



**OFFICE OF THE HIGH COMMISSIONER FOR
HUMAN RIGHTS**



Situation of human rights in the Sudan

Commission on Human Rights resolution 2001/18

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments, and the duty to fulfil the obligations that they have undertaken under the various international instruments in this field,

Mindful that the Sudan is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the African Charter on Human and Peoples' Rights and the Geneva Conventions of 12 August 1949 for the protection of victims of war,

Recalling previous resolutions of the General Assembly and the Commission on Human Rights on the situation of human rights in the Sudan, most recently Commission resolution 2000/27 of 18 April 2000, and taking note of Assembly resolution 55/116 of 4 December 2000,

Welcoming the Peace Agreement of 1997 for the Sudan, the acceptance of the Declaration of Principles as a basis for negotiations and the renewal of the declaration of a comprehensive ceasefire in January 2000, while deeply concerned at the breakdown of the ceasefire in June 2000, at the impact of the continuing conflict in the Sudan between the Government of the Sudan and the Sudanese People's Liberation Army/Movement on the situation of human rights, and at the disregard by all parties to the conflict of relevant rules of international humanitarian law,

Aware of the urgent need for the Government of the Sudan to implement effective additional measures in the field of human rights and humanitarian relief to protect the civilian population from the effects of armed conflict,

Expressing its firm belief that progress towards a peaceful settlement of the conflict in southern Sudan within the context of the peace initiative of the Intergovernmental Authority on Development will greatly contribute to the creation of a better environment for the respect of human rights in the Sudan, and taking note of the initiative by Egypt and the Libyan Arab Jamahiriya for achieving a negotiated and lasting peace in the country,

1. *Welcomes:*

(a) The interim report of the former Special Rapporteur on the situation of human rights in the Sudan submitted to the General Assembly at its fifty-fifth session (A/55/374) and the recent appointment of a new Special Rapporteur;

(b) The full cooperation extended by the Government of the Sudan to the former Special Rapporteur and to the new Special Rapporteur during his visit to the Sudan in March 2001, as well as the cooperation extended to other United Nations mandate holders in the field of human rights;

(c) The technical cooperation agreement signed on 29 March 2000 by the Government of the Sudan and the Office of the United Nations High Commissioner for Human Rights, and the posting of an expert

from the Office to the Sudan, with the task of advising the Government on the development of national capacity to promote and protect human rights;

(d) The expressed commitment of the Government of the Sudan to respect and promote human rights and the rule of law and its expressed commitment to a process of democratization with a view to establishing a representative and accountable government, reflecting the aspirations of the people of the Sudan;

(e) The stipulation of basic human rights and freedoms in the Constitution of the Sudan, and the establishment of the Constitutional Court, which has been in operation since April 1999;

(f) The activities of the Committee for the Eradication of Abduction of Women and Children as a constructive response on the part of the Government of the Sudan, and the cooperation extended to the Committee by the local communities and the support of the international community and non-governmental organizations;

(g) The adoption of the Associations and Political Parties Act of 2000;

(h) The efforts to implement the right to education;

(i) Leniency measures by the Government of the Sudan which led to the release of a large number of imprisoned women;

(j) The shelter given by the Sudan to refugees;

(k) The repeated statements by the Government of the Sudan in favour of a global, lasting and effectively monitored ceasefire in southern Sudan;

(l) The specific initiatives towards national reconciliation, including amnesty for soldiers of the National Democratic Alliance;

(m) The measures taken by the Government of the Sudan which resulted in the return of opposition members;

(n) The recent appointment of members of several political parties to the Cabinet of Ministers;

(o) The cooperation extended by the Government of the Sudan and the Sudan People's Liberation Army/Movement to United Nations humanitarian agencies, including within the context of Operation Lifeline Sudan, to mitigate the effects of war on civilians, and emphasizes the need to strengthen further the support to United Nations humanitarian agencies;

(p) The invitation to the Representative of the Secretary-General on internally displaced persons and the readiness of the Government of the Sudan to facilitate his planned visit, as well as the commitment to continue the efforts to address the problem of internally displaced persons;

(q) The constructive dialogue on human rights issues between the Government of the Sudan and various concerned parties;

2. *Expresses its deep concern:*

(a) At the impact of the ongoing armed conflict on the situation of human rights and its adverse effect on the civilian population, in particular women and children, and at continuing serious violations of human rights, fundamental freedoms and international humanitarian law by all parties to the conflict, in particular:

(i) The occurrence of cases of summary or arbitrary execution resulting from armed conflicts between members of the armed forces and their allies and armed insurgent groups within the country, including the Sudanese People's Liberation Army/Movement;

