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COMMISSION ON HUMAN RIGHTS  
Fifty-ninth session  
Agenda item 9

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

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

**2003/... Situation of human rights in the Sudan**

*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 several international and regional human rights and humanitarian law instruments,

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

*Recalling* previous resolutions of the General Assembly and the Commission on the situation of human rights in the Sudan, as well as the relevant resolution of the Security Council,

*Expressing concern* about the human rights and humanitarian situation in the Sudan and the urgent need for protection of the civilian population from the effects of armed conflict,

*Noting with appreciation* the recent developments in the peace talks led by the Intergovernmental Authority on Development and expressing its firm belief that human rights should become a key element in the peace talks in view of the link between sustainable peace and respect for human rights,

*Expressing its firm belief* that a peaceful settlement of the conflict in the Sudan, which is a responsibility of all parties to the conflict, will greatly contribute to respect for human rights in the Sudan and will have a positive effect on the improvement of the economic and social conditions in the Sudan,

1. *Welcomes:*

(a) The Machakos Protocol of 20 July 2002 and the agreement by both parties to cessation of hostilities in all areas following the signature of the memorandum of understanding between the Government of the Sudan and the Sudan People's Liberation Movement/Army on the resumption of negotiations on peace in the Sudan that has been extended to 30 June 2003;

(b) The meeting between the President of the Republic of the Sudan and the Leader of the Sudan People's Liberation Movement/Army in Nairobi on 2 April 2003, at the invitation of the President of Kenya, and their commitment to put an end to the conflict and reach a final peace agreement by the end of June 2003, as well as the resumption of the peace talks between the Government and the Sudan People's Liberation Movement/Army on 7 April 2003;

(c) The report of the Special Rapporteur on the situation of human rights in the Sudan submitted to the General Assembly at its fifty-seventh session (A/57/326) and his report to the Commission at its present session (E/CN.4/2003/42), as well as the recommendations contained therein;

(d) The cooperation extended by the Government of the Sudan and the Sudan People's Liberation Movement/Army to the Special Rapporteur during his visits to the Sudan;

(e) The commitments made by the Government of the Sudan and the Sudan People's Liberation Movement/Army to enhance the rule of law and the enjoyment of all human rights;

(f) The establishment of the National Commission on International Humanitarian Law with the hope of ensuring the application of international humanitarian law in the Sudan and revising the national laws in accordance with international humanitarian law;

(g) Progress concerning the implementation of the principle of full, safe and unhindered access of all international agencies and humanitarian organizations in order to facilitate the delivery of humanitarian assistance, to all civilians in need of protection and assistance, following the signing of the relevant agreement between the Government, the Sudan People's Liberation Movement/Army and the United Nations in October 2002 and its renewal for one year;

(h) The cooperation extended by the Government of the Sudan to the Office of the United Nations High Commissioner for Human Rights and the programme of technical cooperation with government institutions and civil society organizations;

(i) The commitment of the Government of the Sudan and the Sudan People's Liberation Movement/Army to consider implementing the recommendations made in the report of the International Eminent Persons Group, issued on 22 May 2002, which investigated slavery, abduction and forced servitude in the Sudan;

(j) The commitment of the Government of the Sudan to eradicate the abduction of women and children and its funding of the work of the Committee for the Eradication of Abduction of Women and Children;

(k) The signing by the Government of the Sudan of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, as well as the measures taken and progress achieved in the protection and promotion of human rights in the Sudan, such as the further demobilization and repatriation of child soldiers and the capacity-building in the field of human rights and fundamental freedoms;

2. *Expresses concern at:*

(a) Continuing restrictions on freedom of thought, conscience, religion and belief, whilst noting the improvements following the signing of the Machakos Protocol;

(b) Restrictions on the freedoms of association, assembly, opinion and expression, and on political freedom;

3. *Expresses deep concern* at the continuing violations of human rights and international humanitarian law throughout the Sudan, within and outside the framework of the conflict, in particular:

(a) The occurrence of arbitrary arrest and detention, lack of rule of law, and the occurrence of torture and other cruel, inhuman or degrading forms of treatment or punishment, such as cross-amputation;

