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### Draft report of the Working Group on the Universal Periodic Review<sup>1</sup>

#### Sudan

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<sup>1</sup> The final document will be issued under the symbol A/HRC/18/16. The annex to the present report is circulated as received.

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## Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its eleventh session from 2 to 13 May 2011. The review of Sudan was held at the 14<sup>th</sup> meeting on 10 May 2011. The delegation of Sudan was headed by His Excellency Mr. Mohamed Bushara Dosa, Minister of Justice of the Republic of the Sudan. At its 17<sup>th</sup> meeting held on 13 May 2011, the Working Group adopted the report on Sudan.
2. On 21 June 2010, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Sudan: Belgium, China and Mauritania.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Sudan:
  - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/11/SDN/1 and A/HRC/WG.6/11/SDN/1/Corr.1);
  - (b) A compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/11/SDN/2);
  - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/11/SDN/3 and A/HRC/WG.6/11/SDN/3/Corr.1).
4. A list of questions prepared in advance by Belgium, Canada, Czech Republic, Denmark, Ireland, Latvia, Netherlands, Norway, Slovenia, Sweden, Switzerland and the United Kingdom was transmitted to Sudan through the troika. These questions are available on the extranet of the UPR.

## I. Summary of the proceedings of the review process

### A. Presentation by the State under review

5. The delegation reiterated the sincere desire of Sudan to cooperate with the Council. Sudan pointed out the need to pursue the recommendations of the working group in a practical manner, geared towards technical support and capacity-building, which had proved successful in reducing violations and strengthening protection. Sudan thanked Switzerland for its support in building capacities for human rights work in Sudan and in Darfur in particular. It thanked UNMIS for its contribution as well as the network of national human rights organizations for the valuable information which helped in the preparations for the review. The delegation explained the difficulties that have made this report a unique one. The Government of National Unity in Sudan had signed in 2005 the Comprehensive Peace Agreement (CPA) that granted southern Sudan autonomy within the framework of a united Sudan and for a transitional period that lasted six years. It was impossible to have one consolidated report in light of the different institutional system and legislative institutions in north and south Sudan. Therefore a committee representing the Government of Southern Sudan had to undertake the preparation of the special report in southern Sudan, a second covered the situation in southern Sudan, so as to enable the Working Group to consider objectively the situation and make recommendations that address priorities in each side. Each side will follow up on the implementation of the recommendations addressed to them and undertake their implementation.
6. The delegation stressed that its presence at the UPR was in itself recognition of the importance given to improving the situation of human rights, in cooperation with United

Nations and regional mechanisms, to implement its treaty obligations together with both UNMIS and UNAMID.

7. Sudan was convinced that human rights can only be achieved in an atmosphere of security, tranquility, peace and democracy, and therefore the establishment of peace through negotiation and dialogue in all parts of the country was an urgent priority. The CPA signed in January 2005 had opened up opportunities for the transition to peace and prosperity. It also contained provisions for the protection and promotion of human rights.

8. The CPA envisaged a referendum on self-determination for southern Sudan, at the end of the transitional period in January 2011. The Sudanese government had met its promise and conducted the referendum in a timely manner. This formed a milestone in the history of Sudan resulting in the establishment of a new independent state, after the end of the transitional period. The Sudanese government accepted and formally recognized this result, as it was convinced that it represented the will of the people of South Sudan expressed in a free, fair and transparent way.

9. The delegation noted that popular consultation had been completed by the provinces of South Kordofan and Blue Nile, which now enjoy security, stability and development.

10. The delegation underlined that the process in Sudan would be incomplete without a just and lasting solution to the problem of Darfur. Negotiations were ongoing in Doha, after the signature of the Abuja peace agreement in Darfur in 2006. The absence of a number of factions required that there be another platform to negotiate in Doha and for the success of this negotiation, the government signed two framework agreements for peace with both the Justice and Equality Movement and the Liberation Movement and Justice. The mediator had already submitted the final draft in order to obtain the comments of the negotiating parties so as to narrow the gap and then sign the final agreement.

11. The delegation informed that the State has formulated a new strategy for peace, security and development aimed primarily at alleviating the suffering of the affected by this crisis, restore the normal situation, the voluntary return of displaced persons and refugees, harmony and tribal reconciliation, the consolidation of justice and equity, and a climate to achieve comprehensive peace through negotiations. This strategy led to the voluntary return of displaced people with figures exceeding the expected perception. The federal government allocated to the implementation of this strategy 1.9 billion dollars, for development programs in education, health and clean drinking water, roads and infrastructures. However, this strategy was not intended to replace the negotiations in Doha. The delegation called upon the international community to support the efforts of the government and other efforts to resolve the crisis through a final settlement.

12. In the area of applying justice and the rule of law in Darfur, there has been restructuring of the Office of the Attorney General for Darfur crimes, to undertake investigations of all the crimes that occurred in the region since 2003. The government had also succeeded in repairing the social fabric through support of tribal reconciliation initiatives and the signing of a number of charters of peaceful coexistence between the tribes of the three states of Darfur. The government had a vision to put in practice the rules and mechanisms of transitional justice following the accomplishment of full peace in Darfur.

13. The delegation informed that the legislative reform was an ongoing process. The Government had recently approved amendments to a number of existing national laws as well and envisaged new legislation in some areas designed to fulfill the obligations of the Sudan under international human rights treaties, noting that there was a standing committee at the Ministry of Justice charged with legislation review.

14. In the area of the promotion and protection of children's rights a number of legislative and executive measures have been taken aimed at the best interest of the child, especially children in difficult circumstances, such as children of unknown parents and deprived of parental care.

15. The delegation hoped that the UPR mechanism could allow replacing other mechanisms, including the country special procedures that were characterized by selectivity and double standards and used for purposes unrelated to human rights and has proved to be ineffective and needed reform.

## **B. Interactive dialogue and responses by the State under review**

16. During the interactive dialogue, 52 delegations made statements. A number of delegations noted the broad consultations involving multiple stakeholders in approaching the UPR exercise. Additional statements which could not be delivered during the interactive dialogue owing to time constraints are posted on the Extranet of the universal periodic review when available.<sup>2</sup> Recommendations made during the dialogue are to be found in section II of the present report.

17. **Algeria** commended the successful holding of elections last year and encouraged Sudan to continue peace efforts in Darfur and to extend the rule of law throughout the country. Algeria enquired about Sudan's views on the role of international human rights mechanisms and their interaction with national mechanisms. Algeria made recommendations.

18. **The United Arab Emirates** commended the achievements in realizing peace and stability in the country through the Abuja Peace Agreement and the holding of the referendum. In spite of complex challenges, Sudan had come a long way in promoting and protecting the rights of women, children, the elderly and the disabled. UAE made recommendations.

