



Economic and Social
Council

Distr.
LIMITED

E/CN.4/1999/L.38
19 April 1999

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-fifth session
Agenda item 11 (f)

CIVIL AND POLITICAL RIGHTS

STATES OF EMERGENCY

Algeria*, Azerbaijan*, Cuba, Egypt*, India, Pakistan, Peru,
Saudi Arabia*, Sri Lanka and Turkey*: draft resolution

1999/.. Human rights and terrorism

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations and the International Covenants on Human Rights,

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations, adopted by the General Assembly in its resolution 50/6 of 24 October 1995,

Recalling also the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993,

Recalling further General Assembly resolutions 46/51 of 9 December 1991, 49/60 of 9 December 1994, 50/53 of 11 December 1995, 50/186 of 22 December 1995, 51/210 of 17 December 1996 and 52/133 of 12 December 1997, as well as its own resolution 1998/47 of 17 April 1998,

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

Noting resolution 1998/29 of 26 August 1998 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, requesting its Special Rapporteur on human rights and terrorism to submit a preliminary report based on her working paper to the Sub-Commission at its fifty-first session, a progress report at its fifty-second session and a final report at its fifty-third session,

Regretting that the negative impact of terrorism, in all its dimensions, on human rights continues to remain alarming, despite national and international efforts to combat it,

Convinced that terrorism, in all its forms and manifestations, wherever and by whomever committed, can never be justified in any instance, including as a means to promote and protect human rights,

Mindful of the need to enhance the role of the United Nations in combating terrorism,

Bearing in mind that the most essential and basic human right is the right to life,

Bearing in mind also that terrorism in many cases poses a severe challenge to democracy, civil society and the rule of law,

Bearing in mind further that terrorism creates an environment that destroys the freedom from fear of the people,

Profoundly deploring the high number of innocent persons, including women, children and the elderly, killed, massacred and maimed by terrorists in indiscriminate and random acts of violence and terror, which cannot be justified under any circumstances,

Noting with great concern that many terrorist groups are connected with other criminal organizations engaged in the illegal traffic in arms and illicit drug trafficking at the national and international levels, as well as the consequent commission of serious crimes such as murder, extortion, kidnapping, assault, taking of hostages, robbery, money laundering and rape,

Mindful of the need to protect the human rights of and guarantees for the individual in accordance with the relevant human rights instruments and standards, particularly the right to life,

Reiterating that all States have an obligation to promote and protect human rights and fundamental freedoms, and that everyone should strive to secure their universal and effective recognition and observance,

Recognizing the need to improve international cooperation on criminal matters and national measures so as to address impunity which can contribute to the continued occurrence of terrorism,

Stressing the need further to strengthen international cooperation between States, international organizations and agencies, regional organizations and arrangements and the United Nations in order to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomever committed, and inviting interested non-governmental organizations to join States in condemning terrorism,

Reaffirming that all measures to counter terrorism must be in strict conformity with international law, including international human rights standards,

Seriously concerned at the gross violations of human rights perpetrated by terrorist groups,

1. Reiterates the unequivocal condemnation of all acts, methods and practices of terrorism, regardless of their motivation, in all their forms and manifestations, wherever and by whomever committed, as acts aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States, destabilizing legitimately constituted Governments, undermining pluralistic civil society and the rule of law and having adverse consequences for the economic and social development of the State;

2. Condemns the violations of the right to live free from fear and of the right to life, liberty and security;

3. Expresses its solidarity with the victims of terrorism;

4. Condemns incitement of ethnic hatred, violence and terrorism;

5. Calls upon States to take all necessary and effective measures, in strict conformity with international law, including international human rights standards, to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomever committed;

6. Urges the international community to enhance cooperation at the regional and international levels in the fight against terrorism in all its forms and manifestations, in accordance with relevant international instruments, including those relating to human rights, with the aim of its eradication;

7. Calls upon States, in particular within their respective national frameworks and in conformity with their international commitments in the field of human rights, to enhance their cooperation with a view to avoiding impunity for terrorists;

8. Requests, in this context, the Special Rapporteur of the Sub-Commission, in her forthcoming preliminary report on human rights and terrorism, to give attention to the question of impunity;

9. Urges all relevant human rights mechanisms and procedures, whenever necessary, to address, within their respective mandates, the consequences of the acts, methods and practices of terrorist groups in their forthcoming reports to the Commission;

10. Requests the Secretary-General to continue to collect information, including a compilation of studies and publications, on the implications of terrorism, as well as on the effects of the fight against terrorism, on the full enjoyment of human rights from all relevant sources, including Governments, specialized agencies, intergovernmental organizations, non-governmental organizations and academic institutions, and to make it available to the concerned special rapporteurs and working groups of the Commission on Human Rights for their consideration;

11. Decides to continue consideration of the question at its fifty-sixth session as a matter of priority.
