

# **Sudan**

## **Mid-term**

## **Implementation**

## **Assessment**



*Promoting and strengthening  
the Universal Periodic Review*  
<http://www.upr-info.org>



## Introduction

### 1. Purpose of the follow-up programme

*The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.*

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four and one half years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created a follow-up process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also, more specifically, to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs, and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC) plenary session.

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are disposed to follow through on and to implement their commitments. States should implement the recommendations that they have accepted and civil society should monitor that implementation.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be adversely affected.

The methodology used by *UPR Info* to collect data and to calculate the index is described at the end of this document.

Geneva, 5 June 2014



## Follow-up Outcomes

### 1. Sources and results

All data are available at the following address:

<http://followup.upr-info.org/index/country/sudan>

We invite the reader to consult this webpage since all recommendations, all stakeholders' reports, as well as the unedited comments can be found at the same internet address.

25 stakeholders' reports were submitted for the UPR. 53 NGOs were contacted. 5 UN agencies were contacted. The Permanent Mission to the UN was contacted. The National Human Rights Institution (NHRI) was contacted as well.

8 NGOs responded to our enquiry. 1 UN agency responded. The State under Review responded to our enquiry. The NHRI also respond to our enquiry.

The following stakeholders took part in the report:

1. **State** of Sudan
2. **NHRI**: The National Commission for Human Rights (NCHR)
3. **UN Agency**: United Nations Children's Fund (UNICEF)
4. **NGOs**: (1) Global Initiative to End All Corporal Punishment of Children (GIEACPC) (2) Joint submission of Arab NGO Network for Development, Gender Center for Research and Training, NIDAA Organization (Joint 2) (3) Joint submission of Asmaa Society for Development, Awn Center for Advocacy & Consultancy and Mr. Faisal Mohamed Salih (Joint) (4) Redress Trust (REDRESS) (5) Reporters sans frontières (RSF)

*IRI*: 38 recommendations are not implemented, 57 recommendations are partially implemented, and 86 recommendations are fully implemented. No answer was received for 20 out of 201 recommendations and voluntary pledges (full list of unanswered recommendations is available at the end of this document).



## 2. Index

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Hereby the issues that the MIA covers:

rec. n°	Rec. State	Issue	IRI	page
84	Algeria	Women's rights	partially impl.	page 69
158	Algeria	Right to education,Rights of the Child	fully impl.	page 82
166	Algeria	Human rights education and training,International instruments	fully impl.	page 43
5	Australia	Death penalty,International instruments	not impl.	page 33
20	Australia	International instruments,Justice	not impl.	page 39
21	Australia	International instruments,Torture and other CID treatment,Women's rights	not impl.	page 39
74	Australia	National plan of action,Rights of the Child	fully impl.	page 68
140	Australia	International humanitarian law	partially impl.	page 61
35	Austria	Freedom of the press	not impl.	page 9
80	Austria	Special procedures	partially impl.	page 41
135	Austria	Death penalty,Justice	partially impl.	page 59
179	Austria	Civil society,Freedom of association and peaceful assembly,Freedom of opinion and expression,Freedom of religion and belief,Minorities,Women's rights	not impl.	page 11
181	Austria	Special procedures	fully impl.	page 44
182	Austria	UPR process	fully impl.	page 44
186	Austria	International instruments,Women's rights	not impl.	page 45
187	Austria	Women's rights	not impl.	page 84
188	Austria	Women's rights	not impl.	page 84
47	Azerbaijan	Technical assistance	fully impl.	page 86
145	Azerbaijan	Development,Poverty	partially impl.	page 20
157	Azerbaijan	Right to education,Right to health,Rights of the Child,Women's rights	fully impl.	page 82
89	Bahrain	Women's rights	partially impl.	page 71
159	Bahrain	Right to education,Rights of the Child	fully impl.	page 82
76	Bangladesh	Environment,Technical assistance	partially impl.	page 18
146	Bangladesh	Poverty,Technical assistance	fully impl.	page 21
14	Belgium	International instruments,Women's rights	not impl.	page 36
96	Belgium	Death penalty	not impl.	page 52
100	Belgium	Death penalty,Rights of the Child	partially impl.	page 73
114	Belgium	Human rights education and training,Rights of the Child,Torture and other CID treatment,Women's rights	partially impl.	page 77
6	Brazil	International instruments,Torture and other CID treatment,Women's rights	partially impl.	page 33
105	Brazil	Death penalty,Rights of the Child	fully impl.	page 73
111	Brazil	Rights of the Child,Women's rights	fully impl.	page 75
119	Brazil	Justice	fully impl.	page 55
120	Brazil	Justice,Torture and other CID treatment	not impl.	page 55
25	Canada	Minorities,Racial discrimination	not impl.	page 28
30	Canada	Detention conditions,Public security	not impl.	page 47
36	Canada	Freedom of the press	not impl.	page 9