19. **Bahrain** welcomed the position taken by the Government on the results of the referendum, which was a major step in implementing the CPA. It appreciated efforts to strengthen women's rights, including through the elaboration of policies to fight violence against women and improve their status, and efforts to protect child rights. Bahrain made recommendations.

20. **Qatar** appreciated the signing of the CPA and the holding of the referendum this year and elections in 2010. It highlighted its mediation role and noted it had established the Darfur Development Bank to promote peace through development. Qatar enquired about verification of compliance with the ban on child soldiers. It called on the international community to provide support. Qatar made a recommendation.

21. **Singapore** stated that a successful transformation of Sudan required strengthening the rule of law, democratic governance and end impunity. The conduct of the January referendum, following the CPA and the Interim Constitution, should allow Sudan to focus

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<sup>2</sup> Chad, United States of America, Yemen, Morocco, Denmark, Argentina, Mexico, Netherlands, Hungary, Germany, Indonesia, Maldives, Sweden, Slovakia, Senegal, Iraq, Nigeria, Swaziland, Tanzania, Philippines, Kenya, Viet Nam, Central African Republic, Venezuela (Bolivarian Republic of)

on poverty eradication and rebuilding the health system disrupted by the long conflict. Singapore made recommendations.

22. **Egypt** commended the signing of the CPA and the positive position taken by the Government on the referendum. It enquired about measures to address remaining outcomes of the CPA as well as the causes of the crisis in Darfur, while emphasizing the role of the international community. Egypt appreciated the establishment of national human rights institutions. Egypt made recommendations.

23. **The Democratic People's Republic of Korea** welcomed the achievements in the area of economic, social and cultural rights, particularly positive developments and genuine progress in education for all, poverty reduction with priority to pro-poor spending, continued emphasis on national reproductive and family planning and improvements of the situation of persons with disabilities. It made recommendations.

24. **Pakistan** commended Sudan for extending all possible assistance in establishing a new state. Pakistan asked information on challenges linked with the transition phase and the role of the international community in this connection. Pakistan commended Sudan's efforts to raise living standards and noted challenges like security and the rule of law. Pakistan made recommendations.

25. **Oman** noted Sudan's recent efforts to draft new laws and review existing legislation to ensure compliance with the Constitution and international treaties related to human rights. A number of national mechanisms were taking practical steps to promote human rights principles, as were civil society organizations. Oman made recommendations.

26. **Palestine** noted that human rights protection would be a priority for the near future and expressed appreciation for efforts undertaken, in spite of challenges such as in women's rights and child rights. Palestine also noted Sudan's strong interaction with international mechanisms. It encouraged Sudan to continue efforts to address human rights challenges. Palestine made recommendations.

27. **Ethiopia** stated that, as Sudan has created the conditions for a sustainable peace and realization of human rights, the international community must encourage and support these key gains. Ethiopia supported the parties' commitment to continued dialogue and call on the international community to do the same with concrete assistance. Ethiopia made recommendations.

28. **Cuba** noted the efforts of the Government to combat poverty, illiteracy and weak institutional capacities. It also noted the efforts to fight against diseases such as malaria and the measures taken to protect the rights of women, children, the elderly and persons with disabilities. Cuba made recommendations.

29. **The Syrian Arab Republic** noted that despite challenges, such as the conflict in Darfur and the civil war in the South, Sudan had complied with international obligations to protect basic human rights. Syria commended the achievement of the CAP and the referendum, and the Darfur peace process. Syria highlighted progress in the areas of education, women's and child rights. It made recommendations.

30. **Lebanon** referred to positive developments such as the signing of the CPA, peace efforts in Darfur and the referendum. Despite challenges, success could be achieved through positive engagement. Lebanon wished Sudan success in efforts to improve the human rights

situation through institution-building and the adoption of legislation, in cooperation with the international community. It made recommendations.

31. **Brazil** hoped that the UPR exercise will trigger an increasing commitment of Human Rights Council's members in providing technical assistance. While noting the numerous allegations of gender-based violence, Brazil appreciated the adoption of the national plans of action to combat violence against women and children and end female genital mutilation. Brazil made recommendations.

32. **The United Kingdom of Great Britain and Northern Ireland** urged all parties to draw on the expertise of the Independent Expert on Sudan. It urged the North and the South to retain human rights protection under the new Constitutions. It asked about Sudan's actions to investigate allegations of arbitrary arrests and detention of journalists and opposition members. UK made recommendations.

33. **Zimbabwe** thanked the Government for its cooperation with the Human Rights Council and the United Nations system. It appreciated the honouring of the Comprehensive Peace Agreement and the holding of democratic elections and for successfully conducting the referendum on the right to self-determination for South Sudan. Zimbabwe made recommendations.

34. While noting the 2010 Children's Act prohibiting death sentences for children, **Switzerland** referred to reported execution of children. Switzerland referred to reports by the Independent Expert on the human rights situation in Sudan about torture, ill-treatment and arbitrary detention committed by the National Intelligence and Security Service. Switzerland made recommendations.

35. **Saudi Arabia** noted that Sudan had ratified most international and regional human rights treaties and transposed many provisions into national legislation. Sudan also established some human rights institutions and adopted a law on civil society organizations. Highlighting achievements in the area of child rights, Saudi Arabia enquired about measures to implement the CRC. It made recommendations.

36. **Malaysia** noted the Government's continued cooperation with human rights actors. Malaysia referred to Sudan's challenges in improving socio-economic conditions. Malaysia believed Sudan could benefit from improvements on such issues as internally displaced persons, strengthening the rule of the law, combating impunity and the rights of women and children. Malaysia made recommendations.

37. **Djibouti** noted Sudan's efforts to improve the human rights situation and welcomed the 2005 Comprehensive Peace Agreement towards sustainable peace, including its provisions for the protection of human rights. Djibouti also welcomed the referendum on South Sudan, which will lead to the emergence of a new independent State. Djibouti made recommendations.

38. **China** welcomed the measures by the Government to promote socio-economic development, its efforts in poverty reduction, health and education and its commitment to protect the rights of vulnerable groups. It welcomed the efforts of the northern and southern part to promote the peace process. It hoped that the international community will help the Sudan to maintain peace and stability and promote and protect human rights.

39. **Austria** expressed concern about continuing human rights violations in Darfur and by the fact that the NISS continued use of power and abuses. It considered urgent to

address violence against women and ensure equal participation of women in political processes. Austria made recommendations.

40. **Canada** congratulated Sudan on the holding of the referendum and its commitment to implement the 2005 CPA. It expressed concern about the human rights situation, in particular sexual and gender-based violence, media censorship as well as the arbitrary arrests of human rights activists, political opponents, journalists and peaceful protesters. Canada made recommendations.

41. **Ireland** was concerned by the reported targeting of civilians in Darfur and asked whether Sudan would grant UNAMID unhindered access and lift all access restrictions on humanitarian agencies. Ireland expressed concern at reports of arbitrary arrest and detention of journalists, civil society activists and others by the National Intelligence Security Service. Ireland made recommendations.

