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COMMISSION ON HUMAN RIGHTS
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Agenda item 18

EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS

**Albania*, Angola*, Argentina, Austria, Belgium, Canada,
Cyprus*, Denmark*, Ecuador, Finland*, France, Germany,
Greece*, Hungary*, Iceland*, Ireland*, Italy, Lithuania*,
Luxembourg*, Malta*, Mozambique*, New Zealand*, Norway*,
Peru, Poland, Portugal, Romania*, San Marino*, Slovakia*,
Slovenia*, Spain, Sweden, United Kingdom of Great Britain
and Northern Ireland: draft resolution**

2002/... Protection of United Nations personnel

The Commission on Human Rights,

Recalling its resolution 2000/77 of 26 April 2000,

Strongly condemning the acts of murder and various forms of physical violence, rape and sexual assault, abduction, hostage-taking, kidnapping, harassment, illegal arrest and detention, acts of destruction and looting of property, shooting at vehicles and aircraft, mine-laying, looting of assets, physical and psychological threats and other hostile acts against United Nations and associated personnel and other personnel acting under the authority of United Nations operations, as well as personnel of international humanitarian organizations,

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Guided by the relevant provisions on protection contained in the Convention on the Privileges and Immunities of the United Nations, the Convention on the Privileges and Immunities of the Specialized Agencies, the Convention on the Safety of United Nations and Associated Personnel, the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977 and the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which May Be Deemed to Be Excessively Injurious or Have Indiscriminate Effects and its Protocols,

Guided also by the International Bill of Human Rights,

Reaffirming the statement by the President of the Security Council of 9 February 2000 on the protection of United Nations personnel, associated personnel and humanitarian personnel in conflict zones (S/PRST/2000/4),

Taking note of the statement by the President of the Security Council of 15 March 2002 on the protection of civilians in armed conflicts (S/PRST/2002/6), and recalling the report of the Secretary-General of 30 March 2001 on the protection of civilians in armed conflict (S/2001/331) and Security Council resolutions 1265 (1999) of 17 September 1999 and 1296 (2000) of 19 April 2000,

Welcoming General Assembly resolution 56/217 of 21 December 2001 on the safety and security of humanitarian personnel and protection of United Nations personnel,

Welcoming also General Assembly resolution 56/89 of 12 December 2001 on the scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel,

Noting that the Convention on the Safety of United Nations and Associated Personnel, which entered into force on 15 January 1999, has been ratified by sixty-two Member States as at the present date, and mindful of the need to promote its universality,

Welcoming the inclusion of attacks intentionally directed against personnel involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations as a war crime in the Rome Statute of the International Criminal Court, to enter into force on 1 July 2002, and noting the role that the Court will play in bringing to justice those responsible for serious violations of human rights and international humanitarian law, as a measure of preventing impunity,

Recalling that the primary responsibility under international law for the security and protection of United Nations and associated personnel lies with the Government hosting a United Nations operation conducted under the Charter of the United Nations or its agreements with the relevant organizations,

Urging all parties involved in armed conflicts to ensure the security and protection of all United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation, in compliance with international humanitarian law, in particular their obligations under the Geneva Conventions of 12 August 1949 and the obligations applicable to them under the Additional Protocols thereto of 8 June 1977,

Expressing concern that the occurrence of attacks and threats against United Nations and associated personnel and other personnel is a factor that increasingly affects and restricts the ability of the Organization to provide assistance and protection to civilians in fulfilment of its mandate under the Charter of the United Nations,

Reaffirming the fundamental requirement that appropriate modalities for the safety and security of United Nations and associated personnel should be incorporated in all new and ongoing United Nations and field operations, as well as a culture of accountability for the safety of personnel at all levels throughout the United Nations system, and in this regard commending the recent efforts by the United Nations agencies, funds and programmes aimed at the improvement of security management and training of their personnel,

Emphasizing the need to give further consideration to the safety and security of locally recruited United Nations and associated personnel and other personnel, who account for the majority of casualties,

1. *Welcomes* the reports of the Secretary-General to the General Assembly (A/56/384 and A/55/494);

2. *Calls upon* all States:

(a) to consider promptly becoming parties to the Convention on the Safety of United Nations and Associated Personnel, in particular those receiving United Nations operations on their territories;

