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Written statement* submitted by the Arab NGO Network for Development, a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[24 August 2011]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Conditions of economic and social rights in Sudan prepared for the Universal Periodic Review session of Sudan**

The Arab NGO Network for Development (ANND) and the Sudanese National Civic Forum, the Human Rights and Legal Aids Network in Sudan, the Sudanese Gender Research Centre, the Child's Center in Sudan, and the Sudanese Development Initiative welcome the results of the examination of the human rights situation in Sudan, which takes place within the context of continuing the Universal Periodic Review (UPR) of human rights conditions in Sudan and the review session during the first cycle that was convened on 10 May 2011 (referred to as review session hereafter).

ANND and partner groups from Sudan would like to take this opportunity to raise further concerns on the situation of economic and social rights in Sudan.

The tension and conflicts between the governing parties of Sudan and South Sudan had been a major factor in the deterioration of political as well as economic and social conditions and violation of various rights. Even after separation, this conflict continues to expose major sections of the population to insecurity and violation of their rights. The United Nations and international aid groups have reported in June 2011 that up to 146,000 people have fled their homes amid fresh fighting in the disputed border region between North and South Sudan (Associated Press). This situation escalated in the months that followed. With respect to Southern Sudan, out of the 1.5 million Southern Sudanese living in the North and in Egypt, only around 300,000 internally displaced persons (IDPs) have returned till now. However, durable solutions has been difficult, whereby returning IDPs have faced no services, no livelihood opportunities and no land to settle on, while the responsible authorities have not taken needed action to address this situation¹.

The deteriorating situation of the Sudanese citizens' economic and social rights is closely associated as well with the unequal distribution of the county's resources. Both conflicts and misuse of resources have led to the exacerbation of environmental problems, including desertification, water pollution, reduction of power supplies, and the extinction of numerous biotypes as well as the loss of sustainability.

Regarding efforts to limit poverty, the Delegation noted that there is a national strategy to reduce poverty through micro-funding projects and *zakat* programmes targeting poor families. Nevertheless, we highlight that poverty reduction policies need to extend beyond targeting programs to policies that ensure fair distribution of national income target. Poverty reduction strategies must address the disparities between the regions and communities and gender-based concentrations among families headed by women. Authorities in Southern Sudan are called upon to prioritize urgent action to address the poverty rates that reach around 90% of the population that live with less than a dollar a day.

With regard to rights of women, while the Delegation noted the national strategy that was adopted in 2008 covering all the aspects relating to the empowerment of women, we stress that such steps should not fall short of full commitment for accession to CEDAW without any reservations on the convention; a step which has been recommended by several states during the review session. Corrective measures to gender based discrimination should be

** The Sudanese National Civic Forum, the Human Rights and Legal Aids Network in Sudan, the Sudanese Gender Research Centre, the Child's Center in Sudan and the Sudanese Development Initiative, NGOs without consultative status, also share the views expressed in this statement.

¹ More on <http://www.internal-displacement.org/countries/sudan> (Accessed August 23rd 2011)

undertaken by the authorities in various sectors, including access to health, education, land, and equal pay.

Concerning the right to education, while the National Report highlighted progress since 2004 particularly at the basic education level, we would highlight the need for commitment on behalf of the government to address existing regional and gender-based disparities, whereby high illiteracy rates reach around 62% among women and 44% among men in rural areas, and 34% for women and 21% for men in the cities and real provision of free primary education for all. Furthermore, education quality is still very low; illiteracy rates are still very high in comparison with other developing countries, and the government's allocations for the development of education's quality in Sudan remains very weak.