42. On the question of the coordination between the domestic and the international human rights mechanism, Sudan noted that there were many domestic mechanisms, for example, the Advisory Council on Human Rights (ACHR) which is composed of both governmental and non-governmental bodies. Also the law establishing the independent National Commission on Human Rights had been passed and the nomination of the members will take place soon. Besides, there were a number of national and international NGOs. The cooperation between the domestic and international mechanisms was manifested in the two Joint Forums between the government of the Sudan and the (UNMIS) and (UNAMID) in addition to the three joint sub-Forums in the three Darfur States. Also there was the Independent Expert for human rights situation in the Sudan appointed by this Council. All these mechanisms work independently and without any influences from the government to tackle human rights issues in Sudan.

43. With regard to Sudan's efforts in dealing with situation in the Darfur, the delegation noted that negotiation was the basis for the solution of the problem in Darfur. The delegation also noted that there was a new strategy encompasses peace, security and development in Darfur with components of the return of the IDPs refugees to their homeland.

44. On the questions of the oversight on the detention by the National Security apparatus and the freedom of expression for the press and journalists, the delegation noted that the legal system in the Sudan was made up of legislation passed by a Parliament after the various stages of legal reviews. The National Security Forces Act of 2010 was not exception in this process. The Minister of Justice had appointed attorney prosecutor to monitor detention made by the NISS and this Prosecutor is working independently and impartially. Also aggrieved persons can recourse to the Constitutional Court.

45. In relation to the freedom of expression, the delegation noted that there were (60) daily newspaper published in the Sudan, (37) out of which are political papers publishing on a daily basis critical articles on the activities of the government without pre-censorship. Detaining journalists was only made by the court in cases initiated by individuals affected by what was written in the newspapers and there was no political arrest but arrest for the purpose of the law.

46. On the question of the abolition of the death penalty, the delegation noted that, the death penalty was practiced in the most restricted manner and to the most serious crimes and it is associated with the right to practice religion as guaranteed by the international

human rights treaties. There were strict legal safeguards in trials of cases punishable by death penalty.

47. On the question of the steps taken by the State to ensure access to education for all children the delegation noted that there is strategy in Sudan to make free of charge the education and to make it available to all children, including nomadic children, and there strategy for the education of girls.

48. As far as the empowerment of women is concerned, there is a national strategy adopted in 2008 which include all the aspects relating to the empowerment of women, including: Legislative, health, education and participation in the decision making. Regarding the equality in wages between men and women, the equal pay for equal work was in place since long time. Women in Sudan were subject to the same terms of employment and the same opportunities to apply for public posts. Participation of women in the political life was further enhanced by the allocation of the 25% quota in the national and states parliaments. As a result of that there were 112 female MPs in the national Parliament and 200 female MPs in the states parliaments. Besides, there were women assuming many high level positions in the Sudan.

49. **Spain** praised the conduction of the referendum for the independence of South Sudan. It expressed concern for increased violence in Darfur against civilians. It noted that years of conflict, an unfair distribution of resources and economic mismanagement had deteriorated the economic, social and cultural rights of Sudanese. Spain made recommendations.

50. **India** reminded that the CPA ended one of the longest conflicts in Africa and noted the institutional mechanisms established since then to promote human rights. It considered the independence of South Sudan was both promising and challenging. It urged Sudan and South Sudan to tackle concerns relating to sexual violence and impunity. India made a recommendation.

51. **Japan** welcomed the establishment of a human rights forum in Southern Sudan. Japan remained concerned over continued civilian casualties and displaced persons in Darfur, as well as widespread impunity and gender-based violence. According to Japan, the strengthening of the rule of law in all regions was vital to Sudan's successful transition. Japan made recommendations.

52. **Azerbaijan** positively noted the efforts to eliminate poverty and the measures to promote women's rights, combat violence against women and protect children. Azerbaijan pointed out the constraints and challenges confronting Sudan especially from the conflict in Darfur, which adversely affected limited resources, the restoration of security, protection of citizens and humanitarian assistance for victims. Azerbaijan made recommendations.

53. **Mauritania** commended the positive interaction of Sudan with the UPR process, particularly in light of the difficult challenges that Sudan had faced in recent times, including in connection with the referendum on South Sudan. Mauritania made recommendations.

54. **The Democratic Republic of the Congo** noted Sudan's efforts relating to human rights despite the difficult political context, and to gender equality despite the existing customs. It also welcomed the Zakat system and the Sudanese political maturity on Darfur which led to the new situation in South Sudan. It made recommendations.

55. **Bangladesh** considered that peace, security, stability and development were key in ensuring human rights in Sudan and hoped that the international community would support

the peace process. It noted efforts by the Government to improve the human rights situation and understood the difficulties it faced, including poverty. Bangladesh made recommendations.

56. **Norway** commended Sudan and South Sudan for their efforts to organise the referendum. It expressed concern about the ongoing conflict in Darfur and called on the Government to commit to lasting peace and justice. It stressed the burden on the civilians of the armed clashes in South Sudan. Norway made recommendations.

57. **Uruguay** noted that peace, stability, security, development and the rule of law were necessary elements for the enjoyment of human rights in Sudan. It acknowledged that recent elections did foresee the full participation of women. It remained concerned by sexual violence in the country. Uruguay made recommendations.

58. **France** noted the new situation emerging from the independence of South Sudan and the opportunity to hold state of emergency. France noted the human rights violations attributed to the National Intelligence and Security Service and inquired whether Sudan intended to decriminalise “indecent and immoral acts” and end child recruitment. France made recommendations.

59. **Honduras** understood the challenges faced by Sudan and noted the progress in its human rights situation. It recognized the reforms undertaken by the Government in the area of human rights. Nevertheless, it was concerned by the situation of girls and women victims of constant abuse. Honduras made recommendations.

60. **Turkey** acknowledged that Sudan was party to most international human rights agreements, submitted periodic reports and received rapporteurs regularly. It commended the Government for promoting peace and security and for the peaceful conduct of the referendum. It expressed concern at continued violence in Darfur. Turkey made recommendations.

61. **Belgium** echoed concerns on the application of the death penalty for children. Belgium noted with satisfaction the participation of women in the 2009 elections but inquired whether Sudan intended to end discrimination against women, notably relating to detention, divorce or right to property. Belgium made recommendations.

62. **Kuwait** expressed appreciation for the efforts taken by the government for the signing of the CPA, which had ended the longest war in Africa. Kuwait hoped that the peace which had been achieved would help to strengthen human rights and give a new impetus to development and progress. Kuwait made recommendations.

