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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Thirty-ninth session**  
1–12 November 2021

## **Summary of Stakeholders' submissions on Sudan\***

### **Report of the Office of the United Nations High Commissioner for Human Rights**

#### **I. Background**

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 45 stakeholders' submissions<sup>1</sup> to the universal periodic review, presented in a summarized manner owing to word-limit constraints.

#### **II. Information provided by stakeholder**

##### **A. Scope of international obligations<sup>2</sup> and cooperation with international human rights mechanisms and bodies<sup>3</sup>**

2. JS2 recommended to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.<sup>4</sup>

3. JS14 recommended to ratify the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Optional Protocol to the International Covenant on Civil and Political Rights, and opt-in to the individual communications procedures under other treaties where relevant.<sup>5</sup>

4. JS11 recommended to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.<sup>6</sup>

5. The Strategic Initiative for Women in the Horn of Africa recommended to ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.<sup>7</sup>

6. The International Campaign to Abolish Nuclear Weapons recommended to ratify the UN Treaty on the Prohibition of Nuclear Weapons as a matter of international urgency.<sup>8</sup>

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\* The present document is being issued without formal editing.



7. JS5 recommended to ratify the Rome Statute and fully co-operate with the ICC and to ratify the Convention on the Elimination of All Forms of Discrimination Against Women.<sup>9</sup>

8. JS12 recommended to enhance the cooperation with international human rights mechanisms by extending a standing invitation to all Special Procedure mandate holders and by engaging with the Special Rapporteur on freedom of religion or belief and the Special Rapporteur on minority issues.<sup>10</sup>

9. JS24 recommended to accept long-standing requests for visit from the Working Group on Enforced or Involuntary Disappearances and the Special Rapporteurs on contemporary forms of slavery and on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.<sup>11</sup>

10. JS11 recommended to invite the Special Rapporteur on the situation of human rights defenders to visit the country.<sup>12</sup>

11. The African Commission on Human and Peoples' Rights (ACHPR) encouraged OHCHR and the Independent Expert on the situation of human rights in the Sudan to cooperate and consult the ACHPR Country Rapporteur for Sudan, in the design, planning, implementation and review of Human Rights mandate in Sudan.<sup>13</sup>

## **B. National human rights framework<sup>14</sup>**

12. International Alliance for Peace and Development (IAPD) noted that following the uprising which ousted the dictatorial regime of Omar al-Bashir in April 2019, the transitional government led by Prime Minister Abdalla Hamdook had made several efforts to promote human rights and fundamental freedoms within the framework of its reforms and national reconciliation process, including the establishment of a Legal Reform Commission to review all national laws in accordance with international human rights obligations. IAPD urged Sudan to completely reconstruct the legal system inherited from the former governments to comply with international law and standards.<sup>15</sup>

13. JS5 recommended to ensure that the new Constitution, reformed domestic legislation, policy and practice are consistent with, and reflect Sudan's obligations under international human rights law.<sup>16</sup>

14. JS14 also recommended to amend the Criminal Act 1991 and Armed Forces Act 2007 to ensure that the definitions of international crimes, particularly crimes against humanity and war crimes, are consistent with international law, and to add command/superior responsibility as a form of liability.<sup>17</sup>

15. JS24 recommended that Sudan create an independent National Human Rights Commission and designate sufficient resources for it to operate and to obtain accreditation under the Paris Principles before Sudan's next Universal Periodic Review.<sup>18</sup>

16. Jubilee Campaign recommended to consider establishing an Ombudsman office for religious minorities to raise their grievances during the next reporting period.<sup>19</sup>

## **C. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

### **1. Cross-cutting issues**

#### *Equality and non-discrimination<sup>20</sup>*

17. JS16 recommended to adopt a comprehensive Anti-Discrimination or Equalities law, which should include, as grounds of discrimination, race, colour, sex, language, religion, political or other opinion, national or social origin, nationality, age, disability, health status or discrimination based on "any other status". JS16 also recommended that any anti-discrimination laws are developed via an inclusive process with minority groups and those who have been discriminated against.<sup>21</sup>

18. ADF noted that discriminatory legal provisions perpetuated a climate of religious discrimination in the country, including incidents of hostility against religious minorities, particularly Christians that continue to take place in Sudan. ADF recommended to ensure equality before the law, including by repealing or reviewing all legal provisions, including those contained in the Penal Code, that violate freedom of religion or discriminate based on religious affiliation.<sup>22</sup>

19. NHRC noted with concern the growth of hate speech, racism and racial discrimination and the rise of ethnic conflicts, in the absence of relevant legislative and administrative measures and public policies. NHRC recommended Sudan to criminalize hate speech and racism; adopt public policies to promote human rights and peaceful coexistence, including in educational curricula, and raise community awareness.<sup>23</sup>

20. JS19 recommended to carry out prompt, impartial, and effective investigations into all allegations of ill-treatment, persecution and extrajudicial killings based on sexual orientation or gender identity and punish all those responsible, including law enforcement and prison officials.<sup>24</sup>

21. Human Rights Watch recommended to repeal article 148 of the Sudanese Criminal Act, which criminalizes “sodomy” and to pass comprehensive anti-discrimination legislation that prohibits discrimination on the grounds of sexual orientation and gender identity and includes effective measures to identify and address such discrimination and gives victims of discrimination an effective remedy.<sup>25</sup>

