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**Sudan\***

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## Part I

### Introduction

1. This report provides a description of the human rights situation in the Sudan, in accordance with paragraph 5 (e) of United Nations General Assembly resolution 60/251 establishing the Human Rights Council, adopted on 15 March 2006, and the general guidelines set forth in Human Rights Council resolution 5/1 of 18 June 2007.

2. The Government of the Sudan first of all affirms its sincere desire to comply and cooperate with United Nations human rights mechanisms, including the universal periodic review mechanism inasmuch as it is a tool aimed at guaranteeing the promotion and protection of human rights, guided by the principles of universality, impartiality, objectivity, non-selectivity and the elimination of politicization, with a view to enhancing and defending human rights on the basis of the principles of cooperation and genuine dialogue. Also taken into account is the fact that these rights, as acknowledged by the Vienna Declaration and Programme of Action, are “universal, indivisible and interdependent and interrelated”. The universal periodic review mechanism is furthermore a strategic option aimed at the protection of human rights, which entails the rejection of any form of exploitation for political, ideological or economic ends.

3. The process of preparing this report provided a unique opportunity for all participants to make their own assessment of the many initiatives undertaken by the State since its foundation in 1975, the year of its proclamation of national independence, to fulfil its obligations with respect to the promotion and protection of human rights.

4. In this report, we present an overview of the key aspects of progress achieved in the area of promoting and protecting human rights in the Sudan, exemplified in the efforts of the State at the legislative, judicial and executive levels to protect human rights at a time when the Sudan faces a host of constantly emerging challenges and difficulties. It nonetheless remains undiminished in its will to pursue resolutely the advancement of human rights and the development of cooperation with all national, regional and international actors by enacting legislation and adopting measures and initiatives, taking into consideration the possible outcome of the referendum on self-determination for Southern Sudan.

### I. Methodology and consultative process

5. The Sudanese Government accorded special attention to this report, which was prepared by a committee formed by the Minister of Justice and comprising representatives of various ministries and institutions that joined in providing information on their policies for the promotion and protection of human rights. Although the report conveys the Government’s views with respect to its human rights obligations, civil society organizations were also consulted insofar as the universal periodic review should not be a mechanism for which the Government alone prepares. These consultations were conducted in a number of sessions and workshops organized for that purpose with the help of the Human Rights Unit of the United Nations Mission in the Sudan (UNMIS).

## **II. Legal frameworks and mechanisms for the promotion and protection of human rights in the Sudan**

### **A. Legal frameworks**

#### **The Comprehensive Peace Agreement of 2005**

6. The Government of the Sudan and the Sudan People's Liberation Army (SPLA) signed the Comprehensive Peace Agreement on 9 January 2005 in Nairobi, Kenya, bringing an end to the longest war on the African continent and providing an unprecedented opportunity for a turnaround away from decline towards the prospect of peace and prosperity.

7. The Agreement dealt directly with the main causes of the conflict and its key provisions covered the establishment of the Government of National Unity for the whole of the Sudan and of the Government of Southern Sudan. It also included a number of protocols containing provisions for the promotion and protection of human rights. For instance, article 1.6.1 of the Protocol on Power-sharing, signed in May 2006, states that: "The Republic of the Sudan, including all levels of government throughout the country, shall comply fully with its obligations under the international human rights treaties to which it is a party."

8. Under the Comprehensive Peace Agreement, a number of commissions were established as mechanisms for implementation of the Agreement, including, for example:

- The Civil Service Commission
- The National Constitutional Review Commission
- The National Electoral Commission
- The Human Rights Commission
- The Southern Sudan Referendum Commission

#### **The Interim Constitution of the Republic of the Sudan of 2005**

9. The Comprehensive Peace Agreement provided for the elaboration of an interim constitution by the National Constitutional Review Commission, which was composed of the parties to the Agreement, in addition to registered political parties and most of the key civil society figures in the Sudan, and which successfully drafted the Interim Constitution of the Republic of the Sudan of 2005.

10. In defining the nature of the State, the Interim Constitution of the Republic of the Sudan of 2005 describes the country as democratic, decentralized, multicultural, multilingual, multiracial, multi-ethnic, and multireligious. The Constitution also establishes the principle of democracy and decentralization under a single republic, namely the Sudan, and the State is committed to respect for and promotion of human dignity, and to justice, equality, the advancement of human rights and fundamental freedoms, and multipartism.

11. The Constitution provides that the national legislature is composed of the National Assembly and the Council of States. The National Assembly is made up of members elected in free and fair elections and the law determines its composition and the number of its members. The Council of States is composed of two representatives from each state who are elected by the state legislative councils. Each state likewise has a legislative council composed of members elected in accordance with the provisions of the State constitution and the law.

12. Part II of the Constitution guarantees all rights and fundamental freedoms by way of the Bill of Rights set forth in article 27, which provides that the Bill is a covenant among all Sudanese people and between them and their governments at every level, a commitment to respect and promote the human rights and fundamental freedoms enshrined in the Constitution, and the cornerstone of social justice, equality and democracy in the Sudan. It further provides that the State shall protect, promote, guarantee and implement the Bill.

13. The Constitution provides that legislation shall regulate the rights and freedoms enshrined therein and shall not detract or derogate from any of those rights. Further consolidating these rights and freedoms, the Constitution also prohibits their suspension, even in a state of emergency, treating them as laws that can be neither undermined nor amended by legislative institutions without the matter being put to a referendum of the people.

14. The Constitution makes no provision for an official State religion, asserting that the Sudan is an all-embracing homeland where religions and cultures are sources of strength, harmony and inspiration, that cultural diversity is the basis of national cohesion and may not be used to create division, and that all the indigenous languages of the Sudan are national languages that must be developed and promoted.

#### **Other national legislation**

15. As provided by the Constitution, a number of new laws were drafted and various existing laws were reviewed in order to bring them into line with the Constitution and relevant international conventions. Of these, we mention by way of example:

- The Voluntary Work Act of 2006.
- The Armed Forces Act of 2007, which devotes an entire section to crimes perpetrated during military operations, such as war crimes, crimes against humanity and genocide, and affirms individual responsibility in the case of accountability for these crimes. It also provides for the protection of civilians and civilian facilities in times of international and non-international armed conflict.
- The Political Parties Act of 2007, pursuant to which the foundation was laid for an important democratic transformation to pave the way for general elections, which were conducted in April 2010.
- The Electoral Act of 2008, pursuant to which the National Electoral Commission was established.
- The National Council for Child Welfare Act of 2008.
- The Sudanese Criminal Code of 1991, which was amended in 2009 by the addition of a full chapter on crimes against humanity, war crimes and genocide.
- The National Human Rights Commission Act of 2009.
- The Press and Publications Act of 2009.
- The National Disabled Persons Act of 2009.
- The Southern Sudan Referendum Act of 2009.
- The Abyei Area Referendum Act of 2009.
- The Children's Act of 2010.

### **International and regional human rights conventions ratified by the Sudan**

16. The Sudan has ratified most international and regional human rights conventions, which it regards as an integral part of the Constitution. Indeed, many of the provisions of these conventions are at the heart of the national legislation. The Constitutional Court and other competent courts safeguard, protect and apply these rights in the State, in accordance with the Constitution. Article 27 (3) of the Sudanese Interim Constitution of 2005 provides that all rights and freedoms enshrined in international human rights treaties, covenants and instruments ratified by the Republic of the Sudan are an integral part of the Constitution.

## **B. Mechanisms**

17. Forming part of the endeavour to ensure the promotion and protection of human rights are a number of national mechanisms that seek to enforce human right principles and standards. Of these, we mention by way of example.

### **The Constitutional Court**

18. The Constitutional Court was established pursuant to article 119 of the Constitution and is composed of nine judges with the necessary experience, competence, integrity, credibility and impartiality. This Court is independent of the legislature and the executive and separate from the national judiciary. It is the guardian and protector of the Constitution and has jurisdiction to protect human rights and fundamental freedoms. The Constitutional Court has laid down constitutional principles and rules and has been guided by international human rights principles in interpreting a number of provisions of the Constitution, which are binding on national courts at the various levels of litigation.

### **The national judiciary**

19. This includes the National Supreme Court, national courts of appeal and all other national courts, which together represent the main national mechanism for the protection of human rights. They enjoy full independence from the legislature and the executive and have financial and administrative autonomy. Concerning the independence of judges, the Constitution provides that judges are independent in the performance of their duties, have full judicial competence with respect to their functions and may not be influenced in their judgements.

20. A number of independent institutions and commissions have also been established to monitor human rights, for example.

### **The Advisory Council on Human Rights**

21. The Advisory Council on Human Rights began as a committee for coordinating among State agencies on human rights matters. It was established in 1992 and was then upgraded in 1994, pursuant to a republican decree, to a human rights advisory council chaired by the Minister of Justice.

22. The functions of the Advisory Council on Human Rights are to: provide advice and counsel to the State in the area of human rights; prepare research and studies; disseminate the human rights culture across the different media; provide training for State and civil society personnel in human rights standards and principles; review national legislation in order to harmonize it with international and regional human rights instruments to which the Sudan is a party; and conduct studies on conventions to which the Sudan has not acceded and make recommendations on the subject. Through a complaints committee, the Council also receives complaints about human rights violations from individuals and organizations, at both the domestic and international levels. In addition, it prepares and submits the

Sudan's periodic reports to international and regional human rights treaty mechanisms. The Advisory Council on Human Rights is the national body concerned with coordinating on human rights matters with UNMIS and the African Union-United Nations Hybrid Operation in Darfur (UNAMID). The Council comprises a number of divisions responsible for the conduct of work in specialized areas.

#### **The National Committee on International Humanitarian Law**

23. This Committee was established by republican decree in 2003 and assumes a number of functions, in particular those of disseminating the culture of international humanitarian law and advising the State on matters relating to that law, including accession to and the harmonization of national legislation with international instruments. It also coordinates governmental and international efforts concerning the application of and respect for international humanitarian law. The Committee's accomplishments include ratification of the two Protocols Additional to the four Geneva Conventions of 1949 and assistance to the Sudanese armed forces concerning the approval of a new law consistent with the principles of international humanitarian law. It has also engaged in a substantial number of activities with the International Committee of the Red Cross in order to disseminate these principles on the ground.

