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COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion
and Protection of Human Rights
Fifty-third session
Agenda item 6

OTHER HUMAN RIGHTS ISSUES

**Mr. Bengoa, Ms. Daes, Mr. Fan, Mr. Gómez-Robledo Verduzco, Mr. Goonesekere,
Ms. Hampson, Mr. van Hoof, Mr. Joinet, Mr. Kartashkin, Mr. Ogurtsov,
Mr. Oloka-Onyango, Mr. Park, Mr. Pinheiro, Mr. Rodríguez-Cuadros,
and Mr. Sik Yuen: draft resolution**

2001/... Systematic rape, sexual slavery and slavery-like practices

The Sub-Commission on the Promotion and Protection of Human Rights,

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

Recalling also the final report of Ms. Gay J. McDougall, Special Rapporteur on systematic rape, sexual slavery and slavery-like practices during armed conflicts, including internal armed conflict (E/CN.4/Sub.2/1998/13), and the update thereto (E/CN.4/Sub.2/2000/21), submitted pursuant to its decision 1997/114 of 27 August 1997 and its resolution 1998/18 of 21 August 1998,

Recalling further its resolutions 1999/16 of 26 August 1999 and 2000/13 of 17 August 2000, in which it called upon the High Commissioner for Human Rights to monitor the implementation of those resolutions and submit a report to the Sub-Commission on the issue of systematic rape, sexual slavery and slavery-like practices in situations of ongoing conflict, including information on the status and implementation of the recommendations made by the Special Rapporteur in her final report and the update thereto,

Recalling the report of the United Nations High Commissioner for Human Rights on systematic rape, sexual slavery and slavery-like practices during armed conflicts (E/CN.4/Sub.2/2000/20),

Recalling also, that the Rome Statute of the International Criminal Court 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, war crimes and genocide falling within the jurisdiction of the Court,

Taking into consideration resolutions of the Commission on Human Rights on the elimination of violence against women, including resolution 2001/49 of 24 April 2001, in which the Commission emphasized the duty of Governments to refrain from engaging in violence against women and to exercise due diligence to prevent, investigate and punish acts of violence against women and to take appropriate and effective action concerning acts of violence against women and to provide access to just and effective remedies and specialized, including medical, assistance to victims,

Also taking into consideration the report of the Special Rapporteur on violence against women (E/CN.4/2001/73) submitted to the Commission on Human Rights, at its fifty-seventh session,

Mindful of its resolution 2001/1, in which it emphasizes the historic responsibility for slavery and colonialism and requests all countries concerned to take initiative which would assist, notably through debate on the basis of accurate information, in the raising of public awareness of the disastrous consequences of periods of slavery and colonialism,

1. *Welcomes* the work of the United Nations High Commissioner for Human Rights on systematic rape, sexual slavery and slavery-like practices, and takes note with appreciation of her report (E/CN.4/Sub.2/2001/29);

2. *Deeply concerned* that systematic rape, sexual slavery and slavery-like practices are still being used to humiliate civilians and military personnel, to destroy society and diminish

prospects for a peaceful resolution of conflicts and that the resulting severe physical and psychological trauma endanger not only personal recovery but post-conflict reconstruction of the whole society, as pointed out in the above-mentioned report;

3. *Recalls* that the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda have acknowledged in their judgements that rape and sexual enslavement constitute crimes against humanity and the crime of genocide;

4. *Reiterates* that States should provide effective criminal penalties and compensation for unremedied violations in order to end the cycle of impunity with regard to sexual violence committed during armed conflicts;

5. *Encourages* States to promote human rights education on the issues of systematic rape, sexual slavery and slavery-like practices during armed conflicts, paying special attention to the accuracy of textbooks with regard to historical events, with a view to preventing the recurrence of such violations;

6. *Calls upon* the High Commissioner for Human Rights to monitor the implementation of the present resolution, as well as of resolutions 2000/13 of 17 August 2000 and 1999/16 of 26 August 1999, and to submit a report to the Sub-Commission at its fifty-fourth session on the issues of systematic rape, sexual slavery and slavery-like practices during armed conflicts;

7. *Decides* to consider the issue under the same agenda item at its fifty-fourth session.