*Development, the environment, and business and human rights*<sup>26</sup>

22. JS8 noted that there is no transparency in mining policies and operations, especially in the extraction of gold. This situation has been a factor of conflict in South Kordofan, a region rich in gold. It has led to unrest and protests since, including protesting against the use of toxic substances in mining activities such as mercury and cyanide, which are harmful to the environment and water resources, and have led to genetic deformities and death among the indigenous peoples, as well as animals JS8 urged Sudan to regulate mining activities as a priority to ensure that the returns benefit the Sudanese people and their management of natural resources to the sovereignty of the Sudanese peoples.<sup>27</sup>

23. JS8 noted that Sudan has joined the five countries in Africa most targeted by foreign investors seeking land acquisition for profit. The privatization of land, displacement, violent conflict, corruption and foreign investment have combined to deprive Sudanese farmers from their land. With economic and agricultural investment policies still favouring external investors, Sudan’s farmers are intentionally left behind without agricultural reform as a transitional government priority JS8 recommended that foreign investors in the land sector respect the human rights of small-scale farmers in Sudan to retain their tenure over land and productive resources without hindrance.<sup>28</sup>

24. The Partners for Transparency recommended to speed up the establishment of the Independent Anti-Corruption Commission and to ensure that Anti-corruption institutions work independently without any restrictions, obstacles or pressures, and allow civil society organisations to participate in the development and implementation of a national anti-corruption strategy. It also recommended the adoption of laws to combat corruption, such as the Anti-Corruption Law, Witness and Whistle blower Protection Law, and the Information Circulation Law.<sup>29</sup>

## **2. Civil and political rights**

*Right to life, liberty and security of person*<sup>30</sup>

25. JS4 stated that, on 3 June 2019, government forces led by the RSF shot live bullets at protesters, beat them with sticks and batons, rounded up hundreds and subjected them to various forms of humiliation, including beating, rape and sexual assaults. They also attacked hospitals and clinics and prevented wounded protesters from receiving medical assistance. An estimated 120 were killed and hundreds wounded. Some bodies were dumped into the river Nile and an unknown number of people were reported missing.<sup>31</sup>

26. JS9 noted reports of extrajudicial killings by state-affiliated security agents, known armed groups, and unknown armed individuals. Civilian killings by the defence and security forces continue without being investigated by the police, and without perpetrators being brought to justice.<sup>32</sup>

27. HRW recommended to immediately grant unfettered access to UNITAMS to monitor and report on human rights abuses in conflict areas; issue clear, public orders to all government forces to stop attacks on civilians, and rein in militias; and embark on security sector reform in particular for security forces tasked to provide protection of civilians. This should include establishing clear vetting procedures to identify and remove individuals responsible for serious abuses during recruitment and integration of new forces.<sup>33</sup>

28. JS14 noted that Sudan applied the death penalty for some crimes, including to crimes not considered “the most serious.” Recent, important changes to the Criminal Act 1991 repealed the death penalty for the crimes of apostasy and consensual same-sex relations. However, capital punishment may still be imposed for a variety of other crimes, such as crimes against the state. JS14 recommended to abolish the death penalty for all crimes.<sup>34</sup>

29. Al-Daleel recommended Sudan to ensuring that death penalty against perpetrators under the age of 18 at the time of committing the crime are not execute, and that death sentences handed down against minors are commuted to appropriate alternative sentences.<sup>35</sup>

30. IAPD noted that following the massacre that occurred on 3 June 2019, when Sudanese security forces launched a violent attack against pro-democracy demonstrators at the protests’ central sit-in site in Khartoum, there have been allegations that the security forces forcibly disappeared dozens of protesters detained on or around 3 June. Although the government set up two commissions in 2019 whose mandates include enforced disappearances the commissions are yet to adequately investigate enforced disappearances or even provide recommendations on investigation, prosecution and reparations for victims.<sup>36</sup>

31. JS14 recommended to amend the Criminal Act 1991 to include a crime of torture, to amend the Criminal Procedure Act 1991, Evidence Act 1994, and other relevant legislation to include an absolute prohibition on using evidence obtained as a result of torture or other ill-treatment. JS14 also recommended to abolish laws that allow corporal punishment, including amputations, cross-amputations, and whippings, and any other forms of punishment that are in breach of the ICCPR.<sup>37</sup>

32. JS21 noted that the legal conditions of arrest, whether undertaken by the police or by General Intelligence Services (GIS), remained a cause for concern. JS21 recommended to provide a public clarification of the extent of the powers of GIS officers to arrest and detain, with reference to the Constitution and the National Security Act.<sup>38</sup>

33. JS20 noted that failure to publish the official list of legal places of detention coupled with the absence of an effective judicial oversight over these places led to the existence of secret places of detention.<sup>39</sup>

*Administration of justice, including impunity, and the rule of law<sup>40</sup>*

34. ACHPR called on the Transitional Authorities in Sudan to: strengthen the judicial system and its independence, to intensify the fight against impunity, including for gender-based violence and the violations of economic, social and cultural rights, and to ensure that those responsible for past and present crimes are held accountable; finalize the Bill establishing the Transitional Justice Council in consultation with all sectors of society and affected communities and in line with the African Union Transitional Justice Policy and guided by the Commission’s Study on Transitional Justice and Human and Peoples’ Rights in Africa.<sup>41</sup>

35. Maat recommended that the judiciary and the entities charged with monitoring and investigating human rights violations must be independent of the executive branch.<sup>42</sup>

