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### DRAFT REPORT OF THE COMMISSION

Rapporteur: Mr. Hannu HALINEN

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\* E/CN.4/1995/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council, will be contained in documents E/CN.4/1995/L.11 and addenda.

1995/91. Situation of human rights in Rwanda

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, and other applicable human rights and humanitarian law standards,

Recalling Commission on Human Rights resolution S-3/1 of 25 May 1994, in which the Commission appointed a Special Rapporteur to investigate the human rights situation in Rwanda, and General Assembly resolution 49/206 of 23 December 1994,

Noting with appreciation the efforts of the Secretary-General, his Special Representative for Rwanda, the High Commissioner for Human Rights, the Special Rapporteur on the situation of human rights in Rwanda and other special rapporteurs of the Commission on Human Rights, the United Nations Assistance Mission for Rwanda, the United Nations High Commissioner for Refugees, the Department of Humanitarian Affairs and non-governmental organizations,

Deeply concerned by the reports of the Special Rapporteur and the Commission of Experts established pursuant to Security Council resolution 935 (1994) of 1 July 1994, that genocide and systematic, widespread and flagrant violations of international humanitarian law and crimes against humanity have been committed in Rwanda and that the situation of ethnic and political armed conflict in Rwanda resulted in other grave violations and abuses of human rights, including violation of the right to life, the right to physical and moral integrity, the right to be free from torture and other cruel, inhuman or degrading treatment, and the right to be free from discrimination on the grounds of ethnic origin and to be protected from incitement to such discrimination,

Reaffirming the deep concern expressed by the World Conference on Human Rights about violations of human rights during armed conflicts affecting the civilian population, especially women, children, the elderly and the disabled,

Noting that, following the cease-fire of 18 July 1994, a new Government has been established in Rwanda and has made efforts to reconstruct the civil administration and the social, legal, economic and human rights infrastructure of Rwanda after the extensive damage inflicted by the civil conflict, and noting that these efforts are hampered by a lack of resources,

Noting with concern that, in spite of efforts by the Government of Rwanda to ensure peace and security and the rule of law, a situation of insecurity still exists, evidenced by reports of disappearances, arbitrary arrest and detention, conditions of detention which do not conform to international standards, torture, summary executions, destruction of property and attacks against displaced persons, and welcoming the commitments made by the Government of Rwanda to protect and promote respect for human rights and fundamental freedoms and to eliminate impunity by investigating and prosecuting those responsible for acts of retribution,

Conscious that technical assistance and advisory services will assist the Government of Rwanda in reconstructing the social, legal, physical, economic and human rights infrastructure of Rwanda, and that extensive and long-term technical and financial assistance is required to accomplish this task,

Concerned that human rights violations create a climate of insecurity which prevents refugees and displaced persons from returning to their homes, conscious that their return is essential for the normalization of the situation in Rwanda and countries of the region, and concerned also by reports of continuing acts of intimidation and violence within the camps for refugees, particularly by the former Rwandese authorities, which prevent refugees from returning,

Concerned also by the ongoing interference, particularly by the former Rwandese authorities, in the provision of humanitarian relief, which impedes the provision of humanitarian relief and which has already led to the withdrawal of some non-governmental agencies responsible for the distribution of relief supplies in the camps outside Rwanda,

Welcoming the measures taken by the High Commissioner for Human Rights to put in place the human rights field operation in Rwanda and to coordinate its activities with the Special Representative of the Secretary-General, the United Nations High Commissioner for Refugees, the United Nations Assistance Mission for Rwanda, the International Tribunal for Rwanda, the Department of Humanitarian Affairs, and other United Nations agencies and intergovernmental and non-governmental organizations,

Welcoming also the establishment of the International Tribunal for Rwanda pursuant to Security Council resolution 955 (1994) of 8 November 1994 and the establishment of a United Nations trust fund to support the activities of the Tribunal,

Welcoming further the Security Council mission to Rwanda of 12 and 13 February 1995, and the regional conference on assistance to refugees, returnees and displaced persons, hosted by the Organization of African Unity and the Office of the United Nations High Commissioner for Refugees in Bujumbura from 15 to 17 February 1995,

