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REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE
FIFTY-FIFTH SESSION OF THE COMMISSION

Draft report of the Commission

Rapporteur: Mr. Raouf CHATTY

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* Documents E/CN.4/1999/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.4/1999/L.11 and addenda.

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1999/11. Situation of human rights in Nigeria

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and applicable human rights instruments,

Recalling that Nigeria is a party to the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, as well as the African Charter on Human and Peoples' Rights,

Recalling also previous resolutions of the General Assembly and the Commission on Human Rights on the subject, most recently General Assembly resolution 53/161 of 9 December 1998 and Commission resolution 1998/64 of 21 April 1998,

1. Takes note with appreciation of:

(a) The report of the Special Rapporteur on the situation of human rights in Nigeria (E/CN.4/1999/36), submitted following his visit to Nigeria at the invitation and with the cooperation of the Government of Nigeria;

(b) The update on the situation provided by the Special Rapporteur in his oral presentation to the Commission at its fifty-fifth session;

(c) The report of the Commission of Inquiry of the ILO which visited Nigeria in August 1998 at the invitation of the Government of Nigeria;

2. Welcomes the profound changes that have taken place in Nigeria since the inception of the administration of General Abdulsalami A. Abubakar as described in the report and in the presentation by the Special Rapporteur;

3. Commends the Government for the measures it has already taken to promote, protect and enhance the enjoyment of human rights and fundamental freedoms in the country, including:

(a) The release of all political prisoners and detainees;

(b) Measures to strengthen the judiciary and to enhance the rule of law;

(c) Prison reform, including measures to alleviate overcrowding and to improve the living conditions of prisoners, as well as the conditions of service of prison personnel;

(d) The repeal or amendment of decrees that had infringed on fair trial guarantees, freedom of opinion and freedom of association, thereby enabling, inter alia, the holding of elections to the various trade union executives;

(e) The recent establishment of a presidential committee on development options in the Niger delta;
and encourages the Government of Nigeria to make further progress in these areas;

4. Commends the successful holding of free and fair elections, on the basis of democratic principles, a multiparty system and universal suffrage, to all tiers of government in the country, in particular the office of President, representing a significant step on the way to the installation of a democratically elected administration on 29 May 1999;

5. Expresses its full support and cooperation to the Government of Nigeria in its efforts to consolidate national cohesion, strengthen the policy, develop the economy and build a peaceful and stable Nigeria rooted in respect for human rights, the rule of law, democracy and good governance, and reaffirms the vital role of civil society in these efforts;

6. Calls upon the Government of Nigeria to enhance the independence and effectiveness of the National Human Rights Commission in accordance with the Principles relating to the Status of National Institution for the promotion and protection of human rights, including through the provision of adequate resources;

7. Requests the Office of the United Nations High Commissioner for Human Rights to respond positively, as a matter of priority, to any requests from the Government of Nigeria for technical assistance and advisory services and the strengthening of national capacity in the field of human rights;

8. Decides to conclude its consideration of the situation of human rights in Nigeria.

51st meeting
23 April 1999

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

1999/12. Human rights situation in southern Lebanon and west Bekaa
The Commission on Human Rights,
Gravely concerned at the persistent practices of the Israeli occupation forces in southern Lebanon and west Bekaa, which constitute a violation of the

principles of international law regarding the protection of human rights, in particular the Universal Declaration of Human Rights, as well as a grave violation of the relevant provisions of international humanitarian law as contained in the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the Fourth Hague Convention of 1907,

Reiterating its deep regret at the failure of Israel to implement Security Council resolution 425 (1978) of 19 March 1978,

Reminding all parties concerned to abide by the April 1996 Understanding,

Censuring the Israeli attacks, in southern Lebanon and west Bekaa, which cause a large number of deaths and injuries among civilians, displace families and destroy dwellings and properties,

Reaffirming that the continued occupation and practices of the Israeli forces constitute a violation of the relevant resolutions of the Security Council and of the conventions in force on this matter,

Hoping that the efforts made in order to implement Security Council resolution 425 (1978) and to achieve peace in the Middle East will put an end to the violations of human rights that are being committed in the zone in southern Lebanon and west Bekaa occupied by Israel and that the peace negotiations will be resumed with a view to reaching a settlement of the Middle East conflict and achieving a just and comprehensive peace in the region,

Gravely concerned at the persistent detention by Israel of many Lebanese civilians, among whom are minors, women and the elderly, in the detention centre of Khiyam, and at the death of some detainees as a result of ill-treatment and torture,

Expressing its indignation at the ruling handed down on 4 March 1998 by the Israeli Supreme Court permitting the Israeli authorities to retain Lebanese detainees in Israeli prisons without trial and to hold them as hostages and for bargaining purposes and to renew their incommunicado detention, which constitutes a flagrant violation of the principles of human rights,

Reaffirming its resolution 1998/62 of 21 April 1998, and expressing its deep regret at the failure of Israel to implement this resolution,

1. Deplores the continued Israeli violations of human rights in the occupied zone in southern Lebanon and west Bekaa, demonstrated in particular by the abduction and arbitrary detention of civilians, the destruction of their dwellings, the confiscation of their property, the expulsion from their land, the bombardment of villages and civilian areas, and other practices violating human rights;

2. Calls upon Israel to put an immediate end to such practices, in air raids and the use of prohibited weapons, and to implement Security Council resolution 425 (1978) of 19 March 1978 requiring Israel's immediate, total and unconditional withdrawal from all Lebanese Territories and respect for the sovereignty, independence and territorial integrity of Lebanon;

3. Also calls upon the Government of Israel, the occupying Power of territories in southern Lebanon and the western Bekaa, to comply with the Geneva Conventions of 1949, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War;

4. Further calls upon the Government of Israel, the occupying Power of territories in southern Lebanon and west Bekaa, to refrain from holding the abducted Lebanese citizens incarcerated in its prisons as hostages for bargaining purposes, and to release them immediately as well as other persons arbitrarily detained in prisons and detention centres in the occupied territories in Lebanon, in violation of all the Geneva Conventions and other provisions of international law;

5. Affirms the obligation for Israel, the occupying Power of territories in southern Lebanon and west Bekaa, to commit itself to allowing the International Committee of the Red Cross and the families of the detainees to intensify their visits, as well as to allowing other international humanitarian organizations to visit the detainees and to verify their sanitary and humanitarian conditions and, in particular, the circumstances which led to the death of some of them as a result of ill-treatment or acts of torture;

6. Requests the Secretary-General:

(a) To bring the present resolution to the attention of the Government of Israel and to invite it to provide information concerning the extent of its implementation thereof;

(b) To report to the General Assembly at its fifty-fourth session and to the Commission on Human Rights at its fifty-sixth session on the results of his efforts in this regard;

7. Decides to continue its consideration of the situation of human rights in southern Lebanon and west Bekaa at its fifty-sixth session.

51st meeting
23 April 1999

[Adopted by a roll-call vote of 49 votes to 1,
with 3 abstentions. See chap. IX.]

1999/13. Situation of human rights in the Islamic Republic of Iran
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 and other human rights instruments,

Reaffirming that all States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that the Islamic Republic of Iran is a party to the International Covenants on Human Rights,

Recalling previous resolutions of the General Assembly and the Commission on Human Rights on the subject, the most recent of which are Assembly resolution 53/158 of 9 December 1998 and Commission resolution 1998/80 of 22 April 1998,

1. Welcomes:

(a) The report of the Special Representative of the Commission (E/CN.4/1999/32) which notes that the Government's plans for a tolerant, diverse and law-abiding society continue to unfold and that their full implementation could have a major impact on human rights in the Islamic Republic of Iran;

(b) The stated commitment made by the Government of the Islamic Republic of Iran to promote respect for the rule of law, including the elimination of arbitrary arrest and detention and to reform the legal and penitentiary system and bring it into line with international human rights standards in this field;

(c) The more open debate in the Islamic Republic of Iran on issues of governance and human rights, as well as governmental efforts to make progress

in the area of freedom of expression, while remaining concerned at instances of arbitrary closure of publications and cases of harassment and intimidation of journalists;

(d) The efforts undertaken by the Government of the Islamic Republic of Iran to investigate the recent wave of disappearances, suspicious deaths and killings of intellectuals and political activists, and urges the Government to bring the alleged perpetrators to justice;

(e) The holding, on 26 February 1999, of the first local elections in the Islamic Republic of Iran, which reflect an effort by the Government to make local governance more transparent and more responsible;

(f) The assurances given by the Government of the Islamic Republic of Iran that it has no intention of taking any action whatsoever to threaten the life of Mr. Salman Rushdie and those associated with his work or of encouraging or assisting anyone to do so, and that it dissociates itself from any reward offered in this regard and does not support it;

(g) The invitation extended by the Government of the Islamic Republic of Iran to the Working Group on Enforced or Involuntary Disappearances to visit Iran, which will hopefully take place in the near future;

2. Notes with interest:

(a) Positive statements by the Government of the Islamic Republic of Iran about the need to review laws and attitudes which discriminate against women, and the gradual increase of the presence of women in public life in Iran;

(b) The reported elimination of discrimination against Baha'i youth in enrolment in the pre-university year at the high-school level, while remaining concerned that their entry to universities continues to be refused;

(c) The increasing focus of the Islamic Human Rights Commission on the human rights situation in the Islamic Republic of Iran and expresses its hope that the Commission will come into line with the 1993 Principles relating to the status of national institutions for the promotion and protection of human rights;

(d) The beginnings of a public discussion in Iran on the appropriateness of the death penalty for drug-related offences;

3. Expresses its concern:

(a) At the fact that no invitation has yet been extended by the Government of the Islamic Republic of Iran to the Special Representative to

visit the country, and calls upon the Government to extend an invitation to him and resume its full cooperation with the Special Representative in the discharge of his mandate;

(b) At the continuing violations of human rights in the Islamic Republic of Iran, as reported by the Special Representative, in particular the high number of executions, cases of torture and cruel, inhuman or degrading treatment or punishment, including sentences of stoning and public executions, the failure to meet international standards in the administration of justice and the absence of due process of law, and also at the apparent absence of respect for internationally recognized legal safeguards and the use of national security laws to deny the rights of the individual;

(c) At the continued discrimination against religious minorities, in particular the unabated and, in some instances, worsened pattern of persecution against the Baha'is, including death sentences, executions, arrests and the closure of the Baha'i Institute of Higher Education;

(d) At the continued lack of full and equal enjoyment by women of their human rights as reported by the Special Representative;

(e) At continuing threats by the 15 Khordad Foundation to the life of Mr. Salman Rushdie including the increase in the bounty announced by the Foundation after the assurances given by the Government of Iran in New York in September 1998;

4. Calls upon the Government of the Islamic Republic of Iran:

(a) To continue its positive efforts to consolidate respect for the rule of law, and to abide by its freely undertaken obligations under the International Covenants on Human Rights and under other international instruments on human rights;

(b) To ensure that capital punishment will not be imposed for other than the most serious crimes, not for apostasy or otherwise in disregard of the provisions of the International Covenant on Civil and Political Rights and United Nations safeguards, and to provide the Special Representative with relevant statistics on this matter;

(c) To implement fully the conclusions and recommendations of the Special Rapporteur on religious intolerance relating to the Baha'is and other minority religious groups until they are completely emancipated;

(d) To take all necessary steps to end the use of torture and the practice of amputation, stoning and other forms of cruel, inhuman and degrading punishment;

(e) To take further measures to eliminate the continued discrimination in law and in practice against women;

(f) To make full use of technical cooperation programmes in the field of human rights, and welcomes in this context the willingness of the Government to introduce international human rights standards into the curricula of universities;

5. Decides:

(a) To extend the mandate of the Special Representative, as contained in Commission resolution 1984/54 of 14 March 1984, for a further year, and requests the Special Representative to submit an interim report to the General Assembly at its fifty-fourth session and to report to the Commission at its fifty-sixth session, and also to keep a gender perspective in mind when seeking and analysing information;

(b) To request the Secretary-General to continue to give all necessary assistance to the Special Representative to enable him to discharge his mandate fully;

(c) To continue its examination of the situation of human rights in the Islamic Republic of Iran, including the situation of the Baha'is and other minority groups, at its fifty-sixth session under the same agenda item.

