



**Economic and Social
Council**

Distr.
LIMITED

E/CN.4/2005/L.70
14 April 2005

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sixty-first session
Agenda item 18

EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS

Bangladesh*, Belarus*, Bhutan, Burundi*, Cameroon*, China, Congo, Côte d'Ivoire*, Cuba, Democratic Republic of the Congo, Dominican Republic, Ecuador, El Salvador*, Eritrea, Ethiopia, Gabon, Guinea, Honduras, Indonesia, Iran (Islamic Republic of)*, Kenya, Libyan Arab Jamahiriya*, Malaysia, Mauritania, Myanmar*, Nepal, Nigeria, Oman*, Pakistan, Democratic People's Republic of Korea, Saudi Arabia, Senegal*, South Africa, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic*, Togo, Tunisia*, United Republic of Tanzania*, Uruguay*, Venezuela*, Viet Nam*, Yemen*, Zambia* and Zimbabwe: draft resolution

**2005/... Composition of the staff of the Office of the United Nations
High Commissioner for Human Rights**

The Commission on Human Rights,

Recalling that, in its report to the Special Commission of the Economic and Social Council (E/CN.4/1988/85 and Corr.1), the Commission reaffirmed that the paramount consideration for employing staff at every level was the need for the highest standards of

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

efficiency, competence and integrity and was convinced that this objective was compatible with the principle of equitable geographical distribution and took into account Article 101, paragraph 3, of the Charter of the United Nations,

Recalling also Part II, paragraphs 11 and 17, of the Vienna Declaration and Programme of Action (A/CONF.157/23), in which the World Conference on Human Rights requested the Secretary-General and the General Assembly to provide sufficient human, financial and other resources to the Centre for Human Rights to enable it effectively, efficiently and expeditiously to carry out its activities, while recognizing the necessity for restructuring United Nations human rights machinery, in accordance with its real needs,

Reaffirming the significance of national and regional particularities and various historical, cultural and religious backgrounds, as well as of different political, economic and legal systems,

Recognizing that the United Nations pursues multilingualism as a means of promoting, protecting and preserving diversity of languages and cultures globally and that genuine multilingualism promotes unity in diversity and international understanding,

Taking into account the need to pay particular attention to the recruitment of personnel for the Office of the United Nations High Commissioner for Human Rights from unrepresented and underrepresented Member States, particularly from developing countries and countries with economies in transition, thus improving the present staff composition, based on a more equitable geographical distribution,

Reiterating its deep concern that the report of the United Nations High Commissioner for Human Rights (E/CN.4/2005/109) concerning the geographical composition and the functions of the Office staff clearly reflects that one region is unequivocally overrepresented in the staff composition and that the imbalance still remains (see the annexes to the present resolution),

Expressing again its concern over the non-representation and underrepresentation of several Member States, especially developing countries and countries with economies in transition, on the staff of the Office of the High Commissioner, many of them also non-represented or underrepresented at the level of the whole Secretariat, particularly bearing in mind the criteria of equitable geographical distribution,

Expressing its concern also that the prevalence of project personnel has skewed the geographical distribution of the staff of the Office towards Western Europe and North America, compared to the Secretariat-wide pattern, as has the geographical distribution of consultants,

Noting with grave concern that the dependency of the Office on extrabudgetary resources is at the heart of the imbalance in the composition of its staff,

1. *Takes note* of the report of the High Commissioner on the composition of the staff of the Office of the High Commissioner and the measures proposed or implemented by the Office, as described therein, although they have not improved the situation for the last few years;

2. *Welcomes* the fact that the High Commissioner recently submitted a comprehensive proposal to the Office of Human Resources Management that will effectively discontinue the practice of hiring temporary staff for regular functions of the Office of the High Commissioner through the regularization of all core posts at headquarters and in the field to align the recruitment policy of the Office with that of the United Nations Secretariat;

3. *Regrets* that most of the measures described therein are not new and, as the statistics show, they are either inadequate or inadequately or insufficiently applied and they have failed to produce any concrete improvement in the geographical distribution of the staff of the Office to date, and that the report does not provide for specific targets and deadlines to be achieved in order to reduce the current imbalance in the staff, as requested in paragraph 23 (a) of Commission resolution 2004/73;

4. *Expresses its concern* that, while nationals of 30 out of 43 developed countries are represented in the staff of the Office of the High Commissioner for Human Rights, the overwhelming majority of developing countries, 102 out of 148, have not a single national on the staff of the Office, despite the fact that 13 out of 15 unrepresented countries and 6 out of the 10 underrepresented countries at the level of the whole Secretariat are developing countries;