63. **South Africa** welcomed the acceptance of the results of the referendum by the Government of Sudan demonstrating a strong political will for peace. It noted positively the commitment of the parties to the CPA and the swift deal with post-referendum issues. South Africa reaffirmed its support to ongoing peace in Sudan. It made a recommendation.

64. **Slovenia** remained concerned by the situation in Darfur and for impunity of human rights violators. It noted efforts to enhance women’s rights but remained concerned that women continued to face harmful practices. It asked about measures taken to enforce regulations related to children in conflict with law. Slovenia made recommendations.

65. **Finland** welcomed the referendum on Southern Sudan. It asked about the measures Sudan would take to ensure that ethnic and religious minorities do not face discrimination. It

also asked about the measures to prevent and combat violence against women as well as plans to target discriminatory laws and norms against women. Finland made recommendations.

66. **Poland** appreciated that the interim national constitution instituted different commissions to monitor human rights and hoped they would be established in a speedy manner. It noted that freedom of religion remained limited in Sudan and that sharia's law was being applied to all non-Muslims. Poland made recommendations.

67. **Thailand** welcomed the referendum on Southern Sudan. It hoped Sudan will fully cooperate with the UNAMID to ensure peace and security in the long term. It encouraged Sudan to fully implement the CPA and to investigate all allegations of human rights and international humanitarian law violations. Thailand made recommendations.

68. **Somalia** noted that the Sudanese Government had accepted and recognized officially the referendum on self-determination of South Sudan, which led to the establishment of an independent State. Somalia made a number of recommendations.

69. **Jordan** noted that the situation in Sudan remained difficult despite achievements such as the signing of the CPA. The current period of transition requires the continued support of the international community in order for Sudan to progress. Jordan welcomed Sudan's efforts to strengthen its institutional and legal framework related to human rights. Jordan made recommendations.

70. **Italy** welcomed the developments based on the CPA. It requested further information about minority, women's and children's rights in the future Constitution of Sudan. It asked about the guarantees that the Government of South Sudan will seek against the recruitment of children by the armed forces. Italy made recommendations.

71. **The Islamic Republic of Iran** commended Sudan for its efforts in establishing peace. It noted the progresses in promoting and protecting human rights, particularly the rights of children, women, ethnic groups and people with disabilities and the achievements in education, housing, poverty reduction, health care and development. It made recommendations.

72. **Australia** welcomed the Government's engagement in the Southern Sudan referendum. It expressed concern on the ongoing conflict in Darfur, condemned attacks against civilians and called on the Government to allow greater access for humanitarian workers. Australia expressed concern on the use of children as labourers and combatants in Sudan. Australia made recommendations.

73. **The Republic of Korea** welcomed the outcome of the referendum on Southern Sudan and hoped that post-referendum negotiations would be completed as soon as possible. It expressed concern on the acts of sexual violence, particularly against internally displaced women and girls in Darfur. The Republic of Korea made recommendations.

74. **Ecuador** acknowledged the Government's efforts to improve the human rights situation in Sudan, a country ravaged by years of violence. It acknowledged, as noted in the national report, progress in the legal and judicial areas. Ecuador made recommendations.

75. **Sri Lanka** welcomed the signing of the CPA. It encouraged the Government to work with relevant UN agencies to strengthen the National Education for All Plan and

international partners to provide funds. It noted the efforts in the provision of health care and encouraged increased state spending in public health. It made recommendations.

76. On the question of the measures to ensure the non-involvement of children in armed conflicts, the delegation noted that the Child Act of 2010 prohibited explicitly the involvement of children in armed conflict. Also the Armed Forces Act 2007 prevented the recruitment of children below 18 years and provided for punishments for such act.

77. Regarding the national mechanisms to combat violence against women in Darfur, the delegation noted that there is a federal Unit to Combat Violence against Women and Children with branches at the three states of Darfur. The Unit has a national plan of action to combat VAW and to protect women and children from all forms of violence.

78. With regard to the rights of person with disabilities, the delegation confirmed that Sudan ratified the UN Convention on this matter and passed a national law and established a National Council for the care of disabled persons headed by the President of the Republic and also there was a national strategy to provide services for persons with disabilities particularly women and children.

79. On the question of the efforts to limit poverty, the delegation noted that there was a national strategy to reduce poverty through micro funding projects and "Zakat" programs that target poor families.

80. Concerning the minimum age of criminal responsibility, the Child Act of 2010 set the MACR to 12. Persons below 18 years were not executed in the Sudan. The law also protected children from all forms of child labor. Strategies were adopted in the areas of health and education aimed at reducing child mortality and providing children with access to basic education.

81. Sudan had Personal Matters Acts designed to tackle rights of Muslims and non-Muslims in issues like marriage and divorce. On the protection of the rights of non-Muslims the Constitution provided for the citizenship as the basis for rights and freedoms including the assumption of public posts up to the Presidency of the Republic.

82. On Southern Sudan, it was noted that civil and political rights were enshrined in the Constitution, under the title Bill of Rights, which was a covenant between the Government and the people and the cornerstone of social justice, equality and democracy in the Southern Sudan. Although Southern Sudan still maintained the death penal, it was only imposed where there was a conviction on crimes of treason, murder or aggravated robbery with firearms, and if person was not under 18. On the Human Rights Commission, it was noted that this was functioning and had already a considerable number of cases before it.

## **II. Conclusions and/or recommendations**

83. The following recommendations will be examined by the State under review, which will provide responses in due time, but no later than the 18<sup>th</sup> session of the Human Rights Council in September 2011.

1. Ratify as soon as possible the main international human rights instruments to which it is not yet a party and issue a standing invitation (Japan);
2. Ratify the International Covenant on Civil and Political Rights (Switzerland);
3. Ratify the Second Optional Protocol to the ICCPR (Switzerland);

4. Accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at abolishing the death penalty, and take the necessary steps to remove the death penalty from Sudan's justice system (Australia);
5. Consider ratifying core universal human rights instruments, in particular the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Elimination of All Forms of Discrimination against Women (Brazil);
6. Sign and ratify the First Optional Protocol to the International Covenant on Civil and Political Rights; Optional Protocol of the Covenant on Economic, Social and Cultural Rights; and the Convention for the Protection of All Persons from Enforced Disappearance. Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol; Convention on the Elimination of Discrimination against Women and its Optional Protocol (Spain);
7. Accede or ratify the following international instruments: International Convention for the Protection of All Persons from Enforced Disappearance; Convention on the Elimination of All Forms of Discrimination against Women; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol; Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; and the Rome Statute of the International Criminal Court (Ecuador);
8. Take appropriate steps to accede to the Convention on the Elimination of All Forms of Discrimination against Women (Malaysia);
9. Ratify the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol (Norway, Belgium);
10. Sign and ratify the Convention on the Elimination of all Forms of Discrimination against Women and adopt a law prohibiting female genital mutilations (France);
11. Ratify without any limiting reservations the CEDAW and its Optional Protocol as well as repeal all laws that discriminate against women (Finland);<sup>3</sup>
12. Consider acceding to CEDAW (Republic of Korea);<sup>4</sup>
13. Ratify, without reservations, the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, and review national legislation in light of its provisions to eliminate all discriminatory laws against women (Uruguay);
14. Ratify the Rome Statute of the International Criminal Court and cooperate with this court, and ratify other key human rights treaties including the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment and the Convention on the Elimination of Discrimination Against Women (Australia);

<sup>3</sup> The recommendation as read during the interactive dialogue: Take measures to raise awareness of the police, other authorities, and general public about gender-based violence against women and girls, as well as women's rights and ratify without any limiting reservations the CEDAW and its Optional Protocol as well as repeal all laws that discriminate against women.