51st meeting

23 April 1999

[Adopted by a roll-call vote of 23 votes to 16,
with 14 abstentions. See chap. IX.]

1999/14. Situation of human rights in Iraq

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Mindful that Iraq is a party to the International Covenants on Human Rights, to other international human rights instruments and to the Geneva Conventions of 12 August 1949 on the protection of war victims,

Recalling:

(a) Previous resolutions of the General Assembly and the Commission on Human Rights on the subject, most recently Assembly resolution 53/157 of 9 December 1998 and Commission resolution 1998/65 of 21 April 1998,

(b) Security Council resolutions 686 (1991) of 2 March 1991, in which the Council called upon Iraq to release all Kuwaitis and nationals of other States who might still be held in detention; 687 (1991) of 3 April 1991, 688 (1991) of 5 April 1991, in which the Council demanded an end to repression of the Iraqi civilian population and insisted that Iraq cooperate with humanitarian organizations and that the human rights of all Iraqi citizens be respected; and 986 (1995) of 14 April 1995; 1111 (1997) of 4 June 1997; 1129 (1997) of 12 September 1997; 1143 (1997) of 4 December 1997, 1153 (1998) of 20 February 1998, 1175 (1998) of 19 June 1998 and 1210 (1998) of 24 November 1998, by which the Council authorized States to permit imports of Iraqi oil in order to allow Iraq to purchase humanitarian supplies,

(c) The concluding observations of the Human Rights Committee (CCPR/C/79/Add.84), the Committee on the Elimination of Racial Discrimination (CERD/C/304/Add.28), the Committee on Economic, Social and Cultural Rights (E/C.12/1/Add.17) and the Committee on the Rights of the Child (CRC/C/15/Add.94) on Iraq's recent reports to these treaty monitoring bodies,

1. Welcomes the report of the Special Rapporteur on the situation of human rights in Iraq (E/CN.4/1999/37) and the observations on the general situation, including with regard to the communities in the northern and southern regions and also the still missing persons, including prisoners of war, Kuwaiti nationals and third country nationals, and the conclusions and recommendations contained in the report, and notes his dismay that there has been no improvement in the situation of human rights in the country;

2. Strongly condemns:

(a) The systematic, widespread and extremely grave violations of human rights and of international humanitarian law by the Government of Iraq, resulting in an all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror;

(b) Suppression of freedom of thought, expression, information, association, assembly and movement through fear of arrest, imprisonment and other sanctions, in particular widespread and arbitrary application of the death penalty;

(c) Summary and arbitrary executions, including political killings and the continued so-called clean-out of prisons, as well as enforced or involuntary disappearances, routinely practised arbitrary arrests and detention and consistent and routine failure to respect due process and the rule of law, for example the execution of delinquents for minor property offences and customs violations;

(d) Widespread, systematic torture and the enactment and implementation of decrees prescribing cruel and inhuman punishment as a penalty for offences;

3. Calls upon the Government of Iraq:

(a) To abide by its freely undertaken obligations under international human rights treaties and international humanitarian law and respect and ensure the rights of all individuals, irrespective of their origin, ethnicity, gender or religion, within its territory and subject to its jurisdiction;

(b) To bring the actions of its military and security forces into conformity with the standards of international law, in particular those of the International Covenant on Civil and Political Rights;

(c) To cooperate with United Nations human rights mechanisms, in particular by receiving a return visit by the Special Rapporteur to Iraq and allowing the stationing of human rights monitors throughout Iraq pursuant to the relevant resolutions of the General Assembly and the Commission on Human Rights;

(d) To establish independence of the judiciary and abrogate all laws granting impunity to specified forces or persons killing or injuring individuals for any purpose beyond the administration of justice under the rule of law as prescribed by international standards;

(e) To abrogate all decrees that prescribe cruel and inhuman punishment or treatment, including mutilation, and to ensure that torture and cruel punishment and treatment no longer occur;

(f) To abrogate all laws and procedures, including Revolution Command Council Decree No. 840 of 4 November 1986, that penalize free expression, and to ensure that the genuine will of the people shall be the basis of authority of the State;

(g) To cease immediately its continued repressive practices, including the practice of forced deportation and relocation, against the Iraqi Kurds, Assyrians and Turkmen, and against the population of the southern marsh areas, where drainage projects have provoked environmental destruction and a deterioration of the situation of the civilian population, and to ensure the personal integrity and freedoms, including the full freedom of belief, of the Shi'a and their religious establishment;

(h) To cooperate with the Tripartite Commission to establish the whereabouts and resolve the fate of the remaining several hundred missing persons, including prisoners of war, Kuwaiti nationals and third country nationals, victims of the illegal Iraqi occupation of Kuwait, to cooperate with the Working Group on Enforced or Involuntary Disappearances for that purpose, and to pay compensation to the families of those who died or disappeared in the custody of the Iraqi authorities, through the mechanism established by the Security Council in resolution 692 (1991) of 20 May 1991;

(i) To release immediately all Kuwaitis and nationals of other States who may still be held in detention and inform families about the whereabouts of arrested persons, to provide information about death sentences imposed on prisoners of war and civilian detainees, and to issue death certificates for deceased prisoners of war and civilian detainees;

(j) To cooperate fully with international aid agencies and non-governmental organizations to provide humanitarian assistance and monitoring in the northern and southern areas of the country;

(k) To continue to cooperate in the implementation of Security Council resolutions 986 (1995), 1111 (1997), 1143 (1997), 1153 (1998) and 1210 (1998), to ensure fully the equitable distribution, without discrimination, to the Iraqi population, including in remote areas, of the humanitarian supplies purchased with the proceeds of Iraqi oil, and to facilitate the work of United Nations humanitarian personnel in Iraq by ensuring the free and unobstructed movement of observers throughout the country;

(1) To cooperate in the identification of minefields existing throughout Iraq with a view to facilitating their marking and eventual clearing;

4. Decides:

(a) To extend the mandate of the Special Rapporteur, as contained in Commission resolution 1991/74 of 6 March 1991 and subsequent resolutions, for a further year, and requests the Special Rapporteur to submit an interim report on the situation of human rights in Iraq to the General Assembly at its fifty-fourth session and to report to the Commission at its fifty-sixth session, and also to keep a gender perspective in mind when seeking and analysing information;

(b) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully, and to approve the allocation of sufficient human and material resources for the sending of human rights monitors to such locations as would facilitate improved information flow and assessment and help in the independent verification of reports on the situation of human rights in Iraq;

(c) To continue its consideration of the situation of human rights in Iraq at its fifty-sixth session under the same agenda item.

51st meeting

23 April 1999

[Adopted by a roll-call vote of 35 votes to none,
with 18 abstentions. See chap. IX.]

1999/15. Situation of human rights in the Sudan

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Mindful that the Sudan is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the African Charter on Human and Peoples' Rights,

Recalling previous resolutions of the General Assembly and the Commission on Human Rights on the situation of human rights in the Sudan,

most recently Commission resolution 1998/67 of 21 April 1998, as well as Assembly resolution 53/10 of 17 December 1998 on emergency assistance to the Sudan,

Welcoming the Peace Agreement of 1997, the acceptance of the Declaration of Principles as a basis for negotiations and the declaration of a comprehensive ceasefire on 5 April 1999, at the same time deeply concerned at the impact of the continuing conflict in the Sudan between the Government of the Sudan and the Sudan People's Liberation Movement/Army on the situation of human rights and at the disregard by all parties to the conflict of relevant rules of international humanitarian law,

Condemning the recent murder of four Sudanese relief workers while in the custody of the Sudan People's Liberation Army,

Aware of the urgent need for implementing effective measures in the field of human rights and humanitarian relief to protect the civilian population from the effects of armed conflict,

Expressing its firm belief that progress towards a peaceful settlement of the conflict in southern Sudan within the Inter-Governmental Authority on Development peace initiative will greatly contribute to the creation of a better environment for the respect of human rights in the Sudan,

Pleased at the invitations extended by the Government of the Sudan to the Special Rapporteur on the situation of human rights in the Sudan, the Special Rapporteurs on religious intolerance and on freedom of opinion and expression and the Working Group on Contemporary Forms of Slavery,

1. Welcomes:

(a) The report of the Special Rapporteur on the situation of human rights in the Sudan (E/CN.4/1999/38/Add.1);

(b) The recent visit by the Special Rapporteur to the Sudan at the invitation of the Government of the Sudan and the full cooperation extended by the Government of the Sudan;

(c) The expressed commitment of the Government of the Sudan to respect and promote human rights and the rule of law and its expressed commitment to a process of democratization with a view to establishing a representative and accountable government, reflecting the aspirations of all people of the Sudan;

(d) The stipulation of basic human rights and freedoms in the Constitution of the Sudan which entered into force on 1 July 1998;

(e) The establishment of the Constitutional Court;

(f) Reports of recent improvements regarding the freedom of expression and association;

(g) Efforts to implement the right to education;

(h) The liberation of political detainees by the Government of the Sudan;

(i) The efforts to address the problem of internally displaced persons;

(j) The recent visit by the Special Representative of the Secretary-General for children and armed conflict and the cooperation extended by the Government of the Sudan in this regard;

(k) The commitment made by the Government of the Sudan to the Special Representative of the Secretary-General for children and armed conflict not to recruit children under the age of 18 as soldiers;

2. Expresses its deep concern:

(a) At the impact of the current conflict on the situation of human rights and its adverse effect on the civilian population, in particular women and children, and at continuing serious violations of human rights, fundamental freedoms and relevant provisions of international humanitarian law perpetrated by all parties to the conflict, in particular:

(i) At the occurrence of cases of extrajudicial, summary or arbitrary executions resulting from armed conflicts between members of the armed forces and armed insurgent groups within the country;

