



Human Rights Council

Eleventh Session

Resolution 11/10. Situation of human rights in the Sudan

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and other relevant human rights instruments,

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 international human rights instruments,

Recalling its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

Reaffirming Commission on Human Rights resolution 2005/82 of 21 April 2005, and Council resolutions 6/34 and 6/35 of 14 December 2007, 7/16 of 27 March 2008 and 9/17 of 24 September 2008, and calling on the Government of the Sudan to continue and intensify its efforts to implement them,

Recalling that, in its resolution 5/1, the Council stipulated that the review, rationalization and improvement of mandates, as well as the creation of new ones, must be guided by the principles of universality, impartiality, objectivity and non-selectivity, thereupon leading to constructive international dialogue and cooperation, with a view to enhancing the promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development,

Stressing that resolution 5/1 also provides that every effort should be made to avoid unnecessary duplication,

Recalling that the founding principles of the Council are objectivity, non-selectivity and the elimination of double standards and politicization,

1. *Takes note* of the reports of the Special Rapporteur on the situation of human rights in the Sudan (A/HRC/11/14) and on the status of implementation of the recommendations compiled by the Group of Experts on Darfur (A/HRC/11/14/Add.1);

2. *Acknowledges* the progress made in the implementation of the Comprehensive Peace Agreement and the steps taken by the Government of National Unity to strengthen the human rights legal and institutional framework, principally in law reform, and urges the Government to intensify those efforts;

3. *Also acknowledges* the decision of the Government of National Unity to hold general elections in February 2010, in accordance with the provisions of the Comprehensive Peace Agreement, and expresses its hope that the elections will lead to the democratic and peaceful devolution of power;

4. *Calls on* the Government of National Unity to continue and intensify its efforts for the promotion and protection of human rights by taking all possible concrete steps to improve the human rights situation;

5. *Stresses* the primary responsibility of the Government of National Unity to protect all its citizens;

6. *Welcomes* the initial measures taken by the Government of National Unity to implement the recommendations of the Group of Experts and to address human rights concerns, including the deployment of police personnel in Darfur and the sentencing of several perpetrators of serious violations of human rights, but notes that a number of the recommendations have not yet been implemented;

7. *Reiterates* its call upon the signatories of the Darfur Peace Agreement to comply with their obligations under the Agreement, and calls upon non-signatory parties to join in and to commit themselves to the peace process in compliance with relevant United Nations resolutions;

8. *Recalls* that the Darfur Peace Agreement stipulates the principles of enhancing accountability and preventing impunity;

9. *Commends* the completion of the nationwide population census as a prerequisite condition for holding national general elections;

10. *Welcomes* the submission by the Government of National Unity on the Abyei dispute to the Permanent Court of Arbitration;

11. *Notes with appreciation* that the Government of National Unity has approved the deployment of more than seventy-five human rights monitors all over the country;

12. *Welcomes* the invitation of the Government of National Unity to the United Nations High Commissioner for Human Rights to visit the country;

13. *Takes note* of the press statement on the consultative meeting between the Government of National Unity, the African Union, the League of Arab States and the Organization of the Islamic Conference, in which they took note of, inter alia, the reports of the African Union-United Nations Hybrid Operation in Darfur;

14. *Also takes note* of the communications, requests, statements and reports issued by the High Commissioner for Human Rights, the Office of the High Commissioner and thematic mandate holders concerning human rights in the Sudan;

15. *Notes* that the terms of reference of the Human Rights Forum include:

(a) To inform the Government of National Unity in a systematic and timely manner on human rights violations in Darfur identified by the Human Rights Component of the African Union-United Nations Hybrid Operation in Darfur;

(b) To seek the best possible means to end human rights violations in Darfur and to identify ways and means to improve the human rights situation in Darfur;

(c) To provide a forum to discuss projects, activities or initiatives undertaken by the African Union-United Nations Hybrid Operation in Darfur, the Government of National Unity and other actors which support the Government in addressing human rights concerns;

(d) To provide an open and constructive forum for the discussion of the Government's implementation of the recommendations of the Group of Experts on Darfur;

(e) To obtain support for initiatives aimed at addressing human rights concerns;

16. *Invites* the Office of the High Commissioner to engage itself through the appropriate components of the Forum in following and verifying the human rights situation in Darfur in order to inform the Council on the situation of human rights in the Sudan, as appropriate;

17. *Requests* the Office of the High Commissioner to identify specific priority areas for technical assistance and to evaluate where the Government of National Unity needs technical and financial assistance;

18. *Recognizes* the work of the African Union and existing mechanisms, and calls for greater coordination and elimination of duplication;

19. *Decides* to create the mandate of independent expert on the situation of human rights in the Sudan for a period of one year, who shall assume the mandate and responsibilities set out by the Council in its resolutions 6/34, 6/35, 7/16 and 9/17, requests the independent expert to engage with the newly created human rights forums in the Sudan as well as the human rights sections of the African Union, the United Nations Mission in the Sudan and the African Union-United Nations Hybrid Operation in Darfur and to submit a report to the Council for consideration at its fourteenth session, and requests the Secretary-General to provide the independent expert with all necessary assistance to discharge the mandate fully.

20. *Expresses* its conviction that various human rights mechanisms, by securing the cooperating and fostering dialogue with the Government of National Unity, can effectively and sustainably realize the objective of promotion and protection of human rights in the country, and notes in this context the value of the mechanisms of the universal periodic review.

*29th meeting
18 June 2009*

[Adopted by a recorded vote of 20 to 18, with 9 abstentions. The voting was as follows:

In favour: Argentina, Bosnia and Herzegovina, Brazil, Canada, Chile, France, Germany, Italy, Japan, Mauritius, Mexico, Netherlands, Republic of Korea, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia;

Against: Azerbaijan, Bahrain, Bangladesh, Cameroon, China, Cuba, Djibouti, Egypt, Indonesia, Jordan, Malaysia, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, South Africa;

Abstaining: Angola, Bolivia (Plurinational State of), Burkina Faso, Gabon, Ghana, India, Madagascar, Nicaragua, Senegal.]