36. JS9 recommended that Sudan ensure accountability by investigating and prosecuting violations of international human rights and humanitarian laws committed by armed and security forces and by urgently investigate all reports of rape and sexual violence and ensure that perpetrators are brought to justice.<sup>43</sup>

37. JS11 recommended to ensure full access to justice for women, including by ensuring that victims of sexual violence receive protection and support to access justice, and ending impunity for military and militias and law enforcement including for SGBV. JS11 also recommended to allow international and regional human rights mechanisms to independently investigate the atrocities committed against protesters- especially women and girls- during the period from 13 December 2018 to August 2019.<sup>44</sup>

38. Elizka Relief Foundation recommended to allow international observers to participate with the Sudanese government in investigating the facts on the violations that occurred against the peaceful demonstrators.<sup>45</sup>

39. JS20 recommended to provide the necessary support to existing committees investigating the events of June 2019, and establish additional national mechanisms to investigate cases of enforced disappearance in cooperation with the families of the victims. JS20 also recommended the adoption of a national law to combat the crime of enforced disappearance.<sup>46</sup>

40. JS14 recommended to investigate all allegations of torture, ill-treatment or other human rights violations, and promptly take steps to appropriately discipline or prosecute any perpetrators, including those currently serving in government positions or within the government security forces. It also recommended to ensure that victims of human rights abuses are guaranteed effective remedies, including restitution and compensation.<sup>47</sup>

41. JS14 recommended to Sudan to fulfil its obligations, pursuant to UN Security Council resolution 1593, to fully cooperate with the ICC, including surrendering to the Court those individuals subject to ICC arrest warrants, including al-Bashir and the other suspects in Sudanese custody.<sup>48</sup> JS14 also recommended that the transitional government ensure that the ICC investigative team has complete access to Darfur to conduct the necessary interviews. Equally, the government must ensure that no evidence is destroyed, and that witnesses or victims are not harmed or intimidated.<sup>49</sup>

42. ACHPR urged the ICC to ensure that proceedings against Ali Muhammad Ali Abd-Al-Rahman support the active and effective participation of victims by instituting the requisite personal safety and security measures and interim support in the form of physical and psychological rehabilitation measures courtesy of the Assistance Programme within the Trust Fund for Victims.<sup>50</sup>

#### *Fundamental freedoms*<sup>51</sup>

43. JS5 noted that between December 2019 and January 2020, three churches in Bout Town, Blue Nile State were attacked twice. The Sudan Internal Church, the Catholic Church and the Orthodox Church were attacked on 28 December 2019 and again on 16 January 2020. Despite assurances from the Federal and State governments that the churches would be rebuilt and perpetrators would be brought to justice, the churches are still awaiting restitution.<sup>52</sup>

44. JS12 noted that radical Muslim citizens attacked and targeted Sudanese churches and houses of religious worship. JS12 recommended to prosecute all perpetrators of harassment and violence against religious minorities.<sup>53</sup>

45. JS5 recommended to launch an independent inquiry into the confiscation of land and property belonging to religious minorities, return land and property sold illegally or seized from religious groups and individuals from minority religious communities, and accept applications for registration and re-registration of land and properties by individuals and legitimate church committees.<sup>54</sup>

46. JS17 recommended to ensure the rights of non-Muslim to practice and manifest their religion, and to participate in their cultural events as well as to ensure the compatibility of legislation on *hudud* offences with human rights. It also urged that *hudud* penalties, because they are of exclusively Islamic origin, should not be applied to persons who are not Muslims and to respect the freedoms to change one's religion and to manifest one's religion of belief either individually or in community with others and in public or private, subject to any necessary restrictions provided by law.<sup>55</sup>

47. The European Centre for Law and Justice (ECLJ) was encouraged by the work the new government to expand religious freedom within the country. However, it is critical that Sudan uphold its commitment to religious freedom and it encouraged them to continue the work they have already begun doing. Furthermore, it urged Sudan to commit to creating a permanent Constitution which further enshrines protections for religious freedom.<sup>56</sup>

48. JS18 noted that, between December 2018 and April 2019, at least 90 journalists were arrested and detained including incommunicado, for coverage of the protests or while protesting media censorship. In some instances, journalists were facing criminal charges such as publication of false news and public nuisance of the Criminal Act 1991. The authorities revoked the credentials of six foreign correspondents and prohibited foreign media houses from hosting guests on talk shows without prior approval. On 30 May 2019, the Transitional Military Authority shut down the Khartoum bureau of Al-Jazeera and banned its staff from working in Sudan. The shutdown of Aljazeera indicated further suppression of the coverage of the pro-democracy protests.<sup>57</sup>

49. JS1 raised concerns regarding internet shutdowns, the right to protest peacefully and without fear of retaliation, the rights and freedoms of journalists and independent reporters. JS1 recommended to refrain from shutting down the internet and blocking social media and make a state pledge to refrain from imposing any restrictions on internet access and telecommunication in the future, particularly during political and democratic processes.<sup>58</sup>

50. JS4 informed that Sudanese took to the streets in towns across the country in December 2018, to protest price hikes and demanded President Omar al-Bashir step down. Government security forces responded with lethal violence, shooting live ammunition at unarmed protesters, beating and arresting hundreds and killing scores of people between December and April. President al-Bashir declared a state of emergency on 22 February 2019 banning protests and authorizing “emergency courts” to try violators in speedy trials. Many protesters were detained, tried summarily, and imprisoned or fined, without due process protections.<sup>59</sup>