<sup>4</sup> The recommendation as read during the interactive dialogue: Make further efforts to protect and promote women's rights in Sudan, and to this end, consider acceding to CEDAW.

15. Ratify the Rome Statute of the International Criminal Court (Poland);
16. Cooperate fully with the International Criminal Court and its Prosecutor and provide him with necessary support pursuant to resolution 1593(2005) of the Security Council (Switzerland);
17. Cooperate fully with the International Criminal Court (Austria);
18. Incorporate robust provisions for the protection of human rights in their new constitution, including articles on the prevention of discrimination and protection of minorities (Canada);
19. Continue to implement the provisions of the Comprehensive Peace Agreement and ensure the rule of law in the country (Singapore);
20. Adjust its national legislation to be compatible with the Comprehensive Peace Agreement and the Interim National Constitution adopted in 2005, especially the following laws and codes: National Security Act of 2010; Press and Printing Act of 2009; Volunteer and Humanitarian work Act of 2006; the Criminal Law and Criminal Procedure Code (Ecuador);
21. Repeal the National Security act and ensure institutional and legislative reform of the NISS including the establishment of a judicial oversight mechanism (Austria);
22. Abolish the 2010 National Security Act (France);
23. Amend the 2010 National Security Act by removing immunities for members of the National Intelligence and Security Services and withdrawing its powers of arrest and detention (Canada);
24. Amend the National Security Act so that it conforms with the Interim National Constitution, the Comprehensive Peace Agreement and the International Covenant on Civil and Political Rights (Ireland);
25. Make a serious review on the compatibility of the 2010 National Security Act with the international standards in international human rights instruments to which Sudan is a party (Republic of Korea);
26. Amend the 2010 Law on National Security to ensure that powers to arrest and to detain of the National Intelligence and Security Service (NISS) are in line with the human rights obligations of Sudan (Switzerland);
27. Reform the National Intelligence and Security Service in accordance with the Comprehensive Peace Agreement particularly the broad powers of arrest and detention (UK);
28. Reform the 2009 Press and Publications Act (Austria);
29. Bring the 2009 Press and Publications Act in line with its international obligations, and put in place effective enforcement measures (Canada);
30. Amend its laws, including those on marriage, custody, divorce, property rights, and indecency, to ensure compliance with international human rights law (Canada);
31. Enact a Religious Freedom Act expressly excluding the application of sharia to non-Muslims and decriminalizing apostasy which is considered a crime in the Penal Code of 1991 (Spain);
32. Revise the 1991 Penal Code and abolish the penalization of apostasy (Poland);

33. Adjust legislation and practices affecting women and children to international law obligations assumed by Sudan (Honduras);
34. Continue its engagement with the international community to ensure that the international community delivers on its promises on supporting a post-referendum political transition (Ethiopia);
35. Seek support of the international community in addressing human rights challenges including the development projects (Pakistan);
36. Continue to engage the United Nations with a view to fully benefit from the United Nations Technical Cooperation Programme in the field of human rights (Zimbabwe);
37. Continue availing itself of offers for technical assistance and capacity building from the relevant development partners at bilateral, regional and multilateral levels (Malaysia);
38. Continue to seek technical cooperation and assistance from the international community, and relevant international and regional stakeholders, particularly the UN Missions in Sudan and UNAMID, for support of strengthening its human rights institutions and implementing the UPR recommendations (Thailand);
39. Expedite the nomination of members to the Human Rights Commission so that it may initiate its work (Oman);
40. Seek technical assistance through the relevant mechanisms of the United Nations (Azerbaijan);
41. Establish an independent Human Rights Commission (Norway);
42. Expedite the procedures for the establishment of the National Human Rights Commission and the appointment of its members as soon as possible (Turkey);
43. Establish a national human rights institution in accordance with the Paris Principles (Poland);
44. Complete the establishment of the National Commission for Human Rights as soon as possible (Thailand);
45. Establish the National Human Rights Commission, as soon as possible, which comprises independent and impartial Commissioners and which is compatible with the Paris Principles (Republic of Korea);
46. Establish an appropriate mechanism for the protection and the promotion of Children Rights (Poland);<sup>5</sup>
47. Continue efforts to strengthen democracy, good governance, the rule of law and equality (Jordan);
48. Give priority to the promotion and protection of human rights in all policies developed by the Government (South Africa);
49. Continue with its efforts to promote and protect human rights and freedoms (Sri Lanka);

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<sup>5</sup> The recommendation as read during the interactive dialogue: Establish the Office of Ombudsman for Children Rights.

50. Clearly voice its intention to guarantee the protection of ethnic and religious minorities and formalize post-referendum agreements on citizenship rights which will safeguard civil, political, economic, social and cultural rights on an equal footing as citizens-regarding people of both Northern and Southern origin (Finland);
51. Continue to reinforce the pillars of peace throughout the country, in implementation of the CPA (Kuwait);
52. Take concrete steps to prevent any form of infringement on the human rights of southerners residing in the north, including by addressing issues of nationality and citizenship in cooperation with the authorities in Southern Sudan (Norway);
53. Redouble efforts to build a lasting peace in Darfur by exercising restraint, engaging with the UN/AU peace process in Doha, and improving the security situation in which humanitarian workers operate (UK);
54. Continue to make concerted efforts to find a permanent and peaceful solution to the conflict in Darfur (Zimbabwe);
55. Continue to take necessary steps aimed at ensuring the delivery of relief assistance to those people in need in Darfur (DPRK);
56. Continue its efforts aimed at protecting aid workers and relief convoys and to take measures against banditry acts (DPRK);
57. Take the necessary measures to end attacks against civilians and to ensure unimpeded humanitarian access to IDPs' camps in Darfur, including by lifting the state of emergency (Canada);<sup>6</sup>
58. End the deliberate and indiscriminate attacks against civilians in Darfur and prosecute those responsible for these attacks (Spain);
59. End all indiscriminate attacks against civilians and other violations of international humanitarian and human rights law, especially in Darfur and bring the perpetrators to justice, ensuring due process (Uruguay);
60. Elaborate a plan and create national mechanisms to combat violence against women in Darfur (Mauritania);
61. Establish national mechanisms to combat violence against women, especially in Darfur (Qatar);
62. Make further efforts to protect and promote women's rights in Sudan (Republic of Korea);<sup>7</sup>

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<sup>6</sup> The recommendation as read during the interactive dialogue: Take the necessary measures to end attacks against civilians and to ensure unimpeded humanitarian access to refugee camps in Darfur, including by lifting the state of emergency.

