



Recommendation 1204 (1993)¹

Creation of a transitional mechanism for the protection of human rights in European non-member states of the Council of Europe

Parliamentary Assembly

1. The Assembly declares its profound consternation at the massive and flagrant violations of human rights in the territory of the former Yugoslavia and at the perpetration of crimes against humanity such as the murder of innocent victims, concentration camps, torture, the systematic rape of women belonging to minority groups, and in particular to the Muslim population, as a deliberate means of destroying these minorities, "ethnic cleansing" and the deportation of entire populations.
2. The re-emerging currents of xenophobia and racism and racial and nationalist ideologies in Europe are endangering human rights to a degree not witnessed in western Europe since the second world war ; this in turn affects the fundamental values of democracy and the rule of law and may have fateful consequences both inside and outside Europe.
3. The Assembly considers that the Council of Europe's most important and urgent task, in the light of its vocation and experience, is above all to provide legal enforcement mechanisms in the field of human rights, something the Council of Europe, alone among European international organisations, is in a position to do.
4. It is aware of the particular responsibility which rests with the Council of Europe in relation to the protection of human rights throughout Europe and is convinced of the need to provide legal channels for dealing with violations of human rights committed in European nonmember states of the Organisation.
5. Reference should be made in this context to the proposal made by Lord Owen, Co-Chairman of the International Conference on Peace in Former Yugoslavia, on 3 October 1992, to set up ad hoc human rights protection machinery for European non-member states of the Council of Europe.
6. Attention should also be drawn to Assembly [Recommendation 1183 \(1992\)](#) on access by European non-member states to institutions operating under certain Council of Europe conventions relating to human rights, which originated in a discussion between the Parliamentary Assembly delegation and the heads of delegations at the CSCE Conference on the Human Dimension in Moscow in October 1991.
7. Attention should also be drawn to Assembly [Recommendation 1183 \(1992\)](#) on access by European non-member states to institutions operating under certain Council of Europe conventions relating to human rights, which originated in a discussion between the Parliamentary Assembly delegation and the heads of delegations at the CSCE Conference on the Human Dimension in Moscow in October 1991.
8. The gravity of the situation requires urgent action and consequently an unbureaucratic, rapid approach must be adopted and the existing experience made use of in an appropriate form. The rules of procedure for the transitional machinery should not be determined by the Committee of Ministers alone, but instead should as far as possible be left to the bodies acting within the framework of the new machinery.

1. Assembly debate on 3 February 1993 (26th Sitting) (see [Doc. 6743](#), report of the Committee on Legal Affairs and Human Rights, Rapporteur : Mrs Haller). Text adopted by the Assembly on 3 February 1993 (26th Sitting).



9. The Assembly also draws attention to [Recommendation 1189 \(1992\)](#) on the establishment of an international court to judge war crimes and notes with satisfaction the Committee of Ministers' Declaration of 11 September 1992 as well as the follow-up to this recommendation.
10. In conclusion, the Assembly recommends that the Committee of Ministers :
 - 10.1. create as a matter of urgency transitional human rights protection machinery for states that are members of the CSCE but not members of the Council of Europe, in keeping with the considerations set out in Document 6743 ;
 - 10.2. restrict the formal framing of rules of procedure for this transitional machinery to the minimum, leaving the establishment of the relevant informal procedural guidelines as far as possible to the subscribing states' human rights committees that will operate within the framework of this machinery ;
 - 10.3. ask the governments of the member states to intercede at the United Nations to ensure that emergency measures are taken to halt the massacre in Bosnia-Herzegovina and effectively protect the population against human rights violations, along with preventive measures to avoid these violations spreading to other parts of the territory ;
11. ask the governments of the member states to propose that a woman be appointed in the United Nations alongside Mr Mazowiecki, as Special Rapporteur on the inhuman and degrading treatment and rape of women in the former Yugoslavia and that a permanent working party be set up to study the whole issue of rape ;
12. do its utmost to give urgent attention to the Council of Europe's two other most pressing tasks :
 - a. more efficient organisation of the existing machinery under the European Convention on Human Rights as called for by the Parliamentary Assembly in [Recommendation 1194 \(1992\)](#) ;
 - b. creation of an additional protocol to the European Convention on Human Rights on the rights of national minorities, as the Parliamentary Assembly has already called for in Recommendations 1134 (1990), 1177 (1992) and 1201 (1993).