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COMMISSION ON HUMAN RIGHTS
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Agenda item 10

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED
TO ANY FORM OF DETENTION OR IMPRISONMENT

Australia, Austria, Bulgaria, Cameroon, Canada, Costa Rica*, Czech Republic*, Finland, France, Germany, Greece*, Guinea-Bissau, Hungary, Ireland*, Italy, Liechtenstein*, New Zealand*, Norway*, Portugal*, Republic of Korea, Slovakia*, Sweden*, Turkey*, Ukraine* and United Kingdom of Great Britain and Northern Ireland:
draft resolution

1995/... Staff members of the United Nations and of the specialized agencies in detention

The Commission on Human Rights,

Recalling General Assembly resolutions 42/219 of 21 December 1987, 43/225 of 21 December 1988, 44/186 of 19 December 1989 and 45/240 of 21 December 1990, in which the Assembly deplored the increase in the number of cases where the functioning, safety and well-being of officials had been adversely affected, including cases of detention in Member States and abduction by armed groups and individuals, and the increasing number of cases in which the lives and well-being of officials had been placed in jeopardy during the exercise of their official functions,

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

Recalling its resolution 1994/42 of 4 March 1994, in which it requested the Secretary-General to submit to the Commission at its fifty-first session an updated version of the report on the situation of United Nations staff members, experts and their families detained, imprisoned, missing or held in a country against their will,

Aware of the need to strengthen the relevant international legal instruments and welcoming the adoption and opening for signature by the General Assembly, in its resolution 49/59 of 9 December 1994, of the Convention on the Safety of United Nations and Associated Personnel,

Considering that, at a time when the United Nations is undertaking greater responsibilities sending missions in difficult conditions to various parts of the world, it is imperative that its staff members and other personnel acting under its authority be able to perform their duties with the assurance that their human rights, privileges and immunities will be fully respected, in accordance with the relevant provision of the Charter of the United Nations and other international instruments,

Having examined the updated report of the Secretary-General on detention of international civil servants and their families (E/CN.4/1995/40),

Gravely concerned that a significant number of United Nations staff members, experts and their families continue to be detained, imprisoned, missing or held in a country against their will,

Gravely concerned also that a significant number of United Nations staff members, recruited nationally or internationally, and other personnel acting under the authority of the United Nations and their families have been killed since July 1993,

Noting the need for updated and complete information on the situation of United Nations staff members, experts and their families detained, imprisoned, missing or held in a country against their will,

Convinced that a better coordinated and more detailed reporting system, with a better dialogue between the United Nations and the host country, can contribute to a faster solution of cases,

Deeply concerned at the inordinate delays and obstacles which different organizations of the United Nations system face when trying to exercise fully the right of functional protection of their staff members,

Greatly appreciating the efforts of the Secretary-General to promote a satisfactory resolution of all cases of this kind, and noting that these

efforts have already produced concrete results concerning the security of United Nations staff members, experts and their families,

1. Takes note with interest of the updated report of the Secretary-General (E/CN.4/1995/40);

2. Requests the Secretary-General to take further steps aimed at ensuring the application without delay of all the recommendations contained in the final report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the protection of the human rights of United Nations staff members, experts and their families (E/CN.4/Sub.2/1992/19);

3. Appeals once again to Member States to respect and to ensure respect for the rights of staff members and other personnel acting under the authority of the United Nations and their families and to take the necessary measures to ensure the protection of United Nations and associated personnel in their territory;

4. Requests the Secretary-General to continue his efforts to ensure that the human rights, privileges and immunities of United Nations staff members, experts and their families are fully respected and to seek redress and compensation for the damage caused to them, as well as their full reintegration, when their human rights, privileges and immunities have been violated;

5. Reiterates the obligations of Member States under the Convention on the Privileges and Immunities of the United Nations and also under the Convention on the Privileges and Immunities of the Specialized Agencies regarding immunity from legal process and from personal arrest or detention;

6. Urges Member States:

(a) To provide adequate and prompt information concerning the arrest or detention of United Nations staff members, experts or their families;

(b) To grant the representative of the competent international organization immediate access to them;

(c) To allow independent medical teams to investigate the health of detained staff members, experts or their families, and to afford them the necessary medical assistance;

(d) To allow representatives of the competent international organization to attend any hearing concerning United Nations staff members, experts and their families;

(e) To ensure their speedy release;

7. Welcomes the adoption and opening for signature by the General Assembly, in its resolution 49/59 of 9 December 1994 of the Convention on the Safety of United Nations and Associated Personnel;

8. Urges Member States to consider promptly signing and becoming parties to the Convention;

9. Requests the Secretary-General to submit to the Commission at its fifty-second session a report on the status of the Convention on the Safety of United Nations and Associated Personnel, on the situation of United Nations staff members, experts and their families detained, imprisoned, missing or held in a country against their will, on cases which have been successfully settled since the presentation of the last report, and on the implementation of the measures referred to in the present resolution.
