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Sudan*

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

* Late submission.

I. Background and framework

A. Scope of international obligations¹

<i>Universal human rights treaties²</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations/reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	21 Mar. 1977	None	Individual complaints (art. 14): No
ICESCR	18 Mar. 1986	None	–
ICCPR	18 Mar. 1986	None	Inter-State complaints (art. 41): No
CRC	3 Aug. 1990	None	–
OP-CRC-AC	26 July 2005	Binding declaration under art. 3: 18 years	–
OP-CRC-SC	2 Nov. 2004	None	–
CRPD	24 Apr. 2009	None	–
CRPD-OP	24 Apr. 2009	None	Inquiry procedure (arts. 6 and 7): Yes

Treaties to which Sudan is not a party: ICCPR-OP 1, ICCPR-OP 2, OP-ICESCR³, CEDAW, OP-CEDAW, CAT (signature only, 1986), OP-CAT, ICRMW, and CED.

<i>Other main relevant international instruments</i>	<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide	Yes
Rome Statute of the International Criminal Court	No
Palermo Protocol ⁴	No
Refugees and stateless persons ⁵	Yes, except the 1954 and 1961 Conventions
Geneva Conventions of 12 August 1949 and Additional Protocols thereto ⁶	Yes, except Additional Protocol III
ILO fundamental conventions ⁷	Yes, except Convention No. 87
UNESCO Convention against Discrimination in Education	No

1. In 2009, the United Nations High Commissioner for Human Rights (High Commissioner) reminded all parties involved in the fighting in Darfur that international

humanitarian law is binding on both State and non-State actors and called on all sides to respect their obligations, particularly with regard to the protection of civilians.⁸

2. In 2009, the Working Group on Enforced or Involuntary Disappearances called on the Sudan to sign and ratify the CED and accept the competence of the Committee under articles 31 and 32.⁹

3. In 2010, the Committee on the Rights of the Child (CRC) recommended that the Sudan consider ratifying the ICCPR-OP1, the CEDAW, the CAT, the ICCPR-OP2, the OP-CAT, the 1954 Convention relating to the status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.¹⁰ It also recommended that the Sudan ratify the Rome Statute of the International Criminal Court,¹¹ and amend its legislation in order to ratify the Palermo Protocol.¹²

B. Constitutional and legislative framework

4. In 2010, the United Nations Mission in Sudan (UNMIS) noted that aspects of some national laws were not consistent with the 2005 Comprehensive Peace Agreement (CPA) and the 2005 Interim National Constitution (INC), and contravened the Sudan's international obligations. Significant among these were the 2010 National Security Act (NSA), 2009 Press and Printed Materials Act (Press Act), 2006 Voluntary and Humanitarian Work Act and 1991 Criminal and Criminal Procedure Acts.¹³ The Secretary-General made similar comments in 2010.¹⁴

5. Security Council resolution 1590 (2005) mandated the human rights section of UNMIS to assist in the implementation of the CPA,¹⁵ and Security Council resolution 1769 (2008) mandated the African Union-United Nations Hybrid Operation in Darfur (UNAMID) to contribute to efforts to promote and protect human rights in Darfur and assist in the implementation of the Darfur Peace Agreement and any subsequent agreements.¹⁶

C. Institutional and human rights infrastructure

6. In 2010, UNMIS stated that in April 2009, the National Assembly in Khartoum had passed the National Human Rights Commission Act, the enabling law for the establishment of an independent National Human Rights Commission.¹⁷ However, as of December 2010, the Sudan did not have a national human rights institution accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC).¹⁸

D. Policy measures

7. In 2010, while taking note that the Sudan has adopted two national plans of action to combat violence against women and children (2007–2011) and end female genital mutilation (FGM 2007–2018), CRC however recommended, as highlighted by UNICEF,¹⁹ that the Sudan develop a national plan of action for the implementation of children's rights and adopt a holistic child rights approach to implementing the Convention.²⁰

8. The Independent Expert on the situation of human rights in the Sudan (Independent Expert) stated that Human Rights forums were held in Khartoum and Darfur in February 2010 to engage the Government in constructive dialogue on human rights. The forum serves as a useful mechanism for the exchange of information and dialogue on human rights concerns.²¹

II. Promotion and protection of human rights on the ground

A. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

<i>Treaty body²²</i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	2000	March 2001		Combined twelfth and thirteenth reports overdue since 2002. Fourteenth to sixteenth reports overdue since 2004 to 2008 respectively.
CESCR	1998	August 2000		Second and third reports overdue since 2003 and 2008 respectively.
HR Committee	2006	July 2007	Submitted in October 2009	Fourth report due in 2010.
CRC	2008	October 2010		Combined fifth and sixth reports due in 2015.
OP-CRC-AC	2008	October 2010		Jointly with combined fifth and sixth reports due in 2015.
OP-CRC-SC	2006	June 2007		Jointly with combined fifth and sixth reports due in 2015.
CRPD				Initial report due in 2011.

