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COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Fiftieth session
Agenda item 6

CONTEMPORARY FORMS OF SLAVERY

Mr. Yokota, Mr. Sang Yong Park, Mrs. Warzazi
and Mr. Weissbrodt: draft resolution

1998/... Systematic rape, sexual slavery and slavery-like
practices during armed conflict, including
internal armed conflict

The Sub-Commission on Prevention of Discrimination and Protection of
Minorities,

Recalling its resolution 1993/24 of 25 August 1993 and decision 1994/109
of 19 August 1994, establishing the mandate and the framework for the study on
systematic rape, sexual slavery and slavery-like practices during armed
conflict, including internal armed conflict, as well as Commission on Human
Rights decision 1994/103 of 4 March 1994,

Taking note in particular of its decision 1997/114 of 27 August 1998, in
which the Sub-Commission appointed Ms. Gay J. McDougall as Special Rapporteur
and asked her to complete the study and to submit it at the Sub-Commission's
fiftieth session,

Welcoming the Rome Statute of the International Criminal Court, adopted on 17 July 1998 at the United Nations Conference of Plenipotentiaries, which specifically recognizes that sexual violence and sexual slavery committed in the context of either an internal or an international armed conflict may constitute crimes against humanity and war crimes falling within the jurisdiction of the Court,

Encouraged that the Rome Statute of the International Criminal Court also devotes useful attention to the protection and rehabilitation of victims of sexual violence, along with significant protections for the collection of evidence and the testimony of witnesses in cases involving gender-related violence and sexual slavery,

Welcoming with great interest the final report of the Special Rapporteur on systematic rape, sexual slavery and slavery-like practices during armed conflict, including internal armed conflict (E/CN.4/Sub.2/1998/13),

1. Expresses its appreciation to the Special Rapporteur for having completed this study in a timely fashion and at a crucial point in the development of international criminal law;

2. Endorses the accepted view that regardless of whether sexual violence in armed conflict occurs on an apparently sporadic basis or as part of a comprehensive plan to attack and terrorize a targeted population, all acts of sexual violence, including all acts of rape and sexual slavery, must be condemned and prosecuted;

3. Reiterates the study's conclusion that the existing international legal frameworks of humanitarian law, human rights law and criminal law clearly prohibit and criminalize sexual violence and sexual slavery;

4. Strongly endorses the Special Rapporteur's call for national and international responses to the increasing occurrence during armed conflicts, including internal armed conflicts, of acts of sexual violence and sexual slavery;

5. Calls upon all States to enact and enforce legislation incorporating international criminal law into their municipal legal systems to allow for the effective prosecution as international crimes in municipal courts of all acts of sexual violence committed during armed conflict;

6. Also calls upon all States to consider enacting legislation as required by the Geneva Conventions of 12 August 1949 to provide jurisdiction

in their municipal courts for serious international crimes committed in other States, thereby increasing the potential venues in which acts of sexual violence may be prosecuted;

7. Affirms at the same time that all States must ensure that their legal systems at all levels conform to internationally accepted norms and are capable of adjudicating international crimes and administering justice without gender bias;

8. Recognizes the need to support and strengthen the ability of the International Criminal Court to prosecute all cases of sexual violence committed during armed conflicts as human rights and humanitarian law violations;

9. Reiterates that States must respect their international obligations to prosecute and compensate all victims of human rights and humanitarian law violations;

10. Welcomes the recommendation of the final report that it would be useful for the United Nations to organize an expert meeting in 1999 to adopt guidelines for the effective prosecution of international crimes of sexual violence at both national and international levels, with the participation of United Nations organs dealing with human rights, specialized agencies, members of the International Tribunal for Rwanda and the International Criminal Tribunal for the former Yugoslavia, a diverse group of legal practitioners representing the world's judicial systems, and relevant governmental and non-governmental organizations;

11. Requests the Secretary-General to transmit the final report of the Special Rapporteur to Governments, competent bodies of the United Nations, specialized agencies, regional intergovernmental organizations, the International Tribunal for Rwanda and the International Criminal Tribunal for the former Yugoslavia, and to the Assembly of States Parties of the International Criminal Court;

12. Recommends that the final report of the Special Rapporteur be published by the United Nations in all the official languages and widely distributed by the Office of the United Nations High Commissioner for Human Rights;

13. Requests that the Special Rapporteur's mandate be extended for another year and that Ms. McDougall, as Special Rapporteur, present an update

on recent developments with respect to her mandate at the fifty-first session of the Sub-Commission under the agenda item entitled "Contemporary forms of slavery";

14. Recommends the following draft decision to the Commission on Human Rights for adoption:

The Commission on Human Rights, taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1998/... of ... August 1998, approves the decision of the Sub-Commission to extend the mandate of Ms. Gay J. McDougall, as Special Rapporteur on systematic rape, sexual slavery and slavery-like practices during armed conflict, including internal armed conflict, for another year to present an update on developments with respect to her mandate at the fifty-first session of the Sub-Commission. The Commission recommends to the Economic and Social Council that the final report of the Special Rapporteur (E/CN.4/Sub.2/1998/13) be published in the official languages of the United Nations and widely disseminated. The Commission recommends to the Secretary-General that the final report be transmitted to Governments, competent bodies of the United Nations, specialized agencies, regional intergovernmental organizations, the International Tribunal for Rwanda and the International Criminal Tribunal for the former Yugoslavia, and to the Assembly of States Parties of the International Criminal Court.
