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COMMISSION ON HUMAN RIGHTS
Fifty-eighth session
Agenda item 9

**QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS IN ANY PART OF THE WORLD**

**Austria, Belgium, Bulgaria*, Czech Republic, Denmark*, Estonia*, Finland*, France,
Germany, Greece*, Hungary*, Iceland*, Ireland*, Italy, Latvia*, Lithuania*,
Luxembourg*, Monaco*, Netherlands*, New Zealand*, Norway*, Pakistan,
Poland, Portugal, Romania*, Slovakia*, Slovenia*, Spain, Sweden, Switzerland*,
United Kingdom of Great Britain and Northern Ireland: draft resolution**

2002/... The situation of human rights in parts of south-eastern Europe

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, the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, the Convention on the Prevention and Punishment of the Crime of Genocide, the Guiding Principles on Internal Displacement, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the

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

principles and commitments undertaken by participating States of the Organization for Security and Co-operation in Europe, the Helsinki Final Act and accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949 for the protection of victims of war,

Recalling all relevant resolutions, statements and reports on this subject, in particular Commission on Human Rights resolution 2001/12 of 18 April 2001, General Assembly resolution 56/172 of 19 December 2001, the statement made on 24 March 1998 by the Chairman of the Commission on Human Rights at its fifty-fourth session, Commission resolutions 1998/79 of 22 April 1998, 1999/2 of 13 April 1999 and 2000/26 of 18 April 2000 and the report of the United Nations High Commissioner for Human Rights on the situation of human rights in Kosovo, Federal Republic of Yugoslavia, of 27 September 1999 (E/CN.4/2000/10),

Recalling 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 and 1244 (1999) of 10 June 1999 and the general principles annexed thereto, 1345 (2001) of 21 March 2001, 1367 (2001) of 10 September 2001, 1371 (2001) of 26 September 2001, 1387 (2002) of 15 January 2002 and 1396 (2002) of 5 March 2002,

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 called the "Peace Agreement") which, inter alia, committed the parties in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia to respect human rights fully, in particular the right of return of refugees and internally displaced persons,

Stressing the obligation of the authorities of the Federal Republic of Yugoslavia and of all parties in Kosovo to cooperate fully in the implementation of Security Council resolution 1244 (1999) of 10 June 1999 and of the general principles annexed thereto,

Recalling that at the Zagreb Summit on 24 November 2000 the States of the region endorsed the objectives and conditions of the European Union Stabilization and Association Process, stating in particular that democracy, reconciliation and regional cooperation were closely linked to the approach of each and every one of them to the European Union, and committed themselves to guarantee the democratic principles, to consolidate the rule of law and to respect human rights fully, especially the rights of persons belonging to national minorities,

1. *Stresses* the need to protect, promote and respect human rights and fundamental freedoms, to consolidate effective, functioning democratic institutions, to strengthen civil society and to promote regional reconciliation and cooperation;
2. *Welcomes* the progress made in the human rights situation in the region and the international contributions to promoting human rights;
3. *Urges* the States and parties of the region to undertake additional efforts to enforce effectively international human rights standards for persons belonging to national or ethnic, religious and linguistic minorities and in this regard welcomes the adoption of laws on minorities in some countries and urges those countries which have not yet adopted such laws to do so;
4. *Stresses* the need for further strengthening of cross-border efforts to foster the prompt and voluntary return of displaced persons and refugees in safety and dignity throughout the region;
5. *Condemns* the ethnically motivated violence - including the continued harassment - intolerance and discrimination against returning refugees and internally displaced persons;
6. *Calls upon* the authorities of the region to consolidate the rule of law by providing effective judicial mechanisms which protect the rights and fundamental freedoms of all citizens, regardless of their ethnic origin;
7. *Urges* all authorities in the region to cooperate fully with the International Criminal Tribunal for the Former Yugoslavia, as required by Security Council resolution 827 (1993) of 25 May 1993 and all subsequent relevant resolutions, and in particular to comply with their obligations to arrest immediately and transfer to the custody of the Tribunal all those indicted persons present in their territories or under their control, to give the International Criminal Tribunal for the Former Yugoslavia full access to eyewitnesses and archives and to guarantee adequate protection to victims and eyewitnesses;
8. *Reiterates its call* upon all States and parties to the Peace Agreement to ensure that the promotion and protection of human rights and fundamental freedoms and effective, functioning democratic institutions will be central elements in developing civilian structures consistent with the territorial integrity of all States in the region, within their internationally recognized borders, taking fully into account all relevant Security Council resolutions;