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rec. n°	Rec. State	Issue	IRI	page
37	Canada	Women's rights	not impl.	page 63
64	Canada	International humanitarian law,Internally displaced persons,Public security	partially impl.	page 49
81	Canada	Special procedures	partially impl.	page 41
143	Cuba	Development,Poverty	fully impl.	page 18
161	Cuba	Right to education,Right to health	partially impl.	page 26
148	Democratic Republic of Congo	Development	partially impl.	page 21
154	Democratic Republic of Congo	Right to water	partially impl.	page 24
164	Democratic Republic of Congo	Right to education	partially impl.	page 27
171	Djibouti	Other	fully impl.	page 90
174	Djibouti	Other	fully impl.	page 91
198	Djibouti	Freedom of religion and belief,Minorities	fully impl.	page 31
199	Djibouti	Development	fully impl.	page 28
62	DPR Korea	Other	fully impl.	page 89
63	DPR Korea	Public security	fully impl.	page 49
156	DPR Korea	Right to health,Rights of the Child Enforced disappearances,International instruments,Torture and other CID treatment,Trafficking,Women's rights	fully impl.	page 81
9	Ecuador	Detention conditions,International instruments,Justice,Torture and other CID treatment	not impl.	page 35
10	Ecuador	Freedom of the press,International humanitarian law,Justice,Public security	not impl.	page 35
27	Ecuador	Death penalty,Torture and other CID treatment	not impl.	page 46
110	Ecuador	Human rights education and training,Rights of the Child,Torture and other CID treatment,Women's rights	not impl.	page 53
113	Ecuador	Asylum-seekers - refugees,ESC rights - general,Internally displaced persons,Migrants	partially impl.	page 76
168	Ecuador	Women's rights	fully impl.	page 30
90	Egypt	Disabilities,International instruments	partially impl.	page 72
92	Egypt	Human rights education and training	fully impl.	page 42
126	Egypt	Elections	fully impl.	page 56
41	Ethiopia	Elections	fully impl.	page 85
172	Ethiopia	International instruments,Women's rights	fully impl.	page 91
17	Finland	Freedom of religion and belief,Minorities	not impl.	page 37
57	Finland	Human rights education and training,Rights of the Child,Women's rights	fully impl.	page 29
112	Finland	International instruments,Rights of the Child,Torture and other CID treatment,Women's rights	partially impl.	page 76
16	France	Death penalty,Rights of the Child	partially impl.	page 37
108	France	Justice,Rights of the Child	fully impl.	page 75
133	France	Special procedures	partially impl.	page 81
183	France	Death penalty	fully impl.	page 45
190	France	Enforced disappearances,International instruments,Torture and other CID treatment	not impl.	page 62
191	France	Detention conditions,International instruments,Torture and other CID treatment	not impl.	page 45
192	France		not impl.	page 46

