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COMMISSION ON HUMAN RIGHTS  
Sub-Commission on Prevention of  
Discrimination and Protection  
of Minorities  
Thirty-fifth session  
Agenda item 4

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE  
SUB-COMMISSION HAS BEEN CONCERNED

Draft resolution submitted by Mr. Bossuyt, Mr. Eide, Mr. Ferrero, Mr. Poli,  
Mr. Mubanga-Chipoya, Mr. Mudawi, Mrs. Odio-Benito, Mrs. Warzazi and  
Mr. Whitaker

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,  
Taking into account General Assembly resolution 36/135 of 14 December 1981 and  
Commission on Human Rights resolution 1982/22 of 10 March 1982, by which this  
Sub-Commission was asked to formulate a first study on possible terms of reference  
for the mandate of a High Commissioner for Human Rights,

Taking into account also Sub-Commission decision 3 (XXXIV) by which the  
Sub-Commission decided to consider at its thirty-fifth session the positive role of  
a High Commissioner for Human Rights as a United Nations official should play in the  
full enjoyment of human rights,

Having held, at its thirty-fifth session, a discussion on these questions,

Submits to the Commission on Human Rights the following proposals concerning the  
possible terms of reference for the mandate of a High Commissioner for Human Rights:

1. The Office of a United Nations High Commissioner for Human Rights should  
have the following functions and responsibilities:

(a) To promote and protect the observance of human rights and fundamental  
freedoms for all, as defined in the Universal Declaration of Human Rights, without  
distinction as to race, colour, sex, language, religion, political or other opinion,  
national or social origin, property, birth or other status;

(b) To give special attention to the importance of ensuring the effective  
enjoyment by all of their civil and political rights and their economic, social and  
cultural rights and such other rights as are recognized by the Charter of the  
United Nations and by the General Assembly, bearing in mind that all human rights and  
fundamental freedoms are indivisible and interdependent;

(c) To initiate direct contacts with Governments, whenever such action appears necessary or desirable, to safeguard or assist in restoring respect for human rights, bearing in mind the following principles: (1) such contacts shall be prompt, confidential, and exclusively humanitarian in purpose; (2) in undertaking such action, the Office shall pay particular attention to urgent situations appearing to involve threats to life, bodily or mental integrity, physical liberty, the right to fair and impartial administration of justice, freedom of religious belief and practice, and freedom to leave one's country of residence or sojourn; (3) such threats may concern individuals as well as groups of persons; (4) direct contacts shall have the specific purpose of ascertaining the facts and, when appropriate in the light of the facts, of assisting the parties concerned with a view to ensuring full respect for the human rights of individuals or groups on whose behalf the contacts were undertaken; (5) such assistance may include, inter alia, technical advice on measures which could be taken to promote the effective observance of human rights, offers to conciliate or mediate in disputes, and provision of information on the availability of appropriate assistance from other elements of the United Nations system, including the Centre for Human Rights and the specialized agencies;

(d) To consider also as areas of special concern and attention such massive violations of human rights as apartheid, racism and racial discrimination, colonial domination, foreign occupation and alien subjugation;

(e) In response to reports of mass and flagrant violations of human rights requiring urgent action, to make the direct contacts described in sub-paragraph (c) above and, in addition, to: (1) consult promptly with other elements of the United Nations system, including the Centre for Human Rights and appropriate specialized agencies, which may have or share responsibilities for promoting or safeguarding the specific human rights reported to be at risk, for the purpose of exchanging information and of collaborating with them in developing and implementing an appropriate co-ordinated course of action; and (2) if appropriate, and with the agreement of the United Nations bodies concerned, establish a temporary ad hoc inter-agency task force to facilitate co-ordinated action with regard to the human rights aspects of the situation;

(f) To carry out specific mandates and tasks assigned by the General Assembly, the Economic and Social Council, and the Commission on Human Rights;

(g) To report annually to the General Assembly, the Economic and Social and the Commission on Human Rights on the activities of the Office. These reports should constitute a separate item on the agenda of these bodies. These reports might, with the consent of the Government concerned, include a summary of the results of the Office's direct contacts with that Government. With the consent of the Government concerned, the Office might also announce the results of such direct contacts at other times during the year;

2. The Bureau of the Commission on Human Rights might act as an advisory committee to the High Commissioner, advising him or her on any aspect of the responsibilities of the Office; such advice may be given on the initiative of the Bureau, at the request of the High Commissioner;

3. The High Commissioner should be elected by the General Assembly in accordance with a procedure which would give the highest attainable freedom from political influence. The period of his or her mandate should be five years. He or she should not serve for two consecutive periods. A Deputy High Commissioner might be elected in the same manner and should in principle be from a different region of the world than the High Commissioner. The Deputy High Commissioner should perform duties assigned by the High Commissioner and should assume the responsibilities of the High Commissioner during the latter's temporary absence or disability.