#### **The Public Grievances Chamber**

24. Established pursuant to article 143 of the Constitution, the Chamber is an independent body that considers complaints relating to grievances of citizens with respect to State institutions, without prejudice to the finality of judgements. The Chamber may, on its own motion, recommend to the Presidency of the Republic or the National Assembly such measures as it deems fit in order to ensure efficiency, justice and probity in the performance of governmental institutions.

#### **The Commission for the Rights of Non-Muslims in Khartoum state**

25. This Commission was established to ensure that the rights of non-Muslims in the national capital are protected in accordance with the Constitution and the law. With a membership comprising a number of legal, religious, social and human rights figures, the Commission makes recommendations concerning the rights of non-Muslims.

#### **The National Council for Child Welfare**

26. This Council was established by republican decree in 1991 under the chairmanship of the President of the Republic, with State governors and federal ministers concerned with children's issues as members. Its function is to draw up child-related policies, plans and programmes within the framework of the State's overall policy, in coordination with the other levels of government in the field of child welfare. Together with governmental and voluntary authorities, it also collects statistics, runs seminars, trains personnel and prepares periodic reports for regional and international organizations. The Council furthermore played an active part in drafting the Children's Act of 2010.

#### **The Human Rights Commission**

27. Provision is made for this Commission under article 142 of the Constitution. Composed of 15 independent, competent, non-partisan and impartial members, its function is to monitor application of the rights and freedoms enunciated in the Bill of Rights set forth in the Constitution and to receive complaints concerning alleged violations of these rights and freedoms. The Human Rights Commission Act, which regulates its activity, was promulgated in 2009 and members of the Commission are to be appointed to pursue their work in the very near future.

### **The Human Rights and Public Duties Committee of the National Assembly**

28. Established pursuant to the regulations on the activities of the National Assembly, this Committee is one of several standing specialized committees. Its function is to protect and promote human rights through legislative oversight and to monitor the activities of the executive authorities, in accordance with the powers vested in the National Assembly.

### **The Violence against Women and Children Unit of the Ministry of Justice**

29. This Unit was established pursuant to a presidential decree in 2005, at the recommendation of the Cabinet, as a result of the National Plan to Combat Violence against Women. Its function is to follow up implementation of this Plan, in conjunction with the United Nations and international organizations. Similar units have been established in the three states of Darfur and in a number of the other states in the Sudan.

### **Civil society organizations**

30. In addition to the above-mentioned mechanisms, numerous civil society organizations are effectively and actively at work and are substantially involved in the promotion and protection of human rights in the Sudan. Examples are the Jurists' Union, the Lawyers' Union, the Sudanese Women's Union, the Sudanese Human Rights Network and various civil society organizations working in different human rights fields.

31. A number of units, departments, councils and committees concerned with human rights and the protection of women and children have been established in such government ministries as the Ministry of the Interior, the Ministry of Foreign Affairs, the Ministry of Justice and the Ministry of Social Welfare and Security, all of which endeavour to ensure that the institutional performance of these bodies is consistent with international and national human rights standards.

## **III. Civil and political rights**

32. As a party to the International Covenant on Civil and Political Rights, the Sudan has concerned itself with the rights and freedoms articulated therein, which are incorporated into the Constitution and other pieces of national legislation. Of these, we mention by way of example.

### **A. Equality and non-discrimination**

33. Article 1, paragraph 2, of the Constitution provides as follows: "The State is committed to respect for and promotion of human dignity, is founded on justice, equality and the advancement of human rights and fundamental freedoms, and assures multipartism." The right of equality, without discrimination on any basis whatsoever, is also guaranteed under article 7 (1) of the Constitution, with citizenship, moreover, as the criterion for the enjoyment of rights and freedoms. In accordance with article 211 (a) of the Constitution, this right (non-discrimination) is among those that cannot be suspended, even in the event that a state of emergency is declared.

### **B. Equality before the law**

34. The Constitution guarantees the principle of equality for all persons residing in the Sudan, without distinction between Sudanese and non-Sudanese on grounds of race, sex, language or religion (art. 31). It also guarantees the right of litigation for all persons and

provides that recourse to justice may not be denied to any person (art. 35). Affirming the principle of equality before the law, the Constitution requires that all State authorities be subject to the rule of law and execute court judgements (art. 123 (5)). Individuals are furthermore permitted by law to appeal to the courts against any decision issued by the President of the Republic, the Federal Cabinet, a State government or a federal or State minister.

### **C. Prohibition of torture, cruel or inhuman treatment and slavery**

35. Beginning with the Constitution and various other laws, Sudanese legislation prohibits the subjection of any person to torture or to cruel, inhuman or degrading treatment. Contrary to the practice in other States, hard labour is not included as a punishment in Sudanese laws. The Criminal Code of 1991, for instance, emphatically provides that detainees under investigation must be treated in a manner conducive to the preservation of their dignity, must not be subjected to any physical or mental harm and must receive suitable medical care. The National Security Act of 2009 and the regulations on the treatment of detainees also include separate provisions to ensure that detainees are treated in an appropriate and humane manner.

36. The State has established a number of mechanisms for the promotion of human rights in the context of law enforcement, including, for example, the Ministry of Interior's Coordinating Council on Human Rights and International Law, community police stations and family and child protection units. In addition, the National Security and Intelligence Service established a detainee affairs department and a medical unit in order to improve conditions of confinement. An enquiries and complaints office was also established to receive queries and complaints from citizens directly. This office is under the immediate authority of the Director of the Service.

### **D. Right to a fair trial**

37. The Constitution guarantees to all persons the right to litigation, providing as it does that: "The right to litigation shall be guaranteed to all and no one shall be denied the right to justice." The Criminal Code of 1991 also provides that no one may be charged with or punished for a crime other than in accordance with prior law. The Sudanese Constitution adopts the principle whereby a person is presumed innocent until proven guilty, and every person has the right to a fair and full trial. Under the Sudanese legal system, judgements in civil and criminal cases are delivered in public, except where the nature of the proceedings demands otherwise. The Constitution guarantees to every accused person the right to defend himself or be defended by counsel of his choice. In cases of serious crimes where he is unable to appoint a defence counsel, the State provides free legal aid for his defence. Pursuant to the Ministry of Justice Act of 1983, the functions of the Ministry of Justice include efforts to spread the rule of law and provide full justice, as well as legal advice services and litigation assistance for the public. In accordance with the same Act, a legal aid department at the Ministry of Justice provides legal aid free of charge in civil and criminal proceedings and personal status (family) cases.

### **E. Freedom of belief and religious practice**

38. The Sudan is a multiracial, multicultural and multireligious country. Muslims make up the majority of inhabitants and Christianity and customary beliefs have a considerable number of followers. The Constitution affirms this fact in article 1 and clearly guarantees to every individual the right of freedom of conscience and religious creed, in addition to the



associated right of manifesting his religion or creed and disseminating it through worship, teaching or practice, and the right to perform religious ceremonies or rites. It also provides that no person shall be coerced into adopting a creed in which he does not believe or into engaging in ceremonies or acts of worship to which he does not voluntarily consent, without prejudice to the freedom to choose one's religion and without harming the sensitivities of others or undermining public order. Under the Constitution, the assumption of high State office, including the Presidency of the Republic, is not predicated on faith; it is citizenship — not faith, ethnicity or colour — that forms the basis for equal rights and duties in the Sudan. A good example of this is the fact that documents of proof, such as identity cards and passports, contain no details of religion. Nor is any statement of religion required for access to State-provided services.

## **F. Freedom of expression and the press**

39. Freedom of expression is a fundamental freedom that is closely related to freedom of belief and is one of the features constituting a modern democratic State. The Constitution accordingly attaches particular importance to this freedom, guaranteeing to every citizen the right to express views freely, to receive and disseminate information, and to access the press, without prejudice to security, safety or public morals.

40. The Constitution sought to establish the general principles of freedom of the press, leaving the elaboration to the Press and Publications Act of 2009, an important piece of legislation regulating freedom of expression through the press and guaranteeing broad freedoms of expression and access to information. Under the Act, oversight of the press is entrusted to a council that is independent of the executive authority and has responsibility for granting licences to the press and considering complaints from persons damaged by the publication of press articles.

41. In practice, 50 newspapers are published in the Sudan. Of these, 27 are entirely political and represent the views of the State, 13 are sports newspapers, 6 are social newspapers and 4 deal variously with economic affairs, entertainment and advocacy.

42. There are also 6 Internet service provider companies in the Sudan, which operate in Khartoum state and the other states, as well as 8 television stations and 17 radio stations broadcasting in the different states of the Sudan.

## **G. Right to participate in political life**

43. The conduct of free and fair elections is among the political matters provided for in the Comprehensive Peace Agreement and the Interim Constitution. The right to vote in such elections is provided for as an inherent right of all Sudanese citizens.

44. The Electoral Act was passed in 2008 and serves as the basic legal framework for the conduct of elections in the different states of the Sudan, including Southern Sudan. During the period 11–15 April 2010, the Sudan held the first multiparty elections for 20 years at the national, state and local levels. The seats of President of the Republic and state governors were contested, in addition to seats on the National Legislative Council and state councils. The elections drew a wide turnout from all sectors of society, including women, for whom a quota of 25 per cent of legislative seats was set. Women also contested other seats. Other segments of society taking part in the voting included displaced persons, refugees, prison inmates and hospital inpatients. Monitored by international and national observers, the elections were conducted in a peaceful and secure atmosphere and the results were recognized both internationally and regionally. The administrative and logistical

difficulties encountered in the electoral process were surmounted and dealt with in accordance with the law.

## **H. Right to self-determination**

45. The right to self-determination is a constitutional right that was exercised by the people of Southern Sudan through a referendum to determine their future status, in accordance with the Comprehensive Peace Agreement, the Interim Constitution of 2005 and the Southern Sudan Referendum Act of 2009, which provided for the holding of a referendum in Southern Sudan and elsewhere on 9 January 2011. The referendum was organized by the Southern Sudan Referendum Commission under international and local monitoring, with the people of Southern Sudan voting in support of either a united Sudan or secession. At the time of writing the present report, the referendum ballot process had been completed throughout the Sudan and in the countries of the diaspora on the appointed date of 9 January 2011, under international and local monitoring. The ballot was conducted in a prevailing atmosphere of freedom and security and no instances of violence were detected.