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rec. n°	Rec. State	Issue	IRI	page
40	Honduras	Rights of the Child,Women's rights	partially impl.	page 64
117	Honduras	Rights of the Child,Torture and other CID treatment,Women's rights	partially impl.	page 78
118	Honduras	Human rights education and training,Rights of the Child,Torture and other CID treatment,Women's rights	not impl.	page 79
138	Honduras	Rights of the Child,Women's rights	partially impl.	page 81
185	India	NHRI	fully impl.	page 93
73	Iran	National plan of action,Rights of the Child	fully impl.	page 68
153	Iran	Right to health	partially impl.	page 24
155	Iran	Right to water	partially impl.	page 24
165	Iran	Right to education	fully impl.	page 27
79	Italy	General	fully impl.	page 90
97	Italy	Death penalty	not impl.	page 52
104	Italy	Death penalty,Rights of the Child	fully impl.	page 73
1	Japan	International instruments	not impl.	page 32
70	Japan	Justice,Rights of the Child,Torture and other CID treatment,Women's rights	partially impl.	page 66
137	Japan	Detention conditions,Justice,Impunity	fully impl.	page 60
54	Jordan	Justice	partially impl.	page 48
72	Jordan	Rights of the Child	fully impl.	page 67
85	Jordan	Women's rights	fully impl.	page 70
131	Jordan	Human rights education and training	partially impl.	page 58
58	Kuwait	Other	fully impl.	page 88
167	Kuwait	Asylum-seekers - refugees,Internally displaced persons	fully impl.	page 30
175	Lebanon	Other	fully impl.	page 92
196	Lebanon	Freedom of religion and belief	fully impl.	page 15
11	Malaysia	International instruments,Women's rights	fully impl.	page 36
44	Malaysia	Technical assistance	fully impl.	page 86
121	Malaysia	International humanitarian law,Rights of the Child	fully impl.	page 79
130	Malaysia	Human rights education and training	fully impl.	page 58
67	Mauritania	Women's rights	fully impl.	page 65
125	Mauritania	International instruments,Labour,Rights of the Child	fully impl.	page 43
12	Norway	International instruments,Women's rights	not impl.	page 36
48	Norway	NHRI	fully impl.	page 87
59	Norway	Migrants	partially impl.	page 29
136	Norway	Impunity	fully impl.	page 60
180	Norway	Other	not impl.	page 93
184	Norway	General	fully impl.	page 93
193	Norway	Human rights education and training	fully impl.	page 62
195	Norway	Detention conditions,Freedom of the press,Human rights defenders	partially impl.	page 14
46	Oman	NHRI	fully impl.	page 86
149	Oman	Right to education,Right to health	partially impl.	page 22
151	Oman	Right to health	partially impl.	page 23
160	Oman	Right to education	partially impl.	page 25

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rec. n°	Rec. State	Issue	IRI	page
42	Pakistan	Development,Technical assistance	fully impl.	page 16
87	Palestine	Human rights education and training,Women's rights	fully impl.	page 71
107	Palestine	Death penalty,International humanitarian law,Justice,Rights of the Child	fully impl.	page 74
127	Palestine	Justice	fully impl.	page 56
169	Palestine	Asylum-seekers - refugees,Internally displaced persons,Technical assistance	fully impl.	page 31
22	Poland	International instruments,Justice	not impl.	page 39
39	Poland	Freedom of religion and belief	not impl.	page 10
50	Poland	NHRI	partially impl.	page 87
53	Poland	Rights of the Child	fully impl.	page 64
83	Poland	Civil society,UPR process	fully impl.	page 41
68	Qatar	Women's rights	fully impl.	page 65
18	Republic of Korea	International instruments,Women's rights	fully impl.	page 38
52	Republic of Korea	NHRI	partially impl.	page 87
69	Republic of Korea	Women's rights	fully impl.	page 65
75	Saudi Arabia	Rights of the Child	fully impl.	page 69
124	Saudi Arabia	International instruments,Labour,Rights of the Child	fully impl.	page 42
162	Saudi Arabia	Human rights education and training,Right to education,Rights of the Child	fully impl.	page 83
26	Singapore	Justice	partially impl.	page 46
144	Singapore	Poverty	partially impl.	page 20
150	Singapore	Right to health	fully impl.	page 23
109	Slovenia	Death penalty,Rights of the Child	fully impl.	page 74
115	Slovenia	Rights of the Child,Torture and other CID treatment,Women's rights	not impl.	page 77
123	Slovenia	Rights of the Child	partially impl.	page 80
139	Slovenia	Justice	fully impl.	page 61
176	Somalia	Other	fully impl.	page 91
177	Somalia	Other	fully impl.	page 91
197	Somalia	Freedom of religion and belief,Minorities	fully impl.	page 31
200	Somalia	Other	fully impl.	page 94
55	South Africa	General	fully impl.	page 17
7	Spain	CP rights - general,Detention conditions,ESC rights - general,International instruments,Torture and other CID treatment Enforced disappearances,International instruments,Torture and other CID treatment,Women's rights	not impl.	page 33
8	Spain	Freedom of religion and belief	partially impl.	page 34
38	Spain	International humanitarian law	not impl.	page 9
65	Spain	Death penalty	fully impl.	page 50
103	Spain	General	partially impl.	page 53
147	Sri Lanka	Poverty	fully impl.	page 17
163	Sri Lanka	Right to education,Rights of the Child	partially impl.	page 20
3	Switzerland	CP rights - general,International instruments	fully impl.	page 83
4	Switzerland	Death penalty,International instruments	not impl.	page 32
33	Switzerland	Detention conditions,Public security	not impl.	page 47