5. *Also expresses its concern* that the number of nationals of most of the developed countries overrepresented, underrepresented or within range at the level of the whole Secretariat outnumber by many times the average number of nationals of individual developing countries represented on the staff of the Office of the High Commissioner for Human Rights;

6. *Recalls* that the General Assembly has requested the Secretary-General to hold accountable the heads of the relevant departments for the human resources action plans and to ensure that they in turn take due account of equitable geographical representation when considering candidates on the lists endorsed by the central review bodies, as well as candidates on the rosters, and to report to the General Assembly annually on progress made by departments in the implementation of their respective human resources action plans;

7. *Expresses its grave concern* at the conclusion contained in the report of the Joint Inspection Unit (JIU/REP/2003/6) that the unbalanced geographical distribution of staff is a serious, endemic problem in the Office of the High Commissioner;

8. *Regrets* that, despite the repeated requests by the Commission to correct the unbalanced geographical distribution of the staff, the situation remains that one region accounts for more than half of the posts of the Office of the High Commissioner and for more posts than the four remaining regional groups combined, and that there has been a bigger increase in the number of posts not subject to geographical distribution than in those subject to geographical distribution, which account for little more than one third of the total staff;

9. *Takes note with appreciation* that the recommendations for the selection of staff for technical cooperation activities and advisory services will be subject to the review of the Office's internal Advisory Panel on Personnel Issues and that the composition of the Panel has been reviewed to balance its geographical distribution, as requested by Commission resolution 2004/73, and requests the High Commissioner to ensure that it contributes to the improvement of the composition of the staff of the Office in general and to report to the Commission on the current composition of the Panel;

10. *Takes note* of the recommendation of the High Commissioner that the Office of Human Resources Management establish a human rights occupational group to attract to the area of human rights qualified junior professionals from unrepresented and underrepresented countries, while stressing that it would be more effective for the Office of the High Commissioner to provide the Office of Human Resources Management with a list of countries unrepresented or underrepresented within the Office, and therefore requests that the Office of the High Commissioner compile annually such a list and that the Office of Human Resources Management take that list into consideration when organizing competitive examinations;

11. *Welcomes* the statement in the report that the Office of the High Commissioner has instituted measures to apply the Organization's principles of geographical distribution with particular regard to unrepresented and underrepresented developing countries when filling extrabudgetary posts, involving the screening of candidates at the initial recruitment stage, including of short-term staff, to ensure that, between equally qualified candidates, priority is given to candidates from such countries, but regrets that in the last year there has been a further increase in the number of staff not subject to geographical distribution from one regional group, enlarging the existing chronic geographical imbalance, and requests the High Commissioner to use the policy of new recruitment to correct the current imbalance in the composition of the staff of the Office;

12. *Also welcomes* the assurance of the High Commissioner that she attaches the utmost importance to equitable geographical representation, as well as to the need for the highest standards of efficiency, competence and integrity on the part of the staff of her Office and the fact that the High Commissioner has paid particular attention to geographical diversity in the recruitment of the senior managers, since four out of seven posts subject to geographical distribution at the D-1 level and above are encumbered by staff from developing countries;

13. *Expresses its concern* about the widespread assignment of technical advisers (staff holding appointments under the 200 series of the Staff Rules of the United Nations) to carry out line functions, which should be performed by 100-series staff, and to supervise staff under the 100 series of the Staff Rules, a practice against established policies that should be discontinued;

14. *Stresses* that the proposal made in the last year by the Office of the High Commissioner to the Office of Human Resources Management to reduce the number of 200-series contracts of staff performing core functions by converting their 200-series contracts into 100-series contracts, limited to service with the Office of the High Commissioner, is against United Nations human resources policies, regulations and rules and is, therefore, unacceptable;

15. *Requests* the Office of the High Commissioner to observe fully United Nations human resources policies, regulations, rules and practices and, therefore, to align without further delay its human resources practices and procedures, in particular its recruitment and contractual policies, with Secretariat human resources policies, rules, regulations and practices and,

furthermore, to check and align its post-classification criteria with those of the Secretariat before any post is advertised and to discontinue the practice of advertising extrabudgetary posts without first checking the classification criteria with the United Nations Office at Geneva;

16. *Reiterates* the need for the High Commissioner to observe the provisions contained in section X, paragraph 3, of General Assembly resolution 55/258 of 14 June 2001 on human resources management, which reiterates its request to the Secretary-General to increase further his efforts to improve the composition of the Secretariat by ensuring a wide and equitable geographical distribution of staff in all departments;