51. JS4 recommended to repeal the Voluntary and Humanitarian Works Act of 2006 and its restrictive regulations and to end all practices that violate the right to freedom association and the right to peaceful protest.<sup>60</sup>

52. JS6 was concerned by continued restrictions on the rights to freedoms of opinion and expression, association, and peaceful assembly. Human rights defenders (HRDs), journalists, and political activists regularly face harassment, intimidation, threats, and violence. JS6 recommended to investigate threats and attacks against journalists and HRD and publicly condemn attacks and threats against them. JS6 also recommended to amend the National Security Act 2010 in line with the Sudan’s Constitutional Document of 2019 and international standards on the use of force, including the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.<sup>61</sup>

53. Front Line Defenders recommended to guarantee in all circumstances that all HRD in Sudan are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions including judicial harassment and physical violence and ensure full respect for the UN Declaration on human rights defenders.<sup>62</sup>

54. JS11 recommended to reform the amended Cybercrimes law of 2020 and refrain from using legislation to intimidate and silence women human rights defenders. JS 11 also recommended to consult with human rights defenders, including WHRDs, on the development and implementation of a specific national law on the recognition and protection of defenders, in line with the UN Declaration on Human Rights Defenders and the Model National Law on the Recognition and Protection of HRDs.<sup>63</sup>

55. JS18 recommended to end the use of the 1991 Criminal Act, 2009 Press and Publications Act, Law on Cyber Crimes and other legislation to target all media, journalists and others for exercising their right to free expression. Ensure that the press and others are able to provide comment on public issues and inform public opinion without censorship or other restrictions.<sup>64</sup>

*Prohibition of all forms of slavery*<sup>65</sup>

56. JS3 noted that, while efforts have been taken to combat human trafficking, there was a lack of legal awareness and representation among women, including their non-participation in the elaboration of legislation and laws, with a gap between the legal text and implementation in practice. In addition, the law singled out women by making the punishment aggravating for this crime if the victim was a female or a child under the age of 18 or a disabled, and a special prosecution was established to combat human trafficking.<sup>66</sup>

**3. Economic, social and cultural rights***Right to work and to just and favourable conditions of work*<sup>67</sup>

57. The International Centre for Trade Union Rights (ICTUR) noted that the current situation for trade union rights was in stark contradiction with the obligations accepted under ILO Convention No. 87. It recommended to ensure that in-depth consultation takes place with functioning legal trade unions on the development of new trade union legislation and to ensure that the substantive and procedural provisions of new legislation comply with the requirements of ILO freedom of association principles.<sup>68</sup>

58. JS7 noted that the committee for dismantling the former regime issued Decree No. 3 of 2019 relating to the dissolution of trade unions, which was aimed at seizing all properties and assets of all trade unions and at establishing a committee to revise trade union laws and prepare for new elections of union leaders. On 16 December 2019, the Central Bank of Sudan issued a decision to seize and freeze the assets of the dissolved trade unions. JS7 noted that such action breached the freedom of association and the right of workers to form and join trade unions to protect their interests.<sup>69</sup>

59. JS7 recommended to adopt a development strategy that prioritizes productive sectors, ensures sustainable employment generation and the adoption of a national employment policy and targets.<sup>70</sup>

60. JS13 noted that the law provides for the right of persons with disabilities to work, but there are no governmental binding mechanisms and accountability tools to ensure the enjoyment of favourable working conditions, and the right to social security and an adequate standard of living. JS13 recommended to provide mechanism that ensure the implementation of the law, as well as the provision of equitable work opportunities and mean of transportation.<sup>71</sup>

61. JS7 recommended to protect the rights of people with disabilities in employment in various state agencies and in the private sector, including productive and cooperative projects, self-employment, and employment of graduates in poverty alleviation programs. JS7 recommended to increase the employment quota for persons with disabilities in civilian service from at least 2% to at least 5%.<sup>72</sup>

*Right to social security*<sup>73</sup>

62. JS7 noted that to contain the spread of the COVID-19 pandemic, the Government launched a rapid response programme of cash-based social welfare, seeding \$2 million directly into vulnerable households across the country and including a fivefold increase in the salaries of the public sector employees. However, there is a need to assess the existing social security schemes and safety nets and lay the foundations for an equitable social protection system. JS7 recommended a unified social security law that includes both the National Social Insurance Fund and the Social Security Investment Authority under the management of one council.<sup>74</sup>

*Right to health*<sup>75</sup>

63. JS10 recommended to accelerate universal health coverage including SRHR services, especially for marginalized and vulnerable groups and to reduce direct, preventable maternal mortality by adopting quality maternal/reproductive health services and improve maternal mortality data by strengthening and institutionalizing maternal death surveillance and response system.<sup>76</sup>

64. The Sexual Rights Initiative noted that women, especially in conflict zones and young girls, have no access to contraception, adequate antenatal care or emergency obstetric care. They are unable to make decisions about their bodies and to decide the number and spacing of their children. These conditions have worsened under the COVID-19 pandemic. It recommended to ensure universal access to state-subsidized sexual and reproductive health information and services, especially focusing on the needs of women, youth and people with disabilities.<sup>77</sup>

65. ACHPR invited the Sudanese authorities to remain vigilant on the health situation related to COVID-19 and to apply all necessary measures to protect the life and health of citizens.<sup>78</sup>