(b) Violations of the rights of women and girls, including female genital mutilation, and discrimination both in law, including customary law, and in practice;

(c) The use of the death penalty for crimes other than the most serious and in disregard of the obligations assumed by the Government of the Sudan under the International Covenant on Civil and Political Rights, bearing in mind the provisions of the United Nations Safeguards guaranteeing protection of the rights of those facing the death penalty, including the passing of death sentences without legal representation and summary executions;

(d) The deteriorating security situation in Darfur, including attacks against civilians, as well as the establishment of Special Courts and, in particular, the use of these courts to try children for certain crimes;

(e) The recruitment and use of children in armed conflict contrary to the international law, bearing in mind that under the Convention on the Rights of the Child and its Optional Protocol on the involvement of children in armed conflict children under 18 are entitled to special protection, as well as forced conscription, enforced or involuntary disappearances and involuntary or forced displacements;

(f) The occurrence of deliberate or indiscriminate attacks on civilian institutions and premises and the impact of the conflict on the civilian population;

(g) The ongoing plight of internally displaced persons in the Sudan, in particular women and children, and their lack of access to protection and assistance despite the growing awareness of the Government of the Sudan of this issue;

(h) The extension of the state of emergency until the end of 2003;

4. *Urges* all parties to the conflict:

(a) To continue to work for a comprehensive and lasting peaceful solution to the conflict that restores the rule of law and includes human rights safeguards;

(b) To respect and protect human rights and fundamental freedoms and to respect fully international humanitarian law;

(c) To continue to grant full, safe and unhindered access of all international agencies and humanitarian organizations in order to facilitate the delivery of humanitarian assistance, in conformity with international humanitarian law, to all civilians in need of protection and assistance, and to cooperate closely with the Office for the Coordination of Humanitarian Affairs and Operation Lifeline Sudan;

(d) Not to use or recruit children under the age of 18 as soldiers;

(e) To adhere to a total ban on anti-personnel mines and to act in accordance with the provisions of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction;

(f) To facilitate the return, repatriation and reintegration of refugees and internally displaced persons;

(g) To ensure that those responsible for violations of human rights and international humanitarian law are brought to justice;

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

(a) To comply fully with its obligations under the 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 take all effective measures to end and prevent violations of human rights, inter alia by signing and ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Elimination of All Forms of Discrimination against Women;

(c) To call for an end to impunity for human rights violations and to try perpetrators in accordance with the rule of law;

(d) To lift the state of emergency and to undertake further efforts to promote an environment conducive to democratization, and to ensure the rule of law and respect for human rights by bringing legislation more into line with the Constitution and into conformity with international human rights instruments;

(e) To ensure full respect for the prohibition of torture and cruel, inhuman or degrading treatment or punishment, the rights of women and the freedoms of religion and conscience, expression and opinion, association and assembly;

(f) To ensure that capital punishment will not be imposed for crimes other than the most serious and will not be pronounced in disregard of the obligations assumed under the International Covenant on Civil and Political Rights, and to bear in mind the provisions of the United Nations Safeguards guaranteeing the protection of the rights of those facing the death penalty;

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:

(a) To expand its support for activities aimed at improving respect for human rights and humanitarian law, including those of the Committee for the Eradication of Abduction of Women and Children, and to continue its support for the peace process in the Sudan;

(b) To expand the Office of the High Commissioner for Human Rights to include a monitoring role aimed at improving respect for human rights and humanitarian law and assisting in national capacity-building in the area of the promotion and protection of human rights;

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-eighth session and to report to the Commission at its sixtieth session on the situation of human rights in the Sudan;

(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;

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

“The Economic and Social Council, taking note of Commission on Human Rights resolution 2003/... of ... April 2003, endorses the Commission’s decision to extend the mandate of the Special Rapporteur on the situation of human rights in the Sudan for a further year and its request to the Special Rapporteur to submit an interim report to the General Assembly at its fifty-eighth session and to report to the Commission at its sixtieth session on the situation of human rights in the Sudan. The Council also endorses the Commission’s request to the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully.”

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