

a. Scope of international obligations

1. During the first cycle review, Sudan gave affirmative replies to recommendations calling for the ratification of the OP-ICESCR, the ICCPR-OP, the ICCPR-OP2 and the CEDAW but due to lack of political will no steps were taken.
2. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment must be ratified with genuine implementation on the ground, given the common practice of torture with more focus on politicians leaders particularly from Darfur, Nuba Mountains and Blue Nile areas.

Recommendations:

3. Accede to core international human rights treaties and their Optional Protocols aiming at advancing the human rights situation on the ground and review national legislation in light of their provisions to eliminate all repressive laws; i.e. discrimination against women and practices of Female Genital Mutilation(FGM).

b. Constitutional and legislative framework

4. During the review, particular attention was given on non-compliance of legislation to Interim Constitution¹ and the GoS was called to adjust its national legislation. Yet, the evidence reflects that more than 65 laws are in clear contradiction with the current interim Constitution.
5. Women rights are further exacerbated given the Personal Code, the Public Act in Khartoum state and the Criminal law which clearly state the Government's vision and policies for subordinating women.
6. Despite the launching of Child Law 2014, that defines the legal age of children 18, the Personal Code indicates that the age of child marriage is 14 years. The latter causes more abuse of child and girls rights; the child girls face many difficulties to use their right to marriage and the phenomenon of girl's early marriage creates severe health complications and violations for their reproductive health rights.

Recommendations:

7. Revise all discriminatory legislative framework and with the ratification of core human rights treaties fulfill the obligations arising from them.

c. Institutional and human rights infrastructure

8. The lack of national mechanisms was elaborated during the first review; Sudan accepted related recommendations to advance institutional infrastructure. Yet lack of effective policies and adequate resources remain a challenge.
9. Violence against women (VAW) is common in Sudan, that requires the adoption of a national strategy to combat VAW and appropriate legislative framework in line with international human rights standards. Accordingly as the Special Rapporteur Rashida Manjoo stressed; that the internal conflict cannot justify this violence.²

Recommendations:

10. Strengthen the legislative framework and institutional mechanisms; including in fight against discrimination and VAW, allocate necessary financial and human resources to ensure effective implementation of the mandates of various human rights mechanisms already established.

d. Freedom of expression, association and peaceful assembly and right to participate in public and political life

11. While the GoS accepted recommendations calling for the respect to freedom of expression, association and assembly violations persist with repressive laws and restrictive

¹ Including National Security Act (2010), Press and Printing Act (2009), Volunteer and Humanitarian Work Act (2006), Criminal Code

² <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15940&LangID=E>

practices including impediments on freedom of expression, opinion and association include the cases of fatal shootings and injuries during the September 2013 oil-subsidy demonstrations in Khartoum; the fatal shooting of a University of Khartoum student during a rally on the university campus on 10 March 2014; the arrests and detentions of opposition political leaders and youth activists between March and June 2014; confiscation of newspapers by security agents³.

12. In contradiction with the Bill of Rights included in the Constitution, and the law of organizing the political activities in April 2014 the President issued a decree that reads “No political party has the right to hold meetings and conferences inside their areas without first obtaining permission from the relevant authorities.”

13. Sudan ranks 174 out of 180 countries in the 2015 World Press Freedom Index while the Sudanese print media continue to face confiscation by the National Intelligence and Security Service. On 16 February 2015 14 newspapers⁴ have been seized by the order of NISS and in 25 May 2015 NISS seized 10 newspapers after printing.

14. In December 2014, NISS arrested the head of Sudanese Civil Society Confederation(SCSCO)- a consortium for group of civil society organization- and the head of the opposition parties alliance, and they have been trialed in 23 February 2015 accused by crimes against state, due to signing the “Sudan Call” Declaration with armed opposition groups (SRF); the declaration calls for the cease-fire and find a peaceful settlement for conflict in Sudan.

15. The constitutional amendments approved by the parliament on 4 January 2015, allowed the President the right to recruit the governors of states rather than electing them, moreover the Article 151 of the National Security Law has been amended to include additional specializations to NISS, such as forming the official troops.

