



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/1989/47/Add.1
15 February 1989

ENGLISH
Original: ENGLISH/FRENCH/
SPANISH

COMMISSION ON HUMAN RIGHTS
Forty-fifth session
Agenda item 11

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE
PROGRAMME AND METHODS OF WORK OF THE COMMISSION;
ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE
UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE
ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS;
NATIONAL INSTITUTIONS FOR THE PROTECTION AND PROMOTION
OF HUMAN RIGHTS

Updated report of the Secretary-General on national institutions
for the protection and promotion of human rights

Addendum

In addition to the information contained in the updated report of the Secretary-General on national institutions for the protection and promotion of human rights, the following was received from the Governments of Argentina and Italy.

ARGENTINA

[Original: Spanish]
[3 January 1989]

One of the first measures adopted by the constitutional Government after it had taken office was to establish the National Commission on the Disappearance of Persons (CONADEP). The Executive considered that there was an imperative need to satisfy the legitimate desire of Argentine society that light should be shed on the tragic episodes in which thousands of persons disappeared.

To that end, Decree No. 187 of 15 December 1983 established the Commission as a supplement to judicial activity. Its functions were confined to the receipt of complaints and evidence, and their consequent transmittal to the courts whenever they might relate to the perpetration of offences, and the elucidation of the fate of missing persons.

The Commission completed its mandate by submitting a detailed report on the matters investigated to the President of the Republic on 20 September 1988.

In accordance with Ministries Act No. 22,520 and subsequent amendments thereto, it is the responsibility of the Ministry of the Interior:

- (a) "To deal with institutional questions in which the rights and guarantees of the inhabitants of the Republic are involved" (art. 17, para. 3);
- (b) "To deal with matters relating to the nationality, rights and obligations of aliens, and their assimilation and integration into the national community" (art. 17, para. 12).

In addition, in accordance with this Act, it is the responsibility of the Ministry of Foreign Affairs and Worship:

- (a) "To deal with the protection of Argentine citizens and interests abroad" (art. 18, para. 7);
- (b) "To deal, from the standpoint of foreign policy, with the negotiation of international co-operation in the educational, cultural, economic, social, scientific, technical, technological and labour sectors, in conjunction with the national liaison organization" (art. 18, para. 19);
- (c) "To intervene in matters relating to the nationality, rights and obligations of aliens, and their assimilation and integration into the national community" (art. 18, para. 23).

Pursuant to the provisions of the Ministries Act, Decree No. 3090 of 20 September 1984 established, within the Ministry of the Interior, the Under-Secretariat for Human Rights. This Decree was amended by Decree No. 1526 of 28 August 1986.

It should be mentioned that, by Ministry of the Interior Decision No. 528, the Under-Secretariat for Human Rights was given competence to deal with the processing of appeals against decisions rejecting applications for refugee status reached by the Committee on Eligibility for Refugee Status established under Decree No. 464/85.

The Under-Secretariat for Human Rights is responsible for matters relating to the observance of human rights in Argentina and compliance with the provisions recognizing and regulating such rights, and disseminating information about them in order to reaffirm their value, basis and observance within society. Its specific functions are:

- (a) To deal with the formulation of any proposal or initiative to establish or amend provisions or programmes involving human rights;
- (b) To deal with the planning of activities intended to promote the observance of human rights;
- (c) To draft proposals for provisions safeguarding and protecting the effective and full exercise of human rights;
- (d) To receive complaints relating to alleged violations of human rights, bringing them to the attention of the competent judicial and administrative authorities;
- (e) To deal with the establishment of technical committees for the development of activities intended to identify unidentified bodies and to determine the whereabouts of missing children;
- (f) To promote the study and updating of techniques used in the exhumation and identification of bodies;
- (g) To conclude agreements with national and international scientific and technical institutions.

In accordance with the Ministries Act and concordant provisions, the Under-Secretariat for Human Rights has the following responsibilities, which are shared with other organs:

- (a) To formulate, in conjunction with the Ministry of Foreign Affairs and Worship, instructions, plans and operational programmes for international events relating to human rights in which the Argentine Republic is involved;
- (b) To organize, in conjunction with the Supreme Court of Justice of the Nation, the inclusion of the committees within the provisions of article 52 of Decree-Law No. 1285 of 1958 and to make the services of these Committees available to the provincial judicial authorities.