2. Cooperation with special procedures

<i>Standing invitation issued</i>	No
<i>Latest visits or mission reports</i>	Representative of the Secretary-General on the human rights of internally displaced persons (October 2005); ²³ Special Rapporteur on the situation of human rights in the Sudan (March and August 2006, July-August 2007, February-March and June-July 2008, May-June 2009); Independent Expert on the situation of human rights in the Sudan (January-February 2010). ²⁴

<i>Visits agreed upon in principle</i>	Special Rapporteur on freedom of opinion and expression (2006); Representative of the Secretary-General on the human rights of internally displaced persons (2009).
<i>Visits requested and not yet agreed upon</i>	Special Rapporteur on the right to food (2006); Special Rapporteur on racism (2008); Working Group on Enforced or Involuntary Disappearances (2008 and 2009); Special Rapporteur on contemporary forms of slavery (2008); Independent Expert on access to safe drinking water and sanitation (2010).
<i>Facilitation/cooperation during missions</i>	A number of mandate-holders expressed their gratitude to the Government.
<i>Follow-up to visits</i>	
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review, 73 communications were sent. The Government replied to 13 communications.
<i>Responses to questionnaires on thematic issues</i>	Sudan responded to 3 of the 26 questionnaires sent by special procedures mandate holders. ²⁵

3. Cooperation with the Office of the High Commissioner for Human Rights

9. OHCHR is represented in the Sudan by the human rights sections of two peacekeeping missions: the United Nations Mission in Sudan (UNMIS) and the African Union-United Nations Hybrid Operation in Darfur (UNAMID).²⁶ The human rights sections of both UNMIS and UNAMID carry out human rights monitoring, investigations, reporting, advocacy and protection activities. They also contribute to statements and other advocacy efforts by the High Commissioner and the Human Rights Council special procedures mechanisms, support visits by special procedures mandate holders and implement a range of capacity and institution building directed toward Government officials and institutions, parliamentarians, students and civil society organizations.²⁷

B. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

10. In 2010, UNMIS noted that efforts were being made to enhance the realisation of women's rights. The 2009 elections provided for the full participation of women in the political process. However, a number of challenges remained due to discriminatory laws on custody, divorce, and property rights, as well as years of entrenched cultural and traditional norms.²⁸ The Human Rights Committee (HR Committee) in 2007, and the Special

Rapporteur on the situation of human rights in the Sudan (Special Rapporteur) in 2008 expressed similar concerns.²⁹

11. In 2010, CRC was concerned at the inequality in economic conditions between the northern and southern regions of the Sudan and at the discrimination experienced by Southern and non-Muslim Sudanese in all areas, as well as ethnic discrimination. It recommended that the Sudan take all appropriate measures to eliminate inequality in economic conditions and disparities between regions.³⁰

12. In 2010, as highlighted by UNICEF,³¹ CRC expressed concern that unwed mothers and children born out of wedlock continue to suffer social discrimination and recommended that the Sudan take effective steps to address this discrimination.³²

13. On 6 January 2011, the High Commissioner urged authorities in both Northern and Southern Sudan to respect citizens' rights before, during and after the South Sudan referendum as citizenship, residency arrangements and respect for the rights of ethnic and religious minorities must be protected, whatever the outcome.³³

2. Right to life, liberty and security of the person

14. In 2010, the Secretary-General noted that the application of the death penalty in both Northern and Southern Sudan remains a matter of concern, especially when many of those on death row have not been represented by counsel during the trial. He also noted that in the North, at least eight child suspects remained on death row, despite Government assurances given to the Special Representative of the Secretary-General for children and armed conflict.³⁴ Following up on their previous communications on the matter, two Special Rapporteurs sent, on 10 February 2010, an urgent appeal to the Government raising general concerns regarding the continued imposition of death penalty against children in the Sudan.³⁵ The Government replied to that communication.³⁶ Also in 2010, CRC urged the Sudan to ensure that the death penalty is not carried out on children, including in cases of retribution or *hudud*, and to replace any death sentences already passed on persons under 18 years with an appropriate alternative sanction.³⁷ The HR Committee in 2007, UNICEF in 2010 and the Independent Expert in 2010 raised similar concerns.³⁸ The HR Committee moreover recommended that the number of crimes carrying the death penalty be restricted.³⁹

15. Since its establishment, the Working Group on Enforced or Involuntary Disappearances has transmitted 383 cases to the Government, of which 174 remain outstanding. In 2009, the Working Group reiterated its request for an invitation from the Government to conduct a country visit to assist in preventing disappearances and clarifying the 174 outstanding cases.⁴⁰

16. In 2007, the Human Rights Council was deeply concerned about the seriousness of ongoing violations of human rights and international humanitarian law in Darfur, including armed attacks on the civilian population and humanitarian workers, widespread destruction of villages, and continued and widespread violence, in particular gender-based violence against women and girls, as well as the lack of accountability of perpetrators of such crimes.⁴¹

17. In 2007, the HR Committee noted widespread incidents of torture and clandestine detention centres.⁴² In 2008, a High Commissioner's report stated that arbitrary arrests and detention were widespread in many parts of the Sudan, and were often linked to further serious human rights violations, including torture and other forms of ill-treatment, by the intelligence and security services, police, Sudan Armed Forces (SAF), as well as the Sudan People's Liberation Army (SPLA) in the South.⁴³ The report also noted that there were positive examples of judges, prosecutors, parliamentarians and police officers who have taken effective action against arbitrary detention.⁴⁴