- (ii) The occurrence, within the framework of the conflict in southern Sudan, of the use of children as soldiers and combatants, forced conscription by the Sudanese People's Liberation Army, forced displacement, arbitrary detention, torture and ill-treatment of civilians, and of still-unresolved cases of enforced or involuntary disappearances;
- (iii) The increasing number of internally displaced persons, in particular women and children, and the alleged harassment of these vulnerable groups;
- (iv) The abduction of women and children to be subjected to forced labour or similar conditions;
- (v) The widespread and indiscriminate aerial bombardments by the Government of the Sudan, particularly bombings of schools and hospitals, which seriously and repeatedly affect the civilian population and civilian installations;
- (vi) The use by the Sudanese People's Liberation Army of civilian premises for military purposes;
- (vii) The use of weapons, including landmines, and indiscriminate artillery shelling against the civilian population;

-

The forced displacements of populations, in particular in areas surrounding the oilfields, and notes the invitation extended by the Government of the Sudan to the Special Rapporteur to visit the oil-producing areas;

- The conditions, in contravention of humanitarian principles, imposed by the Sudanese People's Liberation Army on humanitarian organizations working in southern Sudan, which have seriously affected their safety and led to the withdrawal of many of them, with grave consequences on the already endangered situation of thousands of people living in areas under its control;
- The difficulties encountered by United Nations and humanitarian staff in carrying out their mandate because of harassment, indiscriminate aerial bombings and the reopening of hostilities;
- The attacks on and use of force against United Nations as well as humanitarian personnel, by the Sudanese People's Liberation Army;

(b) At continuing violations of human rights in areas under the control of the Government of the Sudan, in particular:

- (viii) Restrictions on the freedom of religion, as well as restrictions on freedom of expression, association and peaceful assembly;
- (ix) The arbitrary arrest and detention without trial, in particular of political opponents, human rights defenders and journalists, as well as acts of intimidation and harassment against the population by the security organs, and the provisional amendment, which came into force, in December 2000, of the National Security Forces Act, in which the period of detention without judicial review was extended to six months;
- (x) The detention in precarious conditions, use of torture, and violations of human rights by the security organs, intelligence agencies and the police, while encouraging the judiciary to exercise more control over such agencies;
- (xi) The extent of the use of most cruel forms of corporal punishment in contravention of human rights norms and standards;

3. *Urges* all parties to the continuing conflict in the Sudan:

(a) To respect and protect human rights and fundamental freedoms, to respect fully international humanitarian law, thereby facilitating the voluntary return, repatriation and reintegration of refugees and internally displaced persons to their homes, and to ensure that those responsible for violations of human rights and international humanitarian law are brought to justice;

(b) To take immediate steps in order to put in place a global, lasting and effectively monitored ceasefire as a first step towards a negotiated settlement to the conflict;

(c) To stop immediately the use of weapons, including landmines and indiscriminate artillery shelling, against the civilian population, which run counter to principles of international humanitarian law;

(d) In particular the Government of the Sudan, to cease immediately all indiscriminate aerial bombardments of the civilian population and civilian installations, including schools and hospitals, which runs counter to fundamental principles of human rights and humanitarian law;

(e) In particular the Sudanese People's Liberation Army, to abstain from using civilian premises for military purposes and misappropriating humanitarian assistance and diverting relief supplies, including food, from their civilian recipients;

(f) To grant full, safe and unhindered access to all international agencies and humanitarian organizations in order to facilitate by all possible means the delivery of humanitarian assistance, in conformity with international humanitarian law, to all civilians in need of protection and assistance, in particular in the Western Upper Nile, the Blue Nile State, Bahr-el-Ghazal and the Nuba Mountains, to continue to cooperate with the Office for the Coordination of Humanitarian Affairs and Operation Lifeline Sudan to deliver such assistance, and urges in particular the Sudanese People's Liberation Army to lift as soon as possible conditions it has imposed on the work of international agencies and humanitarian organizations;

(g) To resume the peace talks immediately and to engage in accelerated and sustained peace negotiations under the auspices of the Intergovernmental Authority on Development;

(h) Not to use or recruit children under the age of eighteen as soldiers, encourages the process of demobilization of child soldiers currently being undertaken by the Sudanese People's Liberation Army/Movement together with the United Nations Children's Fund, and urges the Sudanese People's Liberation Army/Movement not to use or recruit children under the age of eighteen as soldiers and to refrain from the practice of forced conscription;

(i) To fulfil their commitments concerning the protection of children affected by war, such as to cease the use of anti-personnel landmines and attacks on sites where there is usually a significant presence of children, as well as the abduction and exploitation of children, to advance the demobilization and reintegration of child soldiers and to ensure access to displaced and unaccompanied minors and reunify them with their families;