## **IV. Economic, social and cultural rights**

### **A. Right to education**

46. Since 2004, the Sudan has experienced positive developments and genuine progress with respect to the provision of education for all, particularly at the basic education level. This is formally reflected in the Constitution, which provides that education is a right for every citizen and that the State must guarantee access to education, without discrimination as to religion, race, ethnicity, gender or disability. The Constitution furthermore stipulates that education at the basic level is compulsory and must be provided by the State free of charge. In addition are the State's efforts in the area of literacy programmes, which have been steadily developed to cover all areas of the Sudan. The National Education for All Plan also took shape in 2003 with a series of elaborate activities and programmes, while the Five-year Plan for 2007–2011 covers the first quinquennial of the National Quarter-century Strategy for 2007–2031. Both plans provide a road map for the development of education with a view to making tangible progress towards the goal of providing high-quality education free of charge at the basic level.

47. The overall enrolment rate in basic education schools for both sexes in the states of Northern Sudan during the period 2004–2009 increased from 65.1 per cent in 2004 to 71.1 per cent in 2009, which is to say an annual rise of 1.1 per cent. Efforts to measure the net enrolment rate have been impeded by lack of data, which is attributable to the fact that some children have no birth certificates and children of varying ages gain admission.

48. Despite the substantial progress achieved in the basic education sector, major challenges emerged to diminish the potential for attaining this basic education goal, specifically:

- Poverty and illiteracy are among the reasons for which children from impoverished families are ultimately denied the opportunity of enrolling and remaining in school
- Educational institutions lack the relevant capacities needed, particularly in the areas of planning, financing, budgeting, administration and follow-up, to guarantee efficiency, improve service delivery and ensure the refurbishment and construction of school facilities

49. In the field of secondary education, the Sudan has taken a big leap forward by constructing a large number of secondary schools and minimizing wastage in basic education, which led to an upsurge in the rate of enrolment in secondary education for males and females. The Sudan has lately devoted special attention to technical education alongside academic education at this level.

50. At the higher education level, universities and higher institutes have been established in all states of Northern Sudan as part of the revolution in higher education that has pervaded the country since the early 1990s. These educational institutions, however, are still considerably lacking in the human and technical resources needed for them to optimize their role. Statistics have recently pointed to a noticeably larger increase in the rate of enrolment for girls in higher education than for boys.

## **B. Poverty reduction**

51. Pro-poor public spending assumes priority in the Sudan's financial policies. The numerous efforts to eliminate poverty have included the preparation of a poverty eradication strategy for Northern Sudan. In that context, a poverty reduction unit was established at the Ministry of Finance and National Economy in 1999 and a Higher Council for Poverty Reduction, chaired by the President of the Republic, was established in 2000 to supervise implementation of the poverty eradication programme. An interim national strategic plan to eradicate poverty was prepared in 2004 and completed in 2008, in addition to which a quarter-century growth-oriented strategic plan (2007–2031) was prepared in order to deliver services and promote economic growth. Pro-poor spending also increased to 9 per cent of gross domestic product in 2009 and monetary policies have addressed issues relating to the poor by allocating 12 per cent of the ceiling for commercial banks to microfinance projects.

52. At the federal level, sectoral priorities have been aimed at the agricultural sector and infrastructure. The national Government has additionally devoted attention to primary education, health and water at the state level, starting with the development of economic policies and national projects to increase allocations for poverty reduction. Federal development projects have focused on agricultural revival and infrastructure, including roads, bridges and the supply of electricity services to rural areas and sectors, with a view to alleviating acute poverty. There are several institutions in the Sudan concerned with poverty eradication and alleviation, including:

### **The Zakat Office**

53. The Zakat Office is an institution that provides protection and primary social security in the Sudan with a view to social justice by transferring financial resources from the better-off to the vulnerable groups in society. The basic philosophy of zakat (alms-tax) is to procure funds by taking a fixed amount of a person's wealth for spending on specific groups, in particular the poor and needy. In the Sudan, the obligation of zakat is viewed as a social security mechanism embodying the State's concerns to instil a sense of solidarity and mutual human understanding among the individuals in a society where the rich help the poor.

54. Zakat in the Sudan has become a prominent hallmark of the State's social fabric and is commonly given in all states, local communities and regions, both rural and urban, to reach those who are eligible for it. In the context of widening the zakat experience, the Institute of Zakat Science conducted various studies for the Office and publicized its experience as one that is globally unique.

55. The key programmes of the Zakat Office include:

- Support for health projects, including the supply of rural hospitals at the state level with microscope equipment and kidney dialysis machines, and the provision of health insurance coverage for 306,663 poor households, equivalent to 32 per cent of the total number of insured persons in the Sudan
- Support for education projects, including the refurbishment of basic schools, the supply of student seating and the provision of essential school materials to a substantial number of students in basic and secondary education, in addition to sponsorship for university students
- Support for water projects, including drilling and installation of wells, installation of hand pumps, re-excavation, construction of earth dams and refurbishment of water stations
- Support for agricultural projects, including the supply of agricultural machinery, transfer of municipal ploughs into the ownership of poor households, transfer of livestock ownership, seed distribution and the supply of mobile veterinary clinics

### **C. Right to work**

56. The Sudan has made provision for the right to work in all successive constitutions. In the Interim Constitution of the Sudan of 2005, however, a linkage was made for the first time between two principles that are inseparable from the right to work, namely: economic rights and the equality of men and women. The Sudan is also a member of the International Labour Organization and has ratified various conventions, perhaps most importantly the Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, with the aim of ensuring that there is no discrimination against women. The Constitution also guarantees equal access for all eligible citizens to employment and public office, without discrimination.

57. The minimum wage is fixed periodically in accordance with indicators provided by comparison figures for consumer goods prices and inflation rates. The established minimum wage is the foundation on which salary structures are built in the public and private sector and it is applied on the basis of the Minimum Wage Act of 1974. Wage policies adopted by the State include wage equalization throughout all regions of the Sudan, equal pay for equal work and equal pay for women and men, in accordance with article 32 (1) of the Constitution, which provides that the State shall guarantee the equal right of men and women to the enjoyment of all civil, political, social, cultural and economic rights, including the right to equal pay for equal work and other related benefits.

58. With the aim of ensuring justice and the prompt settlement of labour disputes, the judiciary has special employment tribunals. To protect civil servants, article 139 (1) of the Constitution provides for the establishment of a national justice chamber for civil servants that has jurisdiction to hear and decide grievances of national civil servants, without prejudice to the right of recourse to the courts.

#### **System of allowances and post-service benefits**

59. The Sudan has witnessed progress in the legal frameworks regulating post-service benefits. The concessions and benefits granted to retirees have improved considerably since the system was established in 1904 and the focus has centred on the inclusion of new categories (government workers, personnel in the armed services and other regular forces, women, workers in production establishments in the public sector, private sector workers, and lawyers). Essential amendments have also been made to the existing pension and insurance laws with the aim of reforming and developing them to keep pace with similar

systems the world over. The insurance system for all State workers, for instance, was unified under the umbrella of government allowances.

#### **D. Right to public health care**

60. In accordance with the Constitution, the State is responsible for the development of public health and the establishment, development and refurbishment of treatment and diagnostic facilities. It must provide primary health care and emergency services free of charge to all citizens.

61. Appreciable efforts have been made to combat endemic diseases, such as malaria, which is the chief cause of morbidity and mortality in the Sudan.

62. In the field of maternal health, the national reproductive health and family planning policy is a main priority with respect to reproductive health issues. The interventions of the past few years have focused on increasing access to services and on improving the quality of reproductive health services by training medical assistants in the delivery of such services as antenatal care and family planning in particular. Intensive efforts have also been made to increase awareness by developing information addressing various reproductive health situations for dissemination at the state level through the local and national media. In the context of efforts to reduce the prevalence of morbidity and mortality associated with pregnancy and childbirth, the Sudan adopted a policy of free Caesarean operations in 2008 and free obstetric care in 2010 in order to improve and enhance the quality of care, the emphasis being to ensure free life-saving care.

63. In the area of child health, numerous efforts have been made to reduce child mortality, in particular through:

- Implementing strategies to expedite and promote the delivery of routine services, such as the life-saving initiative for children comprising special risk packages, and strengthening the guidelines and protocols for guaranteeing the quality of treatment administered to sick children
- Using new vaccines to protect children against most of the common debilitating diseases and expanding the reach of booster and routine vaccination services by means of a strategy for each of the states in the Sudan
- Promulgating and enforcing laws, regulations and joint agreements dealing with sensitive child health issues, in which context a presidential decree was issued concerning free treatment for children and the Maternity Leave Act

#### **Health insurance**

64. Health insurance is the system put in place by the State to promote and improve the health of all individuals in the community. The philosophy underlying health insurance is built on involving the community, in a spirit of solidarity and mutual understanding, in the financing, management and delivery of health services to all individuals and families in order to achieve comprehensive care and social development. The aim of health insurance is to relieve the burden of treatment and finance on the insured; overhaul, develop and scale up medical services; recruit and train medical personnel; and improve the work environment.

65. Health insurance is funded by contributions deducted from the earnings of insured persons, which are fixed at 10 per cent of their total pay, with 6 per cent paid by the employer and 4 per cent by the subscriber. As to the self-employed, their contributions are paid directly on a monthly basis.

66. The health insurance scheme targets all segments of society, with State and private sector workers, benefit recipients, poor families and persons with special needs covered under its umbrella. Expansion of the social insurance umbrella has included the supply of trained health and administrative personnel, equipment such as microscopes, and advanced laboratory services, in addition to the recruitment and retention of medical consultants and technicians in various states in order to establish treatment at the state level, reduce the number of case referrals from the states and improve diagnosis and treatment, including surgical operations.

## **V. Women's rights**

67. Women are inherent partners in sustaining the comprehensive development process and have attained numerous civil, political, economic, social and cultural rights since independence. They have also endeavoured through numerous avenues to strengthen their capacities and expertise in order to play a part in building society. This has empowered them to hold various high offices and has also conferred on them distinctive rights, helping to produce conditions conducive to the ongoing advancement of the status of women.