<sup>7</sup> The recommendation as read during the interactive dialogue: Make further efforts to protect and promote women's rights in Sudan, and to this end, consider acceding to CEDAW.

63. Continue its active efforts to promote children's rights, including the implementation of a new law for children promulgated in 2010, disarmament, demobilization and reintegration activities for children, enhancement of a juvenile court system and work towards the compulsory registration of births and the eradication of female genital mutilation (Japan);
64. Develop a national plan of action to enforce the rights of children in a comprehensive manner and based on the UN Convention (Uruguay);
65. Continue to devote special attention to children to realize their best interest (Jordan);
66. Develop a national plan of action for the implementation of children's rights and adopt a holistic child rights approach (Iran);
67. Develop a national plan of action for the implementation of children's rights (Australia);
68. Elaborate national legislation for the protection of child rights and create national mechanisms to monitor implementation (Saudi Arabia);
69. Continue its efforts to fight the climate challenges with the support of the international community (Bangladesh);
70. Extend a standing invitation to all Special Procedures, respond positively to pending requests for visits (Spain);<sup>8</sup>
71. Issue a standing invitation to the human rights special procedures (Ecuador);
72. Cooperate fully in Darfur with UNAMID, in order to prevent and prosecute any human rights violation (Italy);
73. Improve co-operation with the Independent Expert on the situation of human rights in Sudan, including on the implementation of the recommendations by the Group of Experts (Austria);
74. Continue to fully cooperate with the Independent Expert on the situation of human rights in the Sudan, including with respect to the implementation of recommendations (Canada);
75. Fully cooperate with the Special Rapporteur on the situation of human rights in the Sudan (Spain);<sup>9</sup>
76. Engage civil society in the process of implementation of UPR recommendations (Poland);
77. Intensify programmes to promote the status of women (Algeria);

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<sup>8</sup> The recommendation as read during the interactive dialogue: Extend a standing invitation to all Special Procedures, respond positively to requests for pending visits, and fully cooperate with the Special Rapporteur on the situation of human rights in the Sudan.

<sup>9</sup> The recommendation as read during the interactive dialogue: Extend a standing invitation to all Special Procedures, respond positively to requests for pending visits, and fully cooperate with the Special Rapporteur on the situation of human rights in the Sudan.

78. Continue efforts aimed at the improvement of the situation of women and their empowerment (Jordan);
79. Implement programmes and activities to support the empowerment of women and to raise their awareness and capacity to enjoy their rights (UAE);
80. Further pursue awareness-raising efforts to counter the phenomenon of discrimination against women so that they are not deprived of fundamental rights (Palestine);
81. Provide appropriate employment opportunities for women and work to achieve equal wages for men and women (UAE);
82. Provide appropriate employment opportunities for women, ensuring equal wages between men and women (Bahrain);
83. Expand appropriate employment opportunities for women and ensure equal pay for men and women, while taking the necessary measures to promote the participation of women in the political life (Egypt);
84. Further pursue efforts aimed at strengthening the protection of the rights of women and children through further development of legislation and mechanisms in this field (Syria);
85. Exert additional efforts in the field of providing care for persons with disabilities and in establishing national mechanisms to enable them to effectively participate in public life, while considering accession to the CRPD (Egypt);
86. Establish a moratorium on all executions and, eventually, abolish the death penalty (Switzerland);
87. Consider abolishing the death penalty (Brazil);<sup>10</sup>
88. Establish a moratorium on the use of the death penalty with a view to its total abolition (Spain);<sup>11</sup>
89. Establish as soon as possible a moratorium on the execution of the death penalty with a view to its abolition in the future (Belgium);
90. Establish a moratorium on executions with a view to abolishing the death penalty (Italy);
91. Commute sentences to death to prison terms (France);<sup>12</sup>
92. Replace any death sentences with an appropriate alternative sanction (Slovenia);<sup>13</sup>

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<sup>10</sup> The recommendation as read during the interactive dialogue: Consider abolishing the death penalty, especially to children under 18.

<sup>11</sup> The recommendation as read during the interactive dialogue: A moratorium on the use of the death penalty with a view to its total abolition, and the immediate prohibition of its application to minors.

<sup>12</sup> The recommendation as read during the interactive dialogue: Commute sentences to death to prison terms and prohibit executions of minor pursuant to the Children's Act of 2010.

<sup>13</sup> The recommendation as read during the interactive dialogue: Ensure that the death penalty is not carried out at least on persons under 18 years of age, and replace any death sentences with an appropriate alternative sanction.

93. For as long as it will resort to the death penalty, respect the relevant international standards, especially the principles stated in ECOSOC resolution 1984/50, and particularly ensure that it will only be applied to the most severe crimes and for individuals who are more than 18 years of age at the time of the acts (Belgium);
94. Establish a moratorium on the death penalty with a view to its abolition and immediately stop the imposition of this cruel measure to children (Uruguay);
95. Immediately prohibit and the immediate prohibition of its application to minors (Spain 2);<sup>14</sup>
96. Abolish the death penalty against juvenile offenders (Italy);
97. Consider especially abolishing the death penalty to children under 18 (Brazil);<sup>15</sup>
98. Ensure that no-one be executed for a crime that he/she would have committed while he/she was under the age of 18 years and commute death sentences already pronounced against minors into appropriate alternative sentences (Switzerland);
99. Lower the criminal responsibility for children, ban the application of the death penalty to children, and prohibit the recruitment of children as child soldiers and their participation in armed conflict (Palestine);
100. Prohibit executions of minor pursuant to the Children's Act of 2010 (France 2);<sup>16</sup>
101. Ensure that the death penalty is not carried out at least on persons under 18 years of age (Slovenia);<sup>17</sup>
102. Abolish the death penalty, corporal punishment and other cruel, inhuman or degrading treatment from its national legislation (Ecuador);
103. Take further measures to prevent and combat all forms of violence against children and women, including training law enforcement officials to deal with sexual violence cases (Brazil);
104. Take measures to raise awareness of the police, other authorities, and general public about gender-based violence against women and girls, as well as women's rights (Finland);<sup>18</sup>

<sup>14</sup> The recommendation as read during the interactive dialogue: A moratorium on the use of the death penalty with a view to its total abolition, and the immediate prohibition of its application to minors.

<sup>15</sup> The recommendation as read during the interactive dialogue: Consider abolishing the death penalty, especially to children under 18.