*Right to education*<sup>79</sup>

66. JS7 recommended to implement free primary education and to improve the learning experience by having trained and qualified teachers that provide proper learning material for students. JS7 recommended to provide efficient funds and resources to rural areas and minority groups and to ensure that women and people with disabilities have access to proper and sufficient education and to explore the benefits and adapt alternative learning programs which can be helpful for people who were not enrolled to schools before or have dropped out.<sup>80</sup>

67. Egypt Peace observed that most families did not allow their daughters to get an education as they believed that women should be a housewife. These traditions are affecting the girl's rights to education. As a result, the primary school enrolment rate of girls is still lower than that of boys, and there is also a large literacy gap between boys and girls. It also noted that there are only 12% of female teachers in schools and recommended to establish centers on the education of girls who have exceeded the official age to attend school in order to spread reading and writing.<sup>81</sup>

#### **4. Rights of specific persons or groups**

*Women*<sup>82</sup>

68. JS11 recommended to prioritize the protection of women from violence by reforming, changing or repealing all the laws and state legislations that legalize any form of violence or discrimination against women, including security laws, RSF laws, and Muslims Personal Law of 1991. It also recommended to amend Personal Status Laws, including by repealing provisions on male guardianship and wife obedience and raise the age of marriage for girls to 18 years old and to accelerate the formation of the Commission for Women and Gender Equality and the Commission for Legal Reform, which are provided for in the Constitutional Declaration document.<sup>83</sup>

69. JS25 recommended to adopt a comprehensive national strategy and a draft law to combat all forms of violence against women, including women's rights female defenders, at the public and domestic levels, especially sexual harassment.<sup>84</sup>

70. JS22 noted that, because of the political and economic situation, violence against women and girls, and gender disparities have exacerbated to an extent that required urgent and comprehensive measures to address the problem as a national crisis. JS22 noted the launch of a hotline for domestic and gender-based violence as a positive step and recommended to adopt a law against gender-based violence, and ensure its effective implementation.<sup>85</sup>

71. The Helena Kennedy Centre for international Justice noted that Sudan has one of the highest rates of FGM in the world: It is reported that 88% of women aged 15-49 have been cut. It recommended to enforce the prohibition on FGM through effective prosecution of people encouraging, facilitating and performing these surgeries.<sup>86</sup>

72. JS10 recommended the endorsement of the new national strategy for abandonments of FGM, with a road map for implementing the amendments of the criminal code for FGM and including new amendments in the civil code for a zero tolerance policy.<sup>87</sup>

73. JS15 recommended to eliminate FGM through education, awareness and guidance, to raise awareness and education in the field of women's and children's rights issues and the dangers of early marriage. JS15 recommended to enact laws that protect women and children and to combat the culture of violence against women and children through education and awareness as well as to reduce maternal mortality rate.<sup>88</sup>

74. JS24 noted that women and girls were unequal before the law. For example, the testimony of two women being needed to counteract that of one man in certain trials before a judge. A widow can only inherit one-eighth of her husband's estate, with the remainder going to the children. Even then, a two to one majority share would be inherited by the sons versus the daughter. Legal measures also include adultery charges for Muslim women that choose to marry a non-Muslim man, but the lack of penalty in the reverse situation for men.<sup>89</sup>

75. JS13 noted that the Juba Agreement stipulates women's representation in all levels of government and decision-making in a fair and effective manner, with a representation of no less than 40%. Thus, a representation rate of 15.3% in the current cabinet is an explicit violation and contravention of the Constitution. JS13 recommended to change the current composition of the Cabinet, and abide by its constitutional obligation to represent women equitably, at a rate of no less than 40% of the Cabinet.<sup>90</sup>

76. JS23 noted that the Miscellaneous Amendments Act abolished flogging for violation of the public decency law, envisaged by Article 152 of the Criminal Code, and removed the wording "wears an indecent or immoral dress". However, Article 152 can still be used, as it has been in its past form, by authorities to target Christian women and girls for indecent clothing (on the basis of not covering their head or wearing trousers) with reference to its legally vague language without a safeguard for an objective standard. JS23 recommended to repeal Article 152 (public decency law) in the Criminal Code, used by authorities to target Christian women and girls for alleged indecent clothing.<sup>91</sup>

#### *Children*<sup>92</sup>

77. The Global Partnership to End Violence Against Children noted that corporal punishment of children was still lawful despite repeated recommendations by human rights treaty bodies and during the 2<sup>nd</sup> cycle UPR of Sudan. Prohibition is still to be achieved in the home and alternative care settings. It recommended that Sudan enact legislation to explicitly prohibit corporal punishment of children in all settings and repeal all legal provisions justifying the use of corporal punishment in childrearing. All corporal punishment and other cruel or degrading forms of punishment should be prohibited in the home and all other settings where adults have authority over children.<sup>93</sup>

78. The Helena Kennedy Centre for international Justice noted that most women are married young, with the legal age for marriage being 10 years old, when a girl is tamyeez (Mature), with the permission of an elder. In a survey undertaken by Dabanga, it was reported that a third of the female population in Sudan aged between 20 and 24 were married by the age of 18, despite having ratified the Convention on the Rights of Children. It recommended to closely monitor the practice of child marriages and make sure they are happening legally and with consent following the Convention on Children's Rights.<sup>94</sup>