(ii) At the occurrence, within the framework of the conflict in southern Sudan, of cases of enforced or involuntary disappearance, the use of children as soldiers and combatants, forced conscription, forced displacement, arbitrary detention, torture and ill-treatment of civilians;

(iii) At the abduction of women and children to be subjected to forced labour or similar conditions;

(iv) At the use of weapons, including landmines, against the civilian population;

(b) At violations of human rights in areas under the control of the Government of the Sudan, in particular:

- (i) At the widespread occurrence of torture, and cases of arbitrary arrest and detention without trial, in particular of political opponents;
- (ii) At cases of severe restrictions on the freedom of religion and peaceful assembly;
- (iii) At the widespread intimidation of the population by the security organs;

3. Urges all parties to the continuing conflict in the Sudan:

(a) To respect and protect human rights and fundamental freedoms, to respect fully international humanitarian law, thereby facilitating the voluntary return, repatriation and reintegration of refugees and internally displaced persons to their homes, and to ensure that those responsible for violations of international humanitarian law are brought to justice;

(b) To stop immediately the use of weapons, including landmines, against the civilian population, and in particular the Sudan People's Liberation Army, to abstain from using civilian premises for military purposes;

(c) To grant safe and unhindered access to international agencies and humanitarian organizations in order to facilitate by all means the delivery of humanitarian assistance to all civilians in need of protection and assistance, in particular in Bahr-el-Ghazal and in the Nuba Mountains, and to continue to cooperate with the Office for the Coordination of Humanitarian Affairs of the United Nations and Operation Lifeline Sudan to deliver such assistance;

(d) In particular the Sudan People's Liberation Army, to stop attacks on relief and humanitarian workers, urges the Sudan People's Liberation Army to permit a thorough investigation into the deaths of four Sudanese relief workers and expects it to return the bodies to their families;

(e) To continue to cooperate with the peace efforts of the Inter-Governmental Authority on Development;

(f) In particular the Sudan People's Liberation Army, not to divert relief supplies, including food, from their civilian recipients;

(g) Not to use children under the age of 18 as soldiers, and urges the Sudan People's Liberation Army to undertake a similar commitment to that made by the Government of the Sudan to the Special Representative of the

Secretary-General for children and armed conflict not to recruit children under the age of 18 as soldiers, and to refrain from the practice of forced conscription;

4. Calls upon the Government of the Sudan:

(a) To comply fully with its obligations under international human rights instruments to which the Sudan is a party and to promote and protect human rights and fundamental freedoms, as well as to respect its obligations under international humanitarian law;

(b) To ensure the rule of law by bringing legislation more into line with the Constitution and the practice of law enforcement more into line with legislation;

(c) To continue its efforts to bring its national legislation into conformity with applicable international human rights instruments to which the Sudan is a party and to ensure that all individuals in its territory and subject to its jurisdiction enjoy fully the rights recognized in those instruments;

(d) To take all effective measures to end all acts of torture and cruel, inhuman or degrading treatment and ensure that all accused persons are held in ordinary custody and receive prompt, just and fair trials under internationally recognized standards, and investigate all reported acts of torture brought to its attention;

(e) To investigate reports of the abduction of women and children taking place in the framework of the conflict in southern Sudan, bring to trial any persons suspected of supporting or participating in such activities and facilitate the safe return of affected children to their families as a matter of priority, and to accept, inter alia, a multilateral investigation into the causes of the abduction of women and children subjected to forced labour or similar conditions, as well as ways and means to obtain the eradication of this practice;

(f) To stop immediately the indiscriminate aerial bombardment of civilian and humanitarian targets, including hospitals, which runs counter to fundamental principles of human rights and humanitarian law;

(g) To ensure full respect for freedom of opinion, expression, thought, conscience and religion, as well as freedom of association and assembly throughout the territory of the Sudan;

(h) To implement fully its commitment to the democratization process and the rule of law and to create, in this context, conditions that would allow for a democratization process that is genuine and wholly reflects the aspirations of the people of the country and ensures their full participation;

(i) To comply with the commitment made to the Special Representative of the Secretary-General for children in armed conflict not to recruit children under the age of 18 as soldiers;

5. Encourages the Government of the Sudan to continue to pursue its dialogue with the Office of the United Nations High Commissioner for Human Rights with a view to establishing a permanent representation of the High Commissioner in Khartoum;

6. Calls upon the international community to expand its support for activities aimed at the improvement of respect for human rights and humanitarian law during the conflict;

7. Decides:

(a) To extend the mandate of the Special Rapporteur on the situation of human rights in the Sudan for a further year and requests the Special Rapporteur to submit an interim report to the General Assembly at its fifty-fourth session and to report to the Commission at its fifty-sixth session on the situation of human rights in the Sudan and to continue to keep a gender perspective in mind in the reporting process;

(b) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully;

(c) To request the Office of the United Nations High Commissioner for Human Rights urgently to take into consideration requests for assistance by the Government of the Sudan, including with a view to the establishment of a permanent representation of the High Commissioner for Human Rights in Khartoum as a matter of priority;

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

"The Economic and Social Council, taking note of Commission on Human Rights resolution 1999/... of .. April 1999, endorses the Commission's decision to extend the mandate of the Special Rapporteur on the situation of human rights in the Sudan for a further year and requests

him to submit an interim report to the General Assembly at its fifty-fourth session and to report to the Commission at its fifty-sixth session on the situation of human rights in the Sudan and to continue to keep a gender perspective in mind in the reporting process."

51st meeting

23 April 1999

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

1999/16. Cooperation with representatives of United Nations human rights bodies

The Commission on Human Rights,

Reiterating its concern at the continued reports of intimidation and reprisals against private individuals and groups who seek to cooperate with the United Nations and representatives of its human rights bodies,

Also concerned at reports about incidents where private individuals have been hampered in their efforts to avail themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms,

Recalling its resolution 1998/66 of 21 April 1998 and taking note of the report of the Secretary-General on the question (E/CN.4/1999/27),

1. Urges Governments to refrain from all acts of intimidation and reprisal against:

(a) Those who seek to cooperate or have cooperated with representatives of United Nations human rights bodies, or who have provided testimony or information to them;

(b) Those who avail or have availed themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms and all those who have provided legal assistance to them for this purpose;

(c) Those who submit or have submitted communications under procedures established by human rights instruments;

(d) Those who are relatives of victims of human rights violations;

2. Requests all representatives of United Nations human rights bodies, as well as treaty bodies monitoring the observance of human rights, to

continue to take urgent steps, in conformity with their mandates, to help prevent the hampering of access to United Nations human rights procedures in any way;

3. Also requests all representatives of United Nations human rights bodies, as well as treaty bodies monitoring the observance of human rights, to continue to take urgent steps, in conformity with their mandates, to help prevent the occurrence of such intimidation and reprisals;

4. Further requests such representatives and treaty bodies to continue to include in their respective reports to the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities or the General Assembly a reference to allegations of intimidation or reprisal and of hampering of access to United Nations human rights procedures, as well as an account of action taken by them in this regard;

5. Requests the Secretary-General to draw the attention of such representatives and treaty bodies to the present resolution;

6. Invites the Secretary-General to submit to the Commission at its fifty-sixth session a report containing a compilation and analysis of any available information, from all appropriate sources, on alleged reprisals against the persons referred to in paragraph 1 above;

7. Decides to consider the question again at its fifty-sixth session.

52nd meeting

23 April 1999

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

1999/17. Situation of human rights in Myanmar

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Gravely concerned at the increasingly severe and systematic violations of human rights in Myanmar and the failure of the Government of Myanmar to cooperate with the Special Rapporteur,

Aware that the Universal Declaration of Human Rights states that the will of the people shall be the basis of the authority of government and

therefore gravely concerned that the Government of Myanmar still has not implemented its commitment to take all necessary steps towards democracy in the light of the results of the elections held in 1990,

Recalling the observation made by the Special Rapporteur that the absence of respect for the rights pertaining to democratic governance is at the root of all the major violations of human rights in Myanmar,

Mindful that Myanmar is a party to the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Geneva Conventions of 12 August 1949 on the protection of war victims, the Forced Labour Convention, 1930 (No. 29) and the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87),

Recalling previous resolutions of the General Assembly and the Commission on Human Rights on the subject, most recently General Assembly resolution 53/162 of 9 December 1998 and Commission resolution 1998/63 of 21 April 1998,

1. Welcomes:

(a) The report of the Special Rapporteur (E/CN.4/1999/35) of the Commission on the situation of human rights in Myanmar and the report of the Secretary-General (E/CN.4/1999/29);

(b) The accession by the Government of Myanmar to the Convention on the Elimination of All Forms of Discrimination against Women and earlier to the Convention on the Rights of the Child;

(c) The pardoning and release on humanitarian grounds on 20 January of U Ohn Myint and on 11 February of Dr. Thida, but notes at the same time a significant increase in the number of political prisoners during 1998;

(d) The efforts currently being undertaken by the Special Envoy of the Secretary-General for a visit to Myanmar;

2. Reaffirms the need to provide adequate protection and assistance for persons fleeing from Myanmar and, in this context, takes note with appreciation of the efforts of the Government of Thailand in providing assistance and the expanded role played by the Office of the United Nations High Commissioner for Refugees;

3. Expresses its grave concern:

(a) At the continued closure of many institutions of higher education for political reasons for over two years;

(b) That the composition and working procedures of the National Convention do not permit either members of Parliament-elect or representatives of the ethnic minorities to express their views freely, and is concerned that the National Convention is not working towards national reconciliation;

(c) At the widespread and systematic use of forced labour, as indicated in the report of the Commission of Inquiry set up under article 26 of the Constitution of the International Labour Organization and the failure of the Government so far to implement the Commission's recommendation that it ensure the cessation by the authorities, and in particular the military, of such practices;

(d) That the Government of Myanmar refuses to cooperate with, and has not yet agreed to a visit by, the Special Rapporteur;

4. Deplores:

(a) The continuing violations of human rights in Myanmar, as reported by the Special Rapporteur, including extrajudicial, summary or arbitrary executions (particularly in areas of ethnic tension) and enforced disappearances, torture, abuse of women and children by government agents, arbitrary seizures of land and property, and the imposition of oppressive measures directed in particular at ethnic and religious minorities, including systematic programmes of forced relocation, destruction of crops and fields, and the widespread use of forced labour, including for work on infrastructure projects and as porters for the army;

(b) The wide disrespect of the rule of law, including increasing numbers of arbitrary and politically motivated arrests and detentions, detentions without trial, sometimes without the knowledge of the families of detainees, and the abuse of the judicial process, including trial of detainees in secrecy without proper legal representation, and the inhuman treatment of prisoners, leading to illness and deaths in custody, as reported by the Special Rapporteur;

(c) The violations of the rights of persons belonging to minorities, including the systematic programmes of forced relocations directed against ethnic minorities, notably in Karen, Karenni, Rakhine and Shan States and in Tennasserim Division, resulting in displaced persons and flows of refugees to neighbouring countries, thus creating problems for the countries concerned,

and particularly the condition of statelessness, the confiscation of land and the restrictions on movement faced by returning Rohingya refugees, which have contributed to movements out of the country;