68. The Interim Constitution of 2005 grants women equal rights with men, without discrimination, stating as it does that "any reference to the masculine also includes the feminine". Moreover, in the Bill of Rights set forth in article 31 (1), the Constitution provides that: "The State shall guarantee the equal right of men and women to the enjoyment of all civil, political, social, cultural and economic rights."

69. The Constitution incorporates the principle of equal pay for equal work and affirms positive discrimination in favour of women. As to the Public Service Act of 2007, it affirms the principle of free competition as the basis of selection for public office and the principle of equal pay for equal work, emphasizing that competence and achievement are the criteria for selection and promotion.

70. The Nationality Act was promulgated in 1994 and amended in 2005, when women were accorded the right to pass on their nationality to their children, pursuant to article 4 (b) thereof.

71. With respect to the Criminal Code of 1991, it was amended in 2009 to include a provision on special protection for women during armed conflict. The Armed Forces Act of 2007 also comprises an article on special protection for women during armed conflict.

72. In addition to the necessary legal reforms, the State formulated a number of strategies and policies that included a national plan to combat violence against women, adopted in 2005, as well as a national policy for women's empowerment and a national child immunization policy, adopted in 2007, and a national strategy for the elimination of female circumcision. On the legislative front, the Government adopted a quota system pursuant to the Electoral Act of 2008, which guarantees 25 per cent of the total number of parliamentary seats for women. Representation of women stood at 28.3 per cent in the elections held in 2010.

## **VI. Children's rights**

73. The Constitution guarantees children's rights, binds the State to providing childcare, pursuant to article 32 (4), and requires it to protect the children's rights articulated in the international and regional conventions ratified by the Sudan. The Sudan was among the first States to have ratified the Convention on the Rights of the Child in 1989 and similarly

the two Optional Protocols thereto. The Sudan routinely submits periodic reports to the mechanisms for these instruments.

74. Under Sudanese laws, importance is attached to children from birth, in that the registration of births is compulsory pursuant to the Civil Registry Act of 2001, article 28 (1) of which provides that all births must be registered within a maximum of 15 days from the date of birth. In practice, births are registered at the hospitals of birth and at health centres, without charge. The legal attention to children's rights continues after birth by the grant of nationality, inasmuch as article 7 (2) of the Constitution provides that every person born to a Sudanese mother or father has the inalienable right to enjoy Sudanese nationality and citizenship. The Constitution establishes Sudanese nationality for children through both the mother and father alike.

75. The first Children's Act was promulgated in 2004, to be followed in 2010 by a new law to accompany the Bill of Rights set forth in the Interim Constitution of the Sudan of 2005. This law prescribes many of the rights enunciated in the Convention on the Rights of the Child and affords special protection to children, providing as it does for the establishment of a children's prosecution service in every state of the Sudan and also for the establishment of children's courts composed of a first instance judge and two members with expertise in children's issues. It further provides for special measures with respect to the trial, defence and punishment of children. The law also raised the age of criminal liability for children from 7 to 12 years and categorically prohibits the death penalty for any person under 18 years of age.

76. The Labour Code of 1997 prohibits the employment of children under 16 years of age in dangerous or strenuous activities and sets the working hours for children. Periodic medical examinations are a prerequisite for employment and employers are bound to inform the authorities of any signs of misconduct.

77. Concerning the ban on recruitment of child soldiers, the People's Armed Forces Act of 2007 provides that the recruitment of any person under 18 years of age is prohibited. A disarmament, demobilization and reintegration plan was also designed with the aim of removing children from armed forces or groups, reunifying them with their families and helping them to reintegrate into their communities. Covering all boys and girls under 18 years of age in all armed forces and groups, the programme was begun in 2003 by the Government of the Sudan and the Sudan People's Liberation Movement (SPLM) in the form of a committee, which was then reformed in 2006 as a commission under the authority of the Presidency of the Republic. The programme is implemented in cooperation with the United Nations Children's Fund (UNICEF), and the commission continues to operate; indeed, it demobilized and reintegrated large numbers of child soldiers from the Darfur rebel movements after agreements had been reached with some of these movements. Also to be mentioned in that context is the presidential amnesty for child soldiers recruited by the Justice and Equality Movement (JEM) who took part in the attacks on Omdurman in 2008.

78. With respect to administrative measures and future plans, the Ministry of Social Planning established a national council for the care of orphans in order to ensure their welfare and meet their humanitarian needs.

79. There are a number of challenges to the full operationalization of children's rights, including:

- The high population movement caused by migration from rural to urban areas, which leads to a prevalence of begging, street children and school dropout at an early age

- The influence of armed conflict on a large segment of children, their membership in some cases in the ranks of armed groups, and their actual involvement in military operations
- Poor distribution of primary health-care services, financial obstacles and insufficient human resources

## **VII. Rights of persons with disabilities and older persons**

80. The Constitution makes provision for persons with disabilities, persons with special needs and older persons, treating them as an important segment of the community who must receive the necessary care and fulfil such duties as are possible. Article 12 (2) of the Constitution provides that: “No qualified person shall be denied access to any profession or employment on grounds of disability, and all persons with special needs and older persons shall have the right to participate in social, vocational, creative and recreational activities.”

81. Article 45 (1) of the Constitution provides that: “The State shall guarantee to persons with special needs the enjoyment of all the rights and freedoms provided for in this Constitution, in particular respect for their human dignity, access to suitable education and employment, and the guarantee of full participation in society.” Paragraph 2 of the same article also provides that: “Older persons shall be guaranteed the right of respect for their dignity and they shall be provided with the necessary care and medical services, as regulated by law.”

82. In the context of its commitment to the rights of persons with disabilities, the Sudan ratified the Convention on the Rights of Persons with Disabilities on 25 February 2009, as well as the Optional Protocol thereto. The Disabled Persons Act was also promulgated in 2009 and is distinguished by its compatibility with the Convention on the Rights of Persons with Disabilities, particularly with respect to accessibility for persons with disabilities to public and private facilities and the right to housing, in that a percentage of residential land and public housing is earmarked for persons with disabilities and identification documents are provided to persons with disabilities by the State, free of charge. Their attendance at higher education institutions is also free of charge. The National Prosthetic Limbs Authority Act was promulgated in 2002, in addition to the Public Youth Authorities Act, pursuant to which disabled persons have the right to establish their own sports associations. Article 17 (2) of the Voluntary Work Act of 2006 deals with the right of disabled persons to form their own special entities, and article 24 (7) of the Civil Service Act of 2007 provides for a minimum allocation of 2 per cent of jobs to persons with disabilities. The Higher Council for Disabled Persons was also formed in 2010.

## **VIII. Right to development**

83. The Sudan is seen as an example to foreign countries of internal armed conflict. Accordingly, any objective assessment of progress made towards the achievement of internationally agreed social and economic goals should not overlook the adverse impact of these conflicts on the past two decades, the present time and the foreseeable future. The Sudan has continued to face ongoing challenges throughout its modern history and has just emerged from one of the longest wars in the African continent. No sooner had the war come to an end in the South than another conflict broke out in Darfur in Western Sudan as a result of the environmental conditions striking the region in the form of drought and desertification, which affected the limited resources and led to competition for them. This competition took on a different complexion with the spread of weapons flooding in from



neighbouring countries. The role of dispute and conflict has been clearly apparent in the following:

- A large portion of financial and human resources was diverted in support of the national effort to restore security and order, protect citizens and deliver humanitarian assistance to the victims of armed conflict and persons affected by conflict, which had an adverse impact on the budget earmarked for services throughout the country
- In the conflict-affected regions, spending on basic public services fell in such areas as health, education, clean drinking water, electricity, infrastructure, environment and job creation
- It proved difficult to implement development projects in the conflict-affected regions owing to lack of security, fragmentation and the severely weakened social and economic fabric
- Even after the cessation of armed conflict, the realization and maintenance of peace demand tremendous resources to cover, among others, new expenditure items relating to the Peace Agreements, such as transfers to the state Governments and funding for the establishment and operation of recently established structures and institutions. Such expenditures have led to a deficit in the State's general budget

84. Despite the above-mentioned challenges, the Sudan has successfully implemented a number of progressive development projects in a number of service-related fields, including:

#### **The Merowe dam project**

85. Representing the country's largest development project with positive benefits for the national economy, this is a multi-purpose water energy project essentially designed to produce the electrical energy to meet the increasing demand for such energy to fuel economic and social development and provide a relatively cheap source of energy for improving irrigated agriculture and industry countrywide. The project was implemented in conjunction with a number of accompanying projects; 10,000 families, for instance, were resettled to alternative locations at a cost amounting to 40 per cent of the total project cost, a percentage that reflects the State's concern for this part of the project. Those affected by the erection of the dam were compensated inasmuch as new villages were constructed, with the agreement of representatives of those affected, and are endowed with outstanding services, including schools, electricity services, health centres, religious facilities and so forth. An international airport linking the Arab Gulf States, Africa and Europe was also constructed and the aircraft supplied with fuel. Similarly completed was the construction of a hospital and a regional network of roads and bridges.

86. In the context of water-harvesting projects, the Sudanese Government has implemented and plans to implement still more development projects consisting in the construction of reservoirs, dams and wells in various states in order to ensure an adequate supply of water for agricultural, grazing and drinking purposes.

87. With respect to the generation, transmission and distribution of electrical energy, the Government has made considerable efforts to bring generating stations into operation, build transmission networks and connect electrical supply lines to a large number of residential, industrial and productive sectors in the different states.

88. The Sudan has devoted attention to the environmental dimension of development, the preservation of biodiversity, action to counteract the loss of environmental resources, the enactment of legislation, laws and regulations, and the adoption of measures to safeguard the environment. The Environment Protection Act of 2001 prescribes the rights and obligations of inhabitants in living in a healthy and conducive environment and also

establishes a framework for policies and interventions at the federal level. The Interim Constitution of the Sudan of 2005 is also concerned with the subject, seeking the incorporation of environmental considerations into an environment protection law. The Government of the Sudan has ratified a large number of international conventions concerned with environment protection and has also adopted various environmental strategies and plans, such as the National Environment Protection Plan. In addition, it has established a special environment tribunal and a number of state environment units and councils.