17. *Also reiterates* that it is necessary to take urgent, concrete and immediate action to change the currently prevailing geographical distribution of staff of the Office in favour of a more equitable distribution of posts, in accordance with Article 101 of the Charter, particularly by recruiting personnel from developing countries and countries with economies in transition, including to senior posts;

18. *Requests once again* the Secretary-General to take the necessary measures to ensure that particular attention is paid to recruiting personnel from unrepresented and underrepresented Member States, in particular from developing countries and countries with economies in transition, for the existing vacancies and for additional posts in the Office of the High Commissioner to ensure an equitable geographical distribution and a better gender balance, giving particular priority in this regard to recruitment for high-level and Professional posts;

19. *Urges* donors to make their voluntary contributions unearmarked, as much as possible, to enable the High Commissioner flexibility in the allocation of staff and resources between the different activities and projects;

20. *Requests once again* the Secretary-General, in signing agreements with countries as a result of which Junior Professional Officers are provided to the Office of the High Commissioner, to urge those countries to ensure the allocation of additional financial resources to guarantee that personnel from developing countries are able to work as Junior Professional Officers, with a view to conforming with the principle of equitable geographical distribution; furthermore, a permanent mechanism must be established, by virtue of which every Junior Professional Officer from a donor country who joins the Office will be matched by another Junior Professional Officer from a developing country;

21. *Emphasizes* the importance of openly advertising all posts, including ad hoc appointments for field operations, including the dissemination of detailed job descriptions among all States prior to the filling of those posts;

22. *Requests* the High Commissioner to ensure that Junior Professional Officers are not given either sensitive political or core assignments where their impartiality may be questioned;

23. *Reiterates* the standing rule that consultants shall not perform functions of staff members of the Organization nor have any representative or supervisory responsibility, and calls upon the High Commissioner to:

(a) Refrain from using consultants to carry out functions assigned to established posts;

(b) Strictly observe the existing rules and relevant resolutions of the General Assembly in hiring consultants, in particular to ensure and certify that expertise is not available within the Organization before deciding to hire them;

(c) Make greater efforts to ensure geographical balance among qualified consultants and individual contractors;

24. *Reaffirms* the importance of ensuring universality, objectivity and non-selectivity in the consideration of human rights issues and requests the High Commissioner to continue to ensure that the fulfilment of her mandate and that of the Office is guided by these principles;

25. *Stresses* that the staff of the Office of the High Commissioner need to maintain their neutrality and fully respect the independence of the work of all mechanisms of the Commission and the treaty bodies, while providing support to their functioning;

26. *Requests* the High Commissioner:

(a) To ensure that the one-time post regularization of all core posts at headquarters and in the field results in a new and balanced geographical distribution of the staff of the Office, advertising the posts to be regularized and filling them in a transparent and competitive manner, following United Nations practices and provisions;

(b) To prepare a comprehensive action plan aimed at reducing the current imbalance in the staff, indicating specific targets and deadlines to be achieved;

(c) To avoid overlapping and duplication of functions and to work towards the goal of increased effectiveness and improved management, taking into account the relevant resolutions and decisions, including the request of the General Assembly for streamlined management, as well as the recommendations made in that regard, when proposing new structures, posts and reclassifications of posts, including those of senior management, with a view to ensuring optimal leadership and consistency of structures;

(d) To use also the programmes and funds for technical cooperation and human rights education for the training of national technical personnel in developing countries and countries with economies in transition through the use of Junior Professional Officers from these countries, with a view to guaranteeing that personnel from developing countries are able to work as Junior Professional Officers and that every Junior Professional Officer from a donor country who joins the Office will be matched by another Junior Professional Officer from a developing country;

(e) To submit a comprehensive report on the implementation of the present resolution to the Commission at its sixty-second session, which should include:

- (i) The composition of the staff of the Office, organized by the five United Nations regional groups established by the General Assembly (African States, Asian States, Latin American and Caribbean States, Western European and Other States and Eastern European States) and reflecting, inter alia, grade, nationality and gender, including with regard to non-regular staff;
- (ii) The action plan, as well as the measures adopted to implement it, concrete achievements and their results;
- (iii) The measures taken to implement other actions requested by the present resolution and their achievements;
- (iv) Any further recommendations to improve the current situation;

27. *Draws the attention* of the General Assembly to the present resolution in the context of the consideration of the agenda item on human resources management;