Recalling Security Council resolution 965 (1994) of 30 November 1994, in which the Council expanded the mandate of the United Nations Assistance Mission for Rwanda to contribute to the security and protection of displaced persons, refugees and civilians at risk in Rwanda, to provide security and support for the distribution of relief supplies and humanitarian relief operations, to contribute to the security in Rwanda of personnel of the International Tribunal for Rwanda and human rights officers, and to assist in the training of a new integrated police force, and recalling also the Secretary-General's revised deployment of the Assistance Mission, which is intended to promote security in all areas of the country and create conditions conducive to the return of refugees,

Recognizing that effective action to prevent further violations of human rights and fundamental freedoms must be a central and integral element of the overall United Nations response to the situation in Rwanda and that a strong human rights component is indispensable to the political peace process and the post-conflict reconstruction of Rwanda,

1. Welcomes the reports of the Special Rapporteur on violations committed during the hostilities in Rwanda and on the current situation of human rights in Rwanda (E/CN.4/1995/7 and E/CN.4/1995/12);

2. Condemns in the strongest terms genocide, violations of international humanitarian law and all violations and abuses of human rights which occurred during the conflict in Rwanda, especially following the tragic events of 6 April 1994;

3. Also condemns in the strongest terms the kidnapping and killing of military peace-keeping personnel attached to the United Nations Assistance Mission for Rwanda, the killing of personnel attached to humanitarian organizations operating in the country, the wanton killing of innocent civilians and the destruction of property during the conflict, all of which constitute blatant violations of international humanitarian law;

4. Reaffirms that all persons who commit or authorize genocide or other grave violations of international humanitarian law and those who are

responsible for grave violations of human rights are individually responsible and accountable for those violations and that the international community will exert every effort to bring those responsible to justice in accordance with international principles of due process;

5. Urges all States concerned to cooperate fully with the International Tribunal for Rwanda, taking into account the obligations contained in Security Council resolutions 955 (1994) and 978 (1995), and to take all measures for the early and effective functioning of the International Tribunal for Rwanda;

6. Notes with deep concern the findings of the Special Rapporteur that disappearances, arbitrary arrests and detentions under conditions which do not conform to international standards, summary executions, destruction of property and attacks against displaced persons are still taking place, and encourages the Government of Rwanda to ensure investigation and prosecution of those responsible for such acts, in accordance with international principles of due process;

7. Encourages the Government of Rwanda, in a spirit of national reconciliation, to protect and promote respect for human rights and fundamental freedoms, and stresses the need to create an environment conducive to the realization of civil, political, economic, social and cultural rights, and to the return of refugees and displaced persons to their homes;

8. Encourages the efforts of the Government of Rwanda to involve, regardless of ethnicity, all citizens not responsible for genocide or other grave violations of international humanitarian law with its administrative, judicial, political and security structures;

9. Welcomes the efforts of the Government of Rwanda to reconstruct the civil administration and the social, legal, economic and human rights infrastructure of Rwanda, notes that efforts in this regard are hampered by a lack of resources, and welcomes the commitments made by the Government of Rwanda to restore the rule of law and protect and promote respect for human rights and fundamental freedoms;

10. Invites Member States, the organizations and agencies of the United Nations system and intergovernmental and non-governmental organizations to continue and intensify their efforts to contribute financial and technical support to the efforts of the Government of Rwanda to reconstruct the civil administration and the social, legal, physical, economic and human rights

infrastructure of Rwanda, particularly for the administration of justice, and welcomes the contributions made, including those at the Geneva Round Table Conference;

11. Commends the efforts of the High Commissioner for Human Rights to ensure that efforts of the United Nations aimed at conflict resolution and peace-building in Rwanda are accompanied by a strong human rights component and effectively supported by a comprehensive programme of human rights assistance, drawing as appropriate on the expertise and capacities of all parts of the United Nations system able to contribute to the promotion and protection of human rights in Rwanda;