(d) The continuing violations of the rights of women, especially women who are refugees, internally displaced women and women belonging to ethnic minorities or the political opposition, in particular forced labour, sexual violence and exploitation, including rape, as reported by the Special Rapporteur;

(e) The continuing violations of the rights of children, in particular through the lack of conformity of the existing legal framework with the Convention on the Rights of the Child, through conscription of children into forced labour programmes, through their military and sexual exploitation and through discrimination against children belonging to ethnic and religious minority groups;

(f) The escalation in the persecution of the democratic opposition, particularly members and supporters of the National League for Democracy, as well as threats of deportation, arrest and physical violence against Daw Aung San Suu Kyi, and the continued harassment, arrest and detention of National League for Democracy and other democratic group activists, including elected representatives to the Parliament, students, trade unionists and members of religious orders, for peacefully exercising their rights to freedom of movement, expression, assembly and association, the harsh long-term prison sentences imposed on National League for Democracy supporters and at the Government's use of intimidatory methods to force elected representatives and National League for Democracy members to resign from their positions and to dissolve their party offices;

(g) The severe restrictions on the freedoms of opinion, expression, assembly and association, the restrictions on citizens' access to information, including censorship controls on all forms of domestic media and many international publications, and the restrictions imposed on citizens wishing to travel within the country and abroad, including the denial of passports on political grounds, and gross interference in private life, family, home or correspondence;

5. Calls upon the Government of Myanmar:

(a) To establish a constructive dialogue with the United Nations system, including the human rights mechanisms, for the effective promotion and protection of human rights in the country;

(b) To continue to cooperate with the United Nations Secretary-General or his representative and to broaden this dialogue, including through providing access to any person deemed appropriate by them, and to implement their recommendations;

(c) To consider becoming a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention relating to the Status of Refugees and its Protocol;

6. Urges the Government of Myanmar to cooperate fully, and without further delay, with the Special Rapporteur, to allow him, without preconditions, to conduct a field mission and to establish direct contacts with the Government and all other relevant sectors of society, and thus to enable him fully to discharge his mandate;

7. Strongly urges the Government of Myanmar:

(a) To implement fully the recommendations made by the Special Rapporteur;

(b) To ensure full respect for human rights and fundamental freedoms, including freedoms of expression, association, movement and assembly, the right to a fair trial by an independent and impartial judiciary and the protection of the rights of persons belonging to ethnic and religious minorities, and to put an end to violations of the right to life and integrity of the human being, to the practices of torture, abuse of women, forced labour and forced relocations and to enforced disappearances and summary executions;

(c) To take urgent and meaningful measures to ensure the establishment of democracy in accordance with the will of the people as expressed in the democratic elections held in 1990 and, to this end, to engage immediately and unconditionally in a genuine and substantive dialogue with the leaders of political parties, including Daw Aung San Suu Kyi, and of ethnic minorities with the aim of achieving national reconciliation and the restoration of democracy, and to ensure that political parties and non-governmental

organizations can function freely, and in this context notes that the National League for Democracy has established a committee to represent temporarily members of Parliament elected in 1990 who are prevented by the authorities from exercising their democratic mandate conferred on them by the people of Myanmar;

(d) To take all appropriate measures to allow all citizens to participate freely in the political process, in accordance with the principles of the Universal Declaration of Human Rights, and to accelerate the process of transition to democracy, in particular through the transfer of power to democratically elected representatives;

(e) To release immediately and unconditionally those detained for political reasons, including those in "government guest houses", and to ensure their physical integrity and to permit them to participate in a meaningful process of national reconciliation;

(f) Urgently to improve conditions of detention and to allow the competent international humanitarian organization to communicate freely and confidentially with prisoners;

(g) To ensure the safety and well-being of all political leaders, including Daw Aung San Suu Kyi, and to permit unrestricted communication with and physical access to Daw Aung San Suu Kyi and other political leaders;

(h) To fulfil its obligations under the Convention on the Rights of the Child and under the Convention on the Elimination of All Forms of Discrimination against Women by bringing national legislation and practice into conformity with these conventions;

(i) And all other parties to the hostilities in Myanmar to respect fully their obligations under international humanitarian law, including article 3 common to the Geneva Conventions of 12 August 1949, to halt the use of weapons against the civilian population, to protect all civilians, including children, women and persons belonging to ethnic or religious minorities, from violations of humanitarian law and to avail themselves of services offered by impartial humanitarian bodies;

(j) To fulfil its obligations as a State party to the Forced Labour Convention, 1930 (No. 29) and to the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) of the International Labour Organization and to cooperate with the International Labour Organization, in particular by implementing the conclusions of the Commission of Inquiry;

(k) To cease the laying of landmines, in particular as a means of ensuring forced relocation, and to desist from the forced conscription of civilians to serve as human minesweepers, as indicated in the report of the Commission of Inquiry of the International Labour Organization;

(l) To end the enforced displacement of persons and other causes of refugee flows to neighbouring countries and to create conditions conducive to their voluntary return and full reintegration in safety and dignity, including returnees who have not been granted rights of full citizenship, in close cooperation with the international community, through the United Nations system and its specialized agencies, governmental and intergovernmental organizations, as well as non-governmental organizations;

(m) To fulfil its obligations to end impunity of perpetrators of human rights violations, including members of the military, and to investigate and prosecute alleged violations committed by government agents in all circumstances;

8. Decides:

(a) To extend the mandate of the Special Rapporteur, as contained in Commission resolution 1992/58 of 3 March 1992, for a further year, and requests the Special Rapporteur to submit an interim report to the General Assembly at its fifty-fourth session and to report to the Commission at its fifty-sixth session, and to keep a gender perspective in mind when seeking and analysing information;

(b) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully, and to pursue all efforts to ensure that the Special Rapporteur is authorized to visit Myanmar;

(c) To request the Secretary-General to continue his discussions with the Government on the situation of human rights and the restoration of democracy and anyone he may consider appropriate in order to assist in the implementation of General Assembly resolution 53/162 and of the present resolution;

(d) To request the United Nations High Commissioner for Human Rights to cooperate with the Director-General of the International Labour Organization with a view to identifying ways in which their offices might usefully collaborate for the improvement of the human rights situation in Myanmar;

(e) To request the Secretary-General to bring the present resolution to the attention of all relevant parts of the United Nations system;

(f) To continue its consideration of this question at its fifty-sixth session.

52nd meeting

23 April 1999

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

1999/18. The situation of human rights in the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Croatia and Bosnia and Herzegovina

The Commission on Human Rights,

Recalling all relevant resolutions on this subject, in particular its own resolution 1998/79 of 22 April 1998, as well as all relevant resolutions and statements of the Security Council,

Expressing its full support for the General Framework for Peace in Bosnia and Herzegovina (the "Framework Agreement") and the annexes thereto (together, the "Peace Agreement") which, inter alia, committed the parties in Bosnia and Herzegovina to respect fully human rights, and for the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium,

Reaffirming the territorial integrity of all States in the region, within their internationally recognized borders,

Taking note of the reports of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), together, the countries of the mandate,

Taking note also of the final decision of 5 March 1999 of the Arbitration Tribunal on Brcko and noting the obligation of the Federation and Republika Srpska entities of Bosnia and Herzegovina to implement the award fully, including with respect to enabling minority refugee returns in both entities,

Expressing its appreciation for the ongoing important work of the Office of the United Nations High Commissioner for Human Rights and its field operation in the region,

Shocked and horrified by ongoing massacres and other brutal repressive measures committed by Serbian security and paramilitary forces in Kosovo with the intent of ethnic cleansing, in clear violation of international human

rights standards and international humanitarian law and resulting in the loss of lives and a massive humanitarian tragedy affecting the entire region,

Mindful in this context that development of early warning procedures to identify patterns of gross and persistent violations of human rights in a systematic way could contribute to conflict prevention and the full enjoyment of all human rights by all,

I. Introduction

1. Stresses once again the crucial role that progress in promoting and protecting human rights has to play in the success of the Peace Agreement and underlines the obligations of the parties under the Framework Agreement to secure for all persons within their jurisdiction the highest level of international norms and standards of human rights and fundamental freedoms;

2. Stresses the need to focus international human rights efforts in the countries of the mandate on the core problems of:

(a) Lack of full respect for the human rights of all individuals, without any distinction;

(b) Massive forced expulsions and obstruction of return of refugees and displaced persons to their homes in safety and in dignity, and return to them of property and occupancy rights of which they were deprived;

(c) Lack of resources for capacity-building in the areas of rule of law and administration of justice, and lack of independence of the judiciary;

(d) Lack of respect for the freedoms of expression and association and for the freedom and independence of the media;

(e) Continuing obstruction of the work of the International Criminal Tribunal for the Former Yugoslavia (the Tribunal);

(f) Missing persons;

3. Appeals once more to the international community to support such efforts in the promotion and protection of human rights and insists that the parties act to promote and protect democratic institutions of government, the rule of law and effective administration of justice at all levels in their respective countries, to further ensure freedom of expression and of the media, to allow and encourage freedom of association, including with respect to political parties, to provide appropriate protection and assistance to refugees and displaced persons until they are able to return to their homes in safety and in dignity and to foster a culture of respect for human rights;

4. Requests the High Commissioner for Human Rights and the Secretary-General to take concerted action with the assistance of the international community to develop early-warning procedures in the field of human rights with a view to identifying situations that could lead to conflict or humanitarian tragedy, and requests the High Commissioner and the Secretary-General to report to the Commission on Human Rights at its fifty-sixth session on their efforts;

II. Federal Republic of Yugoslavia (Serbia and Montenegro)

5. Expresses its grave concern at the ongoing serious violations of human rights and the deteriorating human rights and humanitarian situation in the Federal Republic of Yugoslavia (Serbia and Montenegro) caused by the repressive policies and measures of the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) at all levels, including the highest leaders, and also of authorities at all levels in Serbia;

6. Condemns the continued repression of the independent media, the passage of the Serbian Law on Public Information and, in particular, the slaying of Mr. Slavko Curuvija, publisher and director of the Belgrade Dnevni Telegraph, and also the forcible closing of independent newspapers and radio stations;

7. Regrets that the Federal Republic of Yugoslavia (Serbia and Montenegro) has not complied with the recommendations of the Personal Representative of the Chairman-in-Office of the Organization for Security and Cooperation in Europe regarding fostering democracy and the rule of law;

8. Also regrets the express refusal of the Federal Republic of Yugoslavia (Serbia and Montenegro) to allow a visit by the Special Rapporteur on extrajudicial, summary or arbitrary executions;

9. Calls upon authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro):

(a) To comply with all previous resolutions of the Commission and with the recommendations contained in the reports of the Special Rapporteur and to cooperate with other relevant mechanisms of the Commission;

(b) To comply fully with its obligation to cooperate with the International Criminal Tribunal for the Former Yugoslavia;

(c) To institutionalize democratic norms of governance, especially in regard to respect for the principle of free and fair elections, the rule of law, the administration of justice, the promotion and protection of free and

independent media and full respect for human rights and fundamental freedoms, and calls upon the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) specifically to repeal repressive laws on universities and the media;