(j) To allow an independent investigation of the condemned murder of four Sudanese relief workers who were abducted on 18 February 1999 while travelling with a team from the International Committee of the Red Cross on a humanitarian mission and subsequently killed while in custody of the Sudanese People's Liberation Army/Movement, and urges the Sudanese People's Liberation Army/Movement to return their bodies to their families;

(k) To continue to cooperate with the peace efforts of the Intergovernmental Authority on Development and, in this context, urges the Sudanese People's Liberation Army/Movement to commit itself to a permanent ceasefire;

4. *Calls upon* the Government of the Sudan:

(a) To comply fully with its obligations under international human rights instruments to which the Sudan is a party and to promote and protect human rights and fundamental freedoms, as well as to respect its obligations under international humanitarian law;

(b) To ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(c) To undertake efforts towards signing and ratifying the Convention on the Elimination of All Forms of Discrimination against Women;

(d) To undertake efforts towards strengthening an environment which is more conducive to democratization and to improvements in the field of human rights by lifting the state of emergency;

(e) To strengthen its efforts to ensure the rule of law by bringing legislation more into line with the Constitution and into conformity with the applicable international human rights instruments to which the Sudan is a party, and to ensure that all individuals in its territory enjoy fully the rights recognized in those instruments;

(f) To liberalize the legal provisions on public order and to continue assimilation into a regular criminal justice system;

(g) To ensure full respect for freedom of religion and, in this respect, consult fully with religious leaders and other parties concerned when considering any new legislation on religious activities, and to remove obstacles to permission for the construction of religious buildings;

(h) To implement fully existing legislation, including the appeals procedures, that safeguards human rights and democracy, in particular the Associations and Political Parties Act;

(i) To raise the age of the criminal responsibility for children in order to take into account the observations of the Committee on the Rights of the Child;

(j) To implement the Standard Minimum Rules for the Treatment of Prisoners and to continue to give special consideration to imprisoned women and juveniles;

(k) To take all effective measures to end and to prevent all acts of torture and cruel, inhuman or degrading treatment, to ensure that all accused persons are held in ordinary custody and receive prompt, just and fair trials under internationally recognized standards, and to investigate all reported human rights violations, including acts of torture, brought to its attention and to bring to justice those responsible for these violations;

(l) To reinforce the action undertaken to prevent or stop abductions of women and children taking place within the framework of the conflict in southern Sudan, to bring to trial any persons suspected of supporting or participating in such activities and not cooperating with the efforts of the Committee for the Eradication of Abduction of Women and Children in addressing and preventing those activities, to facilitate the safe return of affected children to their families as a matter of priority and to take further measures to eradicate the practice, in particular through the Committee with which all concerned have the responsibility and the duty to cooperate;

(m) To make further efforts effectively to address the problem of internally displaced persons, including ensuring their access to effective protection and assistance;

(n) To ensure full respect for freedom of expression, opinion, thought, conscience and religion, as well as freedom of association and assembly, throughout the territory of the Sudan;

(o) To implement fully its commitment to the democratization process and the rule of law and to create, in this context, conditions that would allow for a democratization process that is genuine and wholly reflects the aspirations of the people of the country and ensures their full participation;

(p) To make further efforts to implement the commitment made to the Special Representative of the Secretary-General on the impact of armed conflict on children not to recruit children under the age of eighteen as soldiers;

5. *Urges* the relevant authorities to take all necessary measures to avoid and limit the most cruel forms of corporal punishment in particular by applying alternative punishment and taking into account attenuating circumstances to the maximum extent possible provided for in national legislation and consistent with international human rights norms and standards;

6. *Encourages* the Government of the Sudan to continue its cooperation with the United Nations in the field of human rights, through the Special Rapporteur and the Office of the United Nations High

Commissioner for Human Rights and its expert in Khartoum entrusted with the task of advising the Government on the development of national capacity to promote and protect human rights;

7. *Calls upon* the international community to expand its support for activities, in particular those of the Committee for the Eradication of Abduction of Women and Children, aimed at improving respect for human rights and humanitarian law;

8. *Decides:*

(a) To extend the mandate of the Special Rapporteur on the situation of human rights in the Sudan for a further year, and requests the Special Rapporteur to submit an interim report to the General Assembly at its fifty-sixth session and to report to the Commission at its fifty-eighth session on the situation of human rights in the Sudan and to continue to keep a gender perspective in mind in the reporting process;

(b) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully.

68th meeting

20 April 2001

[Adopted by a roll-call vote of 28 votes to none,
with 25 abstentions. .]