12. Condemns all attacks against persons in the refugee camps near the borders of Rwanda, demands that such attacks cease immediately, calls upon States to take appropriate steps to prevent such attacks, and welcomes the efforts of the United Nations Assistance Mission for Rwanda, the Office of the United Nations High Commissioner for Refugees and the human rights field operation in Rwanda to encourage and monitor the safe and voluntary return of refugees;

13. Also condemns those who obstruct the access of humanitarian relief to all in need, especially those within the camps for refugees;

14. Urges Governments in the region to take measures to prevent their territory from being used to pursue a strategy of destabilization of Rwanda;

15. Welcomes the commitments of Governments in the region to help resolve the problems facing the refugees, and calls upon them to do all in their power to ensure the safety of both the refugees and the personnel providing humanitarian assistance to them;

16. Welcomes the measures taken by the High Commissioner for Human Rights to put in place the human rights field operation in Rwanda, which has as its objectives investigation of violations of human rights and humanitarian law, monitoring of the ongoing human rights situation and the prevention of future violations, cooperation with other international agencies in re-establishing confidence and thus facilitating the return of refugees and displaced persons and the rebuilding of civil society, and implementation of programmes of technical cooperation in the field of human rights, particularly in the field of the administration of justice;

17. Welcomes the cooperation the Government of Rwanda has extended to the High Commissioner for Human Rights and to the Special Rapporteur and the

acceptance by the Government of Rwanda, pursuant to its request, of the deployment of human rights field officers, bearing in mind the important role of the human rights field officers, acting in close cooperation with the United Nations Assistance Mission for Rwanda and other United Nations agencies and programmes operating in Rwanda, in assisting the Special Rapporteur to fulfil his mandate by investigating human rights violations and monitoring ongoing violations;

18. Invites the High Commissioner for Human Rights and the Centre for Human Rights, taking into account recommendations of the Special Rapporteur and acting in coordination with the United Nations agencies and programmes operating in Rwanda, to provide continuing and further technical assistance, upon request, particularly in the area of the administration of justice;

19. Decides to extend the mandate of the Special Rapporteur, as set out in resolution S-3/1 of 25 May 1994, for an additional year, and requests the Special Rapporteur to make recommendations concerning situations in which technical assistance may be appropriate;

20. Requests the Secretary-General to provide all necessary resources to the Special Rapporteur, taking into account the operational plan for the human rights field operation in Rwanda and the need to deploy a sufficient number of human rights field officers to assist the Special Rapporteur to fulfil his mandate;

21. Also requests the Secretary-General to take appropriate steps to ensure adequate financial and human resources for the delivery of programmes of technical assistance and advisory services, especially in the field of the administration of justice as requested by the Government of Rwanda;

22. Decides to continue its consideration of this question at its fifty-second session.

62nd meeting

8 March 1995

[Adopted without a vote. See chap. XII.]

1995/92. Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

The Commission on Human Rights,

Recalling General Assembly resolution 49/178 of 23 December 1994 and its own resolution 1994/19 of 25 February 1994, as well as other relevant resolutions,

Recalling also the relevant paragraphs of the Vienna Declaration and Programme of Action (A/CONF.157/23),

Reaffirming that the full and effective implementation of United Nations human rights instruments is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal Declaration of Human Rights, to promote universal respect for and observance of human rights and fundamental freedoms,

Considering that the effective functioning of treaty bodies established pursuant to United Nations human rights instruments is indispensable for the full and effective implementation of such instruments,

Recalling that the General Assembly, in resolution 49/178, reaffirmed its responsibility to ensure the proper functioning of treaty bodies established pursuant to instruments adopted by the General Assembly and, in this connection, also reaffirmed the importance of:

(a) Ensuring the effective functioning of systems of periodic reporting by States parties to these instruments;

(b) Securing sufficient financial and human resources to overcome existing difficulties with their effective functioning;

(c) Addressing questions of both reporting obligations and financial implications whenever elaborating any further instruments on human rights;

Expressing concern about the large number of overdue reports on implementation by States parties to United Nations human rights instruments and about delays in consideration of reports by the treaty bodies,

Expressing concern also about the non-fulfilment by many States parties of their financial obligations under the relevant United Nations human rights instruments,