Furthermore, we have documented series of violations in regards to various economic and social rights that we highlight here and ask the governing authorities in both Sudan and Southern Sudan to take timely and effective measures to redress them. These include:

- The violation of the right to clean water, as the citizen in Sudan has limited access to clean fresh water, whereby a deficit of 76.5% is registered in rural areas' water supplies against a 48% deficit in urban waters.² This is attributed not to the unavailability of water, but rather to bad management of water resources.³ Similar limitations exist in regards to the access to sanitation services.
- The violation of the right to adequate standards of living, whereby for example for a wide proportion of Sudanese citizens living in Darfur the government have not offered protection from forced eviction⁴. Moreover, the government delays taking measures to stop the violation of rights of IDPs and provision for their basic needs and proper accommodation. This situation lingers since 2003.
- In a breach of international labour regulations and conventions ratified by the UN and the International Labour Organization, the Sudanese government restricts the freedom to association through a trade and labour union decree issued in 1992 as well as the new labour code of 2000; the Sudanese Workers' Trade Union Federation remain the only body capable of action⁵.
- Violation of the right to social security, since the applied the social security system offers coverage for employees working in governmental institutions, and excludes the rest.
- Violation of the right to health while the government's expenditures on the health sector continue to be low compared to other developing countries and often being reduced (government's overall spending from 7.2% in 2000 to 5.8% in 2006). This continues while the government avoids to put in place adequate policies to address HIV patients' needs and public awareness on this issue although Sudan has one of the highest HIV infection rates in the MENA region. Moreover, Malaria is still considered a serious threat on citizens' lives in Sudan, where more than 7 million people are infected yearly. Furthermore, cases of sexual abuse on women are increasing, especially in areas of conflict, while the government is not paying much attention to counter this situation and address the resulting effects on victim women.

² "a vision on economic and social reform in Sudan", prepared by Dr. Mortada al-Ghali (September 2008); issued by ANND.

³ 2004 Sudan MDG report.

⁴ Economic, social, and cultural rights committee's 2000 report and racial discrimination committee's 2001 report.

⁵ 2009 Annual Survey of violations of trade union rights, issued by International Trade Union Confederation (ITUC)

Moreover, despite it being illegal in Sudan, practice of circumcision is widely spread with the highest rates among Arab countries.

- The Sudanese authorities continue to overlook the obligations stipulated by national and international laws and regulations during negotiations on trade and investment liberalization agreements (including WTO, COMESSA, bilateral agreements negotiations) without having a prior assessment of the ensuing effects on economic and social rights. Between 2004 and 2009, large agricultural areas were allocated for foreign investment projects. These agreements collide with challenges related to safeguarding the rights of the local groups to land use, food security, finding balance among possible agriculture investment's revenues, and control over local resources. The Sudanese authorities should ensure that trade and investment related decision do not lead to increased discrimination in the Sudanese society and that the local and indigenous stakeholders are well consulted and involved in any decisions that might impact their livelihoods, such as their access to land (Respect international standards included in article 32 of the 2007 UN Declaration on the Right of Indigenous People).

Given this context, and in pursuance of to the full enjoyment of economic and social rights by all citizens both in Sudan and South Sudan, we urge the Council to recommend the following, (these recommendations were also stated in our joint submission):

1. Including the bill of rights appended to the transitional constitution in the permanent constitution to be adopted.
2. Developing an independent mechanism to ensure the enabling and implementation of the rights established in the bill of rights.
3. Asserting economic and social rights in the constitution of both Sudan and South Sudan and the rights charter, especially in the fields of health, labor, education, and housing.
4. Joining the Optional Protocol to International Covenant on Economic, Social, and Cultural rights.
5. Increasing the efforts to deal with and end extreme poverty and develop sustainable strategies to reduce it and ensure equal access to basic services.
6. Allow monitoring of public budgets and participation of civil society organizations in budget processes and performance monitoring.
7. Developing a joint mechanism among relevant government agencies and civil society organizations to implement the state's obligations related to the Millennium Development Goals, including education for all and children's rights.
8. Signing and ratifying the Convention on Elimination of all forms of Discrimination against Women (CEDAW) and developing a mechanism to ensure the implementation of the convention.

Recalling the sincere desire stated to cooperate with Human Rights Council, we invite Sudan and South Sudan to accept all the recommendations received during the Working Group session, including those related to economic and social rights and to immediately act to translate them into comprehensive, concrete and effective action. To ensure full compliance with these recommendations, we invite Sudan and South Sudan, in cooperation with the Human Rights Council, to establish comprehensive monitoring and follow-up mechanisms that provide effective space for participation by civil society.