18. In 2010, CRC expressed concern that civilians continue to be killed, maimed and displaced from their homes as a result of the armed conflict in Darfur. It was particularly concerned over the deliberate targeting of civilians and the indiscriminate use of force against them by Government-supported militia, Government security forces, as well as armed groups. The Independent Expert expressed similar concerns.⁴⁵ CRC emphasized, inter alia, the Sudan's primary responsibility to provide protection and relief on its territory.⁴⁶ In 2007 and 2009, High Commissioner's reports expressed similar concerns about the Sudan's responsibility to protect, in particular, the right of every individual to life and security of the person.⁴⁷

19. In 2010, the Independent Expert indicated that the National Intelligence and Security Service (NISS) and the Sudanese Military Intelligence were the main governmental authorities most responsible for acts of torture and ill-treatment and arbitrary detentions in Darfur.⁴⁸

20. In 2010, the Independent Expert visited prisons in Juba, Aweil and Wau. In all cases, the facilities were overcrowded as they were holding more than their intended capacity. The Independent Expert also noted that there is no mental hospital in the whole of South Sudan. Instead, the mentally disturbed are incarcerated in prisons for their own security, and for the safety of the communities.⁴⁹

21. CRC was also concerned over the rise in the incidence of localized armed conflicts and inter-tribal clashes, often characterized by the targeting of civilians, particularly women and children, in Southern Sudan. It was seriously concerned that the Lord's Resistance Army (LRA) continued to engage in violence in the region. CRC noted with concern that the climate of insecurity is aggravated by the failure of the Sudan to ensure accountability for human rights violations, to address the proliferation of small arms and other weapons and to maintain law and order.⁵⁰

22. In 2010, the Independent Expert noted that in Khartoum violations from the uneven application of public order laws remained a major concern. Article 152 of the 1991 Criminal Act criminalizes undefined 'indecent and immoral acts' and recommends corporal punishment. The Public Order Police most frequently apply this provision to women, many of whom are not Muslims, regardless of the CPA and the prohibition by the INC of the application of sharia law to non-Muslims.⁵¹ In 2007, the HR Committee considered that corporal punishment, including flogging and amputation, was inhuman and degrading.⁵²

23. The Independent Expert noted that acts of sexual violence, particularly against internally displaced women and girls is still of concern in Darfur.⁵³ However, he also noted that there had been a number of positive developments in combating gender-based violence, including an increasing awareness among some judicial officers of the seriousness of sexual violence crimes and their effect on the victims.⁵⁴

24. On 17 February 2009, three Special Rapporteurs sent a communication to the Government requesting that it reconsidered its decision to remove article 13 of the draft Children's Act, and to criminalize all forms of FGM in both the Children's Act and the Criminal Code.⁵⁵ In 2010, CRC urged the Sudan to pass legislation at the federal level to expressly prohibit FGM and ensure that such legislation is enforced in practice, and strengthen educational and awareness-raising programmes on the harmful effects of FGM.⁵⁶ The HR Committee in 2007, and UNICEF in 2010 made a similar recommendation.⁵⁷

25. In 2010, UNICEF, the ILO Committee of Experts on the Application of Conventions and Recommendations (ILO Committee of Experts) and CRC indicated that children were still associated or recruited by armed forces.⁵⁸ CRC recommended that the Sudan take effective measures to end the recruitment of children into the SAF and affiliated armed groups, ensure that all military codes, manuals, rules of engagement and other military directives are in accordance with the provisions of the OP-CRC-AC,⁵⁹ take effective steps

to put an end to the practice of forced recruitment of children and child abduction by non-State armed groups, including the Justice and Equality Movement (JEM), the Sudan People's Liberation Army (SPLA) and the Lord's Resistance Army (LRA), ensure that victims of abduction receive assistance for their physical and psychological recovery and social reintegration,⁶⁰ also prioritize the provision of assistance for the physical and psychological recovery of child combatants who have been demobilized, including the provision of specialized medical care for girls formerly associated with armed groups who have been victims of sexual violence.⁶¹

26. In 2010, CRC was concerned that child labour is widespread, with many children employed as domestic servants and in factories, the agricultural sector and the informal economy. It also expressed concern over the abduction of children for the purpose of forced labour, including sexual slavery, and the de facto impunity enjoyed by perpetrators.⁶² It recommended that the Sudan take legislative and other measures to protect children from being subjected to forced labour, take effective steps to remove children from situations of forced labour, and address the root causes of child economic exploitation.⁶³ In 2010, the ILO Committee of Experts expressed similar concerns.⁶⁴

27. In 2010, CRC and UNICEF were concerned that corporal punishment, particularly caning and flogging, was widely practised in schools, homes, courts and prisons.⁶⁵ CRC urged the Sudan to take all necessary measures to end the practice of corporal punishment, and, inter alia, promote positive, non-violent and participatory forms of child-rearing and education.⁶⁶

28. Concerning children living and working on the streets, CRC recommended that the Sudan, inter alia, address the root causes of the phenomenon, protect such children from violence, as well as sexual and other forms of exploitation, ensure that they are not treated as offenders and subjected to violence by the police or detained, secure the release of all children sent to closed camps or other places of detention, and facilitate their reunification with their families, wherever possible.⁶⁷

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

29. On 6 January 2011, the High Commissioner highlighted that a successful transformation of Sudan would require a strengthening of the rule of law in accordance with international standards governing justice and equality, an end to entrenched impunity, respect for human rights, and democratic governance. It will also require the sustained support of the international community.⁶⁸ In 2010, UNMIS made similar comments.⁶⁹