(d) To end torture and other cruel, inhuman or degrading treatment or punishment of persons in detention, as documented in the reports of the Special Rapporteur and other reports, and to bring those responsible to justice;

(e) To repeal the 1989 Serbian Law on Special Conditions for Real Property Transactions and the 1998 Serbian Law on Public Information and to apply all other legislation without discrimination;

(f) To respect the rights of all persons belonging to minority groups, especially in the Sandjak and Vojvodina, including the Hungarian and Croatian national minorities, and equally of persons belonging to the Muslim minority and to the Bulgarian national minority, and to support the unconditional return of the long-term missions of the Organization for Security and Cooperation in Europe, as called for by the Security Council in its resolutions 855 (1993) of 9 August 1993 and 1160 (1998) of 31 March 1998;

10. Welcomes positive developments in Montenegro with regard to the democratic process, in particular to the freedom of the media and to the efforts to give shelter to Kosovars;

11. Also welcomes the selection by the Office of the High Commissioner for Human Rights of nine organizations from civil society to participate in the Assisting Communities Together Programme;

12. Calls upon the international community:

(a) To help the countries of the mandate establish appropriate safeguards to ensure the security and fair treatment upon return of those who sought temporary protection and asylum, including appropriate measures by Governments, such as legal guarantees and follow-up mechanisms, to ensure the right of all those persons to return to their homes in the Federal Republic of Yugoslavia (Serbia and Montenegro) in safety and dignity;

(b) To continue to support existing national democratic forces and non-governmental organizations in their efforts to build a civil society and achieve multi-party democracy in the Federal Republic of Yugoslavia (Serbia and Montenegro), and to provide resources for capacity-building in the administration of justice;

III. Kosovo

13. Calls upon the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro), especially its President and the political leadership:

(a) To ensure a verifiable stop to all military action and the immediate ending of violence and repression against the civilian population of Kosovo;

(b) To ensure the withdrawal from Kosovo of all military, Ministry of Interior police and paramilitary forces;

(c) To agree to the stationing of an international military peacekeeping presence;

(d) To agree to the voluntary, unconditional return of all internally displaced persons and refugees in safety and dignity and provide unhindered access to them by humanitarian aid organizations;

(e) To work, on the basis of the Rambouillet Accords, on the establishment of a political framework agreement for Kosovo, in conformity with international law and the Charter of the United Nations;

14. Condemns the grave, horrendous and ongoing war crimes and abuses of human rights in Kosovo, especially the violent repression of non-violent expression of political views, systematic terrorization of ethnic Albanians and others, torture, deaths in detention, summary executions and illegal detention of ethnic Albanian citizens, widespread destruction of homes, property and villages, and systematic targeting of the civilian population of Kosovo by Serbian forces, resulting in mass forced displacement, expulsion, rape and harsh living conditions of the civilian population, as well as the harassment, intimidation and closure of independent media outlets in Kosovo by the Serbian authorities;

15. Also condemns the escalation of the Serbian military offensive against the civilian population of Kosovo in recent weeks, which has led to further ethnic cleansing in the region, massacres and gross violations of international human rights and international humanitarian law inflicted upon the Kosovars, including destruction of personal identity documents, records, further destruction of houses and property, as well as agricultural capacity, with the aim of preventing their return, deplores the recent discovery of mass graves and condemns harassment and obstruction of humanitarian aid delivery from any quarter;

16. Underscores the grave concern of Member States regarding ethnic cleansing, war crimes and crimes against humanity;

17. Condemns abuses by elements of the Kosovo Liberation Army, in particular killings in violation of international humanitarian law, enforced disappearances and abduction and detention of Serbian police, as well as Serb and Albanian civilians;

18. Emphasizes that those found responsible for serious violations of international humanitarian law, other war crimes and crimes against humanity will be held accountable by the international community and will not escape justice;

19. Insists that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) and the ethnic Albanian leadership in Kosovo condemn acts of terrorism, refrain from all acts of violence, encourage the pursuit of political ends through peaceful means, act with respect for the rights and dignity of all persons belonging to minority groups and respect international human rights standards and international humanitarian law;

20. Also insists that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) implement a ceasefire, demilitarize the province and cooperate with the implementation force as demanded by the contact group, respect the democratic process and act immediately to make possible the establishment of genuine democratic self-governance in Kosovo, especially by acceptance of a settlement on the basis of the Rambouillet Accords, with representatives of the ethnic Albanian community, and ensure that all the residents of the region are guaranteed equal treatment and protection regardless of ethnic affiliation, and calls upon all individuals or groups in Kosovo to resolve the crisis there through peaceful means;

21. Insists that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro):

(a) Take immediate action, in view of the escalating violence in Kosovo, to put an end to the continuing repression of and prevent violence against the ethnic Albanian population and other communities living in Kosovo, as well as to end torture, beatings, brutality, warrantless searches, arbitrary detention, unfair trials and arbitrary, unjustified evictions and dismissals, large-scale demolition of houses and scorched earth tactics;

(b) Release all political detainees, guarantee the right to voluntary return in safety and dignity of all refugees and displaced persons to Kosovo

and respect fully all human rights and fundamental freedoms, including freedom of the press, including the Albanian-language media, freedom of expression or assembly, freedom of movement and freedom from discrimination in the field of education and information and, in particular, improve the situation of ethnic Albanian women and children;

(c) Allow the establishment of democratic institutions in Kosovo;

(d) Abide by its international obligations under common article 3 of the Geneva Conventions;

(e) Cooperate with international humanitarian organizations in dealing with the issue of missing persons in Kosovo and also ensure that non-governmental organizations may operate freely without harassment or unduly burdensome requirements;

22. Welcomes the recent initiative of the High Commissioner for Human Rights to investigate human rights violations and atrocities committed in Kosovo, and requests that the Special Rapporteur, the Personal Representative of the High Commissioner for Human Rights and the Office of the High Commissioner for Human Rights investigative teams cooperate to the extent appropriate with the international bodies charged with bringing those responsible for these crimes to justice;

23. Calls upon the authorities in Belgrade to work closely with and support the mission to Kosovo of the personal representative of the Chairman-in-Office of the Organization for Security and Cooperation in Europe;

24. Emphasizes once again that improvement in the promotion and protection of human rights and fundamental freedoms in Kosovo, as well as in the rest of its territory, will assist the Federal Republic of Yugoslavia (Serbia and Montenegro) in establishing a full range of relations with the international community;

25. Expresses grave concern over the overwhelming humanitarian crisis in Kosovo and the forced expulsion of hundreds of thousands of Kosovar Albanians, which has placed a massive burden on the surrounding countries, calls upon the international community to take immediate efforts to relieve this burden, expresses its appreciation to those countries that have offered assistance or that have offered to accept refugees, commends the Office of the United Nations High Commissioner for Refugees and other humanitarian

organizations for their response to this crisis and encourages the international community to strengthen its actions, especially in the field of coordination of all humanitarian efforts;

IV. Republic of Croatia

26. Welcomes the cooperation of the Government of the Republic of Croatia with the Special Rapporteur and takes note of the request of the Government of the Republic of Croatia for technical cooperation and assistance programmes and of the positive response thereto by the United Nations High Commissioner for Human Rights, urges the Government and the Office of the High Commissioner for Human Rights to conclude an agreement as soon as possible and looks forward to the effects of those programmes on the situation of human rights and the rule of law;

27. Calls upon the Government of the Republic of Croatia to undertake greater efforts to adhere to democratic principles including through legislation and implementation of electoral reform and to continue its efforts to attain the highest level of compliance with international norms and standards of human rights and fundamental freedoms, in particular the rights of persons belonging to minority groups, especially by:

(a) Full and fair implementation of its Programme for the Return and Accommodation of Displaced Persons, Refugees and Exiled Persons and programme for the reconstruction of war-affected settlements and its earlier Programme on the Establishment of Confidence, Acceleration of Return and Normalization of Life in the War-affected Areas and continuing cooperation with the United Nations High Commissioner for Refugees, with the civilian police monitors in Croatia mandated by the Organization for Security and Cooperation in Europe and with other relevant organizations to that end, as well as by dialogue and cooperation between the Government of the Republic of Croatia and the Government of Bosnia and Herzegovina and through it with the Republika Srpska;

(b) Full cooperation with and implementation of the recommendations of the international organizations operating in the Republic of Croatia, in particular the Office of the High Commissioner for Human Rights and the Organization for Security and Cooperation in Europe operations in Eastern Slavonia, Baranja and Western Sirmium and in former United Nations protected areas, especially by respecting the human rights, including the property rights, of all and:

- (i) Ending incidents of harassment, looting and physical attacks against displaced Serbs and other minorities, and speedily arresting those committing or instigating such acts aimed at preventing the return of Croatian Serbs or others to their homes and, in particular, fully investigating allegations of individual involvement by Croatian police or members of the military, whether on or off duty;
 - (ii) Ensuring the non-discriminatory application of the amnesty law and by developing and strengthening all possible measures for confidence building, including by providing regular information to the International Criminal Tribunal for the Former Yugoslavia about domestic war crimes prosecutions;
 - (iii) Ending any form of discrimination by Croatian authorities in the areas of property rights, documentation of citizenship and identity, employment, education, pension and health care, among others;
- (c) Respecting freedom of association and of the press, including by taking concrete steps to allow for the establishment of independent media and full access by the opposition to State electronic media channels and, in particular, by ceasing harassment of free and independent media;
- (d) Respecting the right of non-governmental organizations to operate without restrictions, and welcomes in this regard the establishment of a government office for cooperation with non-governmental organizations and a continuation of this dialogue;
- (e) Undertaking serious judicial reform and guaranteeing the independence of the judiciary;
- (f) Within the context of obligations undertaken with the Council of Europe and the Organization for Security and Cooperation in Europe, pursuit of the equal application of the law to all citizens, irrespective of ethnicity, religion or political affiliation, the swift and complete implementation of judicial decisions and implementation of the European Convention for the Protection of Human Rights and Fundamental Freedoms in all governmental practices;

(g) Continuing to fulfil the rights and guarantees pledged in its letter of 13 January 1997 (S/1997/27), inter alia the pledge to guarantee representation of Serbs at various levels of local, regional and national government;

(h) Continuing its cooperation with the Special Rapporteur and complying with all his recommendations and cooperating also with the Croatian Ombudsman;

28. Endorses the recommendations of the Special Rapporteur (E/CN.4/1999/42, paras. 72-78) in particular that:

- (a) The Government foster the return of Serbs to their former homes;
- (b) The judiciary be provided with adequate resources and court proceedings be open to the public;
- (c) Labour rights cases be promptly and fairly resolved;
- (d) Affirmative measures be taken to improve the representation of women in decision-making positions;
- (e) Due attention be paid to the importance of free political debate in a democratic society;