## **IX. The human rights situation in Darfur**

### **The course of the peace process**

89. The territory of Darfur has witnessed several positive changes with respect to normalization of the situation in the interest of restoring the vitality affected in recent years by the war and tribal conflicts fuelled by the spread of weapons and competition for limited resources. The Sudanese Government engaged in numerous efforts to achieve peace and region in the territory through various initiatives and agreements, including the first and second Abshi Agreements and the Ndjamenena Agreement, culminating in 2006 with the Abuja Agreement on peace in Darfur with the main armed movements in Darfur. A number of movements still have not signed the Abuja Agreement and several others have splintered. The Sudanese Government sought to create a negotiating forum to bring together all these movements and it was agreed with the Joint United Nations-African Union Chief Mediator to adopt Doha as a forum for negotiation. Various joint understandings were reached between the Government and various movements, leading to the signature of two framework agreements with JEM and the Movement for Liberation and Justice, which is a combination of many different movements. Negotiation with these movements is still continuing. Several field agreements were also signed with a number of combatants, in turn promoting the restoration of peace and security in Darfur. These positive changes enabled elections to be held throughout Darfur. Democratic legitimacy was enshrined, productive institutions were established and new facts were created on the ground that encouraged the Government to formulate a new strategy for Darfur, a subject on which broad discussions took place among individuals, groups and institutions from Darfur and all of the country's political forces. The Government also sought to hold consultations on the strategy with its partners in the peace process, primarily UNAMID and the high-level African Union Panel on Darfur (AUPD). The strategy likewise found a great deal of support and encouragement from many peace partners who are members of the international community.

90. The new strategy is based on five key elements, namely: achievement of security; consolidation of development; resettlement of displaced and war-affected persons so that they can live decent lives; internal reconciliation activities to promote the climate of social peace; and continuation of negotiations through the Doha forum, thanks to the efforts and sponsorship of the State of Qatar, for a document on political settlement that satisfies the inhabitants of Darfur.

91. The strategy aims to work closely with UNAMID, the Joint Chief Mediator and AUPD to facilitate and regulate the process of consultations with the citizens of Darfur in order to achieve reconciliation across the board and seek justice for all through national mechanisms and in careful consultation with sectors of the Darfur community.

92. The strategy has created a practical methodology based on two cornerstones: the first is to adopt the idea of a partnership between States and organizations and the second is to devote special attention to the participation of Darfur citizens at the grass-roots level and

by way of deputies elected to legislative bodies, civil society organizations and displaced persons.

93. It is worth mentioning that the new strategy for Darfur was not intended to replace negotiations; the Doha forum remains the mechanism agreed upon by the parties alongside the efforts to achieve peace from within. The negotiations have made considerable strides towards a just and lasting peace agreement among all parties.

## **X. Human rights capacity-building in the Sudan**

94. Through an integrated plan, the Sudanese Government has recently assumed the task of training a substantial number of legal advisors, public prosecutors, lawyers and law enforcers. The Ministry of Justice, in cooperation with the German Max Planck Society and with support from the Norwegian Government, accordingly implemented an integrated training programme on international and national standards from the perspective of international human rights law. Taking part in the training were legal advisors, public prosecutors and lawyers. Also in the context of human rights capacity-building in the Sudan, the Swiss Government, responding to a call from the Human Rights Council, adopted a programme to strengthen those capacities, especially in Darfur, through which several human rights training and awareness activities were carried out.

## **XI. Cooperation with international and regional mechanisms for the promotion and protection of human rights**

95. The Sudan attaches great importance to mechanisms for the promotion and protection of human rights at the international, regional and national levels. Concerning the human rights mechanisms of the United Nations, the Sudan constantly participated in the work of the former Commission on Human Rights and continues to participate in the work of the present Human Rights Council. It has also continued to submit periodic reports to the conventional mechanisms for the treaties to which it is a party. In the context of special procedures, the Sudan has continued for almost two decades to receive special rapporteurs on the Sudan and to cooperate with them in the discharge of their mandate, most recently the independent expert on the situation of human rights in the Sudan, whose term of office is still continuing. With respect to other mandate holders, the Sudan widely cooperated with the expert team on Darfur, formed by the Human Rights Council in March 2007, which made recommendations for the short-, medium- and long-terms, most of which the Sudan has implemented and the remainder of which are in the process of being implemented.

96. At the regional level, the Sudan effectively participates in the work of the African Commission on Human and Peoples' Rights, as well as in its meetings, which are regularly held twice a year. In 2010, the Sudan received a delegation from the Commission composed of four negotiators on a mission relating to the Commission's mandate for the advancement of human rights in the countries of the African continent.

97. At the national level, the Sudanese Government established two joint forums on human rights. The first of these is concerned with human rights matters throughout the whole of the Sudan, excluding Darfur, and is namely the joint forum with UNMIS, which is based on the UNMIS functions set out in Security Council resolution 1590 (2005). The second forum is concerned with human rights in Darfur and is namely the joint forum with UNAMID, which is based on Security Council resolution 1769 (2007).

98. The two forums provide an opportunity to exchange information on the human rights situation in the Sudan, review progress and improvements achieved in applying

human rights on the ground, identify human rights concerns and determine the best means of dealing with them at the national level. The forums similarly provide the opportunity to discuss the projects, activities and initiatives aimed at improving the human rights situation in the Sudan and attracting donor support to that end.

99. **Main accomplishments of the two forums:**

- Dialogue with the government side concerning the mission's report on the human rights situation in the Sudan to enable the Sudanese Government to make comments and take the necessary remedial action
- Follow-up of the implementation of the human rights capacity-building project in the Sudan, financed by the Swiss Government, including training for many government officials and civil society organizations in human rights principles and standards
- Establishment of joint committees, comprising representatives of the Sudanese Government, the United Nations and donors, for the purpose of exploring the key human rights challenges in the Sudan and making recommendations for dealing with them
- Production of a training manual on the work of the police and human rights and distribution of the manual to all police units
- Conduct of several training workshops on raising human rights awareness through the technical assistance programmes offered by the United Nations

100. Three subforums of the main joint forum in Darfur were established among the local authorities of the states of Darfur and the UNAMID Human Rights Unit. The function of these subforums is as follows: to exchange information on the human rights situation at the state level and seek the adoption of measures by the local authorities to curtail human rights violations; brief the main forum concerning the challenges to the human rights situation at the state level so that the necessary action can be taken; strengthen cooperation among local government authorities and UNAMID human rights personnel in order to respond effectively to the human rights concerns at the state level; and serve as a body that assesses human rights capacity-building needs at the state level.

101. In the context of the Sudanese-European dialogue, there is a technical committee on human rights that exchanges information on the human rights situation in the Sudan. There is also a joint human rights forum between the Sudanese Government and the Japanese Government.

## **XII. Challenges to the promotion and protection of human rights in the Sudan**

102. The armed struggles that have raged for decades in several regions of the Sudan have undoubtedly and inevitably affected the promotion and protection of human rights. However, the signature of the Comprehensive Peace Agreement, the East Peace Agreement and the Abuja Agreement on peace in Darfur, together with the concerted efforts to finalize a solution to the conflict in Darfur, has provided an important opportunity for progress towards future achievements with respect to improvement of the human rights situation in a situation of peace. This is apparent in many of the interventions made, particularly in the policies, strategies and legislation that manifest the State's full commitment, contributing to the realization of a number of programmes for the promotion and protection of human rights. The Government of the Sudan is affirming the importance that it attaches to the promotion and protection of human rights by stepping up its efforts and focusing on low

indicators. We call on the international community to provide the necessary support and to coordinate among all parties to enable us to complete, in addition to development projects, the remaining future projects for the voluntary return of displaced persons and refugees.

#### **A. Full realization of security in the states of Darfur**

103. The Sudanese Government had made substantial ongoing efforts to promote security and peace in the three states of Darfur, including the signature of various agreements on peace in Darfur, as well as two framework agreements with the two main rebel movements. It has also sought through the negotiating forum in the Qatari capital of Doha to achieve a just and lasting peace in Darfur in order to bring a final end to hostilities and ensure the return of all displaced persons and refugees to their home villages and towns. Certain movements are nevertheless continuing to rebel in a few small pockets; they are not inclined towards peace, they engage in hostile activities and they are being copied by other movements and armed gangs that have started attacking relief convoys, assaulting civilians and robbing them of their possessions. The result has been to create instability that has in turn had repercussions on the lives of civilians in those regions, adversely affecting their full enjoyment of their rights and fundamental freedoms.

104. The full normalization of bilateral relations between the Sudan and Chad and the positioning of joint forces on the borders between the two countries to prevent hostile actions by the rebels on both sides had a clear impact on returning life to normal for the civilian population in the border villages in both countries. Furthermore, it led to the initiative by the Sudanese Government to implement a number of development programmes in several of the Chadian villages located on the Sudanese borders, including the illumination of those villages using solar energy.

#### **B. Ending of tribal struggles in the states of Darfur**

105. The tribal struggles in the states of Darfur are an insurmountable obstacle to the full establishment of security in those states. The severity of the situation has been compounded by the wide-scale spread of weapons owing to the presence of rebel movements outside State control and the arrival of foreign elements to support these movements and supply them with arms and ammunition. The Sudanese Government has continued its colossal efforts to work for tribal reconciliation, most recently in the state of South Darfur, where the tribal struggles were ended as a result.

#### **C. Implementation of the peace pledges in Southern Sudan and its impact on the overall economy**

106. Although the civil war in Southern Sudan, which lasted for over two decades, was brought to an end with the signature of the Comprehensive Peace Agreement in 2005, implementation of the pledges under this Agreement in terms of negotiation training and implementation mechanisms has exhausted a large portion of the State budget. The last of these pledges has involved determining the fate of the inhabitants of Southern Sudan, which is to be done on 9 January 2011. The situation has been exacerbated by the failure of donors to meet in full the undertakings they made at the time of signature, with the result that the public purse has shouldered the major share of spending on these pledges, which has badly affected the State's capacity for implementing development programmes and rebuilding to repair all of the war damage.

