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COMMISSION ON HUMAN RIGHTS

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Agenda item 11

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION; ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Costa Rica: draft resolution

The Commission on Human Rights,

Bearing in mind its resolution 1983/49 of 10 March 1983 as well as resolution 1983/36 of 6 September 1983 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recommends the following draft resolution to the Economic and Social Council for adoption:

The Economic and Social Council,

Conscious that Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming that the Universal Declaration of Human Rights is a common standard of achievement for all peoples and all nations,

Noting that the entry into force of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights constitutes a great achievement by the international community towards the establishment of effective means of promoting respect for and observance of human rights and fundamental freedoms,

Concerned, however, by the existing disparity between established principles and standards and their implementation,

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Believing that the international promotion and encouragement of human rights and fundamental freedoms may be enhanced through further improvement of the existing machinery set up by the Organization, in order to meet the need for more continuous and timely action and for facilitating the co-operative fulfilment by Member States of their commitments to human rights under the Charter of the United Nations,

Considering that the approach to the future work within the United Nations system in the field of human rights should take due account of the experiences and the general situation of, as well as the efforts made by, the developing countries to implement human rights and fundamental freedoms,

1. Suggests to the General Assembly that it establish a post of United Nations High Commissioner for Human Rights;

2. Declares that the work of the High Commissioner should be humanitarian in character, guided solely by an impartial concern for the promotion and protection of human rights and fundamental freedoms;

3. Considers that the High Commissioner should possess the degree of personal independence, prestige and integrity required for the discreet and impartial performance of his humanitarian functions;

4. Suggests that the High Commissioner should be elected by the General Assembly on the nomination of the Secretary-General for a five-year term, which may not be renewed more than once. The Secretary-General shall endeavour not to nominate two successive High Commissioners from the same regional group, giving due and equal consideration to qualified individuals from all regions of the world;

5. Suggests also that the following administrative arrangements concerning the High Commissioner be adopted:

(a) The High Commissioner and the Secretary-General shall make appropriate arrangements for liaison and consultation on matters of mutual interest;

(b) The Secretary-General shall provide the High Commissioner with all necessary facilities within budgetary limitations;

(c) The expenses of the High Commissioner shall be financed under the budget of the United Nations;

(d) The emoluments of the High Commissioner shall be equivalent to those of an Under-Secretary-General of the United Nations;

(e) The staff of the High Commissioner, which shall be limited in size, shall be appointed by the High Commissioner within the limits of the budgetary appropriations. They shall be responsible to the High Commissioner in the exercise of their functions. Their conditions of employment shall be those provided under the Staff Regulations adopted by the General Assembly and the Staff Rules promulgated thereunder by the Secretary-General;

(f) The administration of the office of the High Commissioner shall be subject to the Financial Regulations of the United Nations and to the Financial Rules promulgated thereunder by the Secretary-General;

(g) Transactions relating to the High Commissioner's funds shall be subject to audit by the United Nations Board of Auditors;

6. Suggests that the High Commissioner should have the functions and responsibilities set out in the annex to the present resolution;

7. Calls upon Governments, specialized agencies, regional intergovernmental organizations, non-governmental organizations and the Secretary-General to co-operate with the High Commissioner in the fulfilment of his responsibilities.

ANNEX

Functions and responsibilities of the United Nations
High Commissioner for Human Rights

The United Nations High Commissioner for Human Rights shall:

- (a) Carry out specific mandates and tasks assigned by the General Assembly, the Economic and Social Council, and the Commission on Human Rights;
- (b) Consult as appropriate with other elements of the United Nations system, including the Secretary-General and the Centre for Human Rights, and appropriate specialized agencies, which may have or share responsibilities for promoting or safeguarding specific human rights for the purpose of exchanging information and of collaborating with them in developing and implementing appropriate co-ordinated action;
- (c) 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:
 - (i) Such contacts shall be prompt, confidential and exclusively humanitarian in purpose;
 - (ii) In undertaking such action, the High Commissioner shall pay particular attention to urgent situations;
 - (iii) 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;
 - (iv) 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 situations 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) Report annually to the General Assembly, the Economic and Social Council and the Commission on Human Rights on his or her activities. These reports should constitute a separate item on the agenda of these bodies. Such reports might, with the consent of the Government concerned, include a summary of the results of the High Commissioner's direct contacts with the Government. With the consent of the Government concerned, the Commissioner might also announce the results of such direct contacts at other times during the year;
- (e) 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;

(f) 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;

(g) Accord priority to such massive violations of human rights as apartheid, racism and racial discrimination, colonial domination, foreign occupation and alien subjugation;

(h) Consider as situations of special concern those resulting from aggression and threats against national sovereignty, the denial of the fundamental and inalienable rights of peoples to self-determination and the refusal to recognize the right of every nation to the exercise of full sovereignty over its wealth and resources.