16. The human rights organizations faced difficulties to trial any of those responsible for the killing of peaceful protesters in September 2013 demonstrations, and failed to open cases against them, due to the refusal of the Security authorities to issue the death certificate⁵. On the other hand, the report⁶ issued by the Office of the Chief Prosecutor of Khartoum State on September 2013 violations is found to be short of providing evidence of a thorough and independent investigation.

17. Despite the accepted recommendations on continuing engagement with international community, GoS took restrictive measures that hinder international support, including that of International Committee of Red Cross (ICRC). The GoS suspended the ICRC mission in February 2014 with “technical and administrative reasons” while country’s need for assistance in reducing its humanitarian deficits remains apparent. Incidents restricting international community work in the country include as well the expel of the UN Population Fund country chief⁷ and the closure of Medical Emergency Relief International (a British organization) offices in Elgenena in west Darfur that provides humanitarian assistance to IDPs and has operated Sudan since 1997.

18. Similarly, despite the acceptance to the call to cooperate fully with UNAMID; the decision of the Government which call UNAMID mission to leave the country remains as a serious concern that will affect the people on the ground negatively. They will face further insecurity and deterioration of their human rights conditions, particularly women at IDPs camps as more than 65 households are headed by them.

Recommendations:

³ These violations were also documented by the Independent Expert on human rights situation in Sudan in his last visit to Sudan. http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session27/Documents/A.HRC.27.69_AEV.doc

⁴ The newspapers seized were Al-Tayar, Al-Rai al-Aam, Al-Intibaha, Akhir Lahza, Al-Ahram al-Youm, Awal al-Nahar, Al-Watan, Al-Sudani, Alwan, Al-Saiha, Al-Mijhar al-Siyasi, Al-Dar, and Hikayat

⁵ The death certificate should include the reasons of death.

⁶ A brief report on the acts of violence of September 2013 presented to the Independent Expert

⁷ Noted by Sudanese Ministry of Foreign Affairs that she was not abiding by the country’s laws [and] interfering in the country’s domestic affairs in a manner that is inconsistent with her status as a U.N. official. See more at <https://www.devex.com/news/unfpa-chief-s-expulsion-another-humanitarian-crackdown-in-sudan-83290>

19. Lift suspensions and restrictive measures taken hindering the humanitarian services undertaken by the international community in Sudan; ensure unblocking the routes for humanitarian assistance in Nuba mountains and Blue Nile and give an halt to further regressive measures in cooperation with international community.

20. Fully respect to freedom of expression, opinion and association ensuring that Sudanese security agents refrain from arbitrary arrests and detentions, press censorship

21. Ensure an enabling environment in which civil society organizations can operate freely and that their right to freedom of assembly and expression are fully respected

22. Ensure accountability with an independent judicial enquiry into the killings and other human rights violations that occurred during the September 2013 demonstrations.

e. Administration of justice, including impunity, and the rule of law

23. In June 2013 the Parliament approved amendments on the Sudanese Forces law, that allows to trial civilians before the military court.

24. In January 2014 Saied Mohamed Alawad, a student at University of Khartoum has been arrested along with his mother and trialed before the military court, due to accusations of collaborations with SRF, based on his refusal to displace out of his village in Nuba Mountains.

Recommendations:

25. Introduce legislative measures to strengthen rule of law; review the amendments expanding the role of military courts ensuring fair trial guarantees and limiting the jurisdiction of military courts

f. The right to adequate standard of living

26. Although the GoS showed its commitment to eradicate poverty by accepting all poverty-related recommendations, poverty as a multidimensional problem continues; half of Sudan's population living below the poverty line and with an increase of the percentage of poor people in the capital Khartoum at least 25%⁸.

