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COMMISSION ON HUMAN RIGHTS  
Forty-ninth session  
Agenda item 27

SITUATION OF HUMAN RIGHTS IN THE TERRITORY  
OF THE FORMER YUGOSLAVIA

Australia, Austria, Belgium\*, Bulgaria, Canada, Costa Rica,  
Czech Republic, Denmark\*, Finland, France, Germany, Greece\*,  
Hungary\*, Iceland\*, Ireland\*, Italy\*, Japan, Luxembourg\*,  
Netherlands, Norway\*, Poland, Portugal, Romania, Rwanda\*,  
Slovak Republic\*, Spain\*, Sweden\*, Switzerland\*,  
United Kingdom of Great Britain and Northern Ireland  
and United States of America: draft resolution

1993/... Rape and abuse of women in the territory  
of the former Yugoslavia

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the

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

Child and international humanitarian law, including the Geneva Conventions of 12 August 1949 for the protection of war victims and the Additional Protocols thereto of 1977,

Appalled by reports of widespread rape and abuse of women, particularly Muslim women, and children in the former Yugoslavia, which indicate that this is part of a deliberate pattern, forming an important element of war strategy,

Reaffirming the relevant Security Council resolutions, in particular resolution 798 (1992) of 18 December 1992, which, inter alia, strongly condemned these acts of unspeakable brutality,

Recalling General Assembly resolution 47/147 of 18 December 1992 and its resolution 1992/S-2/1 of 1 December 1992 which, inter alia, condemned the systematic practice of rape,

Welcoming the initiatives taken by the Special Rapporteur on the situation of human rights in the former Yugoslavia, particularly his prompt dispatch of a team of female experts to the former Yugoslavia to investigate the allegations of rape and abuse of women,

Welcoming also the initiative of the European Council on the rapid dispatch of a delegation, led by Dame Anne Warburton, to investigate the treatment of Muslim women in the former Yugoslavia,

Noting with concern the findings of the team dispatched by the Special Rapporteur (E/CN.4/1993/50, annex II) and those of the European Community mission (S/25240),

Noting with appreciation the work of humanitarian organizations aimed at supporting the victims of rape and abuse and alleviating their suffering,

1. Strongly condemns the abhorrent practices of rape and abuse of women, particularly Muslim women, in the former Yugoslavia which, in the circumstances, constitute a war crime;
2. Demands that the parties involved cease immediately these outrageous acts, which are in breach of the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977 and take all necessary measures to ensure the enjoyment of human rights and fundamental freedoms in accordance with their obligations under these and other international human rights instruments;
3. Reaffirms that all persons who perpetrate or authorize crimes against humanity and other grave breaches of international humanitarian law are individually responsible for those breaches, that those in positions of

authority who fail adequately to ensure that persons under their control comply with the relevant international instruments are also accountable and that the international community will exert every effort to bring those responsible for such violations to justice, and, in this context, invites the Security Council to consider establishing an international criminal tribunal to try cases involving violations of international humanitarian law occurring within the territory of the former Yugoslavia;

4. Commends the Special Rapporteur for his latest report (E/CN.4/1993/50) on the situation of human rights in the former Yugoslavia containing, inter alia, the report of the team of experts on the rape and abuse of women;

5. Commends also the report of the European Community mission;

6. Expresses its grave concern at the detailed evidence in these reports of the rape and abuse of women;

7. Urges all States and all intergovernmental and non-governmental organizations concerned, including the United Nations Children's Fund, the United Nations High Commissioner for Refugees and the World Health Organization, to provide to the victims of rape and abuse appropriate assistance for their physical and mental rehabilitation;

8. Requests the Special Rapporteur to pursue the specific investigation of the rape and abuse of women in the territory of the former Yugoslavia, including the dispatch of a qualified team of female experts, to coordinate this task with the relevant thematic rapporteurs of the Commission and with the European Community mission, and to submit a further report to the Commission;

9. Requests the Secretary-General to provide such necessary means as are available to him in the area to enable any future missions to have free and secure access to places of detention;

10. Decides to remain seized of the matter.

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