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COMMISSION ON HUMAN RIGHTS
Fifty-second session
Agenda item 8

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

Australia, Belgium*, Benin, Bulgaria, Cameroon, Canada, Costa Rica*,
Czech Republic*, Denmark, El Salvador, France, Germany, Greece*,
Hungary, Ireland*, Italy, Liechtenstein*, Luxembourg*, Madagascar,
Norway*, Portugal*, Republic of Korea, Russian Federation, Sweden*
and Ukraine: draft resolution

1996/... Staff members of the United Nations and of
the specialized agencies in detention

The Commission on Human Rights,

Recalling General Assembly resolution 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 1995/39 of 3 March 1995, in which it requested the Secretary-General to submit to the Commission at its fifty-second 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,

Welcoming the adoption, by the General Assembly in resolution 49/59 of December 1994, of the Convention on the Safety of United Nations and Associated Personnel as a significant step for the protection of United Nations staff members and other personnel acting under its authority,

Noting that, since its adoption the Convention has only been signed by 40 Member States and ratified by 4,

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 the detention of international civil servants and their families (E/CN.4/1996/32 and Add.1),

Noting the remarks made by certain bodies, as mentioned in the updated report of the Secretary-General, that the coverage offered by the Convention does not include all members of United Nations missions without distinction as to the type of mandate entrusted to them,

Gravely concerned that a significant number of United Nations staff members, experts and their families continue to be detained, imprisoned, retained as hostages, 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 1994,

Noting the continuous 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.4/1996/32 and Add.1);
2. Invites the Secretary-General to request the United Nations organs concerned to submit to him their views and comments on 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) and to submit a report evaluating the measures proposed for the implementation of those recommendations;
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 and 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 the speedy release of United Nations staff members, experts and members of their families who have been arrested or detained in violation of their immunity;

7. Invites Member States to consider promptly signing and becoming parties to the Convention on the Safety of United Nations and Associated Personnel;

8. Invites the Secretary-General to prepare a document containing the relevant principles of protection found in the Convention for use as guidelines in negotiation with the Governments concerned of headquarters agreements and mission agreements;

9. Requests the Secretary-General to submit to the Commission at its fifty-third 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.