29. Calls upon the international community:

- (a) To support the involvement of the High Commissioner for Human Rights in human rights monitoring in the region of Eastern Slavonia, in close cooperation with other international organizations and in close consultation with the Government of the Republic of Croatia;
- (b) To continue to provide for an international presence, as recommended by the Special Rapporteur, through support of initiatives advanced by the High Commissioner for Human Rights, the Organization for Security and Cooperation in Europe, the Council of Europe, the European Community Monitoring Mission and other international organizations, including the programme of technical cooperation envisaged by the Office of the High Commissioner for Human Rights;

V. Bosnia and Herzegovina

30. Takes note of the progress made in some areas of Bosnia and Herzegovina in implementation of the Peace Agreement and improvement in respect for human rights, and commends the High Representative in this regard;

31. Expresses its serious concern about continuing human rights violations within Bosnia and Herzegovina and continuing obstruction of the full implementation of the human rights provisions of the Peace Agreement;

32. Emphasizes once more that the primary responsibility for ensuring the progressive achievement of democratic goals and building a tolerant, multi-ethnic society lies with the people of Bosnia and Herzegovina, in particular through the central Government and the governments of both entities, as well as through, inter alia, municipal and cantonal authorities, religious communities, humanitarian organizations and non-governmental organizations;

33. Underlines the obligation of the authorities of Bosnia and Herzegovina at all levels to implement the arbitration decision for Brcko and the recommendations and decisions of the High Representative and the decisions of the Commission on Human Rights for Bosnia and Herzegovina and its two parts, the Office of the Ombudsman and the Human Rights Chamber, and the decisions of the Commission on Real Property Claims of Displaced Persons;

34. Calls upon all parties to cease obstruction of the work of the common institutions of Bosnia and Herzegovina;

35. Condemns in the strongest terms the intimidation and perpetration of violence against minority refugees and internally displaced persons returning to their homes, the destruction of their homes and all other acts designed to discourage their voluntary return, and calls for the authorities to conduct vigorous investigations to determine responsibility for such acts and to ensure that the perpetrators are brought to justice;

36. Calls upon, in this context, officials of Bosnia and Herzegovina, including those of the Republika Srpska and the Federation, to cooperate with relevant international humanitarian agencies and their neighbours to facilitate such voluntary returns;

37. Endorses the recommendations of the Special Rapporteur (E/CN.4/1999/42, paras. 29-35), especially that:

(a) Authorities and political leaders cease undermining efforts to ensure the right to return and, to that end, that divisions along ethnic lines be eliminated, manipulation of returnees and displaced persons be stopped and high priority given to the situation of "floaters" in Banja Luka and other municipalities in the Republika Srpska;

(b) Local actors, including non-governmental organizations, should be more involved in human rights work;

38. Emphasizes the views of the General Assembly, contained in paragraphs 18 and 19 of its resolution 53/163, concerning the voluntary return

of refugees and internally displaced persons and on cooperation with the Office of the High Representative, the Commission for Real Property Claims of Displaced Persons and the Office of the United Nations High Commissioner for Refugees;

VI. International Criminal Tribunal for the Former Yugoslavia

39. Calls upon all States and, in particular, all parties to the Peace Agreement, especially the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro), to meet their obligations to cooperate fully with the Tribunal, noting that there is no valid constitutional or statutory reason for failure to cooperate, and urges all States and the Secretary-General to support the Tribunal to the fullest extent possible, in particular by helping to ensure that persons indicted by the Tribunal stand trial before it and by continuing to make available to the Tribunal, as a matter of urgency, adequate resources to aid in the fulfilment of its mandate;

40. Calls upon all indicted persons to surrender voluntarily to the custody of the Tribunal, as required by the Peace Agreement;

41. Welcomes the decision by the Prime Minister of the Republika Srpska to allow the Tribunal to open an office in Banja Luka and urges the government of the Republika Srpska to fulfil its clear legal obligations, including full cooperation with the Tribunal as it has promised;

42. Urges all parties, including the Government of the Republic of Croatia, to respect the "rules of the road", agreed in Rome on 18 February 1996, including through submission of cases to the Prosecutor of the Tribunal under the "rules of the road";

43. Urgently calls once again upon the competent authorities in Bosnia and Herzegovina, including those of the Federation and in particular in the Republika Srpska, and the Governments of the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to apprehend and surrender for prosecution all persons indicted by the Tribunal, as required by Security Council resolution 827 (1993) and the statement by the President of the Security Council on 8 May 1996;

44. Notes with dismay that the large majority of those indictees still at large, including Radovan Karadzic, Ratko Mladic and Milan Martic, appear to be living in the Republika Srpska or the Federal Republic of Yugoslavia

(Serbia and Montenegro) while Zeljko Raznatovic, known as "Arkan" and the "Vukovar three" are known to be present in the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro);

45. Stresses the evidence that the most senior leaders of the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) are responsible for the continuing refusal of the Federal Republic of Yugoslavia (Serbia and Montenegro) to meet its obligations to cooperate with the Tribunal and demands that the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) comply with their obligation to cooperate with the Tribunal, including with regard to events in Kosovo, on the basis of resolution 1160 (1998) of the Security Council and all its subsequent resolutions on the subject, including 1207 (1998), and commends the Office of the Prosecutor of the Tribunal for its efforts to gather information relating to the violence in Kosovo;

46. Demands, in accordance with Security Council resolution 827 (1993) and the Statute of the International Criminal Tribunal for the former Yugoslavia, that the Federal Republic of Yugoslavia (Serbia and Montenegro) cooperate fully with the International Criminal Tribunal for the former Yugoslavia and, in particular, permit immediate access to all parts of the Federal Republic of Yugoslavia (Serbia and Montenegro) including Kosovo, including by the prompt issuance of requested visas to officials of the Tribunal to conduct investigations into atrocities there and for any other purpose allowed under the Tribunal's Statute;

47. Urges all parties in the region to respect the primacy of the Tribunal in all cases of war crimes, crimes against humanity, genocide and grave breaches of the Geneva Conventions, and condemns the extra-legal proceedings undertaken by the Federal Republic of Yugoslavia (Serbia and Montenegro) against the "Vukovar three";

48. Calls upon the international community to give the Tribunal every appropriate help to bring into custody suspects indicted by it;

VII. Missing persons

49. Expresses its satisfaction with the progress made in the exhumation of remains and the identification of missing persons, particularly in Bosnia and Herzegovina, but stresses that further progress and assistance of the international community in all aspects, particularly with technical and financial resources, is required;

50. Welcomes the increased level of cooperation in the joint exhumation process in Bosnia and Herzegovina with the Office of the High Representative and the International Commission on Missing Persons in the Former Yugoslavia and urges that the cooperation continue;

51. Insists that the Federal Republic of Yugoslavia (Serbia and Montenegro) authorities and Kosovar Albanians cooperate with international humanitarian organizations in dealing with the issue of missing persons in Kosovo;

VIII. Special Rapporteur

52. Takes note with appreciation of the report of the Special Rapporteur (E/CN.4/1999/42);

53. Decides to renew for one year the mandate of the Special Rapporteur on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro);

54. Requests the Special Rapporteur, in addition to the activities mandated in its resolutions 1994/72, 1996/71 and 1997/57:

(a) To work vigorously in support of the initiative of the High Commissioner for Human Rights to investigate human rights violations and atrocities committed in Kosovo;

(b) To pay particular attention to discrimination against persons belonging to ethnic minorities and displaced persons, refugees and returnees who fall within his mandate, with specific reference to their economic, social and cultural rights;

(c) To address human rights issues that transcend the borders between the States covered by his mandate and which can be addressed only through concerted action in more than one country;

(d) To work with the High Commissioner for Human Rights on behalf of the United Nations in dealing with the question of missing persons and to include in his report to the Commission information about activities concerning missing persons in the former Yugoslavia;

55. Requests that the Special Rapporteur carry out missions to:

(a) Bosnia and Herzegovina, including the Republika Srpska;

(b) The Republic of Croatia, including Eastern Slavonia, Baranja and Western Sirmium;

(c) The Federal Republic of Yugoslavia (Serbia and Montenegro), including to Kosovo, as well as to Sandjak and Vojvodina;

56. Requests the Special Rapporteur to report to the Commission at its fifty-sixth session on the work carried out in fulfilment of his mandate, and to make interim reports as appropriate about his work in support of the Kosovo initiative of the High Commissioner for Human Rights, and to present interim reports to the General Assembly at its fifty-fourth session;

57. Requests the Secretary-General to continue to make the Special Rapporteur's reports available to the Security Council, to the Organization for Security and Cooperation in Europe and to other international organizations concerned with human rights and humanitarian questions;

58. Urges the Secretary-General, within existing resources, to make all necessary resources available for the Special Rapporteur to carry out his mandate successfully and, in particular, to provide him with adequate staff based in those territories to ensure effective continuous monitoring of the human rights situation in the countries of the mandate and coordination with other international organizations involved.

52nd meeting

23 April 1999

[Adopted by a roll-call vote of 46 votes to 1,
with 6 abstentions. See chap. IX.]

1999/19. Situation of human rights in Equatorial Guinea
and assistance in the field of human rights

The Commission on Human Rights,

Recalling its resolution 1998/71 of 21 April 1998,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Considering that, since the adoption by the Economic and Social Council of its decision 1993/277 on 28 July 1993 and the appointment of Mr. Alejandro Artucio as Special Rapporteur of the Commission on Human Rights, the Government of Equatorial Guinea has benefited from the advisory services

of the Office of the United Nations High Commissioner for Human Rights and that the Special Rapporteur has visited the country nine times, as indicated in his reports (E/CN.4/1996/67 and Add.1, E/CN.4/1997/54, E/CN.4/1998/73 and Add.1 and E/CN.4/1999/41),

Noting that Equatorial Guinea is a party to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols thereto, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Welcoming the political will on the part of the Government of Equatorial Guinea to continue to make progress in the situation of human rights and fundamental freedoms and its pledge to take definitive steps in this direction, as a priority in its programme of good governance,

Noting the continuing existence of deficiencies and conditions that lead to violations and abuses of human rights,

Noting also that the Government and the opposition political parties had renewed their dialogue after the April 1997 agreements and that the participation of the latter in the national political life has to be enlarged, so that the transition process to democracy can succeed,

Noting with interest the efforts of the Government of Equatorial Guinea to establish, in cooperation with international non-governmental organizations, a centre for the promotion of human rights and democracy to strengthen the national capacity to promote human rights,

Recalling that international cooperation in the field of human rights is one of the purposes of the Charter of the United Nations, and welcoming the stated willingness of the Government of Equatorial Guinea to continue to cooperate with the Office of the United Nations High Commissioner for Human Rights,

1. Expresses its gratitude to the Special Rapporteur and welcomes his report (E/CN.4/1999/41), as well as the understanding, assistance and cordiality which the authorities of Equatorial Guinea have extended to him in the discharge of his mandate;

2. Encourages the Government of Equatorial Guinea to ensure the independence and effectiveness of the national commission on human rights, in accordance with the Principles relating to the Status of National Institutions

for the Promotion and Protection of Human Rights, and to authorize the public registration and freedom of activity of non-governmental organizations in the fields of human rights and social affairs;