<sup>16</sup> The recommendation as read during the interactive dialogue: Commute sentences to death to prison terms and prohibit executions of minor pursuant to the Children's Act of 2010.

<sup>17</sup> The recommendation as read during the interactive dialogue: Ensure that the death penalty is not carried out at least on persons under 18 years of age, and replace any death sentences with an appropriate alternative sanction.

<sup>18</sup> The recommendation as read during the interactive dialogue: Take measures to raise awareness of the police, other authorities, and general public about gender-based violence against women and girls, as well as women's rights and ratify without any limiting reservations the CEDAW and its Optional Protocol as well as repeal all laws that discriminate against women.

105. Develop and implement national legislation explicitly prohibiting female genital mutilation and ensure its practical enforcement. Enhance school programs and community education to raise public awareness about the harmful effects of this practice, which constitutes a serious form of violence against women and a serious attack on human rights (Ecuador);
106. Take all the necessary measures to end female genital mutilations, notably regarding their prevention, awareness-raising, control and sanctions (Belgium);
107. Pass legislation at the federal level to prohibit FGM and early forced marriages, and to ensure that such legislation is enforced in practice (Slovenia);
108. Adopt legislative and other measures to explicitly prohibit and eradicate female genital mutilation, and reinforce, also, awareness and education programs about its harmful effects (Uruguay);
109. Abolish the law that legalizes the sunna and completely eradicate this genital mutilation practice through education and awareness campaigns in the communities (Honduras);
110. Take the appropriate measures to reform its penal code, particularly aiming at eliminating corporal punishment (Brazil);
111. Continue taking strong measures to end the recruitment and use of child soldiers (Malaysia);
112. Take effective measures to end the recruitment of children into the Armed Forces and affiliated armed groups, and also fight the forced recruitment and abduction of children by non-state armed groups (Uruguay);
113. Take all necessary measures to ensure that all children are released by armed forces and armed groups, and that these children receive all the assistance necessary for their physical and psychological recovery, including special medical care for victims of sexual violence (Slovenia);
114. Criminalize the worst forms of child labour and accede to international treaties which ban this practice (Saudi Arabia);
115. Adopt national legislation to protect child rights and create follow-up mechanisms, and criminalize the worst forms of child labour and accede to international treaties banning this practice (Mauritania);
116. Take efforts to organize more training programmes for national personnel working in the areas of judicial affairs and law enforcement, in accordance with international human rights principles (Egypt);
117. Train professionals in the area of judicial affairs so as to enable them to perform their role effectively (Palestine);
118. Continue taking measures to support the rule of law and ensure that justice is brought to Darfur (Syria);
119. Seek technical assistance and capacity building support from relevant UN agencies as well as from other international organizations in the field of human rights and provide human rights training for judges, public prosecutors, legal advisors and law enforcement agencies (Turkey);
120. Step up human rights education and training for personnel involved in prosecution and law enforcement activities, including police, armed forces personnel, judges and lawyers (Malaysia);

121. Strengthen awareness-raising and training in the human rights area, in particular for judges and law enforcement personnel (Jordan);
122. Implement the recently adopted UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders, otherwise known as the “Bangkok Rules”, to improve treatment of female offenders and to seek appropriate assistance in the implementation from relevant UN agencies (Thailand);
123. Raise the minimum age of criminal responsibility currently fixed at 12 years in compliance with its international obligations (France);
124. All allegations of extrajudicial executions, forced disappearances, torture and other ill-treatment, as well as grave violations of human rights and violations of international humanitarian law be the object of effective and independent investigations at the earliest to bring the perpetrators of these acts to justice, irrespective of their ranks or functions (Switzerland);
125. Ensure that those suspected of being responsible for crimes under international law in Darfur are investigated and prosecuted before independent and impartial courts, without resort to the death penalty (Austria);
126. Take concrete action to end impunity in Darfur (Norway);
127. Enhance measures swiftly to address the issues of impunity, arbitrary arrests and detention, the lack of access to a fair trial and reliance on traditional courts, among others (Japan);
128. Adopt strong and decisive measures to punish those responsible of the rape of girls and women (Honduras);
129. Adopt all necessary measures to bring the perpetrators of all serious human rights violations in the country to justice (Slovenia);
130. Ensure that all allegations of violations of human rights and international humanitarian law are duly investigated, and that the perpetrators are brought to justice (Australia);
131. Cease to hinder the freedom of movement of UNAMID and humanitarian agencies (Ireland);
132. Ensure effective protection of journalists and human rights defenders against intimidation, harassment, arrest and detention (Switzerland);
133. Continue applying strategies and plans for the socio-economic development of the country, in particular those aimed at reducing poverty (Cuba);
134. Develop, with the assistance of the international community, a long-term strategy to eliminate poverty and improve the standard of living of its people (Singapore);
135. Continue its measures to increase allocations for poverty reduction and focus further on the rehabilitation of agriculture and infrastructure (Azerbaijan);
136. Continue its efforts to fight poverty with the support and cooperation of the international community (Bangladesh);

137. Increase further the “pro poor public spending” with a view towards implementing the poverty eradication strategy (Sri Lanka);
138. Ensure fair distribution of national income, taking special account to southern regions, which were hurt by long years of war (DRC);
139. Remain committed to helping the poor to access education and health care (Oman);
140. Continue to work with the WHO and other relevant international organizations to improve access to health care and rebuild health infrastructure in the conflict-affected areas (Singapore);
141. Increase efforts to control endemic diseases, which constitute the main reason for the high number of deaths among citizens (Oman);
142. Allocate sufficient financial resources to the health sector to improve access to health care and to rebuild health infrastructure (Turkey);
143. Take effective measures to improve access to health care, particularly in remote and rural areas (Iran);
144. Provide access to drinking water for each Sudanese (DRC);
145. Take effective measures to ensure accessibility of safe drinking water and access to adequate sanitation facilities, particularly in remote rural areas (Iran);
146. Continue to take steps to decrease child mortality rate (DPRK);
147. Continue its efforts with regard to the advancement of women’s rights, the reduction of child mortality and illiteracy rates and the reintegration of children into their communities (Azerbaijan);
148. Continue efforts aimed at ensuring education for all children and make arrangements to improve the performance of the education system (Algeria);
149. Devote attention to the education of children and take measures to reduce the rate of drop-outs from school (Bahrain);
150. Strengthen the capacities and competencies of educational institutions in terms of providing services and rehabilitation to them, especially primary schools (Oman);
151. Continue applying programs and measures aimed at guaranteeing universal access to quality education and health services to its population (Cuba);
152. Devote attention to the education of children and use education to spread a human rights culture through school curricula (Saudi Arabia);
153. Increase the expenditure allocated for education in order that it could be accessible to the children across the country (Sri Lanka);
154. Increase actions for access to schooling (DRC);
155. Take all appropriate measures to eliminate illiteracy throughout the country (Iran);