27. The assessment of human development shows the worsening situation in Sudan; Sudan moving from 154th in 2010 to 166th in 2014.⁹ Yet, "Sudan fares worse on the non-income dimensions of the HDI than on the income dimensions and expanding access to basic services and infrastructure along with improving the quality of these services is an important area of focus for improving the status of Human Development in Sudan."¹⁰ This requires GoS to commit to ensure the allocation of maximum available resources for realization of economic and social rights, yet the distribution of the national budget for 2015 shows that the departments of defense, police and security take 78% of the total budget compared to 7% only for the departments of agriculture, health, industry and education.

28. The Sudanese pound has lost 100% of its value and the inflation rates are at pressuring levels; according to Central Bureau of Statistic the inflation rate rose to 23.3% in April 2015. The increase of cost of living severely felt by the poor population, including their access to food.

29. The fiscal austerity measures introduced in June 2012, following the secession, including wide ranging government cuts, with a reduction in transfers to states-where many of Sudan's poorest live; tax increases; and a phased lifting of subsidies on fuel, wheat and sugar had an intensely negative impact on the daily lives of the majority of Sudanese people.¹¹

Recommendations:

30. Adopt a holistic approach to development and a national strategy for protecting and developing productive sectors including agriculture, industry and services;

⁸ <http://www.sudantribune.com/spip.php?article50828>

⁹ According to Human Development Index

¹⁰ Read more at

http://www.sd.undp.org/content/dam/sudan/docs/policy_roundtable/doc/amend/UNDP%20%20Macroeconomic%20Update%2016%20April%202014.pdf

¹¹ ibid

31. Adopt a new and comprehensive approach to poverty reduction addressing root causes of inequalities at various levels, enhancing national productive sectors for employment generation; revision of redistribution policies and adoption of social policies that put people's economic and social rights at the forefront.

g. The right to work

32. While the first cycle review focused on the child labor issue in Sudan, other problems violating the right to work were not addressed; including that labor market is weak, informal with unsystematic role for the labor union or workers associations, weak social security system and social protection for workers, lack of unemployment insurance, weak and inefficient regulations¹².

33. Unemployment among youth (15-24) shows a rising trend from 23.6% in 2010 to 24.5% in 2013, and requires effective employment generation policies tackling both transitional unemployment, structural unemployment (supply-demand of job) and seasonal unemployment in Sudan¹³.

34. Given the decrease in allocation of resources to education and health sector, the challenge for addressing unemployment exacerbates; as the "population deprived of education and healthcare means a population that is less fit and less skilled."¹⁴

35. While agriculture remains as the main source of income and employment in Sudan, hiring over 80% of Sudanese and making up a third of the economic sector, privatization of land, foreign investments in agriculture with lack of transparency, prior and informed consent of local communities violate farmers rights and endangers employment of next generations depending on that land.¹⁵

Recommendations:

36. Adopt a development strategy prioritizing enhancing productive sectors, ensuring sustainable employment generation and tackling unfair wealth distribution and limited social protection system.

37. Prioritize the adoption of a national employment policy and targets but do not consider employment as a residual outcome of growth and as "simply pursuing a "reduction in unemployment" by a certain percentage ...given the gender and age divides, the incidence of vulnerable employment, the limited availability of social protection and safety nets, and the fact that the bulk of employment is being generated in the informal economy"¹⁶.

g. Right to education

38. Sudan accepted all recommendations with regard to the right to education in its first cycle review. Nevertheless, significant challenges remain for ensuring universal access and quality education in the country, including the spread of poverty causing deprivation of children from poor families to attend school up to the end of the education cycle; the pressing need for children to contribute to household income, particularly in rural areas; the war, along with the devastation of HIV/AIDS which caused many children remain as orphans and head of households that are less likely to attend school and more likely to drop out if already enrolled; the large-scale rehabilitation and reconstruction needs for school facilities accompanied by shortage and inadequacy of the amount of funding for education¹⁷.

¹² Sudan Country Programming Framework (2012-2016), by FAO available at <http://ftp.fao.org/TC/CPF/Countries/Sudan/CPF/SudandraftApril2012.pdf>

¹³ Read more at ANND Arab Watch Report 2012

¹⁴ Ibid.