#### *Persons with disabilities*<sup>95</sup>

79. JS13 noted that the issues of persons with disabilities are among the most pressing issues that require attention. Persons with disabilities complain of the deterioration of the services that help them to integrate into society. Approximately 14.4% of the persons with disabilities live in Khartoum, seeking services they need, particularly education and job opportunities. Persons with disabilities suffer from exclusion and discrimination in health and education services. JS13 recommended to take the necessary measures to implement the provisions of the Convention on the Rights of Persons with Disabilities, and restructure state institutions in, taking into consideration the conditions of women with disabilities.<sup>96</sup>

#### *Migrants, refugees and asylum seekers*<sup>97</sup>

80. The Global Detention Project (GDP) noted that there are on-going concerns about the treatment of refugees and asylum seekers. There have been cases where asylum seekers were

not given access to asylum procedures and have been deported back to their countries of origin without appropriate consideration. There is very little available information concerning where refugees may be held when they are taken into custody, the status of various detention centre projects that had been slated for funding by donors, or the extent to which migrants and refugees are detained.<sup>98</sup>

81. GDP recommended to ensure the application of the Asylum Regulations Act 2014, including providing access to asylum procedures; Retract reservation to Article 26 of the UN Refugee Convention and ensure refugees' freedom of movement and the ability to choose their place of residence; Provide information on where – and in what conditions – refugees and migrants are detained for reasons related to their nationality, or asylum, refugee or residence status; and Disclose data on the number of migrants, refugees, and asylum seekers who are detained.<sup>99</sup>

## Notes

<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org).

### *Civil society*

#### *Individual submissions:*

ADF International	ADF International, Geneva, Switzerland;
Al-Daleel	Al-Daleel Charity, Khartoum, Sudan;
ECLJ	The European Centre for Law and Justice, Strasbourg, France;
Egypt Peace	Egypt Peace, Qalyubia Governorate, Egypt;
Elizka	Elizka Relief Foundation, Kumasi Ashanti, Ghana;
FLD	Front Line Defenders - The International Foundation for the Protection of Human Rights Defenders, Dublin, Ireland;
GDP	Global Detention Project, Geneva, Switzerland;
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London, United Kingdom of Great Britain and Northern Ireland;
HKC	Helena Kennedy Centre for International Justice, Sheffield, United Kingdom of Great Britain and Northern Ireland;
HRW	Human Rights Watch, Geneva, Switzerland;
IAPD	The International Alliance for Peace and Development, Geneva, Switzerland;
ICAN	International Campaign to Abolish Nuclear Weapons, Geneva, Switzerland;
ICTUR	International Centre for Trade Union Rights, London, United Kingdom of Great Britain and Northern Ireland;
JUBILEE	JUBILEE CAMPAIGN, FAIRFAX, VA, United States of America;
MAAT	Maat Foundation for Peace, Development and Human Rights, Cairo, Egypt;
PFT	Partners for Transparency, Cairo, Egypt;
SIHA Network	Strategic Initiative for women in the Horn of Africa, Kampala, Uganda;
SRI	The Sexual Rights Initiative, Ottawa, Canada.

#### *Joint submissions:*

JS1	<b>Joint submission 1 submitted by:</b> AccessNow, Article 19 East Africa and Gisa Group, New York, United States of America;
JS2	<b>Joint submission 2 submitted by:</b> Advocates for Human Rights and the World Coalition Against the Death Penalty, Minneapolis, United States of America;
JS3	<b>Joint submission 3 submitted by:</b> Alamasia Organisation for Development & Humanitarian Care, Khartoum, Sudan;
JS4	<b>Joint submission 4 submitted by:</b> Civic Space UPR Group for Sudan, Sudan Social Development Organization (SUDO) Al-Alag Madania News Al-Khatim Adlan Centre for Enlightenment (KACE), Khartoum, Sudan;

