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COMMISSION ON HUMAN RIGHTS
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Agenda item 9

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

**Austria, Belgium*, Cyprus*, Czech Republic*, Denmark*, Estonia*,
Finland*, France, Germany, Greece*, Hungary, Ireland, Italy,
Lithuania*, Luxembourg*, Netherlands, Poland*, Portugal*, Slovakia*,
Slovenia*, Spain*, Sweden, United Kingdom of Great Britain and
Northern Ireland: draft resolution**

2004/... Situation of human rights in the Sudan

The Commission on Human Rights,

Mindful that the Sudan is a party to several international and regional human rights and humanitarian law instruments,

Welcoming the ongoing peace talks at Naivasha, Kenya, aiming at the conclusion of a comprehensive and lasting peace agreement and expressing its firm belief that human rights should be an integral part of such an agreement,

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

Welcoming also the talks that have commenced in N'djamena between the Government of the Sudan and rebel groups from Darfur aimed at reaching a ceasefire in Darfur and restoring stability to the region,

Expressing its firm belief that a peaceful settlement of the conflict in the Sudan, which is a responsibility of both parties to the peace talks, will greatly contribute to respect for human rights in the Sudan,

Expressing concern, nevertheless, at the human rights and humanitarian situation in the Sudan and the alarming situation in Darfur and stressing the urgent need to protect the civilian population from the effects of armed conflict,

1. *Welcomes:*

(a) The commitment of both the Government of the Sudan and the Sudan People's Liberation Movement/Army to the peace talks and the agreements reached at these talks in Machakos and Naivasha, Kenya, including on the renewal of the cessation of hostilities on 16 February 2004;

(b) The establishment of the National Commission on the Application of International Humanitarian Law;

(c) 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;

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

2. *Expresses deep concern* at the grave violations of human rights and international humanitarian law in Darfur, in particular, reports of systematic attacks on civilians, targeting of villages and centres for internally displaced persons and of civilians by Janjaweed militia

groups; the removal by force of, inter alia, Fur, Zaghawa and Masalit communities from their villages; the lack of adequate protection of and assistance to civilians by the Government of the Sudan and the widespread recourse to rape and other forms of sexual violence, including against children, as a means of warfare in violation of both human rights law and international humanitarian law;

3. *Also expresses deep concern at:*

(a) Violations of the rights of women and girls, inter alia through sexual violence, including rape and sexual assault, female genital mutilation, as well as through discrimination both in law, including customary law, and in practice;

(b) Continuing restrictions on freedom of thought, conscience, religion and belief, whilst noting some improvements over the last two years;

(c) Restrictions on freedom of association, assembly, opinion and expression and political freedom;

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

(e) The abduction of men, women and children in the Sudan, including the abduction of children for use as child soldiers;

4. *Urges* all the parties to declare an immediate ceasefire in Darfur and to allow immediate humanitarian access to internally displaced persons and ensure that all attacks against civilians are stopped with immediate effect and to reach a political settlement to the dispute;

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

(a) To actively promote and protect human rights and international humanitarian law throughout the Sudan, within and outside the framework of the ongoing peace talks in Naivasha;

(b) To ensure that all attacks against civilians in Darfur are stopped with immediate effect, these attacks having led to grave violations of human rights and to the forced

depopulation of entire areas in the region, and to cease all support, including the provision of supplies, to the Janjaweed militia, further aggravating the most precarious situation of internally displaced persons in the region;

(c) To provide the necessary support to all international agencies and humanitarian organizations in order to ensure immediate, full, safe and unhindered access in Darfur and elsewhere in the Sudan aimed at delivering humanitarian assistance to all civilians in need and to cooperate closely with the United Nations Office for the Coordination of Humanitarian Affairs and Operation Lifeline Sudan, as a further sign of consolidation of the progress already achieved in many regions;

(d) To take measures to prevent the occurrence of arbitrary arrest and detention, torture and other cruel, inhuman or degrading forms of treatment or punishment, including ratifying the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, and to promote the rule of law throughout the Sudan;

(e) To respect and promote the full enjoyment of all human rights by women and to take special measures to protect women and children from sexual and all other forms of violence;

6. *Urges* the parties to the peace talks in Naivasha:

(a) To continue to work towards a comprehensive and lasting peace agreement that includes human rights safeguards;

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

(c) To ensure the full participation of women, as well as to meet the special needs of women and girls, in all phases of conflict resolution, including the peace process, peacekeeping and peace-building;

(d) To end the recruitment and use of children under the age of 18 as soldiers;

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

7. *Calls upon* the international community:

- (a) To expand its support for the activities aimed at improving respect for human rights and humanitarian law and to continue its support for the peace process in the Sudan;
- (b) To expand the Office of the United Nations High Commissioner for Human Rights in Khartoum 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 appoint a Special Rapporteur on the situation of human rights in the Sudan for one year and requests the Special Rapporteur to submit an interim report to the General Assembly at its fifty-ninth session and to report to the Commission on Human Rights at its sixty-first session on the situation of human rights in the Sudan;
- (b) To request the Secretary-General to provide all necessary assistance to the Special Rapporteur to enable him/her to discharge his/her mandate fully;
- (c) To consider the question at its sixty-first session under the same agenda item;

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 2004/ ... of ... April 2004, endorses the Commission’s decision to appoint a Special Rapporteur on human rights in the Sudan for one year and requests the Special Rapporteur submit an interim report to the General Assembly at its fifty-ninth session and to report to the Commission on Human Rights at its sixty-first session on the situation of human rights in the Sudan.

“The Council also endorses the Commission’s request to the Secretary-General to provide all necessary assistance to the Special Rapporteur to enable him/her to discharge the mandate fully.”
