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PROMOTION AND PROTECTION OF HUMAN RIGHTS

Argentina, Armenia, Austria*, Belgium*, Brazil, Burundi*, Congo, Costa Rica, Croatia*, Cyprus*, Czech Republic*, Denmark*, Ecuador, Estonia*, Finland, France, Germany, Greece*, Hungary, Iceland*, Ireland, Italy, Kenya, Latvia*, Lithuania*, Luxembourg*, Malta*, Mexico, Netherlands, Norway*, Poland*, Portugal*, Rwanda*, Serbia and Montenegro*, Slovakia*, Slovenia*, Spain*, Sweden*, Switzerland*, Ukraine, United Kingdom of Great Britain and Northern Ireland and Uruguay*: revised draft resolution

2005/... Convention on the Prevention and Punishment of the Crime of Genocide

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, as well as other relevant international instruments,

Recalling the adoption by the General Assembly of resolution 96 (I) of December 1946, which declares genocide to be a crime under international law and that the punishment of the crime of genocide is a matter of international concern,

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

Recalling also that States parties to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity of 26 November 1968 have agreed that no statutory limitation shall apply to such crimes,

Recalling further General Assembly resolution 53/43 of 2 December 1998 on the fiftieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide,

Recalling all its previous resolutions on the Convention, most recently resolution 2003/66 of 24 April 2003,

Acknowledging the establishment of the International Criminal Court in accordance with the Rome Statute of the International Criminal Court, and that genocide is defined in the Rome Statute among the most serious crimes of concern to the international community as a whole,

Deeply concerned about the occurrence in recent history of genocide, recognized as such by the international community, on the basis and as defined in the Convention on the Prevention and Punishment of the Crime of Genocide, and bearing in mind that serious and systematic violations of human rights and international humanitarian law might result in genocide,

Affirming that impunity for such crimes encourages their occurrence, and is a fundamental obstacle to the furtherance of cooperation among peoples and the promotion of international peace and security, and that fighting impunity for such crimes is an important factor in their prevention,

Recalling that it is the duty of every State, in accordance with its international obligations, to exercise its criminal jurisdiction over all those responsible for genocide,

Recognizing that effective functioning of mechanisms for the prevention, halting and punishment of the crime of genocide is essential for the liberation of humankind from such an odious scourge and that further international cooperation is required in this respect,

Welcoming in this regard the Stockholm International Forum: Preventing Genocide; Threats and Responsibilities, which took place from 26 to 28 January 2004, and the declaration of the Forum,

Recognizing the important contribution of the United Nations human rights machinery to efforts towards preventing situations in which the crime of genocide could be committed,

Welcoming in this regard the solemn commemoration of the International Day of Reflection on the 1994 Genocide in Rwanda, held on 7 April 2004 in Geneva, and the presence of the Secretary-General at the commemoration, during which he unveiled his Action Plan to Prevent Genocide,

1. *Reaffirms* the significance of the Convention on the Prevention and Punishment of the Crime of Genocide as an effective international instrument for the prevention and punishment of the crime of genocide;
2. *Expresses its appreciation* to all States that have ratified or acceded to the Convention, and in particular to the States that have done so in the years following the adoption of resolution 2003/66 of the Commission;
3. *Calls upon* States that have not yet ratified or acceded to the Convention to consider doing so and, where necessary, to enact national legislation in conformity with the provisions of the Convention;
4. *Stresses* the importance of enhanced international cooperation, including through the United Nations system and through regional organizations, aimed at fostering the principles enshrined in the Convention in order to prevent and end impunity for genocide, to deter the future occurrence of such crime in light of the overriding political, humanitarian and moral imperatives of the international community, as well as with a view to further promoting regional and international peace and stability and friendly relations among all States;
5. *Acknowledges* the relevance and importance of the Five Point Action Plan of the Secretary-General as a practical step aimed at enhancing the efforts of the international community to prevent the genocide;

6. *Welcomes* the appointment by the Secretary-General of a Special Adviser on the Prevention of Genocide, which bears significant potential for strengthening early warning mechanisms to prevent potential situations that could result in genocide;
7. *Requests* all Governments to cooperate fully with the Special Adviser in the performance of his work, to furnish all information requested and to react promptly to his urgent appeals;
8. *Encourages* the Special Adviser, in discharging his duties, to liaise with the United Nations system, in particular with the relevant special procedures of the Commission, on his activities for the prevention of genocide;
9. *Requests* the Secretary-General to make available to the Commission at its sixty-second session a report on the implementation of the Five Point Action Plan and on the activities of the Special Adviser and invites the Special Adviser to address the Commission at the same session and at the sixty-third session on the progress made in discharging his duties;
10. *Encourages* Governments, in cooperation with international, regional, as well as non-governmental organizations, to disseminate, through educational activities, knowledge of the principles of the Convention, inter alia those of its provisions relating to accountability;
11. *Invites* the Secretariat and relevant organs and agencies of the United Nations system to take further efforts in disseminating the Convention widely, with a view to ensuring its universality and full and comprehensive implementation;
12. *Decides* to examine the issue at its sixty-third session.