- JS5 **Joint submission 5 submitted by:** Christian Solidarity Worldwide (CSW) and CSW-Nigeria, New Malden, United Kingdom of Great Britain and Northern Ireland;
- JS6 **Joint submission 6 submitted by:** East and Horn of Africa Human Rights Defenders Project, African Center for Justice and Peace Studies, Kampala, Uganda;
- JS7 **Joint submission 7 submitted by:** The Economic, Social and Cultural Rights Alliance in Sudan (ESCRAS), Sudanese Development Call Organization (“NIDAA”), Al- Harisat (“Female Guards”), Sudanese Development Intuitive (SUDIA), Sudan social Development Organization (SUDO), Khartoum, Sudan;
- JS8 **Joint submission 8 submitted by:** The Habitat International Coalition – Housing and Land Rights Network (HIC-HLRN), the Kushian Society for Development and Human Rights (KSDHR) and the National Center for Peace and Development (NCPD), Giza, Egypt;
- JS9 **Joint submission 9 submitted by:** Human Rights and Development Organization, Waging Peace Human Right and Development Organization (HUDO Centre), Kampala, Uganda;
- JS10 **Joint submission 10 submitted by:** International Planned Parenthood Organization and Sudan Family Planning Association, London, United Kingdom of Great Britain and Northern Ireland;
- JS11 **Joint submission 11 submitted by:** Sudan Women Rights Action Nora Center for Combating Sexual Violence International Service for Human Rights (ISHR) The Regional Coalition for Women Human Rights Defenders in the Middle East and North Africa, Geneva, Switzerland;
- JS12 **Joint submission 12 submitted by:** Jubilee Campaign, Set My People Free, ERLC, FAIRFAX, VA, United States of America;
- JS13 **Joint submission 13 submitted by:** Nazra for Feminist Studies Ro’yaa Center for Feminist Studies Haressat Initiative, Cairo, Egypt;
- JS14 **Joint submission 14 submitted by:** REDRESS, People’s Legal Aid Centre (PLACE) and REDRESS, Khartoum, Sudan;
- JS15 **Joint submission 15 submitted by:** Peace Organization for Care and Development, Peace Organization for Care and Development, Jennacom Charitable Organization, Shams Al Duha Organization, Sudanese Organization for Environment and Human Rights, Researcher Charitable Organization, Sirba Organization for Development and Child Care, Tarraq Al-Jinan Charitable Organization, Nibras Charitable Response Organization, Charitable Families Organization, Al-Radom Charitable Organization, Parent satisfaction goal organization, Mana Youth Hope Organization, Partners without borders, Creativity Seeds Organization, Siag Charitable Organization, Nour al-Iman craft organization, Paradise Way Charitable Organization, Roof of the Construction Organization for Peace and Development, Massai Organization for Human Service, Khartoum, Sudan;
- JS16 **Joint submission 16 submitted by:** Rights for Peace and The Organization of Sudanese Solidarity for Elimination of Racial Discrimination (TASAMI), London, United Kingdom of Great Britain and Northern Ireland;
- JS17 **Joint submission 17 submitted by:** Sudanese Human Rights Initiative (SHRI). SHRI has now more than 500 members, and an expansive network of lawyers, human rights defenders and journalists, Khartoum, Sudan;
- JS18 **Joint submission 18 submitted by:** Small Media, African Centre for Justice and Peace Studies (ACJPS), Kacesudan

	Center for Enlightenment (KACE), Journalists for Human Rights - Sudan (JHR-Sudan), Sudan Social Development Organisation (SUDO), Access Now, London, United Kingdom of Great Britain and Northern Ireland;
JS19	<b>Joint submission 19 submitted by:</b> Sudan SOGI Coalition, Khartoum, Sudan;
JS20	<b>Joint submission 20 submitted by:</b> UPR Coalition for Combatting Impunity in Sudan, Khartoum, Sudan;
JS21	<b>Joint submission 21 submitted by:</b> The UPR Project at Birmingham City University's Centre for Human Rights, the Sudanese Human Rights Initiative (SHRI), Birmingham, United Kingdom of Great Britain and Northern Ireland;
JS22	<b>Joint submission 22 submitted by:</b> Women and Child Group, Khartoum, Sudan;
JS23	<b>Joint submission 23 submitted by:</b> World Evangelical Alliance, Open Doors International (ODI). Middle East Concern (MEC), Geneva, Switzerland;
JS24	<b>Joint submission 24 submitted by:</b> World Federalist Movement / Institute for Global Policy, Darfur Women Action Group, Den Haag, Netherlands;
JS25	<b>Joint submission 25 submitted by:</b> Al-Daleel, Khartoum, Sudan.

*National human rights institution:*

NCHR National Commission for Human Rights, Khartoum, Sudan.

*Regional intergovernmental organization(s):*

AU-ACHPR African Commission on Human and Peoples' Rights, Banjul, The Gambia.

<sup>2</sup> The following abbreviations are used in UPR documents:

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;
OP-CRC-IC	Optional Protocol to CRC on a communications procedure;
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;
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance.

<sup>3</sup> For relevant recommendations see A/HRC/33/8, paras 138.1–13, 114.26, 141.20.

<sup>4</sup> JS2, para 29.

<sup>5</sup> JS14, p 3–4.

<sup>6</sup> JS11, p 4.

<sup>7</sup> The Strategic Initiative for Women in the Horn of Africa, p4.

<sup>8</sup> ICAN, p1.

<sup>9</sup> JS5, paras 52–54.