3. Recognizes that the elections held on 7 March 1999 were organized and conducted in a peaceful and calm atmosphere but takes note with concern that some flaws and irregularities were observed during the electoral process, and therefore calls upon the Government of Equatorial Guinea to continue the dialogue with all political parties and to ensure the independence and effectiveness of the national electoral commission, so as to guarantee fair, transparent and democratic conditions in the future;

4. Encourages the Government of Equatorial Guinea to strengthen its efforts to improve the conditions of prisoners and detainees, in accordance with the recommendations of the Special Rapporteur;

5. Also encourages the Government of Equatorial Guinea to pursue the efforts which it has already undertaken to integrate women effectively into the process of socio-economic, cultural and political development of the country;

6. Further encourages the Government of Equatorial Guinea to promote the necessary conditions for the full enjoyment of economic, social and cultural rights, including the rights of the child;

7. Recommends that the Government of Equatorial Guinea ratify the basic international human rights instruments, in particular the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination;

8. Encourages the Government of Equatorial Guinea to strengthen further its efforts to promote and protect human rights and fundamental freedoms as set out in its programme of priorities in the fields of democracy, human rights and governance and, in particular:

(a) To strengthen its efforts to improve both the functioning of the judiciary and the training of judges, prosecutors, lawyers, police and security forces, in order to guarantee an independent and effective administration of justice, and to limit military courts strictly to trying military offences committed by military personnel;

(b) To publish regularly laws, decrees and other governmental acts;

(c) To reiterate its instructions to the forces of law and order not to order or make arbitrary arrests and to respect the right of individuals to security, physical integrity and freedom;

(d) To take the necessary measures to avoid acts of torture and cruel, inhuman or degrading treatment or punishment;

(e) To strengthen its efforts to investigate and impose criminal and disciplinary penalties on those responsible for violations of human rights;

9. Encourages the Government of Equatorial Guinea and the Office of the United Nations High Commissioner for Human Rights, in conjunction and with the support of the United Nations Development Programme, to elaborate a comprehensive programme of technical assistance in the field of human rights, in particular with a view to enhancing the administration of justice and the capacity of the civil society, and calls upon the international community to make contributions to the relevant fund for this purpose;

10. Decides to appoint a special representative of the Commission for one year and requests him to monitor the situation of human rights in Equatorial Guinea and to report to the Commission at its fifty-sixth session, keeping in mind the need to apply a gender perspective in the reporting process, including in collecting information and making recommendations;

11. Requests the Special Representative to include in his/her report recommendations on the implementation of the programme of technical assistance, with particular emphasis on human rights, the administration of justice and the legislative reforms and the strengthening of the capacity of non-governmental organizations, as well as other groups of the civil society;

12. Requests the Secretary-General to give the Special Representative all necessary assistance to enable him/her to discharge the mandate fully;

13. Decides to continue its examination of the situation of human rights in Equatorial Guinea at its fifty-sixth session;

14. Recommends the following draft decision to the Economic and Social Council for adoption:

"The Economic and Social Council, taking note of Commission on Human Rights resolution 1999/... of .. April 1999, endorses the Commission's decision to appoint a special representative of the Commission for one year to monitor the situation of human rights in Equatorial Guinea and to report to the Commission at its fifty-sixth session, keeping in mind

the need to apply a gender perspective in the reporting process, including in collecting information and making recommendations, and requests the Secretary-General to give the Special Representative all necessary assistance to enable him/her to discharge the mandate fully."

52nd meeting

23 April 1999

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

1999/20. 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 Convention on the Prevention and Punishment of the Crime of Genocide and other applicable human rights and humanitarian law standards,

Recalling its resolution 1998/69 of 21 April 1998 and relevant previous resolutions and noting General Assembly resolution 53/156 of 9 December 1998,

Reaffirming that the promotion and protection of human rights are necessary for sustaining the process of national reconstruction and reconciliation in Rwanda,

Taking into account the regional dimension of the human rights issues in the Great Lakes region, while underlining the primary responsibility of States for the promotion and protection of human rights,

Noting with satisfaction the commitment of the Government of Rwanda to promote and protect respect for human rights and fundamental freedoms, as well as to eliminate impunity, the progress made towards the development of a State governed on the basis of the rule of law, and efforts undertaken to consolidate peace and stability and promote unity and reconciliation,

Welcoming the progress made by the Government of Rwanda in rebuilding the country's system of administration of justice and the efforts made to address the problem of the very large number of detainees awaiting trial,

1. Takes note with appreciation of the report of the Special Representative of the Commission on Human Rights on the situation of human rights in Rwanda (E/CN.4/1999/33), the report of the United Nations High Commissioner for Human Rights on the activities of the Human Rights Field Operation in Rwanda (A/53/367, annex) and the report of the United Nations High Commissioner for Human Rights pursuant to paragraph 5 of General Assembly resolution 48/141 (E/CN.4/1999/9);

2. Commends the Government of Rwanda for the cooperation and assistance extended to the Special Representative;
3. Welcomes the continuing efforts of the Government of Rwanda to build a State based on the rule of law and the guarantee of respect for human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and other relevant international human rights instruments;
4. Reiterates its strong condemnation of the crime of genocide and the crimes against humanity which were committed in Rwanda in 1994;
5. Reaffirms that all persons who committed or authorized acts of genocide or other grave violations of human rights and international humanitarian law are individually responsible and accountable for those violations;
6. Expresses concern that most of the perpetrators of the genocide and other gross violations of human rights continue to evade justice;
7. Reiterates its request that all States cooperate fully with the Government of Rwanda and the International Criminal Tribunal for Rwanda in ensuring that all those responsible for the crime of genocide, crimes against humanity and other grave violations of human rights are brought to justice in accordance with international principles of due process;
8. Notes the efforts which the International Criminal Tribunal for Rwanda has made to improve its performance and encourages further measures to enhance its efficiency;
9. Expresses its concern over the effectiveness of the witness protection programme of the International Criminal Tribunal for Rwanda and calls for the improvement of the witness protection programme as a matter of urgency;
10. Notes the indications of improvement in the human rights situation in Rwanda since the last session of the Commission, expresses concern at continued violations of human rights and international humanitarian law and urges the Government of Rwanda to continue to investigate and prosecute such violations;
11. Recognizes that the promotion and protection of human rights for all are essential for achieving stability and security in the Great Lakes region;

12. Reiterates its sympathy and solidarity with genocide survivors, commends the Government of Rwanda for establishing a fund to assist them, commends those Governments that have contributed to the fund and again urges the international community to contribute generously;

13. Takes note with great concern of:

(a) The report of the International Commission of Inquiry on the sale, supply and shipment of arms and related material in the Great Lakes region of Central Africa;

(b) The report of the Investigative Team of the Secretary-General (S/1998/581) and calls upon the Government of Rwanda to respond to this report;

14. Condemns the illegal sale and distribution of arms and all other forms of assistance to former members of the Rwandan armed forces, Interahamwe and other insurgent groups which have a negative impact on human rights and undermine peace and stability in Rwanda and the region;

15. Notes that the Government of Rwanda is regrouping scattered rural populations in the country, including in the north-west, and urges the Government of Rwanda to respect human rights principles and to do its utmost to minimize any elements of coercion in the implementation of the resettlement programme;

16. Reiterates its concern at the conditions of detention in many communal detention centres and some prisons in Rwanda, calls on the Government of Rwanda to continue in its efforts to ensure that persons in detention are treated in a manner which respects their human rights and emphasizes the need for greater attention and resources to be directed to this problem, and again urges the international community to assist the Government of Rwanda in this area;

17. Encourages the continuing efforts of the Government of Rwanda to reduce the prison population by releasing minors, elderly prisoners, prisoners suffering from terminal illnesses and suspects with incomplete files who were detained for their alleged involvement in genocide and other abuses of human rights, and reaffirms the urgent need to complete a dossier for every detainee with a view to identifying those who should be released immediately, early or conditionally;

18. Encourages the Government of Rwanda in its campaign of sensitization aimed at promoting the rule of law, respect for human rights and reconciliation;

19. Welcomes the continuation of domestic trials of those suspected of genocide and crimes against humanity and the improvements that have been made in the trial process, and encourages the Government of Rwanda, with the support of the international community, to strengthen the capacity of the independent judicial system;

20. Urges the Government of Rwanda and invites the International Criminal Tribunal for Rwanda to give utmost priority to the prosecution and punishment of crimes of sexual violence committed against women, in line with the recommendations of the Special Rapporteur on violence against women, and welcomes the decision of the International Criminal Tribunal for Rwanda to give a broad definition to acts of sexual violence;

21. Welcomes and encourages the deliberations now ongoing in Rwanda to determine new mechanisms to handle the large caseload of detainees awaiting trial on genocide and related charges in a more expeditious manner and in conformity with the law and international human rights standards;

22. Reiterates its appeal to the international community to provide financial and technical assistance to the Government of Rwanda within a mutually agreed framework of cooperation to help strengthen the protection of genocide survivors and witnesses and the administration of justice, including with regard to adequate access to legal representation, to prosecute those responsible for genocide and other violations of human rights and to promote the rule of law in Rwanda, and notes with appreciation assistance already provided by some members of the donor community;

23. Welcomes the proposal of the Government of Rwanda to ensure greater legal access of women to their husbands' and parents' property, in particular through the proposed Law on Matrimonial Property and Succession;

24. Commends the Government of Rwanda on its continued efforts to improve the situation of children and encourages it to continue further with these efforts, guided by a concern for the best interests of children, as specified in the Convention on the Rights of the Child;

25. Regrets that no agreement could be reached on a new mandate for the Human Rights Field Operation in Rwanda, which consequently led to the withdrawal of the Field Operation from the country on 28 July 1998, leaving

Rwanda with no external independent human rights monitoring capacity, and encourages the Government of Rwanda to seek the cooperation of Governments, the United Nations High Commissioner for Human Rights and non-governmental organizations to provide, within a mutually agreed framework of cooperation, financial and technical support necessary for the reconstruction of human rights infrastructure generally and the effective functioning of the National Human Rights Commission in particular;

26. Welcomes the adoption by the National Assembly of Rwanda of a bill creating the National Human Rights Commission as provided for in the Basic Law of Rwanda and urges the Government of Rwanda to take speedy and appropriate action to enable the Commission to begin functioning independently and effectively, in accordance with recognized international norms;

27. Encourages the members of the National Human Rights Commission to organize as soon as possible, with the assistance of the Special Representative, a round table meeting aimed at assisting the National Human Rights Commission to develop a plan of action for the promotion and better protection of human rights in Rwanda, urges the Government of Rwanda to work with the Special Representative to facilitate this meeting and calls on the United Nations High Commissioner for Human Rights and on the international community to provide all necessary assistance within a mutually agreed upon framework of cooperation;

28. Encourages the Government of Rwanda to provide its full support to the mandate of the National Human Rights Commission to enable it to monitor human rights in the country effectively and independently, in accordance with internationally recognized norms;