30. In 2010, CRC noted that under the laws of the Sudan, cooperation with the International Criminal Court (ICC) was effectively criminalized.⁷⁰ It recommended that the Sudan cooperate fully with, and provide any necessary assistance to, both the ICC and its Prosecutor, in accordance with Security Council resolution 1593 (2005) on the matter.⁷¹

31. In November 2008, the Working Group on Arbitrary Detention raised serious questions about the fairness of the trial of 10 men belonging to the Fur tribe of the Darfur region who were accused of murder, stating that no judicial system could consider as valid a confession obtained under torture and revoked before a court, nor a death sentence based on such confession.⁷²

32. In 2010, UNMIS noted that the continued application of the 1993 Evidence Act, which permits the use of confessions extracted under duress as evidence in court, remains a challenge.⁷³ In 2007, the HR Committee recommended that the Sudan prohibit the use of confessions obtained in violation of article 7 of the ICCPR in any court.⁷⁴

33. In 2010, UNICEF stated that although both the Federal and the Southern Sudan Child Acts provide for restorative justice and diversion services for children in conflict with

law, the laws are not yet enforced. There is only one juvenile court in Sudan (in Khartoum), no reformatories outside of Khartoum, and lawyers, judges and traditional courts are not sufficiently trained on juvenile justice. Children continue to be prosecuted in adult courts and detained with adults.⁷⁵

34. In 2010, UNMIS indicated that serious violations of fair trial guarantees and due process rights were noted in the administration of justice in Northern Sudan. Many of these violations were occasioned by the inadequate legal framework for the protection of human rights, including in particular the 2010 National Security Act (NSA) and the 1991 Criminal Procedure Act.⁷⁶ The Secretary-General made similar comments.⁷⁷

35. UNMIS also indicated that Southern Sudan faced significant challenges in the administration of justice. Efforts to improve the justice sector were hampered by capacity gaps, especially in terms of human resources and infrastructure, including insufficient court houses, judges and prosecutors.⁷⁸ The Independent Expert made similar comments, adding that the majority of the population of Southern Sudan rely on traditional courts which dispense justice through customary norms and practices. However, the handling of serious criminal offences by the traditional courts often leads to human rights violations, including the imprisonment of women for refusing forced marriages arranged by parents.⁷⁹

36. Concerning Darfur, the Independent Expert noted in 2010 that access to justice was hampered by the weak presence of law enforcement and rule of law institutions particularly outside the main urban centres. He also noted that the human rights section of UNAMID, in conjunction with the Sudan's Prison Services, was organizing training for paralegals on legal aid in all three Darfur states.⁸⁰ He added that the conflict in Darfur has been marked by widespread impunity for acts of violence against civilians. He noted that the various accountability mechanisms put in place by the Government to address impunity, including the special criminal courts for Darfur, have proven to be inadequate and ineffective in bringing alleged perpetrators to justice.⁸¹ The 1997 Emergency and Public Safety Act continued to apply in Darfur, where a state of emergency remains in existence. The law grants wide discretionary powers of arrest and detention to the State governors of Darfur without any effective judicial review.⁸² As regards humanitarian aid workers and peacekeepers, CRC in 2010 recommended that the Sudan take effective measures to ensure respect, in accordance with international humanitarian law and human rights law, for them by all parties to the conflict in Darfur, and ensure that all cases involving attacks against them are investigated and perpetrators brought to justice.⁸³

4. Right to privacy, marriage and family life

37. CRC in 2010 recommended that the Sudan ensure that birth registration be free and compulsory in practice, establish birth registration facilities, including mobile birth registration units at the local, community and village levels, and conduct awareness-raising campaigns to promote birth registration.⁸⁴

38. CRC also urged the Sudan to pass legislation at the federal level to expressly prohibit early and forced marriage, which often might have the elements of sale of children and/or child prostitution, ensure that such legislation is enforced in practice, and strengthen educational and awareness-raising programmes on the harmful effects of early and forced marriage.⁸⁵ The HR Committee in 2007, and UNICEF in 2010 made a similar recommendation.⁸⁶

5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

39. In 2007, the HR Committee noted that apostasy was a crime under the 1991 Penal Code, and recommended that the Sudan abolish it as it was incompatible with article 18 of the ICCPR.⁸⁷

40. In 2010, UNMIS noted that the realization of the right to freedom of expression, association and assembly has been consistently frustrated through application of the 2010 National Security Act (NSA), the 2009 Press Act and the 1991 Criminal Procedure Act. Those targeted included journalists, opposition politicians, student groups and Darfurians.⁸⁸ UNMIS also indicated, as already noted by the HR Committee in 2007,⁸⁹ that human rights defenders operating in Northern Sudan suffered arbitrary arrest and detention, causing some to stop their work and/or flee the country.⁹⁰ It added that although the 2009 Press Act did not have an operative effect in Southern Sudan, political rights and freedoms, notably freedom of expression, were also restricted on an arbitrary basis by local authorities who threatened and coerced media sources or arrested journalists.⁹¹

41. The Independent Expert indicated that human rights defenders working on Darfur issues continue to be subjected to intimidation and harassment by the NISS, and in some cases arbitrary arrests.⁹²

