality in Work and Employment;	The Monitoring Centre on Racism was established to detect problems in this field and to evaluate the best ways to counter them. Three studies were published in 2002: on how the media portrays migrants and ethnic minorities, on migration in Portugal and on the impact of immigration in State finance.

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Portugal (cont'd)	harmony with the Universal Declaration of Human Rights.				5. The Bureau for Documentation and Comparative Law.	
Romania	According to the Constitution, its provisions regarding human rights should be interpreted and applied in accordance with the Universal Declaration of Human Rights and other treaties ratified by Romania. The second chapter of the Constitution sets out human rights guarantees.	When drafting new domestic legislation, international norms are taken into consideration so as to ensure compatibility.	The judiciary is obliged to apply international human rights norms when considering cases.	The consolidation of the Institut National de Magistrature is a priority for the reform of the judiciary. This Institute would provide human rights training for the judiciary.	Detailed information was provided on education on human rights and child rights as taught in schools and universities.	Several laws were mentioned in relation to the following issues: 1. Prevention of all sorts of discrimination; 2. Refugees; 3. Roma community; 4. Trafficking in persons; 5. Domestic violence; 6. Foreigners.
Russia	In 1991 the Russian Federation adopted the Declaration of Human and Civil Rights and Freedoms. This Declaration incorporated international human rights norms found in the major treaties. In the Constitution, the list and content of the human rights consecrated herein are also in keeping with the major international human rights treaties.	The process of bringing domestic legislation into line with the international human rights norms is carried out through the intense rapprochement of international legal and constitutional institutions for regulating human rights.	Detailed information was provided about the process of judicial reform. In particular, the Federal Constitutional Act on the Judicial System of the Russian Federation provides for decisions by courts in foreign States, international courts and arbitral bodies to be declared binding within the Russian Federation by international agreements to which the Federation is party.	A number of acts on information and education, including in the field of human rights, have been adopted by the Russian Federation. The Ministry of Education has adopted regulatory and recommendatory instruments on the introduction of basic human rights education into the curricula of general education schools. Human rights issues have been introduced to a small degree in civics, social sciences and history courses, and into courses on the law in higher classes.	The following institutions were mentioned in the reply: 1. The Commissioner for Human Rights; 2. The Presidential Commission on Human Rights.	Detailed information was provided on measures to: 1. Prevent and suppress trafficking in persons; 2. Prevent the commercial sexual exploitation of children; 3. Prevent child labour; 4. Improve the situation of children; 5. Improve the situation of disabled persons; 6. Improve the situation of the elderly; 7. Improve the situation of women in the job market; 8. Eliminate violence against women.

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Serbia and Montenegro	Article 10 provides for direct implementation of the provisions of international treaties on human rights. International treaties have supremacy over domestic law. An integral part of the Constitution is the Charter on Human and Minority and Civil Liberties.	The provisions of the Constitutional Charter do not specifically set forth the jurisdiction of the Court of Serbia and Montenegro in making judicial assessments of the degree of harmonization of domestic legislation with the provisions of international treaties on human rights. Such jurisdiction of the Court may be derived from the Constitutional Charter, which explicitly lays down that international treaties and generally accepted norms of international law have supremacy over domestic law and law of member States.	Currently the Constitutional Charter explicitly provides for direct implementation of the provisions of international human rights treaties.	Special courses in the field of human rights and minority are held in Serbia and Montenegro, organized by the Ministries of Justice, and Human and Minority Rights of the member States,. Other courses are organized in cooperation with NGOs. Courses have been given to members of the judiciary as well as to employees of local self-government bodies.	Detailed information was provided as to the mandate of the Ministry of Human and Minority Rights.	No reply.
Slovenia	The Constitution provides for the supremacy of generally recognized principles of international law. The Constitution directly protects specific human rights and fundamental freedoms in Chapter II. It also contains a chapter relating to human rights and child rights summarized from the Convention on the Rights of the Child. In terms of actual implementation of international protection of human rights, this is directly reflected in practical decisions by the judiciary and Constitutional Court. This Court is a special constitutional body that is primarily charged with the protection of human rights. The decision-making of the Constitutional Court is restricted to the potential infringement of human rights and fundamental freedoms. It does not exercise the function of a court of appeal. The Ombudsman for Human Rights and Fundamental Freedoms also is entrusted to protect human rights.					
Switzerland	In Switzerland human rights are enshrined in the Federal Constitution, the European Convention on the Protection of Human Rights and Fundamental Freedoms and international human rights treaties. Constitutional norms may, in principle, be directly invoked by individuals before the judicial and administrative authorities.		The Federal Court has referred to international human rights treaties in its judgements.	Human rights education is within the competence of the cantons. It still requires further development. In higher education, under- and postgraduate courses on human rights exist.	Due to the absence of a National Human Rights Institution, the Federal Commission against Racism addresses discrimination issues in a broad sense. Other administrative and	The canton police are active in the area of prevention of human rights violations. Other organs involved in this area are the National Coordination Service between the Confederation and the