### **XIII. Main priorities of the State for improving the human rights situation at the national level**

107. The achievement of peace throughout the entire country is a main priority of the State in the forthcoming stage, in that the achievement of peace is the building block for stability, security and development, which are elements crucial to the full enjoyment of human rights by citizens. Another of the State's priorities is to guarantee the conduct of a free and impartial referendum in a secure and safe environment to determine the fate of Southern Sudan, to be accepted by all parties in accordance with the Comprehensive Peace Agreement. On the basis of the outcome of this referendum, the Interim Constitution and various related laws will be amended. In the context of the promotion and protection of human rights, an independent national Human Rights Commission will also be established and commissioners appointed to pursue their work, following on from the promulgation of the law regulating the work of the Commission in 2009.

### **XIV. Expectations concerning technical assistance requirements**

108. The Sudan looks forward to benefiting fully from the United Nations Technical Cooperation Programme in the Field of Human Rights and to attracting a number of international initiatives aimed at building and strengthening the capacities of national governmental and non-governmental institutions in the different human rights fields, as follows:

- Human rights training for judges, public prosecutors and legal advisors working in justice bodies and the provision of opportunities, through short- and long-term grants, for training in human rights studies in order to enhance capacities and create professional national trainers who are able to play a part in disseminating the culture of human rights and their protection and promotion
- Training for law enforcement agencies and statutory bodies in the fields of law enforcement and promotion of respect for human rights and international humanitarian law
- Support for specialized training programmes in children's rights, women's empowerment and the rights of persons with disabilities in the interest of involving these groups and strengthening their role in the process of sustainable development
- Support for the peacebuilding process through the implementation of programmes specifically aimed at settling conflicts and strengthening the pillars of social peace
- Support for national civil society and non-governmental organizations so that they in turn can contribute to the promotion of and protection of human rights in the Sudan
- Concerning the right to development, the Sudanese Government hopes that initiatives will be undertaken to pardon its debts, that opportunities will be made available for financing national development projects through international financing funds and that its entitlements under the Cotonou Agreement will be released
- The Sudanese Government looks forward to projects for the transfer of technical knowledge programmes that can be used beneficially at the national level to promote development

## **XV. Concluding comments**

109. The promotion and protection of human rights in the Sudan is a maximum priority, particularly in the forthcoming stage. Notwithstanding the multitude of unprecedented challenges, which have been reflected in the report, the national will remains firmly set on exerting greater efforts to face these challenges and progress towards achieving the lofty purposes of human rights principles.

110. Through the submission of this report, the Sudanese Government has endeavoured to portray its efforts to fulfil the undertakings it has made on more than one occasion to improve the human rights situation in the Sudan. It hopes during the consideration of this report to enter into a constructive dialogue with the Human Rights Council in particular and the international community in general so as to promote achievement of the goals for which the universal periodic review mechanism was created and drive forward the national efforts for the promotion and protection of human rights on the ground, essentially through assessing developments and challenges, exchanging best practices and opening up areas for cooperation with the mechanisms of the Council and the international community. The Sudanese Government also hopes that constructive recommendations will emerge during the consideration of this report, together with undertakings that will have positive consequences for advancement of the human rights situation in the Sudan, in order to achieve the purpose to which we all aspired when the Human Rights Council was established as an effective mechanism for advancement of the human rights situation in all countries.

## **Part II**

### **I. Methodology**

111. The National Report on the Universal Periodic Review (UPR) was prepared by the Government of Southern Sudan through the Ministry of Legal Affairs and Constitutional Development that was mandated by the Interim Constitution of Southern Sudan, 2005 (ICSS) and Ministry of Legal Affairs and Constitutional Development Organization Act, 2008<sup>1</sup> to deal with matters related to the Drawing of Documents in which Government of Southern Sudan is a party,<sup>2</sup> and Human Rights, International Treaties and Conventions respectively. The Ministry appointed an inter-ministerial committee on human rights comprising relevant ministries and other government institutions, whose mandate was to coordinate the preparation of the report, to ensure that national consultation and inputs from stakeholders were incorporated into the draft report.

112. In line with the guidelines of the United Nations Human Rights Council adopted at its Sixth Session in September, 2007, Government held two consultative workshops in conjunction with the United Nation Mission in Sudan on UPR at the level of Government of Southern Sudan's different Institutions. The purpose of the workshops was to, firstly, familiarize the participants with Sudan's obligations under international human rights law and the Universal Periodic Review and, secondly, to gather information on the situation of human rights for inclusion in the report.

### **II. Background**

113. Southern Sudan is a landlocked region covering an area of about 597 000 square kilometers. The census of population and housing remains the main source of demographic data in Southern Sudan. Censuses are conducted every ten years, the fifth Population and

Housing Census having been undertaken in 2008 in which the population of Southern Sudan was recorded as 8.26 million.<sup>3</sup>

114. The national normative framework in which human rights are protected consists of the Southern Sudan Interim Constitution, 2005, other pieces of legislation, court decisions or precedents, customs and traditional practices.

115. It is worth noting that international instruments are not self-executing and require legislative implementation to be effective in Southern Sudan as law. Thus, an individual cannot complain in a domestic court about a breach of Southern Sudan's international human rights obligation unless the right has been incorporated into domestic law. Nevertheless, courts in Southern Sudan have in appropriate cases given judicial notice to international instruments which Sudan has ratified or acceded to even though these have not been reduced into domestic legislation.

116. The Southern Sudan Interim Constitution, 2005 is the supreme and basic law of the region and expressly provides for general principles upon which the region is organized. It also provides for the establishment, mandates, powers and separation of the three arms of State that is, the Executive, Legislature and Judiciary. It further makes provision for the Bill of Rights in Part III upon which every individual in Southern Sudan can claim or enjoy his or her human rights and fundamental freedoms.<sup>4</sup>

117. Furthermore, Part Three of the Constitution contains directive principles of State policy that are intended to guide the Executive, Legislature and Judiciary in developing and implementing national policies; in making and enacting laws; and in the application of the Constitution and any other law as far as economic, social and cultural rights are concerned.

118. Southern Sudan has also established Southern Sudan Human Rights Commission in 2006 under the Constitution. The Human Rights Commission pursuant to Article 150 of the ICSS, 2005 is mandated, *inter alia*, to uphold, protect and promote human rights in Southern Sudan and monitor the application and enforcement of the rights and freedoms enshrined in the ICSS, 2005, and ensure that all levels of Government in Southern Sudan comply with international and regional human rights conventions ratified by the Republic of the Sudan.

119. To ensure the sanctity of rights and freedom Article 14 of the ICSS, 2005 provides that no derogation from the rights and freedoms enshrined in the Bill shall be made and that the Bill be upheld, protected and applied by the constitutional Court at the national level, Southern Sudan Supreme Court and other competent courts, to be monitored by the Southern Sudan Human Rights Commission in accordance with the constitution and the law.

### **III. Civil and political rights**

120. As already indicated above, the domestic human rights regime in Southern Sudan is centered on Part Two of the ICSS, 2005 entitled "*Bill of Rights*". Pursuant to Article 13 (1) of the Constitution, the Bill of Rights is a covenant among the people of Southern Sudan and between them and their government at every level and a commitment to respect and promote human rights and fundamental freedoms enshrined in this Constitution; it is the cornerstone of social justice, equality and democracy in Southern Sudan.

121. Part Two summarizes the rights and freedoms as: right to life and human dignity, liberty, rights of the women and children, rights to a privacy, rights to a fair trial and litigation, right to own property, right to religion, right to education, right to participate in voting, right of persons with special needs and elderly, right to public health care, rights to access information, rights of ethnic and cultural communities and the equality before the



law; freedom of conscience, expression, assembly, movement and association, freedom from torture, slavery, servitude and forced labour and restriction on death penalty.

122. The following civil and political rights are protected as follows.

### **A. Right to life and human dignity**

123. The right to Life and Human Dignity in Southern Sudan is considered as the most important basic human right deserving utmost guarantee and protection. It is protected and guaranteed under Article 12 of the Constitution. The right to life is also supported by other legal and institutional mechanisms relating to environmental protection, public health and nutrition.

124. Southern Sudan still maintains the death penalty and has not ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights. The death penalty is only imposed where there is a conviction of treason, murder or aggravated robbery involving the use of a firearm if in the opinion of the court the person is not under eighteen or is over seventy years old.<sup>5</sup> These offences are regarded as the most serious crimes in Southern Sudan. It is worth noting, however, that although the death penalty is still legal and that courts have continued to impose it in appropriate cases, it is always carried out on rarely basis.

### **B. Right to liberty**

125. Article 16 of the Constitution guarantees the right to liberty. A person cannot be arbitrarily deprived of his personal liberty. A person's liberty can only be deprived in execution of a sentence or order of a court; in contempt of court; upon reasonable suspicion of commission of a criminal offence. Further, Section 83 of the Code of Criminal Procedure Act, 2008 obliges the arresting officer to present an accused person within 24 hours to Public Prosecution Attorney, Magistrate or Court as the case may be.

### **C. Slavery, servitude and forced labour**

126. In Southern Sudan slavery and servitude are prohibited in absolute terms under Article 17 (1) of the Constitution. Further, Article 17 (2) proscribes forced labour, except as a form of penalty upon conviction by a competent court of law. In the Penal Code Act, 2008, pursuant to Ss. 253–258 practices such as trading, accepting, receiving or detaining a person as a slave; procuring or attempting to procure a woman below the age of 21 as a prostitute in a brothel in Southern Sudan or elsewhere either through the use of threats or other means are prohibited. Owners of premises are also prohibited from using such premises for men to have unlawful carnal knowledge of girls less than 18 years.<sup>6</sup>

127. Southern Sudan Prisons Service Act and Government of Sudan's Prisons Treatment Regulation 1976 prohibits prisoners forced labour unless intended for training purposes.

128. The practice of compulsory military service does not exist in Southern Sudan. Enlistment into the defense forces is voluntary. A recruiting officer cannot enlist any person in the Regular Force unless he is satisfied that the person intending to be enlisted understands the general conditions of engagement and wishes to be enlisted. In addition a recruiting officer cannot enlist a person under the apparent age of 18.<sup>7</sup>

#### **D. Freedom of expression and media**

129. The right to freedom of expression is guaranteed in Article 28 of the Constitution that prohibits the hindrance of the enjoyment of freedom of expression, reception and dissemination of information, publication and access to the press. Necessary limitations are applicable based on considerations that are reasonable and justifiable in a democratic society. These include protecting the reputations of others and disclosure of other privileged information.