(b) to consider becoming parties to the Rome Statute of the International Criminal Court;

3. *Urges* all States:

(a) To take the necessary measures to ensure the full and effective implementation of the provisions of human rights and refugee law relating to the safety and security of United Nations and associated personnel, as well as relevant principles and rules of international humanitarian law;

(b) To ensure that any threat or act of violence committed against United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation on their territory is fully investigated, and to take all appropriate measures to identify and prosecute the perpetrators of such acts;

(c) To facilitate, consistent with their national laws and regulations, the use of communications resources necessary to ensure the protection and safety of United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation;

4. *Calls upon* all States and others concerned:

(a) To respect and ensure respect for the rights of United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation and to take the necessary measures to ensure the safety and security of those personnel as well as the inviolability of United Nations premises which are essential to the continuation and successful implementation of United Nations operations;

(b) To ensure the security and protection of all United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation, in compliance with international humanitarian law, in particular their obligations under the Geneva Conventions of 12 August 1949 and the obligations applicable to them under the Additional Protocols thereto of 8 June 1977;

(c) To provide adequate and prompt information concerning the arrest or detention of United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation;

(d) To grant the representatives of the competent international organization immediate access to such personnel;

(e) To allow independent medical teams to investigate the health of detained United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation and to afford them the necessary medical assistance;

(f) To allow representatives of the competent international organization to attend hearings involving United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation, provided that such attendance is consistent with domestic law;

(g) To ensure the prompt release of United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation who have been arrested or detained in violation of their immunity, in accordance with the relevant conventions and applicable international humanitarian law;

(h) To adopt and/or enforce appropriate domestic legislation and judicial and administrative measures to ensure that the perpetrators of unlawful acts against United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation are held accountable for their actions;

(i) To promote a climate of respect for the security of United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation;

(j) To cooperate fully with United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation and to ensure their safe and unhindered access in order to allow them to perform efficiently their task of assisting the affected civilian population;

5. *Encourages* all States to contribute to the Trust Fund for the Security of United Nations Personnel;

6. *Welcomes* the establishment, in accordance with General Assembly resolution 56/89 of 12 December 2001, of an Ad Hoc Committee to consider the recommendations made by the Secretary-General in his report on measures to strengthen and enhance the protective legal regime for United Nations and associated personnel, as well as the discussions that took place within the Ad Hoc Committee, from 1 to 5 April 2002 and the firm commitment expressed by States to strengthen the legal protection of United Nations and associated personnel;

7. *Requests* the Secretary-General:

(a) To take the necessary measures to ensure full respect for the human rights, privileges and immunities of United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation and, when those human rights, privileges and immunities are violated, to ensure that such personnel are restored to their organization, and, where appropriate, to seek redress and compensation for the damage caused to them;

(b) To take further steps, within his mandate, to improve the safeguards for the security and safety of locally recruited United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation, and to continue to consider ways and means of strengthening their protection, bearing in mind that these personnel account for the majority of casualties as they are often most directly affected by insecurity and threats to their safety;

(c) To ensure the inclusion in headquarters and other mission agreements of the applicable principles and rules on protection contained in the Convention on the Privileges and Immunities of the United Nations, the Convention on the Privileges and Immunities of the Specialized Agencies and the Convention on the Safety of United Nations and Associated Personnel;

(d) To take further measures in order to ensure that security matters are an integral part of the planning for existing and newly mandated United Nations operations and that such precautions extend to all United Nations and associated personnel and, as appropriate, to other personnel;

(e) To take further measures to ensure that United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation are properly informed about the conditions under which they are called to operate and the standards they are required to meet, including those contained in relevant domestic and international law, and that adequate training is provided in security, human rights and humanitarian law so as to enhance their security and effectiveness in accomplishing their functions;

(f) To submit a report to the Commission at its sixtieth session on the situation of United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation who are imprisoned, missing or held in a country against their will, including an account of the cases in which the perpetrators of crimes against those personnel have not been brought to justice and of new cases that have been successfully settled as they relate to the principles set out in the International Covenants on Human Rights, as well as on the implementation of the measures referred to in the present resolution.
