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Human rights questions: human rights situations and reports of special rapporteurs and representatives

Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Canada, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Japan, Jordan, Latvia, Liechtenstein, Luxembourg, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, San Marino, Slovenia, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The situation of human rights in parts of South-Eastern Europe

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights,¹ the International Covenants on Human Rights,² the 1951 Convention relating to the Status of Refugees³ and its Protocol,⁴ the Convention on the Prevention and Punishment of the Crime of Genocide,⁵ the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,⁶ the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,⁷ the Guiding Principles on Internal Displacement,⁸ accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949,⁹ and, for participating States of the Organization for Security and Cooperation in Europe, the Helsinki Final Act,

Recalling all relevant resolutions on this subject, in particular Commission on Human Rights resolution 2001/12 of 18 April 2001,¹⁰ General Assembly resolution

¹ Resolution 217 A (III).

² Resolution 2200 A (XXI), annex.

³ United Nations, *Treaty Series*, vol. 189, No. 2545.

⁴ *Ibid.*, vol. 606, No. 8791.

⁵ Resolution 260 A (III).

⁶ Resolution 47/135, annex.

⁷ Resolution 36/55.

⁸ E/CN.4/1998/53/Add.2, annex.

⁹ United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

¹⁰ See *Official Records of the Economic and Social Council, 2001, Supplement No. 3 (E/2001/23)*, chap. II, sect. A.



55/113 of 4 December 2000, as well as all Security Council resolutions and statements,

Noting Security Council resolutions 1160 (1998) of 31 March 1998, 1199 (1998) of 23 September 1998, 1203 (1998) of 24 October 1998, 1239 (1999) of 14 May 1999, 1244 (1999) of 10 June 1999 and the general principles annexed thereto, 1345 (2001) of 21 March 2001, 1367 (2001) of 10 September 2001, all previous General Assembly resolutions on the subject, as well as the statement made on 24 March 1998 by the Chairman of the Commission on Human Rights at the fifty-fourth session of the Commission,¹¹ Commission on Human Rights resolutions 1998/79 of 22 April 1998,¹² 1999/2 of 13 April 1999,¹³ and 2000/26 of 18 April 2000¹⁴ and the report of the United Nations High Commissioner for Human Rights of 27 September 1999 on the situation of human rights in Kosovo,¹⁵ and noting also the interim report of 11 October 2001 of the Special Representative of the Commission on Human Rights on the situation of human rights in Bosnia and Herzegovina and the Federal Republic of Yugoslavia,¹⁶

Underlining the obligation of all authorities in the Federal Republic of Yugoslavia and all parties in Kosovo to cooperate fully in the implementation of Security Council resolution 1244 (1999) of 10 June 1999 and the general principles on a political solution to the Kosovo crisis adopted on 6 May 1999, annexed to that resolution, and welcoming the joint document signed on 5 November 2001 by the United Nations Interim Administration Mission in Kosovo and the Federal Republic of Yugoslavia,

Expressing its full support for, and encouraging efforts towards, the full implementation of commitments contained in the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"),¹⁷

1. *Emphasizes* the need to ensure respect for all human rights and fundamental freedoms, and to do everything possible to further the process of reconciliation and regional cooperation;

2. *Welcomes* all efforts by countries of the region to overcome the effects of past conflicts, and also the efforts of the international community, which have helped the countries of the region to make great strides towards peace and stability;

3. *Also welcomes* moves by all parties in the region to establish and maintain a constructive dialogue with their neighbours, an essential element of regional stability, and urges them to continue these efforts;

4. *Notes* that varying degrees of progress have been made in the human rights situation in all States, but that further additional efforts are required in several areas;

¹¹ Ibid., 1998, Supplement No. 3 (E/1998/23), chap. III, sect. E, para. 28.

¹² Ibid., chap. II, sect. A.

¹³ Ibid., 1999, chap. II, sect. A.

¹⁴ Ibid., 2000, chap. II, sect. A.

¹⁵ E/CN.4/2000/10.

¹⁶ A/56/460.

¹⁷ S/1995/999, annex.

5. *Taking note* of progress in the region, *encourages* further free, fair, inclusive and democratic elections throughout the region, as an important element of the rule of law and the promotion and protection of human rights;

6. *Urges* all parties to condemn ethnic violence and intolerance and to actively oppose, in a manner consistent with internationally recognized human rights standards, advocates or perpetrators of any form of violence as a means to secure peace and the protection of human rights and fundamental freedoms, and encourages parties to use dialogue to address their differences;

7. *Urges* all authorities in the region to cooperate fully with the International Tribunal for the Former Yugoslavia, and in particular to comply with their obligation to immediately arrest and transfer to the custody of the Tribunal all indicted persons, as well as to comply with requests by the Tribunal for access to information and witnesses;

8. *Emphasizes* the need to prevent and end violations of human rights, including cases of arbitrary detention, as well as the continued detention of political prisoners and cases of discrimination on the basis of ethnic origin, nationality, language or religion;

9. *Also emphasizes* the need for sustained progress on all issues which have an impact on the enjoyment of human rights, in particular, legal reform, impunity, protection of all persons belonging to minorities and the fight against organized crime and trafficking in persons;

10. *Stresses* the need for enhanced efforts to foster and effect the prompt and voluntary return and integration of displaced persons and refugees in safety and dignity;

11. *Underlines* the importance of consistent efforts to establish the fate of missing persons, and encourages all States and parties to provide information to organizations involved in this effort, including through the tracing mechanisms of the International Committee of the Red Cross, and to cooperate fully with organizations such as the International Committee and the International Commission on Missing Persons that are involved in this effort to determine the identities, whereabouts and fate of missing persons;

12. *Encourages* the United Nations High Commissioner for Human Rights, the United Nations High Commissioner for Refugees, the Organization for Security and Cooperation in Europe and the Council of Europe to enhance their cooperation in the region, including within the Stability Pact for South-Eastern Europe;

13. *Encourages* the international community to continue providing voluntary contributions to meet the pressing human rights and humanitarian needs of the region;

14. *Welcomes* the appointment of the Special Representative of the Commission on Human Rights on the situation of human rights in Bosnia and Herzegovina and the Federal Republic of Yugoslavia;

15. *Calls upon* all authorities and all concerned parties to cooperate fully with the Special Representative in carrying out his work.