28. *Invites* the General Assembly and its appropriate subsidiary bodies, inter alia, the Advisory Committee on Administrative and Budgetary Questions, the Committee for Programme and Coordination and the Fifth Committee of the Assembly, to give due consideration to the present resolution and to the report of the Joint Inspection Unit entitled “Management review of the Office of the United Nations High Commissioner for Human Rights”, in particular to any other organization, management, executive direction, structure, administrative, financial and more technical human resources management issues and recommendations contained therein and not addressed in this resolution;

29. *Recalls its request* to the Joint Inspection Unit to assist the Commission on Human Rights to monitor systematically the implementation of the present resolution and to submit a follow-up comprehensive review of the implementation of the decisions of the Commission and other United Nations intergovernmental bodies regarding the management, programmes and administration of the Office of the High Commissioner, in particular, with regard to their impact on the recruitment policies and the composition of the staff, to the Commission at its sixty-third session and to the General Assembly at its sixty-first session, containing any concrete proposals for corrective action, if required, for the implementation of the relevant intergovernmental bodies’ resolutions, including the present resolution;

30. *Decides* to consider this matter under the same agenda item at its sixty-second session.

ANNEX I

Staff of the Office of the United Nations High Commissioner for Human Rights

*Geographical distribution (by number of posts)**

Regional groups	Posts subject to geographical distribution					Posts not subject to geographical distribution					Total				
	2001	2002	2003	2004	2005	2001	2002	2003	2004	2005	2001	2002	2003	2004	2005
African States	10	12	10	9	6	21	22	24	25	22	31	34	34	34	28
Asian States	13	17	16	16	18	6	9	8	11	14	19	26	24	27	32
Latin America and Caribbean States	9	9	9	9	7	10	13	15	19	21	19	22	24	28	28
Eastern Europe States	5	5	6	7	7	6	6	7	7	6	11	11	13	14	13
Western Europe and Other States**	41	48	45	46	50	69	85	96	104	110	110	133	141	150	160
Total of posts	78	91	86	87	88	112	135	150	166	173	190	226	236	253	261

* Figures for 2005 were based on tables 1 and 2 of the report of the High Commissioner (E/CN.4/2005/109). The figures for the earlier years were based on the reports of the High Commissioner for those years.

** Includes Switzerland and Israel.

ANNEX II

Staff of the Office of the United Nations High Commissioner for Human Rights

*Geographical distribution**(Percentage)**

Regional groups	Posts subject to geographical distribution					Posts not subject to geographical distribution					Total				
	2001	2002	2003	2004	2005	2001	2002	2003	2004	2005	2001	2002	2003	2004	2005
African States	13	13	11.6	10.3	6.8	19	16	16	15.1	12.7	16	15	14.4	13.4	10.7
Asian States	17	19	18.6	18.4	20.4	5	7	5	6.6	8.1	10	11	10.1	10.7	12.3
Latin America and Caribbean States	11	10	10.5	10.3	8	9	10	10	11.4	12.1	10	10	10.1	11.1	10.7
Eastern Europe States	6	5	7	8.0	8	5	4	5	4.2	3.5	6	5	5.5	5.5	5
Western Europe and Other States**	53	53	52.3	52.9	56.8	62	63	64	62.7	63.6	58	59	59.8	59.3	61.3

* Percentages for 2005 were calculated based on tables 1 and 2 of the report of the High Commissioner (E/CN.4/2005/109). The figures for the earlier years were calculated based on the reports of the High Commissioner for those years.

** Includes Switzerland and Israel.

ANNEX III

Representation of developed and developing countries on the staff of the Office of the United Nations High Commissioner for Human Rights by categories of representation at the whole Secretariat and by type of posts:
subject and not subject to equitable geographical distribution

*Distribution (by number of countries)**

	Developed countries					Developing countries					
	Countries represented only in geographically distributed posts in the Office	Countries represented only in posts not subject to geographical distribution	Represented in both categories	No representation at all at the Office	Total	Countries represented only in geographically distributed posts in the Office	Countries represented only in posts not subject to geographical distribution	Represented in both categories	No representation at all at the Office	Total	Total all countries
Unrepresented				2	2				13	13	15
Underrepresented		1	2		3	2		1	4	7	10
Overrepresented	2	3	3		8	1	5	3	4	13	21
Within ranges	2	9	8	11	30	11	15	8	81	115	145
Total	4	13	13	13	43	14	20	12	102	148	191

Note: The classification of countries by categories of representation in the staff is from the lists of the report of the Secretary-General (A/59/299) as at 30 June 2004. The classification of developing countries is based on the list of the Development Assistance Committee of the Organization for Economic Cooperation and Development.