156. Continue education and awareness-raising programmes in the area of human rights and international treaties (Algeria);<sup>19</sup>
  157. Continue the dialogue with all parties to put an end to the Darfur crisis, which would enable all displaced persons and refugees to return to their home villages and towns (Kuwait);
  158. Create incentives for the voluntary return of Sudanese nationals that left the country due to the situation of internal violence, be they displaced, refugees or migrants. Generate and implement government programs enabling the economic and social reintegration of these people, especially those in vulnerable situation (Ecuador);
  159. Seek assistance from the international community to provide the necessary support and coordination between all stakeholders in order to achieve remaining future programmes for the voluntary return of displaced persons and refugees, as well as development programmes (Palestine);
  160. Improve, in cooperation with relevant stakeholders, the living conditions and safety situation of the IDPs by giving access to humanitarian assistance while ensuring security of humanitarian workers and to strengthen its protection of women and girls from sexual violence in the IDPs camps (Thailand);
84. At the request of the State under review, in view of upcoming constitutional arrangements, recommendations put forward to Sudan and South Sudan or to the parties of the CPA, have been clustered as follows:
1. Make every effort to preserve the climate of peace achieved by the Comprehensive Peace Agreement during the 6 years of transition (Djibouti);
  2. Continue to work with their regional and international partners to ensure amicable solutions to remaining post referendum issues (Ethiopia);
  3. Remain committed to negotiations to resolve pending areas of disagreement (Syria);
  4. Continue negotiations with a view to a peaceful resolution of pending questions (Djibouti);
  5. Continue negotiations to reach agreement on pending issues such as border and natural resources (Lebanon);
  6. Continue negotiations with a view to peacefully settling the remaining stipulations of the CPA particularly with regard to issues like: border demarcation, foreign debts, oil and water sharing, and citizenship with the understanding that nobody will be stateless (Somalia);
  7. Maintain the peaceful atmosphere that was created by the Agreement throughout the six years of the transitional period, by measures to reduce tension and to refrain from taking any unilateral steps by any party that would undermine the purpose of the Agreement (Somalia);
  8. Guarantee the human rights of their citizens under the new Constitutions and establish effective mechanisms to ensure these are respected including through the establishment of a national human rights institution in line with the Paris Principles (UK);

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<sup>19</sup> The recommendation as read during the interactive dialogue: Continue education and awareness-raising programmes in the area of human rights and international treaties to all concerned personnel.

9. Draft their constitutions in an inclusive process with the participation of civil society, women and minorities. Also, that the new constitutions include a catalogue of human rights, in particular the freedom of speech and assembly, and must take multiethnic and multireligious background of its population into account (Austria);
10. Bring all Constitutional provisions and relevant laws in line with the CPA and international obligations (Norway);
11. Strengthen the cooperation with all the mechanisms of this Council (Austria);
12. Cooperate in the follow up to this review (Austria);
13. Continue to fully cooperate with the Independent Expert on the situation of human rights in Sudan (France);
14. Strengthen the capacity to adequately protect and promote human rights in cooperation with OHCHR (Norway);
15. Consider establishing national human rights institutions in compliance with Paris Principles (India);
16. Ratify without limiting reservations the Convention on the Elimination of Discrimination against Women and its Optional Protocol (Austria);
17. Ratify the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Austria);
18. Repeal all laws that discriminate against women (Austria);
19. Ensure that after the independence no one will be discriminated against because of their origin from the other State respectively (Austria);
20. Establish a moratorium on executions with a view to the definitive abolition of the death penalty (France);
21. Adhere to the Convention against Torture and its Optional Protocol and to the International Convention for the Protection of All Persons from Enforced Disappearance (France);
22. Strengthen awareness of and respect for human rights within the armed forces, police and judiciary (Norway);
23. Respect the rights to freedom of expression, association and assembly by allowing human rights defenders, political dissidents and journalists to express their views freely in line with international human rights law (UK);
24. Take concrete steps to ensure freedom of the media and to investigate any intimidation and arbitrary detention of journalists and human rights defenders with a view to bring such practices to an end (Norway);
25. Adopt legislation and measures to allow the free practice of religions in North Sudan and South Sudan (Lebanon);
26. Foresee measures that would guarantee the right to religion to the groups that would become minorities in both sides after the birth of the new state: namely Muslims in the Southern Sudan and non-Muslims in North Sudan (Somalia);

27. Consider measures aimed at ensuring freedom of religion for groups which will become minorities in the two countries after the emergence of the new State (Djibouti);
  28. In light of exceptional circumstances, appeal to the international community for it to consent to the cancellation of Sudan's debt, which would constitute remarkable progress towards achievement of the MDGs, ensure conditions of an equitable economic development and have a positive impact on the enjoyment of human rights for millions of Sudanese (Djibouti);
  29. Appeal to the international community to take individual and collective initiatives to exempt the debts of the Sudan (Somalia);
85. At the request of the State under review, in view of upcoming constitutional arrangements, recommendations put forward to South Sudan, have been clustered as follows:
1. Complete its transition from a militarised society to a democratic system based on the rule of law under civilian rule (Norway);
  2. Increase the efforts in the field of civil protection in the transition period (Norway);
  3. Adhere to the Convention on the Rights of the Child and to its two Optional Protocols and endorse Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups (France);
  4. To South Sudan to establish a moratorium on executions with a view to abolishing the death penalty (Italy);
86. The response of the State under review to the recommendations in paragraphs 84 and 85 will be provided in due time, but no later than the 18<sup>th</sup> session of the Human Rights Council in September 2011.
87. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

## Annex

### Composition of the delegation

The delegation of Sudan was headed by His Excellency Mr. Mohamed Bushara Dosa, Minister of Justice of the Republic of the Sudan and composed of the following members:

- H.E. Ahmed Idris Ali, Advisory Council for Human Rights, Sudan;
  - H.E. Ambassador Hamza Omer Hassan Ahmed, chargé d'Affaires a.i. – Sudan Mission – Geneva;
  - Mr. Nazar Ahmed Mohamed Abdou, Ministry of Justice, Sudan;
  - Mrs. Rihab Awad Elkarim, Ministry of Justice, Sudan;
  - Mr. Isam Abdelrahman, Ministry of Foreign Affairs, Sudan;
  - Dr. Atiyat Mustafa, Head of the Unit of Combating Violence against Women, Sudan;
  - Mrs. Qamar Khalifa Habani, Secretary-General of the National Council for Child Welfare, Sudan;
  - Mr. Eltayeb Haroun, Advisory Council for Human Rights, Sudan;
  - Mr. John Ukec Lueth Ukec, Ministry of Foreign Affairs, Sudan;
  - Mr. Stephen Kang, Government of South Sudan;
  - Mr. Angok Daniel, Government of South Sudan.
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