42. On 17 December 2010, the Independent Expert expressed concern about the continued *incommunicado* detention since late October-early November 2010 of 11 human rights activists and journalists, which might be linked to their activities in defense of human rights. He called on the Government to respect its international obligations including by promptly bringing the 11 persons before a court or immediately releasing them. He stressed that he remained concerned about the increasingly difficult situation for human rights defenders across the country.⁹³

43. The Independent Expert stated that Sudan had conducted general elections at all levels (national, State and local) in April 2010 — the country's first multiparty elections in 24 years. He noted that although the elections were beset by a range of technical, operational and logistical problems, the voting process was largely orderly and peaceful and within a well-maintained security environment. However, he reported that UNMIS had recorded a number of incidents where the exercise of political and civil rights and freedoms had been frustrated through intimidation, harassment, arrests and detentions in the lead up to the elections and during the process itself.⁹⁴ On 27 January 2010, four mandate holders sent a communication to the Government regarding the arrest and detention of supporters of an independent candidate. Concerns were expressed that these arrests and detention and the dispersion of the reportedly peaceful demonstration using disproportionate force, might form part of an attempt to stifle freedom of opinion, expression, peaceful assembly, and participation in the conduct of public affairs, directly or through freely chosen representatives.⁹⁵ The Government replied to that communication.⁹⁶

44. The Secretary-General noted that the extensive powers of the National Intelligence and Security Service and Military Intelligence continued to obstruct the full exercise of political rights in Darfur.⁹⁷

6. Right to work and to just and favourable conditions of work

45. In 2009, the ILO Committee of Experts noted that trade unionists had been subjected to harassment, intimidation, arbitrary arrest, detention and torture.⁹⁸

7. Right to social security and to an adequate standard of living

46. The 2009-2012 United Nations Development Assistance Framework (UNDAF) estimated that poverty rates remain very high, affecting up to 90 per cent of the population in Southern Sudan.⁹⁹ In 2010, UNMIS noted that enjoyment of economic, social and cultural rights remained beyond the reach of many people, for whom access to basic social services such as water and sanitation was a long way from realization.¹⁰⁰ The Secretary-General and the Independent Expert expressed similar concerns.¹⁰¹ In this regard, CRC in 2010 recommended that effective measures be taken to ensure the ready availability of safe drinking water and access to adequate sanitation facilities, particularly in remote and rural areas.¹⁰²

47. In 2010, WHO indicated that the protracted period of conflict had disrupted the health system and that much of the health infrastructure had either been destroyed or was in need of maintenance and repair.¹⁰³ Also in 2010, UNICEF stated that the rural health-care system in all parts of the Sudan required urgent attention. Primary health-care facilities and rural hospitals were lacking trained health personnel and essential medical equipment.¹⁰⁴ CRC expressed similar concerns, including as regards high infant and child mortality rates and early pregnancies.¹⁰⁵ It recommended that the Sudan, inter alia, take effective measures to improve access to health care, particularly in remote and rural areas, and to rebuild health infrastructure in Darfur and Southern Sudan; ensure that health services are of an adequate standard by allocating sufficient financial resources to the health sector and ensuring the availability of qualified medical staff, including in remote and rural areas; and consider establishing a network of mobile health care facilities in conflict-affected areas as an interim measure.¹⁰⁶

8. Right to education and to participate in the cultural life of the community

48. In 2010, UNICEF pointed out that the overall basic education situation varies significantly from one region to another. Sudan's INC and Child Act provide for free and compulsory basic education. However, in practice, many children cannot access school because of school fees. In addition, many girls do not attend school. Due to protracted armed conflict and ongoing instability, the majority of children in Southern Sudan do not receive primary or secondary education.¹⁰⁷ In Darfur, children living in rural areas or IDPs camps have limited access to primary or secondary education. In Eastern Sudan, a large number of children are also out of school.¹⁰⁸ CRC expressed similar concerns.¹⁰⁹ UNICEF also noted the extremely low budget allocations for education, resulting in the lack of availability of trained teachers, poor school infrastructure and a chronic shortage of supplies and equipment.¹¹⁰ The Independent Expert raised similar concerns.¹¹¹

9. Migrants, refugees and asylum-seekers

49. In 2010, UNICEF stated that the 1974 Asylum Act does not include specific procedures relating to refugee status determination for children, neither does it address the special needs and vulnerabilities of asylum-seeking children. Besides, due to Sudan's policy of requiring asylum seekers and all refugees to reside in camps, children's opportunities to access to education, health care and other basic services are constrained.¹¹² The HR Committee in 2007 and CRC in 2010 raised similar concerns.¹¹³

10. Internally displaced persons

50. In 2010, UNMIS noted that IDPs and the urban poor in various parts of Khartoum State, notably in the "newly urbanized areas" predominantly populated by IDPs from Southern Sudan, Darfur and the Nuba Mountains, were victims of forced evictions from time to time. Evictions were also recorded in other parts of Sudan, notably in Juba, Malakal, Aweil and Ed Damazin.¹¹⁴

51. The Independent Expert noted in 2010 that notwithstanding the decrease in violence, nearly 2 million IDPs continue to live in camps spread across the three states of Darfur. The camp residents faced intolerable security conditions, poor living conditions with inadequate supplies of food and potable water, coupled with lack of basic social rights. In some camps, Government police are no longer allowed entry and there is no institution entrusted with guaranteeing security and administering justice.¹¹⁵