¹⁵ On 14 February 2013, 78 small farms owners were arrested as a result of accusing the government of stealing their land and sell it to foreign investors without their consent, consultation, or any understandings or respect for their humanity. Local newspapers reported that Sennar state has confiscated some 415,000 acres of land from farmers unlawfully without any financial compensation. Read more at Land Grab in Sudan, Ahmed Elzobier, presented at the The Annual Symposium and AGM of the Sudan Studies Society of the United Kingdom will take place on 5 October 2013 in the Khalili Lecture Theatre at the School of Oriental and African Studies, London. - See more at: <http://www.royalafricansociety.org/event/annual-symposium-and-agm-sudan-studies-society-united-kingdom#sthash.vepvd0vC.dpuf>

¹⁶ http://www.ilo.org/wcmsp5/groups/public/@africa/@ro-addis_ababa/@sro-cairo/documents/publication/wcms_334878.pdf

¹⁷ Country experiences presented at ECOSOC Annual Ministerial Meeting, Policies aimed at Education (MDG2) Sudan, 2014 <http://webapps01.un.org/nvp/indpolicy.action?id=2853>

39. Although education is identified as the strongest social sector: less than half of children graduating from primary education schools fail to move on to secondary schools and the quality of what is learned in schools remains open for improvement.¹⁸

40. The proportion of the drop out of schools have rose to 68 thousand students, which almost 40% of the students proportion in Khartoum state in 2011 according to Khartoum state parliament.

41. Reports by National Council for Illiteracy and Adult Education reveal that the illiteracy rate in Sudan increased to 31% in 2013.

42. Lack of availability of schools in underdeveloped areas, and inaccessibility for poorer children due to high school fees stand as two key problems in ensuring universal access to education for all. These problems are worsened by lack of qualified teachers and lack of infrastructure¹⁹.

43. Conflict remains as a key deprivation factor for children in Sudan, more than three million children of their schooling In Darfur and in the states of Blue Nile and South Kordofan conflict. In addition, only one third of the around 50000 refugee children hosted from South Sudan, receive any education²⁰.

Recommendations:

44. Focus reform efforts on increasing and maintaining enrolment rates, reducing and reinserting dropouts, giving incentive premiums for teachers to serve in poor areas, establishing continuing education programs for teachers, and expanding maintenance of the existing educational infrastructure

45. Ensure the allocation of maximum available resources to education sector, restructuring the public budget and prioritizing education

46. Improve the educational environment through enhancing human security; respecting diversity; engaging the local communities in planning for addressing illiteracy

h. The right to health

47. Sudan is among the top 10 countries with high rate of maternal mortality rate; which is 360/100,000 per live births²¹.

48. Despite the national campaigns on “Salima” which objectively target to combat all forms of FGM practice as a violence tool against girl child and women’s sexual rights, the lack of political will and absence of the official media and community role have weakened the outputs of the campaign.

49. A total of 34% of Sudan’s population rely on unimproved drinking water, out of which 3% relying on completely untreated surface water. The sanitation situation is more critical with 20% of the population practicing open defecation²².

50. Health insurance for low-income families covers 22% of wage earners. Pension and social security covers 10% of the population in Sudan.²³

Recommendations:

51. Take into consideration the worsening health conditions and the alarming decrease of public health expenditure (% of GDP) from 2.1 in 2010 to 1.4 in 2013, ensure the allocation of sufficient financial resources to the health sector to improve access to health care and to rebuild health infrastructure and ensure access to universal and comprehensive social protection systems

¹⁸ National Human Development Report, 2012, available at http://www.sd.undp.org/content/dam/sudan/docs/Sudan_NHDR_2012.pdf

¹⁹ Ibid.

²⁰ <http://www.unicef.org/mena/Education-Under-Fire-English.pdf>

²¹ World Bank data <http://data.worldbank.org/indicator/SH.STA.MMRT/countries>

²² UNICEF/WHO “Joint Monitoring Programme for Water Supply and Sanitation, 2014 quoted by International Organization for Migration at <http://sudan.iom.int/water-sanitation-and-hygiene-wash>

²³ National Human Development Report 2012