Recalling the conclusions and recommendations of the meetings of persons chairing the human rights treaty bodies, held from 1988 to 1992, and the endorsement by the General Assembly and the Commission on Human Rights of recommendations aimed at streamlining, rationalizing and otherwise improving reporting procedures,

Recalling also that the General Assembly, in its resolution 45/85 of 14 December 1990, endorsed the recommendations of the Task Force on Computerization (see E/CN.4/1990/39, annex) with a view to increasing efficiency and facilitating compliance by States parties with their reporting obligations and the examination of reports by treaty bodies,



Taking note of the conclusions and recommendations of the fifth meeting of persons chairing the human rights treaty bodies, held at Geneva from 19 to 23 September 1994 (A/49/537, annex, sect. IV),

Taking note also of the inventory of international human rights standard-setting activities under the purview of the Commission on Human Rights prepared by the Secretary-General (E/CN.4/1995/81),

Noting with interest the initiatives taken by a number of treaty bodies to elaborate measures, within their mandates, with a view to preventing the occurrence, or recurrence, of serious human rights violations,

Conscious of the importance of coordination of human rights promotion and protection activities of United Nations organs and bodies whose activities deal with human rights,

Welcoming the contribution to the work of the human rights treaty bodies made by the specialized agencies and other United Nations bodies,

Bearing in mind that the High Commissioner for Human Rights has, in conformity with General Assembly resolution 48/141 of 20 December 1993, the responsibility, inter alia, to coordinate the human rights promotion and protection activities throughout the United Nations system,

1. Urges States parties to notify without delay the Secretary-General, as depositary of the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, of their acceptance of the amendments approved by the States parties and the General Assembly;

2. Calls upon all States parties to fulfil without delay and in full their financial obligations under the Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

3. Requests the Secretary-General to report on measures that have been taken to establish a computerized database to improve the efficiency and effectiveness of the functioning of the treaty bodies;

4. Also requests the Secretary-General to give priority to expediting the implementation of the recommendations of the Task Force on Computerization as soon as possible by requesting the States Members of the United Nations, in particular States which are parties to various human rights instruments, to make generous voluntary contributions to cover the initial one-time cost of the proposed system;

5. Welcomes the submission of the report of the fifth meeting of the persons chairing the human rights treaty bodies held at Geneva from 19 to 23 September 1994 (A/49/537, annex), and takes note of its conclusions and recommendations;

6. Also welcomes the continuing efforts by the treaty bodies and the Secretary-General, within their respective spheres of competence, aimed at streamlining, rationalizing and otherwise improving reporting procedures;

7. Again urges States parties to make every effort to meet their reporting obligations and to contribute, individually and through meetings of States parties, to identifying and implementing ways of further streamlining and improving reporting procedures;

8. Urges the treaty bodies and the persons chairing the human rights treaty bodies to continue to examine ways of reducing the duplication of reporting required under the different instruments and of generally reducing the reporting burden on Member States, including through:

- (a) Identifying where cross-referencing can be used in report writing;
- (b) Recommending, where appropriate, the designation of specific national administrative units to coordinate reports to all treaty bodies;
- (c) Establishing coordination between the treaty bodies and the International Labour Organization to identify overlap between respective instruments and conventions;
- (d) Considering the utility of single comprehensive reports and of replacing periodic reports with specifically tailored reports and thematic reports and to report on the results of their examination to the Commission for its consideration;

9. Urges States parties to address, as a matter of priority, at their scheduled meetings, the issue of States parties consistently not complying with their reporting obligations;

10. Encourages the High Commissioner for Human Rights, in accordance with his mandate contained in General Assembly resolution 48/141 of 20 December 1993, to request the independent expert to finalize his interim report (A/CONF.157/PC/62/Add.11/Rev.1) on possible long-term approaches to enhancing the effective operation of the treaty system in time for the final report to be considered by the Commission on Human Rights, as requested by the General Assembly in resolution 48/120 of 20 December 1993, at its fifty-second session;

11. Invites the specialized agencies and other United Nations bodies, and the human rights treaty bodies to develop effective means for further cooperation between them, bearing in mind the responsibilities of the High Commissioner for Human Rights;