11. Human rights and counter-terrorism

52. In 2010, UNMIS expressed concern at the creation of special courts, including anti-terrorism courts. UNMIS reported that the former Special Rapporteur on the situation of human rights in the Sudan also expressed concern about the work of these courts. In three rounds of trials from June 2008 to January 2010, the courts had sentenced a total of 106 people to death. The Special Rapporteur noted that they operated in accordance with procedural norms set out by the Chief Justice in consultation with the Minister of Justice, which override parliamentary laws and the protection they offer from unfair trial.¹¹⁶

III. Achievements, best practices, challenges and constraints

53. In 2010, WHO stated that the biggest challenge confronting the Sudan is the need to continue to respond to the humanitarian needs of the millions who have been affected by armed conflicts.¹¹⁷

IV. Key national priorities, initiatives and commitments

Specific recommendations for follow-up

54. In its 2007 final report, the Group of Experts on Darfur, established by the Human Rights Council in March 2007 to ensure the effective follow-up and implementation of existing resolutions and recommendations on Darfur, found that few recommendations had been fully implemented. Indeed, several recommendations which could have been implemented within three months without lengthy administrative processes or additional resources, and which had been prioritised for implementation in the short term by the Government of Sudan (GoS), had not been implemented.¹¹⁸ The Special Rapporteur in 2008,¹¹⁹ and the High Commissioner in 2009,¹²⁰ made similar comments.

55. In 2010, UNICEF stated that the Government of National Unity (GoNU) and the Government of South Sudan (GoSS) should fully implement the concluding observations of the CRC as well as the recommendations of the Security Council Working Group on children and armed conflict. In addition, the SPLA should implement in full the Action Plan of 2009, in which it committed to release all children within its ranks.¹²¹

V. Capacity-building and technical assistance

56. The 2007 and 2008 High Commissioner's reports recommended that the Sudan seek assistance from the international community in order to enhance its protection capacity of human rights.¹²²

57. In 2010, CRC requested that the Sudan, inter alia, make use of the technical assistance tools developed by the United Nations Interagency Panel on Juvenile Justice (IPJJ).¹²³

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 1 April 2009* (ST/LEG/SER.E.26), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>

² The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
CED	International Convention for the Protection of All Persons from Enforced Disappearance

³ Adopted by the General Assembly in its resolution 63/117 of 10 December 2008. Article 17, paragraph 1, of OP-ICESCR states that “The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant”.

⁴ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

⁵ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

⁶ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

⁷ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child

Labour.

- ⁸ Statement of the United Nations High Commissioner for Human Rights on 3 February 2009, available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=8639&LangID=E>.
- ⁹ A/HRC/13/31, para. 534.
- ¹⁰ CRC/C/SDN/CO/3-4, paras. 71 and 91.
- ¹¹ CRC/C/OPSC/SDN/CO/1, para. 10 c).
- ¹² Ibid., para. 24.
- ¹³ UNMIS submission to the UPR on Sudan, para. 7.
- ¹⁴ S/2010/31, para. 69.
- ¹⁵ OHCHR 2009 Annual Report on Activities and Results, p. 100.
- ¹⁶ Ibid., p. 101.
- ¹⁷ UNMIS submission to the UPR on Sudan, para. 8.
- ¹⁸ For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/65/340, annex I.
- ¹⁹ UNICEF submission to the UPR on Sudan, p. 2.
- ²⁰ CRC/C/SDN/CO/3-4, paras. 13 and 14.
- ²¹ A/HRC/15/57, para. 36.
- ²² The following abbreviations have been used for this document:
- | | |
|--------------|---------------------------------------|
| HR Committee | Human Rights Committee |
| CRC | Committee on the Rights of the Child. |
- ²³ E/CN.4/2006/71/Add.6.
- ²⁴ E/CN.4/2006/111, A/61/469; A/62/354; A/HRC/7/22; A/HRC/9/13; A/HRC/9/13/Add. 1; A/HRC/14/41; A/HRC/14/41/Add.1; A/HRC/15/57.
- ²⁵ The questionnaires referred to are those reflected in an official report by a special procedure mandate holder issued between 1 January 2006 and 31 October 2010. Responses counted for the purposes of this section are those received within the relevant deadlines, and referred to in the following documents: (a) E/CN.4/2006/62, para. 24, and E/CN.4/2006/67, para. 22; (b) A/HRC/4/23, para. 14; (c) A/HRC/4/24, para. 9; (d) A/HRC/4/29, para. 47; (e) A/HRC/4/31, para. 24; (f) A/HRC/4/35/Add.3, para. 7; (g) A/HRC/6/15, para. 7; (h) A/HRC/7/6, annex; (i) A/HRC/7/8, para. 35; (j) A/HRC/8/10, para. 120, footnote 48; (k) A/62/301, paras. 27, 32, 38, 44 and 51; (l) A/HRC/10/16 and Corr.1, footnote 29; (m) A/HRC/11/6, annex; (n) A/HRC/11/8, para. 56; (o) A/HRC/11/9, para. 8, footnote 1; (p) A/HRC/12/21, para.2, footnote 1; (q) A/HRC/12/23, para. 12; (r) A/HRC/12/31, para. 1, footnote 2; (s) A/HRC/13/22/Add.4; (t) A/HRC/13/30, para. 49; (u) A/HRC/13/42, annex I; (v) A/HRC/14/25, para. 6, footnote 1; (w) A/HRC/14/31, para. 5, footnote 2; (x) A/HRC/14/ 46/Add.1; (y) A/HRC/15/31 – for list of States see http://www2.ohchr.org/english/issues/water/iexpert/written_contributions.htm; (z) A/HRC/15/32, para. 5.
- ²⁶ OHCHR 2009 Annual Report on Activities and Results, p. 100.
- ²⁷ Ibid., pp. 100–102.
- ²⁸ UNMIS submission to the UPR on Sudan, para. 44.
- ²⁹ CCPR/C/SDN/CO/3, para. 13; and A/HRC/9/13, para. 73.
- ³⁰ CRC/C/SDN/CO/3-4, paras. 29 and 30.
- ³¹ UNICEF submission to the UPR on Sudan, p. 3.
- ³² CRC/C/SDN/CO/3-4, paras. 31 and 32.
- ³³ OHCHR Press release, 6 January 2011, available at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10619&LangID=E>
- ³⁴ S/2010/31 para. 65.
- ³⁵ A/HRC/14/24/Add.1, para. 1072; and A/HRC/14/26/Add.1, para. 1046.
- ³⁶ A/HRC/14/26/Add.1, para. 1059.
- ³⁷ CRC/C/SDN/CO/3-4, para. 36.
- ³⁸ CCPR/C/SDN/CO/3, para. 20; UNICEF submission to the UPR on Sudan, p. 4; A/HRC/14/41, para. 82 (a).
- ³⁹ CCPR/C/SDN/CO/3, para. 19.
- ⁴⁰ A/HRC/13/31, paras. 531 and 532.
- ⁴¹ Human Rights Council resolution 4/8, 30 March 2007.