- <sup>10</sup> JS12, para 69.
- <sup>11</sup> JS24, Para 17.
- <sup>12</sup> JS11, p 10.
- <sup>13</sup> Resolution ACHPR/Res. 444 (LXVI) 2020 on the Human Rights Situation in the Republic of the Sudan (<https://www.achpr.org/sessions/resolutions?id=475>), para 2.
- <sup>14</sup> For relevant recommendations see A/HRC/33/8, paras 141.14–19.
- <sup>15</sup> International Alliance for Peace and Development, p. 1–7.
- <sup>16</sup> JS 5, para 51.
- <sup>17</sup> JS14, para 36.
- <sup>18</sup> JS24, para 13.
- <sup>19</sup> Jubilee Campaign, para 29.
- <sup>20</sup> For relevant recommendations see A/HRC/33/8, paras 141.17, 141.21.
- <sup>21</sup> JS16, para. 9–10.
- <sup>22</sup> ADF, paras 12 and 23.c.
- <sup>23</sup> National Commission for Human Rights, para 25.
- <sup>24</sup> JS19, para 1.
- <sup>25</sup> Human Rights Watch, para 48.
- <sup>26</sup> For relevant recommendations see A/HRC/33/8, paras 138.33, 138.137–139.
- <sup>27</sup> JS8, para 22.
- <sup>28</sup> JS8, Para 19–20.
- <sup>29</sup> The Partners for Transparency, p4.
- <sup>30</sup> For relevant recommendations see A/HRC/33/8, paras 141.3, 141.6, 141.23–31.
- <sup>31</sup> JS4, para 25.
- <sup>32</sup> JS9, para 7 and 16.
- <sup>33</sup> HRW, paras 35–37.
- <sup>34</sup> JS14, para 13–14.
- <sup>35</sup> Al-Daleel, para.12.
- <sup>36</sup> IAPD, p6.
- <sup>37</sup> JS14, para 14.
- <sup>38</sup> JS21, para 28–29.
- <sup>39</sup> JS20, paras 16–30.
- <sup>40</sup> For relevant recommendations see A/HRC/33/8, paras 138.80–82, 141.32–37, 140.44–48, 141.11, 141.13.
- <sup>41</sup> ACHPR, Resolution ACHPR/Res. 444 (LXVI) 2020 on the Human Rights Situation in the Republic of the Sudan (<https://www.achpr.org/sessions/resolutions?id=475>).
- <sup>42</sup> Maat, para 5.
- <sup>43</sup> JS9, paras 7, 8 and 58.
- <sup>44</sup> JS11, p 4.
- <sup>45</sup> Elizka Relief Foundation, para 5.
- <sup>46</sup> JS20, paras 16–30.
- <sup>47</sup> JS14, para 36.
- <sup>48</sup> JS14, Para 31.
- <sup>49</sup> JS14, para 29.
- <sup>50</sup> Resolution ACHPR/Res. 444 (LXVI) 2020 on the Human Rights Situation in the Republic of the Sudan (<https://www.achpr.org/sessions/resolutions?id=475>), para 3.
- <sup>51</sup> For relevant recommendations see A/HRC/33/8, paras 138.20, 138.22, 138.28, 138.71, 138.89, 138.95–101.
- <sup>52</sup> JS5, para 27.
- <sup>53</sup> JS12, paras 12-13 and 27.
- <sup>54</sup> JS5, para 57.
- <sup>55</sup> JS17, p13.
- <sup>56</sup> ECLJ, para 17.
- <sup>57</sup> JS18, para 10.
- <sup>58</sup> JS1, paras 2 and 38.
- <sup>59</sup> JS4, paras 23–24.
- <sup>60</sup> JS4, p7.
- <sup>61</sup> JS6, paras 1.9, 5.1, 5.2.
- <sup>62</sup> Front Line Defenders, p5.
- <sup>63</sup> JS 11, p 10.
- <sup>64</sup> JS18, para 33.
- <sup>65</sup> For relevant recommendations see A/HRC/33/8, paras 138.54, 139.6–9.
- <sup>66</sup> JS3, para 5.
- <sup>67</sup> For relevant recommendations see A/HRC/33/8, paras 138.12, 138.105.

- <sup>68</sup> ICTUR, p10.
- <sup>69</sup> JS7, paras 10–11.
- <sup>70</sup> JS7, para 16.
- <sup>71</sup> JS13, para 13.
- <sup>72</sup> JS7, para 2.1.1.
- <sup>73</sup> For relevant recommendations see A/HRC/33/8, paras 138.55, 138.69, 138.70, 138.104–105.
- <sup>74</sup> JS7, para 6, 7, 3.2.
- <sup>75</sup> For relevant recommendations see A/HRC/33/8, paras 138.35, 138.105, 138.110–12, 138.120–122.
- <sup>76</sup> JS10 para 34.
- <sup>77</sup> The Sexual Rights Initiative, para 23.
- <sup>78</sup> ACHPR, Resolution ACHPR/Res. 444 (LXVI) 2020 on the Human Rights Situation in the Republic of the Sudan (<https://www.achpr.org/sessions/resolutions?id=475>).
- <sup>79</sup> For relevant recommendations see A/HRC/33/8, paras 138.113, 138.115–119, 138.21–25.
- <sup>80</sup> JS7, para 4.1.
- <sup>81</sup> Egypt Peace, para 3.
- <sup>82</sup> For relevant recommendations see A/HRC/33/8, paras 138.64–70, 138.77, 138.82, 138.86, 138.89, 138.102–103, 139.6, 139.8, 140.3–4, 140.6–11.
- <sup>83</sup> JS11 para p 4.
- <sup>84</sup> JS25, p1.
- <sup>85</sup> JS22, p6.
- <sup>86</sup> The Helena Kennedy Centre for international Justice, para 6.
- <sup>87</sup> JS10, para. 34.
- <sup>88</sup> JS15, p3.
- <sup>89</sup> JS24, para 42.
- <sup>90</sup> JS13 para 19.
- <sup>91</sup> JS23, paras 14–16.
- <sup>92</sup> For relevant recommendations see A/HRC/33/8, paras 138.31–32, 138.34–36, 138.48, 138.51–52, 138.76, 138.78–79, 138.83, 138.85, 138.89, 138.93–94, 138.114, 138.116–118, 138.123–125.
- <sup>93</sup> The Global Partnership to End Violence Against Children, para 2.
- <sup>94</sup> The Helena Kennedy Centre for international Justice para 4.
- <sup>95</sup> For relevant recommendations see A/HRC/33/8, paras 138.52, 138.124, 138.126.
- <sup>96</sup> JS13, paras 7–8.
- <sup>97</sup> For relevant recommendations see A/HRC/33/8, paras 138.11, 138.127, 138.129–132, 139.6, 140.17, 140.51.
- <sup>98</sup> The Global Detention Project (GDP), para 5.1.
- <sup>99</sup> Ibid, para 5.2.
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