#### **E. Freedom of assembly and association**

130. Individuals in Southern Sudan have the right to assemble freely and associate with other persons, including the right to form or belong to any political party, trade union or other association for the protection of their interests as provided by Article 29 (1) of the Constitution, with some limitation as to: regulation by law; political parties membership must be open to all Sudanese irrespective of religion, gender, ethnic origin or place of birth.

131. The Code of Criminal Procedure Act, 2008 regulates the conduct of assemblies, rallies and processions. Police notification is required for the holding of public assemblies, with an undertaking that peace and order will be maintained by the organizers.

#### **F. Political rights**

132. Southern Sudan is a multiparty democracy allowing for the expression of different political views. According to Article 2 (1) of the Constitution, all power resides in the people who have the power to exercise their sovereignty through the democratic and representative institutions established by the constitution and elected by them in regular, free and fair elections. All Southern Sudanese aged 18 years and above have the right to vote. The Constitution also makes a duty for every citizen to vote in the Referendum.<sup>8</sup>

#### **G. Independence of the judiciary**

133. The Judiciary in Southern Sudan is guaranteed its independence by law as stipulated in Article 128 (1) of the ICSS. The constitution of Southern Sudan mandates the establishment of the Judiciary of Southern Sudan (JOSS) as an independent decentralized institution. JOSS is independent of the Executive and Legislature with its budget charged on the consolidated fund thereby having the necessary financial independence. The president of the Supreme Court of Southern Sudan, as the head of the Judiciary of Southern Sudan is answerable to the President of the government of Southern Sudan for the administration of the judiciary. The judicial power in Southern Sudan is derived from the people and is exercised by the courts in accordance with the customs, values, norms and aspirations of the people and in conformity with the constitution and the law. The overall management of JOSS; its composition and functions; is prescribed by law, in accordance, with provisions of the constitution.

The Judiciary of Southern Sudan is structured as follows:

- (a) The Supreme Court of Southern Sudan;
- (b) Courts of Appeal;
- (c) High Courts;
- (d) County Courts;

- (e) Other courts or Tribunals as deemed necessary to be established.

Judges enjoy a constitutional security of tenure that shall not be affected by their judicial decision.<sup>9</sup> A Supreme Court Judge may only be relieved of duties by the President of the Government of Southern Sudan for gross misconduct, incompetence and incapacity and upon recommendation of the President of the Supreme Court in accordance with the law and subject to the approval by a majority of two-thirds of all members of Southern Sudan Legislative Assembly.<sup>10</sup>

#### **IV. Torture and other cruel, inhuman or degrading treatment or punishment**

134. Article 22 of the ICSS, 2005 prohibits torture and other inhuman or degrading treatment or punishment in absolute terms. The Constitutional prohibition of torture is supported by the creation of a specific offence of torture under the Southern Sudan Penal Code Act, 2008 such as acts that cause harm on a person.<sup>11</sup>

#### **V. Economic, social and cultural rights**

135. Southern Sudan is fully committed to the promotion and protection of economic, social and cultural rights. Southern Sudan's economic policy objectives are secured in the ICSS, 2005 whose main goal is to accelerate pro-poor growth and to ensure that the growth process rapidly reduces poverty. According to Article 40 (1) of the ICSS the overall goal of economic development strategy in Southern Sudan shall be the eradication of poverty, attainment of the Millennium Development Goals, guaranteeing the equitable distribution of wealth, redressing imbalances of income and achieving a decent standard of life for the people.

136. The 2010 budget has ensured that expenditure in the social sectors; particularly on Health and Education remain high.<sup>12</sup> This is evidence of government's commitment to the promotion and protection of the right to health and the right to education. While it is Government's policy to promote and protect all economic, social and cultural rights, this section of the report will mainly focus on the following areas.

##### **A. Education**

137. Southern Sudan's education sector was one of the sectors that was left in bits as a result of nearly three decades of devastating war. In November 2006, a first post war conference conducted in all the 10 Southern Sudan states by Government of Southern Sudan Ministry of Education, Science and Technology (MoEST) and UNICEF, concluded that; the vast majority of learning spaces were found to provide insufficient cover for children and teachers.

Only 461 of the 2,922 learning spaces assessed have permanent classrooms.<sup>13</sup> A total of 913 learning spaces conduct classes outdoors, making open-air facilities the most common type of learning space. Semi-permanent learning spaces, or learning spaces constructed using local materials, are the second largest category with 833 identified learning spaces, while 313 communities had constructed a basic roof structure using grass or plastic.

At the moment and since the 2006 launch of the "Go to School" initiative – the MoEST and partners roadmap to improve the situation, now over 4,000 metric tons of school supplies have been distributed and over 2,500 teachers have been trained. Enrolment

has risen to 850,000 from an estimated 343,000 during the civil war.<sup>14</sup> Over one-third of students are now girls – far from the rate needed to achieve gender parity. Still the major challenge to the “Go-to-School” initiative is learning spaces. In an environment where building materials are scarce and skilled labor hard to find, the construction of permanent, child-friendly schools remains a challenge. However, the intensive planning process initiated during 2006 has paid off during the first dry season of 2007. Currently, the Government of Southern Sudan through the Multi Donors Trust Fund<sup>15</sup> (MDTF) is focusing on improving primary education and alternative learning opportunities for the most disadvantaged populations, returning refugees, demobilized soldiers, and non-traditional learners. The MDTF allocated budget combined with GoSS educational budget of the 2009 fiscal year has funded the construction of 10 schools and nine county education centres, and about 1,200 teachers received critical training, new curricula and textbooks are in development and half a million books and learning materials are now being distributed to boost adult literacy.<sup>16</sup>

## **B. Housing**

138. Southern Sudan has been facing a very critical shortage of housing since the signing of the Peace Agreement. The irregular pattern of development between rural and urban areas has resulted in very high rural-urban migration, without a corresponding effort to provide appropriate housing. Consequently the proliferation of unplanned settlements in almost all urban centers continues with civic authorities failing to provide social amenities such as water, roads and sanitation facilities. The current status of the Housing policy makers is design and implementation of a legal and regulatory framework that shall enable the government of Southern Sudan to mobilize public and private Sector resources to rehabilitate the existing war-ravage public building and utilities with special emphasis on urban areas of the Southern Sudan.<sup>17</sup>

139. The main problem in the housing sector is lack of adequate finance. However, in order to address these concerns, and as part of the Southern Sudan’s key reforms in housing sector government has continued to upgrade unplanned settlements; promote local building materials and technology development; encourage housing bonds programmes and develop housing schemes for the poorest of the poor.

## **C. Water**

140. In order to improve sanitation and access to safe drinking water, Government has put in place programmes to operationalize water sector policies. The overall guiding principles in the water sector are that of promoting sustainable water resource development with a view to facilitating an equitable provision of an adequate quantity and quality of water to all users.

As part of the key reforms, Government will implement programmes that aim at providing adequate, safe, cost effective water supply and sanitation services to more people in urban with the assistance of donors such as USAID urban water projects. Further under the rural water supply and sanitation programme, Government will focus on investing in capital programmes consisting of projects for construction of new facilities, related hygiene education, extension of water and sanitation facilities and investing in boreholes, such as; the projects being carried on in partnership between Southern Sudan Water Project Corporation and Water Harvest International (WHI), a U.S.-based Christian safe water non-profit with an operational base in Southern Sudan,<sup>18</sup> and the solar-powered water supply project that does not need major intervention or repairs in the near future that is being implemented in the eastern part of Southern Sudan.<sup>19</sup>

## **D. Health**

141. The overall health goal is to improve the health status of the people in Southern Sudan in order to contribute to socio-economic development in line with the Millennium Development Goals and to provide equitable access to cost effective and quality health care. The region has a decentralized approach to planning and provision of health services which broadens the scope for all individuals to access health services. Priority areas focus on improving reproductive health for women, men and adolescents, increasing child survival and providing better quality of life for men and women, including the use of family planning services.

142. Southern Sudan continues to face challenges in the provision of health care services in that the Maternal Mortality Ratio remains high due to a high percentage of unskilled home deliveries and limited access to facilities. Although the overall Infant Mortality Rate and the Child Mortality Rate have declined, they remain a concern to Government. Malaria, HIV and AIDS are a major public health concern in Southern Sudan.

143. Southern Sudan Government continues to undertake measures aimed at improving health standards in the Country. These include improving child health and reducing child mortality. In this regard the Ministry of Health has continued to undertake massive nationwide health campaigns for children under the age of five, on radio and national television. The campaigns have included giving vaccinations and medicines to children below the age of five, free of charge at all Government health centers.

144. In an effort to protect the life a child at birth, provides free antenatal care services for pregnant women. Women are advised on the nutritional standards to adhere to during pregnancy. This measure helps to increase the chances of child survival at birth and a child's good health during the first five years of its life. All pregnant women are free to visit their local antenatal clinics during their pregnancy.

145. Safe motherhood is addressed by providing affordable quality care for the mother and the new born baby as close to the family as possible. Intervention includes the putting in place of measures to improve maternal and neonatal deaths.

146. Southern Sudan acknowledges the fact that adequate quality and equitable dispensation of reproductive health services is basic in ensuring safe motherhood, guaranteeing child health and reducing maternal and child mortality. As a means of lowering maternal mortality, child mortality and increasing life expectancy, Southern Sudan has through the Ministry of Health Integrated Health Project increased family planning services among the young rural population in order encourage families and couples, to child space.

147. Government also established the Southern Sudan HIV/AIDS Commission (SSAC) in 2006 as the regional mechanism for coordinating and supporting the development, monitoring and evaluation of a multisectoral regional's response to HIV and AIDS. In addition Government has put in place measures such as free Voluntary, Counseling and testing at state's capitals and some public health centers that can be accessed by the public.