12. Invites the High Commissioner for Human Rights, in accordance with his mandate, contained in General Assembly resolution 48/120, to consult the human rights treaty bodies in regard to his efforts to promote cooperation with regional intergovernmental organizations for the promotion and protection of human rights;

13. Recognizes the important role played by non-governmental organizations in the effective implementation of all human rights instruments;

14. Stresses the usefulness of technical assistance and advisory services in helping States parties to comply with their obligations pursuant to United Nations human rights instruments and, further to this end:

(a) Invites the treaty bodies to continue to identify possibilities for States parties to benefit from such technical assistance and advisory services, bearing in mind relevant suggestions of the treaty bodies;

(b) Requests that the High Commissioner for Human Rights in fulfilling his mandate as set forth in General Assembly resolution 48/141, provide advisory services and technical assistance at the request of the State concerned;

(c) Invites States parties which have been unable to comply with their requirements to submit their initial report to avail themselves of technical assistance;

15. Endorses the recommendations of the persons chairing the human rights treaty bodies on the need to ensure financing and adequate staffing resources for the operations of the treaty bodies and, with this in mind:

(a) Reiterates its request that the Secretary-General provide adequate resources in regard to the various treaty bodies;

(b) Requests that the Secretary-General report on this question to the General Assembly at its fiftieth session and to the Commission at its fifty-second session;

16. Welcomes the emphasis by the persons chairing the human rights treaty bodies that the enjoyment of the human rights of women should be closely monitored by each treaty body within the competence of its mandate

(A/49/537, annex, para. 19), and recommends that the reporting guidelines adopted by the treaty bodies be amended to identify related gender-specific information to be addressed by States parties in their reports;

17. Welcomes the request by the General Assembly to the Secretary-General, in resolution 49/178, to take appropriate steps in order to finance, as of 1995, annual meetings of persons chairing the human rights treaty bodies from the available resources of the regular budget of the United Nations;

18. Requests the High Commissioner for Human Rights, acting within his mandate set out in General Assembly resolution 48/141 of 20 December 1993, to maintain an inventory of all international human rights standard-setting activities, from within existing resources, in order to facilitate better informed decision-making;

19. Urges all States parties whose reports have been examined by treaty bodies to provide adequate follow-up to the observations and final comments of the treaty bodies on their reports;

20. Welcomes the recommendation by the persons chairing the human rights treaty bodies that treaty bodies urge the States parties to translate, publish and make available to the media the full text of the concluding observations on their reports to the treaty bodies, and requests the High Commissioner for Human Rights to ensure that recent reports and the summary records of committee discussions pertaining to them, as well as concluding observations and final comments of the treaty bodies, are made available in the United Nations information centres in the countries submitting those reports;

21. Invites the Department of Public Information of the United Nations to publish at the end of each year, from within existing resources, as a separate volume, a compilation of all concluding observations adopted during that year by the treaty bodies;

22. Requests the High Commissioner for Human Rights to ensure, from within existing resources, that the United Nations Manual on Human Rights Reporting (HRI/PUB/91/1, United Nations publication, Sales No. E.91.XIV.1) is available in all official languages at the earliest opportunity and that due regard is paid to the recommendations concerning the Manual made by the fifth meeting of the persons chairing the human rights treaty bodies (A/49/537, annex, para. 57);

23. Welcomes all appropriate measures the human rights treaty bodies may take, within their mandates, in response to situations of massive human rights violations, including bringing those violations to the attention of the High Commissioner for Human Rights, as well as the Secretary-General and the bodies of the United Nations competent in the field of human rights, and requests the High Commissioner, acting within his mandate, to coordinate and consult throughout the United Nations system in this regard;

24. Requests the Secretary-General to report to the Commission at its fifty-second session on measures taken to implement the present resolution and on obstacles to its implementation;

25. Decides to consider the question on a priority basis at its fifty-second session under the agenda item entitled "Effective functioning of bodies established pursuant to United Nations human rights instruments".

62nd meeting  
8 March 1995

[Adopted without a vote. See chap. XVIII.]

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