- ⁴² CCPR/C/SDN/CO/3, paras. 16 and 22.
- ⁴³ Tenth periodic report of the United Nations High Commissioner for Human Rights on the human rights situation in the Sudan, 28 Nov. 2008, "Arbitrary arrest and detention committed by national security, military and police," pp. 42 and 43, available at <http://www.ohchr.org/Documents/Countries/10thOHCHR28nov08.pdf>
- ⁴⁴ *Ibid.*, p. 4.
- ⁴⁵ A/HRC/14/41, paras. 53–56.
- ⁴⁶ CRC/C/SDN/CO/3-4, paras. 72 and 73.
- ⁴⁷ See seventh, eleventh and twelfth periodic reports of the United Nations High Commissioner for Human Rights on the human rights situation in the Sudan, 18 May 2007, pp. 3, 9 and 10; 23 January 2009, pp. 3, 10 and 11; December 2009, p. 21, available at <http://www2.ohchr.org/SPdocs/Countries/7thOHCHR18may07.doc>; <http://www.ohchr.org/Documents/Countries/11thOHCHR22jan09.pdf>; http://www2.ohchr.org/SPdocs/Countries/LRARReport_SudanDecember2009.doc
- ⁴⁸ A/HRC/15/57, para. 19.
- ⁴⁹ A/HRC/14/41 para. 41.
- ⁵⁰ CRC/C/SDN/CO/3-4, para. 74.
- ⁵¹ A/HRC/14/41 para. 29.
- ⁵² CCPR/C/SDN/CO/3, para. 10.
- ⁵³ A/HRC/14/41 paras. 59–60. See also S/2010/382, paras. 49–52.
- ⁵⁴ A/HRC/14/41 paras. 61–63.
- ⁵⁵ A/HRC/11/6/Add.1, para. 636; and A/HRC/13/39/Add.1, para. 243.
- ⁵⁶ CRC/C/SDN/CO/3-4, para. 57.
- ⁵⁷ CCPR/C/SDN/CO/3, para. 15; UNICEF submission to the UPR on Sudan, p. 8.
- ⁵⁸ UNICEF submission to the UPR on Sudan, p. 3; ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Sudan (ratification: 2003) Published: 2010 doc. No. (ILOLEX) 062010SDN182, 7th para.; and CRC/C/OPAC/SDN/CO/1, para. 17.
- ⁵⁹ CRC/C/OPAC/SDN/CO/1, para. 18.
- ⁶⁰ CRC/C/SDN/CO/3-4, para. 86; see also UNICEF submission to the UPR on Sudan, p. 8.
- ⁶¹ CRC/C/OPAC/SDN/CO/1, para. 30.
- ⁶² CRC/C/SDN/CO/3-4, para. 78.
- ⁶³ *Ibid.*, para. 79.
- ⁶⁴ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Forced Labour Convention, 1930 (No. 29) Sudan, 2010 doc. No. (ILOLEX) 062010SDN029, 2nd para.
- ⁶⁵ CRC/C/SDN/CO/3-4, para. 39; UNICEF submission to the UPR on Sudan, p. 5.
- ⁶⁶ CRC/C/SDN/CO/3-4, para. 40.
- ⁶⁷ *Ibid.*, para. 81.
- ⁶⁸ OHCHR Press release, 6 January 2011, available at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10619&LangID=E>
- ⁶⁹ UNMIS submission to the UPR on Sudan, pp. 16–17.
- ⁷⁰ CRC/C/OPAC/SDN/CO/1, para. 35.
- ⁷¹ *Ibid.*, para. 36.
- ⁷² A/HRC/14/24/Add.1, para. 1057.
- ⁷³ UNMIS submission to the UPR on Sudan, para. 35.
- ⁷⁴ CCPR/C/SDN/CO/3, para. 25.
- ⁷⁵ UNICEF submission to the UPR on Sudan, p. 5.
- ⁷⁶ UNMIS submission to the UPR on Sudan, para. 34.
- ⁷⁷ S/2010/31, para. 69.
- ⁷⁸ UNMIS submission to the UPR on Sudan, para. 39.
- ⁷⁹ A/HRC/14/41, paras. 39 and 45.
- ⁸⁰ *Ibid.*, para. 66.
- ⁸¹ *Ibid.*, paras. 71–73; see also A/HRC/9/13, paras. 78 and 80 (iv).
- ⁸² A/HRC/15/57, para. 20.
- ⁸³ CRC/C/SDN/CO/3-4, para. 77.