9. *Underlines* the importance of consistent efforts to establish the fate of missing persons and encourages all States and all parties to cooperate fully with the organizations involved in these efforts, especially the International Committee of the Red Cross and the International Commission on Missing Persons;

10. *Encourages* the international community to continue providing assistance to meet pressing human rights and humanitarian needs in the region;

11. *Welcomes* the report of the Special Representative of the Commission on the situation of human rights in Bosnia and Herzegovina and the Federal Republic of Yugoslavia (E/CN.4/2002/41), which reflects the commitment to and progress made on human rights and democratic principles in the countries covered by his mandate;

12. *Welcomes* the accession of Bosnia and Herzegovina to the Council of Europe and the adoption of the Electoral Law;

13. *Urges* the authorities of Bosnia and Herzegovina to complete fully and urgently the implementation of the Agreement on the Implementation of the Constituent Peoples Decision of the Constitutional Court of Bosnia and Herzegovina to secure equal treatment to all citizens regardless of their ethnic background, encourages them to strengthen central State institutions and calls on them, and particularly on the Republika Srpska authorities, to fully cooperate with the International Criminal Court for the Former Yugoslavia, as all these measures are decisive for lasting stabilization, reconciliation and return and integration of refugees and internally displaced persons;

14. *Welcomes* the adoption of the Federal Law on National and Ethnic Minorities by the Government of the Federal Republic of Yugoslavia and its accession to the Council of Europe Framework Convention for the Protection of National Minorities;

15. *Calls upon* the Yugoslav authorities to continue their efforts to fulfil the conditions for membership of the Council of Europe and encourages them to continue to make progress in ensuring respect for the rule of law and for the promotion and protection of human rights and fundamental freedoms, in particular by providing full cooperation to the International Criminal Tribunal for the Former Yugoslavia, re-establishing full civilian rule over the armed forces and respecting international standards of freedom of the media and public information;

16. *Welcomes* the decision by the Government of the Federal Republic of Yugoslavia to transfer ethnic Albanian prisoners from Kosovo to the custody of the United Nations Interim Administration Mission in Kosovo and calls on the Mission and the authorities in Belgrade to

make further concrete progress on the issues identified in the Common Document on cooperation between the United Nations Interim Administration Mission in Kosovo and the authorities of the Federal Republic of Yugoslavia signed on 5 November 2001, particularly the return of displaced persons to Kosovo and efforts to trace those still missing from all of the communities of Kosovo;

17. *Also welcomes* the establishment of provisional self-governing institutions and the progress concerning the rule of law in Kosovo as important steps towards the full implementation of Security Council resolution 1244 (1999) and the establishment of a democratic and multi-ethnic society in Kosovo, and to this end, encourages the newly elected authorities of Kosovo to pursue their mandate to the benefit of all the citizens of Kosovo, in cooperation with the United Nations Interim Administration Mission in Kosovo;

18. *Calls upon* Albanian political leaders from Kosovo and leaders of the Albanian community in southern Serbia publicly to support action against extremism and to use their influence to block support for extremists in Kosovo, in southern Serbia and in The former Yugoslav Republic of Macedonia as a means of securing peace and the protection of human rights;

19. *Decides* to extend for one year the mandate of the Special Representative of the Commission to examine the situation of human rights in Bosnia and Herzegovina and the Federal Republic of Yugoslavia;

20. *Requests* the Special Representative to report to the Commission at its fifty-ninth session;

21. *Calls upon* all Governments and all parties to cooperate fully with the Special Representative in carrying out his work;

22. *Decides* to consider this matter further at its fifty-ninth session.

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