In accordance with the organic/functional structure approved under Decree No. 1526 of 28 August 1986, the Under-Secretariat comprises two Directorates-General:

(1) The Directorate-General for prevention, which is responsible for dealing with legal-administrative matters inherent in the observance of human rights. The specific functions of this Directorate are:

(a) To deal with the implementation of the provisions which recognize and regulate the observance of human rights in the national sector;

(b) To receive and evaluate complaints relating to alleged violations of human rights;

(c) To take steps to determine the prima facie justification for complaints on the basis of the facts or circumstances in question;

(d) To effect, where appropriate, communications informing the competent judicial and/or administrative authorities of the facts or circumstances reported;

(e) To co-ordinate the activities of the technical committees established in order to identify unidentified bodies, locate missing children, or determine the whereabouts of abducted and missing children whose identity is known and children born while their mother was being unlawfully deprived of freedom;

(2) The Directorate-General for Promotion, which is responsible for the programming and promotion of activities to disseminate knowledge of human rights and their importance, value and observance in Argentina. The Directorate's specific functions are:

(a) To prepare any proposal or initiative for the establishment or amendment of provisions or programmes involving human rights, and to undertake the necessary studies in order to recommend the amendment or promulgation of provisions to safeguard and protect the full exercise of human rights;

(b) To organize and promote academic, educational and community activities intended to disseminate, protect and reaffirm within society knowledge of human rights and their value and basis;

(c) To organize and operate a documentation centre concerning human rights and related problems and disciplines;

(d) To formulate, in conjunction with the Ministry of Foreign Affairs and Worship, instructions, plans and operational programmes for international events concerning human rights in which the Argentine Republic is involved;

(e) To plan and organize human rights publicity campaigns in the media;

(f) To publish and disseminate bibliographical material relating to human rights; and

(g) To co-ordinate joint human-rights activities with other public and private organizations and institutions.

Decree No. 932/86 established, within the Ministry of Foreign Affairs and Worship, the Under-Secretariat for Human Rights in the International Sector, with authority to:

- (a) Identify, formulate and propose foreign-policy plans, programmes, projects and objectives relating to human rights, and conduct foreign policy relating to human rights vis-à-vis special organizations or commissions;
- (b) Formulate draft instructions, plans and operational programmes for international events relating to human rights in which the Argentine Republic is involved;
- (c) Participate in the study of provisions relating to internal rights in order to bring them into line with the provisions of international law relating to human rights and the status and situation of women;
- (d) Participate in the conclusion of international human-rights treaties and agreements to which the Argentine Nation is a party;
- (e) Undertake activities intended to secure the return of Argentines abroad; and
- (f) Participate in the study, formulation and evaluation of projects, programmes and plans, together with other State agencies and departments that are relevant to national foreign policy with regard to human rights and the status and situation of women, in order to ensure essential consistency in the execution of this policy.

The Under-Secretariat for Human Rights in the International Sector has two Directorates: the Directorate-General for Human Rights and the Directorate-General for Women. The latter Directorate is responsible for the identification, formulation and proposal of foreign-policy plans, programmes, projects and objectives relating to the status and situation of women, in connection with its activity vis-à-vis international organizations, entities or special commissions.

In addition to the two above-mentioned organs, each Ministry is required to promote specific rights relating to its sphere of competence. By way of example, mention may be made of the Ministry of Health and Social Welfare.

Owing to the reports of the existence of children who recently disappeared under the military, an advisory committee was set up within the Secretariat for Human Development and the Family with the aim of eliciting information leading to the finding of the missing children and the adoption of appropriate measures in each case. This committee was given 180 days in which to carry out its work, in accordance with Decision No.25 of the Ministry of Health and Social Welfare of 12 January 1984. Subsequently, by National Executive Power Decree No. 1609 of 23 August 1985, the validity of this Decision was extended until 30 November 1985, when the committee was disbanded.

The Secretariat for Human Development and the Family, which is subordinate to the Ministry of Health and Social Welfare, is responsible for executing and monitoring national policy relating to human development and the family through the advancement and protection of children, young people, elderly and disabled persons, and women, in order to ensure the growth of individuals, families and social groups in dignity, freedom, solidarity and participation. This Secretariat comprises three specific Under-Secretariats:

- (1) Under-Secretariat for Women;
- (2) Under-Secretariat for Young People;
- (3) Under-Secretariat for Children, and Disabled and Elderly Persons.