- ⁸⁴ CRC/C/OPAC/SDN/CO/1, para. 20.
- ⁸⁵ CRC/C/SDN/CO/3-4, para. 57.
- ⁸⁶ CCPR/C/SDN/CO/3, para. 15; UNICEF submission to the UPR on Sudan, p. 8.
- ⁸⁷ CCPR/C/SDN/CO/3, para. 26.
- ⁸⁸ UNMIS submission to the UPR on Sudan, para. 28.
- ⁸⁹ CCPR/C/SDN/CO/3, para. 29.
- ⁹⁰ UNMIS submission to the UPR on Sudan, para. 29.
- ⁹¹ *Ibid.*, para. 33.
- ⁹² A/HRC/15/57, para. 26.
- ⁹³ UN expert on human rights in Sudan calls for release of detained journalists and human rights activists, available at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10602&LangID=E>
- ⁹⁴ A/HRC/14/41, para. 22; see also S/2010/168/Add.1, p. 6, paras. 30–33.
- ⁹⁵ A/HRC/14/23Add.1, paras. 2278 and 2283.
- ⁹⁶ *Ibid.*, para. 2284.
- ⁹⁷ S/2010/382, p. 10, para. 43.
- ⁹⁸ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Right to Organise and Collective Bargaining Convention, 1949 (No. 98) Sudan, 2009 doc. No. (ILOLEX) 062009SDN098, 2nd para.
- ⁹⁹ UNDAF Sudan 2009-2012, Khartoum/Juba, 2009, p. 5, available at <http://www.unops.org/SiteCollectionDocuments/Information-disclosure/UNDAFs/Sudan-UNDAF-2009-2012.pdf>.
- ¹⁰⁰ UNMIS submission to the UPR on Sudan, para. 42.
- ¹⁰¹ S/2010/31, para. 66; and A/HRC/14/41, para. 43.
- ¹⁰² CRC/C/SDN/CO/3-4, para. 61.
- ¹⁰³ WHO submission to the UPR on Sudan, p. 5.
- ¹⁰⁴ UNICEF submission to the UPR on Sudan, p. 5.
- ¹⁰⁵ CRC/C/SDN/CO/3-4, paras. 50, 52-55.
- ¹⁰⁶ *Ibid.*, para. 51.
- ¹⁰⁷ UNICEF submission to the UPR on Sudan, p. 6.
- ¹⁰⁸ *Ibid.*
- ¹⁰⁹ CRC/C/SDN/CO/3-4, paras. 64–67.
- ¹¹⁰ UNICEF submission to the UPR on Sudan, p. 6.
- ¹¹¹ A/HRC/14/41, para. 43.
- ¹¹² UNICEF submission to the UPR on Sudan, p. 6.
- ¹¹³ CCPR/C/SDN/CO/3, para. 24 and CRC/C/SDN/CO/3-4, paras. 68–71.
- ¹¹⁴ UNMIS submission to the UPR on Sudan, para. 43.
- ¹¹⁵ A/HRC/14/41, para. 47.
- ¹¹⁶ UNMIS submission to the UPR on Sudan, para. 36.
- ¹¹⁷ WHO submission to the UPR on Sudan, p. 4.
- ¹¹⁸ Final Report of the United Nations Group of Experts on Darfur (A/HRC/6/19), Summary, p. 2; see also A/HRC/15/57, paras. 39–44.
- ¹¹⁹ A/HRC/9/13/Add.1, p. 2.
- ¹²⁰ See eleventh periodic report of the United Nations High Commissioner for Human Rights on the human rights situation in the Sudan, 23 January 2009, p. 12, available at <http://www.ohchr.org/Documents/Countries/11thOHCHR22jan09.pdf>
- ¹²¹ UNICEF submission to the UPR on Sudan, p. 9.
- ¹²² See seventh, eighth and tenth periodic reports of the United Nations High Commissioner for Human Rights on the human rights situation in the Sudan, 18 May 2007, p. 3; 20 August 2007, p. 6; 28 November 2008, pp. 50–51, available at <http://www2.ohchr.org/SPdocs/Countries/7thOHCHR18may07.doc>; <http://www2.ohchr.org/SPdocs/Countries/8thOHCHR20aug07.doc>; <http://www.ohchr.org/Documents/Countries/10thOHCHR28nov08.pdf>
- ¹²³ CRC/C/SDN/CO/3-4, para. 90.