29. Urges the Government of Rwanda to work with interested Governments and the United Nations High Commissioner for Human Rights to facilitate the development of a national human rights monitoring capacity, including the training of national human rights monitors;

30. Welcomes the commitment of the Government of Rwanda to promoting national unity and reconciliation, encourages the Government of Rwanda to continue its efforts in that field, commends the establishment of the National Commission for Unity and Reconciliation and urges that international support be provided to enable the Commission to achieve its objectives;

31. Recommends that the international community continue to provide development assistance for the reconstruction and long-term stability of Rwanda;

32. Commends the Special Representative for his work, decides to extend his mandate for a further year, requests him to report to the General Assembly at its fifty-fourth session and to the Commission on Human Rights at its fifty-sixth session, in accordance with his mandate, and requests the High Commissioner for Human Rights to provide him with such financial assistance as he may require;

33. Calls for close regular consultation between the Special Representative and the Government of Rwanda, the National Human Rights Commission, and all relevant national institutions, regarding the functioning of the National Human Rights Commission;

34. Recommends the following draft decision to the Economic and Social Council for adoption:

"The Economic and Social Council, taking note of Commission on Human Rights resolution 1999/... of ... April 1999, endorses the Commission's decision to extend for a further year the mandate of the Special Representative on the situation of human rights in Rwanda to make recommendations on the situation of human rights in Rwanda, to facilitate the establishment and effective and independent functioning of the National Human Rights Commission and to make recommendations on situations in which technical assistance to the Government of Rwanda in the field of human rights may be appropriate, and approves the Commission's request to the Special Representative to report to the General Assembly at its fifty-fourth session and to the Commission at its fifty-sixth session, in accordance with his mandate, and its request to the High Commissioner for Human Rights to provide the Special Representative with such financial assistance as he may require to discharge his mandate, keeping a gender perspective in mind when seeking and analysing information."

52nd meeting

23 April 1999

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

1999/21. Human rights and unilateral coercive measures

The Commission on Human Rights,

Recalling the purposes and the principles of the Charter of the United Nations,

Reaffirming the pertinent principles and provisions contained in the Charter of Economic Rights and Duties of States proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, in particular article 32 which declares that no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights,

Recalling its resolution 1998/11 of 9 April 1998 and noting General assembly resolution 53/141 of 9 December 1998,

Taking note with interest of the report of the Secretary-General on human rights and unilateral coercive measures (E/CN.4/1999/44 and Add.1-2),

Recognizing and reiterating the universal, indivisible, interdependent and interrelated character of all human rights and, in this regard, reaffirming the right to development as an integral part of all human rights,

Expressing its concern about the negative impact of unilateral coercive measures in the field of international relations, trade, investment and cooperation,

Recalling that the World Conference on Human Rights called upon States to refrain from any unilateral measure not in accordance with international law and the Charter of the United Nations that creates obstacles to trade relations among States and impedes the full realization of all human rights,

Deeply concerned that, despite the recommendations adopted on this issue by the General Assembly and United Nations conferences and contrary to general international law and the Charter of the United Nations, unilateral coercive measures continue to be promulgated and implemented with all their negative implications for the social-humanitarian activities of developing countries, including their extraterritorial effects, thereby creating additional obstacles to the full enjoyment of all human rights by peoples and individuals,

1. Urges all States to refrain from adopting or implementing unilateral measures not in accordance with international law and the Charter of the United Nations, in particular those of a coercive nature with

extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights and other international human rights instruments, in particular the right of individuals and peoples to development;

2. Rejects the application of such measures as tools for political or economic pressure against any country, particularly against developing countries, because of their negative effects on the realization of all human rights of vast sectors of their populations, inter alia children, women, the elderly, disabled and ill people;

3. Reaffirms, in this context, the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development;

4. Also reaffirms that essential goods such as food and medicines should not be used as tools for political coercion, and that under no circumstances should people be deprived of their own means of substance and development;

5. Underlines that unilateral coercive measures are one of the major obstacles to the implementation of the Declaration on the Right to Development and, in this regard, calls upon all States to avoid the unilateral imposition of economic coercive measures and the extraterritorial application of domestic laws which run counter to the principles of free trade and hamper the development of developing countries, as recognized by the Intergovernmental Group of Experts on the Right to Development in its most recent report;

6. Invites the new open-ended working group on the right to development, which will meet after the fifty-fifth session of the Commission on Human Rights, to give due consideration to the question of human rights and the negative impact of unilateral coercive measures;

7. Invites all Special Rapporteurs and existing thematic mechanisms of the Commission in the field of economic, social and cultural rights to pay due attention, within the scope of their respective mandates, to the negative impact and consequences of unilateral coercive measures;

8. Decides to give due consideration to the negative impact of unilateral coercive measures in its task concerning the implementation of the right to development;

9. Requests:

(a) The United Nations High Commissioner for Human Rights, in discharging her functions in relation to the promotion, realization and protection of the right to development, to pay due attention and give urgent consideration to the present resolution;

(b) The Secretary-General to bring the present resolution to the attention of all Member States and seek their views and information on the implications and negative effects of unilateral coercive measures on their populations, and to submit a report thereon to the Commission on Human Rights at its fifty-sixth session;

10. Decides to examine this question, on a priority basis, at its fifty-sixth session under the same agenda item.

52nd meeting
23 April 1999

[Adopted by 37 votes to 10, with 6 abstentions.
See chap. X.]

1999/22. Effects of the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development

The Commission on Human Rights,

Recalling that the purpose of the Universal Declaration of Human Rights is the full promotion and protection of human rights and fundamental freedoms,

Reaffirming the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986, and the resolutions and decisions adopted by the United Nations in connection with the problem of the foreign debt of the developing countries, particularly Commission on Human Rights resolution 1998/24,

Bearing in mind that the absolute amounts attained by the foreign debt and debt service of the developing nations indicate the persistent seriousness of this situation, that the latest episodes of financial crisis in Asia and other regions have caused this situation to deteriorate further, and that the foreign debt burden is becoming increasingly unbearable for a considerable number of developing countries,

Aware that the serious problem of the foreign debt burden remains one of the most critical factors adversely affecting economic, social, scientific and technical development and living standards in many developing countries, with serious effects of a social nature,

Noting the inter-institutional meeting of the High Commissioner for Human Rights with the Secretary-General of the United Nations Conference on Trade and Development, the heads of the International Labour Organization, the World Health Organization and the World Trade Organization, representatives of the International Monetary Fund and the World Bank, other United Nations specialized agencies and the special rapporteurs or experts of the Commission dealing with foreign debt related issues;

Stressing that the economic globalization process creates new challenges, risks and uncertainties for the implementation and consolidation of development strategies,

Expressing its concern that, despite repeated rescheduling of debt, developing countries continue to pay out more each year than the actual amount they receive in official development assistance,

Acknowledging that, in spite of the fact that debt reduction schemes have helped reduce debt, many highly indebted poor countries are still left with the bulk of their debt,

Considering that the measures for alleviating the debt problem, of both official and private origin, have not achieved an effective, equitable, development-oriented and durable solution to the outstanding debt and debt service of a large number of developing countries, especially the poorest and heavily indebted countries,

Bearing in mind the relationship between the heavy foreign debt burden and the considerable increase in poverty which is apparent at the world level and is especially large in Africa,

Recognizing that the foreign debt constitutes one of the main obstacles preventing the developing countries from fully enjoying their right to development,

1. Stresses that the structural adjustment policies have serious implications for the ability of the developing countries to abide by the Declaration on the Right to Development and to formulate national development policies that aim to improve the economic, social and cultural rights of their citizens;

2. Also stresses the importance of continuing to implement immediate, effective and durable actions for alleviating the burdens of debt and debt-service of the developing countries with debt problems, in the framework of the realization of economic, social and cultural rights;

3. Affirms that the permanent solution to the foreign debt problem lies in the establishment of a just and equitable international economic order which guarantees the developing countries, inter alia, better market conditions and commodity prices, stabilization of exchange rates and interest rates, easier access to financial and capital markets, adequate flows of new financial resources and easier access to the technology of the developed countries;

4. Stresses the need for the economic programmes arising from the foreign debt to take account of the specific characteristics, conditions and needs of the debtor countries and the need to incorporate the social dimension of development;

5. Affirms that the exercise of the basic rights of the people of debtor countries to food, housing, clothing, employment, education, health services and a healthy environment cannot be subordinated to the implementation of structural adjustment policies and economic reforms arising from the debt;

6. Emphasizes the important need for initiatives on the foreign debt, in particular in the debt initiative for the heavily indebted poor countries and the decision of the Paris Club to go beyond the Naples terms, to be implemented completely and flexibly, and at the same time notes with concern the rigidity of the eligibility criteria approved by the international creditor community in the context of those initiatives, which is becoming a source of greater concern in the light of the latest symptoms of the international financial crisis;

7. Also emphasizes the need for new financial flows to debtor developing countries from all sources, in addition to debt relief measures that include debt cancellation, and urges creditor countries and the international financial institutions to increase concessional financial assistance on favourable terms, as a means of supporting the implementation of the economic reforms, combating poverty, and achieving sustained economic growth and sustainable development;

8. Requests the Special Rapporteur on the effects of foreign debt on the full enjoyment of economic, social and cultural rights to present an analytical report to the Commission, on an annual basis, on the implementation of the present resolution, paying particular attention to:

(a) The negative effects of the foreign debt and the policies adopted to face it on the full enjoyment of economic, social and cultural rights in developing countries;

(b) Measures taken by Governments, the private sector and international financial institutions to alleviate such effects in developing countries, especially the poorest and heavily indebted countries;

9. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance, in particular the staff and resources required to perform his functions;

10. Urges Governments, international organizations, international financial institutions, non-governmental organizations and the private sector to cooperate fully with the Special Rapporteur in the discharge of his mandate;

11. Calls upon Governments, international organizations, international financial institutions, non-governmental organizations, as well as the private sector, to take appropriate measures and action for the implementation of the commitments, agreements and decisions of the major United Nations conferences and summits organized since the beginning of the 1990s on developments related to the question of external debt;

12. Also calls upon Governments, international financial institutions and the private sector to consider the possibility of cancelling or reducing significantly the debt of the heavily-indebted poor countries, giving priority to countries emerging from devastating civil wars or that have been devastated by natural disasters;

13. Recognizes that there is a need for more transparency, participation by all States and consideration of the relevant resolutions of the Commission on Human Rights in the deliberations and activities of international and regional financial institutions;

14. Considers that, in order to find a durable solution to the debt problem, there is a need for a political dialogue between creditor and debtor countries within the United Nations system, based on the principle of shared interests and responsibilities;

15. Reiterates its request to the United Nations High Commissioner for Human Rights to pay particular attention to the problem of the debt burden of developing countries, in particular of the least developed countries, and especially the social impact of the measures arising from the foreign debt;

16. Decides to continue its consideration of this matter at its fifty-sixth session under the appropriate agenda item.

52nd meeting

23 April 1999

[Adopted by a roll-call vote of 30 votes to 15,
with 8 abstentions. See chap. X]