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Switzerland (cont'd)				Other initiatives in this area include: 1. The Fund for projects to combat racism and in favour of human rights; 2. The Foundation for Education and Development; 3. Other programmes aiming to raise awareness among children of their rights based on the Convention on the Rights of the Child.	parliamentary commissions also play a complementary role in the protection of human rights.	cantons established to combat cyber-crime and the Coordination Service against Trafficking of Persons and Illegal Migration.
Sweden	For a treaty to become part of Swedish law it must either be transformed into domestic law or incorporated through a special act stating that the treaty shall apply as Swedish law. Chapter two of the Constitution deals exclusively with human rights.	The Constitution states that a law that is in conflict with obligations that Sweden has in accordance with the European Convention cannot be passed. The Government is in principle obliged to refer major draft legislation to a Law Council tasked with ensuring constitutionality. All draft legislation is communicated to the Division for Human Rights and International Law within the Ministry for Foreign Affairs. In 2002 Sweden adopted a three-year Human Rights Action Plan.	Under the case law of the Swedish judiciary, domestic legislation must be interpreted in accordance with Sweden's international obligations. Sweden has incorporated the European Convention on the Protection of Human Rights and Fundamental Freedoms, which means it is applicable to the same extent as an internal law in Swedish courts.	The Human Rights Action Plan stresses the need for strengthening the level of knowledge of human rights among Swedish authorities and among the general public. For this purpose a new authority, Forum for Living History, has been established. Other bodies, such as the Swedish Commission for UNESCO, already work on this issue.	The reply mentions the following institutions: 1. NGOs; 2. The Office of the Parliamentary Ombudsman; 3. The Equal Opportunities Ombudsman; 4. The Ombudsman against Ethnic Discrimination; 5. The Disability Ombudsman; 6. The Ombudsman against Discrimination because of Sexual Orientation; 7. The Children's Ombudsman.	

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Turkey	Agreements adopted by the Turkish Parliament by a law of ratification directly become a part of the domestic legislation. The provisions of international human rights treaties ratified by Turkey may be directly invoked before the Turkish courts.	The Human Rights Inquiry Commission of the Turkish Grand National Assembly determines the changes which have to be made to ensure conformity of the Constitution and national legislation with the international human rights instruments to which Turkey is party. It also proposes, where necessary, legislative amendments to that effect. The Human Rights Department of the Prime Ministry ensures compliance with provisions regarding the protection and promotion of human rights in relevant legislation.	More frequent references to international human rights norms are observed in the rulings of the courts, in particular those of the Constitutional Court. A joint project with the European Commission and the Council of Europe is being carried out with a view to training 200 judges and prosecutors on international human rights norms.	The law which established the Human Rights Department of the Prime Ministry has also entrusted this Department with coordinating human rights training for members of relevant official bodies. A National Committee on the Decade for Human Rights Education was established in 1998. Comprehensive work has been carried out in this regard, including the holding of training programmes, in-service courses and seminars.	The reply mentioned the following institutions: 1. The Human Rights Inquiry Commission of the Turkish Grand National Assembly; 2. The Human Rights Department of the Prime Ministry; 3. The Human Rights High Council; 4. The Human Rights Advisory Council.	No reply.