These Under-Secretariats are, in turn, basically divided into two National Directorates, one responsible for advancement and participation in matters within its competence, and the other concerned with studies, draft legislation and the development of co-operation.

In addition, the Ministry of Foreign Affairs and Worship comprises, not only the above-mentioned Under-Secretariat for Human Rights, but also the Under-Secretariat for International Co-operation, subordinate to the Secretariat for International Economic Relations, which is specifically concerned with the development of international co-operation.

Under the Argentine constitutional system, the Legislature is divided into two Chambers: the Chamber of Deputies, composed of directly and proportionally elected representatives of the people; and the Chamber of Senators, which is made up of two indirectly elected legislators from each provincial state and the federal capital. Each Chamber in turn allocates the matters or bills under consideration to various standing committees, each with its own sphere of competence; these committees have statutory responsibility for giving an opinion on the questions submitted to them. The Senate comprises 29 standing committees, including the Committee on Rights and Guarantees, which is responsible for giving opinions on all matters relating to human rights and their constitutional guarantees (Rules of Procedure of the Honourable Chamber of Senators of the Nation, art. 81). The Committee's name corresponds to the title of the first part of the National Constitution, which lists the rights and guarantees enjoyed by all inhabitants.

The Committee consists of nine legislators who proportionally represent the various political sectors that make up the Chamber and, in periodic plenary sessions, deal with matters previously considered by the competent technical and administrative bodies. These bodies are attached to the Chamber and deal with specific questions through a group of specialists and administrative personnel, under the co-ordinating authority of an official holding the rank of Director.

Among the questions dealt with by the Committee on Rights and Guarantees, mention may be made of the following in particular:

- (a) Approval of the Pact of San José, Costa Rica;

(b) Repeal of the self-amnesty legislation enacted by the military Government;

(c) Defence of democracy, by means of which offences against the constitutional order were declared imprescriptible, the penalties increased and specific categories of offences established;

(d) Review in the ordinary courts of penalties imposed by military courts on civilians;

(e) Legislation concerning the determination of penalties for prisoners sentenced to rigorous imprisonment during the military régime;

(f) Reduction of penalties for prisoners sentenced for offences relating to violent forms of political action;

(g) Establishment of a Register of Detainees in order to ensure the immediate availability of information concerning restrictions on freedom of movement ordered by the competent authority;

(h) Ratification of the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights (Act No. 23,313).

Without prejudice to matters considered on the initiative of the Senators, the Committee is empowered to undertake special studies or activities with the aim of producing draft texts for submission to its members at a plenary meeting.

Order No. 40,831 of 17 October 1985 established the Office of the Communal Controller-General, whose purpose is to supervise the proper conduct of officials and employees of the Executive Department of the Municipality of the City of Buenos Aires and of the centralized administration, decentralized organs and any other entity functioning within the sphere of competence of the Executive Department, together with the activity of the executive offices subordinate to the national councils. The ombudsman took up his duties on 21 April 1988. It is the responsibility of the Communal Controller-General to protect the rights and broad legitimate interests of the inhabitants of the city of Buenos Aires against arbitrary action, abuses of authority and administrative errors, to give satisfaction, by the most appropriate possible means, to persons who consider they have suffered an injury as a result of deficiencies, abuses, negligence, excessive delay in procedures or any other act reflecting lack of consideration for the public, dishonesty or administrative irregularity, and, through his recommendations, to avert the recurrence of improper practices.

In addition, it should be noted that the Under-Secretariat for Human Rights within the Ministry of the Interior is making an inventory of the various human rights organizations existing in the provinces of the Argentine Republic. Once the Under-Secretariat has received the relevant replies, the results of the inventory will be sent to the Under-Secretariat for Human Rights in the International Sector.

ITALY

(Original: French)
[11 August 1988]

The principal Italian institutions working specifically in the area of the protection of human rights are:

1. The Inter-Ministerial Committee for Human Rights, established in 1978, under the authority of the Ministry of Foreign Affairs;
2. Commission for Human Rights, established in 1984, within the Office of the President of the Council of Ministers;
3. National Commission for Equality between Men and Women;
4. Committee for Equality between Men and Women in Labour Relationship, established within the Ministry of Labour.

This list comprises only official institutions and not institutions of a private, local or jurisdictional nature.

The subject under consideration is, of course, also taken up in the periodic reports submitted on civil, political, economic, social and cultural rights.
