



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



**Situation of human rights in the Sudan**

**Commission on Human Rights resolution 1999/15**

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,

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 and the African Charter on Human and Peoples' Rights,

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 1998/67 of 21 April 1998, as well as Assembly resolution 53/1 O of 17 December 1998 on emergency assistance to the Sudan,

Welcoming the Peace Agreement of 1997, the acceptance of the Declaration of Principles as a basis for negotiations and the declaration of a comprehensive ceasefire on 5 April 1999, at the same time deeply concerned at the impact of the continuing conflict in the Sudan between the Government of the Sudan and the Sudan People's Liberation Movement/Army on the situation of human rights and at the disregard by all parties to the conflict of relevant rules of international humanitarian law,

Condemning the recent murder of four Sudanese relief workers while in the custody of the Sudan People's Liberation Army,

Aware of the urgent need for implementing effective 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 Inter-governmental Authority on Development peace initiative will greatly contribute to the creation of a better environment for the respect of human rights in the Sudan,

Pleased at the invitations extended by the Government of the Sudan to the Special Rapporteur on the situation of human rights in the Sudan, the Special Rapporteurs on religious intolerance and on freedom of opinion and expression and the Working Group on Contemporary Forms of Slavery,

1. Welcomes:

- (a) The report of the Special Rapporteur on the situation of human rights in the Sudan (E/CN.4/1999/38);
- (b) The recent visit by the Special Rapporteur to the Sudan at the invitation of the Government of the Sudan and the full cooperation extended by the Government of the Sudan;
- (c) 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 all people of the Sudan;
- (d) The stipulation of basic human rights and freedoms in the Constitution of the Sudan which entered into force on 1 July 1998;

- (e) The establishment of the Constitutional Court;
- (f) Reports of recent improvements regarding the freedom of expression and association;
- (g) Efforts to implement the right to education;
- (h) The liberation of political detainees by the Government of the Sudan;
- (i) The efforts to address the problem of internally displaced persons;
- (j) The recent visit by the Special Representative of the Secretary-General for children and armed conflict and the cooperation extended by the Government of the Sudan in this regard;
- (k) The commitment made by the Government of the Sudan to the Special Representative of the Secretary-General for children and armed conflict not to recruit children under the age of 18 as soldiers;

2. Expresses its deep concern:

(a) At the impact of the current 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 relevant provisions of international humanitarian law perpetrated by all parties to the conflict, in particular:

- (i) At the occurrence of cases of extrajudicial, summary or arbitrary executions resulting from armed conflicts between members of the armed forces and armed insurgent groups within the country;
- (ii) At the occurrence, within the framework of the conflict in southern Sudan, of cases of enforced or involuntary disappearance, the use of children as soldiers and combatants, forced conscription, forced displacement, arbitrary detention, torture and ill-treatment of civilians;
- (iii) At the abduction of women and children to be subjected to forced labour or similar conditions;
- (iv) At the use of weapons, including landmines, against the civilian population;

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

- (i) At the widespread occurrence of torture, and cases of arbitrary arrest and detention without trial, in particular of political opponents;
- (ii) At cases of severe restrictions on the freedom of religion and peaceful assembly;
- (iii) At the widespread intimidation of the population by the security organs;

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 international humanitarian law are brought to justice;

(b) To stop immediately the use of weapons, including landmines, against the civilian population, and in particular the Sudan People's Liberation Army, to abstain from using civilian premises for military purposes;

(c) To grant safe and unhindered access to international agencies and humanitarian organizations in order to facilitate by all means the delivery of humanitarian assistance to all civilians in need of protection and assistance, in particular in Bahr-el-Ghazal and in the Nuba Mountains, and to continue to cooperate with the Office for the Coordination of Humanitarian Affairs of the United Nations and Operation Lifeline Sudan to deliver such assistance;

(d) In particular the Sudan People's Liberation Army, to stop attacks on relief and humanitarian workers, urges the Sudan People's Liberation Army to permit a thorough investigation into the deaths of four Sudanese relief workers and expects it to return the bodies to their families;

(e) To continue to cooperate with the peace efforts of the Inter-governmental Authority on Development;

(f) In particular the Sudan People's Liberation Army, not to divert relief supplies, including food, from their civilian recipients;

(g) Not to use children under the age of 18 as soldiers, and urges the Sudan People's Liberation Army to undertake a similar commitment to that made by the Government of the Sudan to the Special Representative of the Secretary-General for children and armed conflict not to recruit children under the age of 18 as soldiers, and to refrain from the practice of forced conscription;

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 ensure the rule of law by bringing legislation more into line with the Constitution and the practice of law enforcement more into line with legislation;

(c) To continue its efforts to bring its national legislation into conformity with applicable international human rights instruments to which the Sudan is a party and to ensure that all individuals in its territory and subject to its jurisdiction enjoy fully the rights recognized in those instruments;

(d) To take all effective measures to end all acts of torture and cruel, inhuman or degrading treatment and ensure that all accused persons are held in ordinary custody and receive prompt, just and fair trials under internationally recognized standards, and investigate all reported acts of torture brought to its attention;

(e) To investigate reports of the abduction of women and children taking place in the framework of the conflict in southern Sudan, bring to trial any persons suspected of supporting or participating in such activities and facilitate the safe return of affected children to their families as a matter of priority, and to accept, inter alia, a multilateral investigation into the causes of the abduction of women and children subjected to forced labour or similar conditions, as well as ways and means to obtain the eradication of this practice;

(f) To stop immediately the indiscriminate aerial bombardment of civilian and humanitarian targets, including hospitals, which runs counter to fundamental principles of human rights and humanitarian law;

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

(h) 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;

(i) To comply with the commitment made to the Special Representative of the Secretary-General for children and armed conflict not to recruit children under the age of 18 as soldiers;

5. Encourages the Government of the Sudan to continue to pursue its dialogue with the Office of the United Nations High Commissioner for Human Rights with a view to establishing a permanent representation of the High Commissioner in Khartoum;

6. Calls upon the international community to expand its support for activities aimed at the improvement of respect for human rights and humanitarian law during the conflict;

7. 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-fourth session and to report to the Commission at its fifty-sixth 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;

(c) To request the Office of the United Nations High Commissioner for Human Rights urgently to take into consideration requests for assistance by the Government of the Sudan, including with a view to the establishment of a permanent representation of the High Commissioner for Human Rights in Khartoum as a matter of priority;

8. Recommends the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 5.]

51st meeting  
23 April 1999

[Adopted without a vote. See chap. IX.]