## **E. Employment**

148. Southern Sudan recognizes the equal rights of men and women to participate in the national development process on an equal basis. In order to further women's participation in employment, Southern Sudan encourages all employers to practice affirmative action when advertising for jobs and when employing. The overall recruitment and employment policy of the Government of Southern Sudan is to uphold the goal of provision of effective

and efficient services, broad representation of the various population groups in the public service of Southern Sudan, and in accordance with the core values of the public service. However individual recruitment into the new public service of Government of Southern Sudan shall be based mainly on individual merit and qualifications directly relevant to performance in the job for which the individual is being considered.<sup>20</sup>

A Public Service reform was launched during the 6th Governors Forum in 2008 to address the malfunctions caused by the long drawn war and to set up a strong foundation by transforming it into an efficient and effective one by leaping from current state to the model state by borrowing and domesticating the best practices available in the world.<sup>21</sup>

## **F. Measures against corruption**

149. Southern Sudan recognizes the negative impact that corruption has on the enjoyment of economic social and cultural rights. In this regard, Southern Sudan Anti-Corruption Commission was established in 2006 to protect public property; investigate cases of corruption; combat administrative malpractices such as nepotism, favoritism and tribalism in the government institutions without prejudice to the powers of the Ministry of Legal Affairs and Constitutional Development in public prosecution.

## **VI. Elimination of discrimination against women**

150. Sudan is not a party to the Convention on the Elimination of All Forms of Discrimination against Women, and although it does not have specific legislation to deal with the elimination of discrimination against women, it has domesticated some key elements of the Convention. Article 20 (4) (b) of the Constitution provides for the enactment of laws to combat harmful customs and traditions which undermine the dignity and status of women.

151. The Penal Code contains provisions which protect women from indecent assault, sexual harassment, defilement and trafficking.

The Government of Southern Sudan established a Ministry of Gender, Social Welfare and Religious Affairs that was mandated with social responsibility to promote and look into the issues of gender empowerment, vulnerable groups, children, elderly and persons with disabilities. The level of gender inequalities have ignited the Government of Southern Sudan to form this Ministry to keep eye on gender mainstreaming such that to bridged the gap between women and men in all aspect of life.<sup>22</sup> The Ministry in collaboration with the States Ministries of Social Development, Civil Society are working together to ensure that justice, equality, fairness and equitable distribution of resources reach all citizens of Southern Sudan regardless of gender. Poverty reduction is a priority of the Government of Southern Sudan and that of the Ministry of Gender, Social Welfare and Religious Affairs to ensure proper mechanisms are put in place by all institutions of the government to combat poverty.<sup>23</sup>

152. The Ministry also prepared Gender Policy Framework, which lay out programs that other institutions should adhere to in the area of gender issues. The policy is however, presented before the Council of Ministers and Southern Sudan Legislative Assembly in 2007.<sup>24</sup> The aim of the policy is to guide the Ministry in allocating resources for the empowerment of women, other vulnerable groups and safe guide constitutional rights of both male and female. In this policy document Gender Equality was defined as: several rights, which ascertain to men and women. It is a basic human rights equalization whereby women and men are treated equally.<sup>25</sup> Gender equality demands the fact that, the current social economic, cultural and political does not discriminate any of sex group in service

delivery In the policy framework, the Gender mainstreaming has been given much emphasis to ensure that all government institutions, being GoSS or States Governments, and private sectors to work together for elimination of all form of discrimination against women, and vulnerable groups.<sup>26</sup>

## **VII. Children's rights**

153. Children are entitled to the human rights guarantees stipulated in Part Two of the Constitution that provides for the Child's right to life, survival and development; name and nationality; be cared for by his or her parents or legal guardians; not to be subjected to exploitative practices or abuse, nor to be required to serve in the army or to perform work which may be hazardous or harmful to his or her education, health or well-being; to be free from any form of discrimination; to be free from corporal punishment and cruel and inhumane treatment by any person including parents, school administration and other institutions; and to be protected from abduction and trafficking.<sup>27</sup> All these rights were incorporated in several statutes that provides for the promotion of the rights of children and protection namely, Child Act, 2008 that provides for the general principles regarding the rights of the child in chapter II such as *inter alia*: the best interest of the child shall be considered as paramount when any question with respect to the upbringing, care or welfare, or administration of a child's property is being determined by the Court, local authority or any person.<sup>28</sup> Penal Code Act, 2008, Code of Criminal Procedure Act, 2008, Southern Sudan Police Act, Sudan Peoples Liberation Army Act, 2009 that prohibits enrolment into the SPLA forces if a person has not attained eighteen years of age,<sup>29</sup> Sudan People's Liberation Army Rules and Regulation, 2009. These statutes are all in line with the Convention on the Rights of the Child (CRC).

154. Recently, policies that constitute core guidelines for improving the welfare and quality of life of children as well as for protecting their survival and developmental rights are undergoing. Survival and development of children are major objectives of these policies, which aims at reducing moderate to severe malnutrition in children, and expanding early childhood care and development programmes throughout the region. The Ministry's policy documents emphasized on the following guidelines among others: development of Child Welfare policy; harmonize child welfare policy across sectors and actors; coordination of child welfare activities consistent with policies; promotion of children's right; support girl child education; rehabilitation of child soldiers and street children; rehabilitation of orphans including fostering and adoption, and promotion of child participation in decisions that affect them.<sup>30</sup>

155. The policies also aim at providing guidelines for improving the welfare and quality of life of children by consolidating all existing and proposed legislation pertaining to children.

156. Southern Sudan has been going through the process of making the principles and provisions of the CRC widely known to adults and children.

## **VIII. Key Southern Sudan's priorities, initiatives and commitments that it intends to undertake to overcome those challenges**

157. Southern Sudan has put in place programmes aimed at enhancing the promotion and protection of human rights, as guided by the ICSS, by providing guidance and a framework for the effective promotion and protection of human rights in the country.

158. In terms of its national key priorities, in the ICSS, Chapters has been devoted to a number of governance and human rights initiatives, these being:

- (a) Access to Justice;
- (b) Human Rights;
- (c) Accountability and Transparency;
- (d) Constitutionalism and Democratization.

159. Further, the ICSS prioritizes other important national programmes relating to health, education, labour, water and sanitation, housing among others.

160. More specifically, reform initiatives and programmes are being undertaken in the following areas:

- (a) Improving the legislative process and policy framework affecting the administration of justice;
- (b) Reviewing, amending and enacting legislation to enable the implementation of governance and human rights priorities;
- (c) Domesticating international conventions and covenants;
- (d) Developing courts and other infrastructure;
- (e) Strengthening the autonomy, effectiveness and efficiency of the Judiciary;
- (f) Increasing public awareness of human rights and the criminal justice system;
- (g) Developing frameworks and policy for public participation in political, social, economic and cultural decision-making;
- (h) Enhancing freedom of the press.

161. All these priorities are aimed at according to Southern Sudan's opportunities to become resourceful and prosperous.

162. As Southern Sudan continues to strengthen its human rights standards, if it secedes and becomes a state after the referendum, it will continue to engage in global human rights issues through participation in different international fora. Southern Sudan will also continue to pursue the promotion and protection of human rights as part of its foreign policy.

## IX. Conclusion

163. In conclusion, the above mentioned challenges can not be conquered without building the capacity of its human resources in the different fields given the fact that the prolonged war has crippled a great deal of mechanisms that could be used as a bridge towards the enhancement and improvement of the Southern Sudanese well-being in terms of the enjoyment of human rights and fundamental freedoms.

### Notes

<sup>1</sup> Ministry of Legal Affairs & Constitutional Development Organization Act, 2008. S. 10 (2) © provides that the Ministry shall *inter alia* be responsible for: "Overseeing implementation of Conventions and Treaties and Human Rights in Southern Sudan".

<sup>2</sup> Interim Constitution of Southern Sudan, 2005, art. 138 (5) (a).



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- <sup>3</sup> The Census results of Southern Sudan were rejected by the Southern Sudan officials.  
[http://en.wikipedia.org/wiki/Southern\\_Sudan](http://en.wikipedia.org/wiki/Southern_Sudan).
- <sup>4</sup> Southern Sudan Interim Constitution, 2005.
- <sup>5</sup> Southern Sudan Penal Code Act, 2008. S. 9 (a) and (b) respectively.
- <sup>6</sup> Ibid., S. 258.
- <sup>7</sup> Sudan People's Liberation Army Act, 2009.
- <sup>8</sup> ICSS art. 9 (2).
- <sup>9</sup> Ibid., art. 134 (3).
- <sup>10</sup> Ibid., art. 136 (2).
- <sup>11</sup> The Penal Code Act, 2008 S. 240.
- <sup>12</sup> <http://www.sudanvotes.com/articles/?id=137>.
- <sup>13</sup> Policy Framework, 2006–2007 (Ministry of Education, Science and Technology-GoSS) p. 5.
- <sup>14</sup> Ibid.
- <sup>15</sup> TURNING THE CORNER, 2009 Annual Report (MULTI DONORS TRUST FUND FOR SOUTHERN SUDAN) p. 11.
- <sup>16</sup> Ibid.
- <sup>17</sup> <http://www.goss-online.org/magnoliaPublic/en/ministries/Housing.html>.
- <sup>18</sup> [http://thewaterproject.org/wells\\_for\\_sudan.asp](http://thewaterproject.org/wells_for_sudan.asp).
- <sup>19</sup> <http://www.icrc.org/eng/resources/documents/interview/2011/sudan-interview-2011-01-06.htm>.
- <sup>20</sup> The Public Service Mirror, (Ministry of Labour and Public Service Monthly Magazine, Issue 1, Vol. 1, December 2010, p. 6.
- <sup>21</sup> Ibid., p. 9.
- <sup>22</sup> Ministry of Gender, Social Welfare & Religious Affairs. *A Policy Frame & Work Plan*, 2007–2009.
- <sup>23</sup> Ibid., p. IV.
- <sup>24</sup> Ibid.
- <sup>25</sup> Ibid.
- <sup>26</sup> Ibid., p. VIII.
- <sup>27</sup> ICSS art. 21 (1).
- <sup>28</sup> The Child Act, 2008. S. 6.
- <sup>29</sup> The Sudan People's Liberation Army Act, 2009 S. 22.
- <sup>30</sup> No. 11, p. 4.
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