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rec. n°	Rec. State	Issue	IRI	page
93	Switzerland	Death penalty	not impl.	page 51
106	Switzerland	Death penalty,Rights of the Child Enforced disappearances,Extrajudicial executions,Human rights violations by state agents,International humanitarian law,Torture and other CID treatment	partially impl.	page 74
134	Switzerland	Detention conditions,Freedom of the press,Human rights defenders	fully impl.	page 58
142	Switzerland	Rights of the Child,Women's rights	partially impl.	page 10
91	Syria	Justice	partially impl.	page 72
128	Syria	Other	partially impl.	page 57
173	Syria	Technical assistance,UPR process	fully impl.	page 91
51	Thailand	NHRI	partially impl.	page 40
45	Thailand	Detention conditions,Technical assistance,Women's rights	fully impl.	page 87
132	Thailand	Internally displaced persons,Rights of the Child,Women's rights	partially impl.	page 80
170	Thailand	NHRI	partially impl.	page 84
49	Turkey	Human rights education and training,Technical assistance	fully impl.	page 87
129	Turkey	Right to health	fully impl.	page 57
152	Turkey	Human rights education and training,Women's rights	partially impl.	page 23
86	United Arab Emirates	Women's rights	partially impl.	page 70
60	United Kingdom	Other	partially impl.	page 88
178	United Kingdom	NHRI	partially impl.	page 92
194	United Kingdom	Freedom of association and peaceful assembly,Freedom of opinion and expression,Freedom of the press,Human rights defenders	partially impl.	page 12
19	Uruguay	International instruments,Women's rights	not impl.	page 38
66	Uruguay	International humanitarian law	fully impl.	page 50
71	Uruguay	International instruments,National plan of action,Rights of the Child	fully impl.	page 40
101	Uruguay	Death penalty	not impl.	page 52
102	Uruguay	Death penalty,Rights of the Child	fully impl.	page 73
116	Uruguay	Human rights education and training,Rights of the Child,Torture and other CID treatment,Women's rights	partially impl.	page 78
122	Uruguay	Rights of the Child	partially impl.	page 80
43	Zimbabwe	Technical assistance	fully impl.	page 85
61	Zimbabwe	Other	fully impl.	page 89



### **3. Feedback on recommendations**

## **CP Rights**

**Recommendation n°35: Reform the 2009 Press and Publications Act (Recommended by Austria)**

**IRI: not implemented**

**State of Sudan response:**

Three workshops were implemented with all stakeholders to discuss disputed provisions in the Press and Printed Act, and the recommendations to amend them.

Level of Implementation: Implementation going on

**The National Commission for Human Rights (NCHR) response:**

Several workshops were held to discuss the provisions to be amended. CSOs, NCHR and others were involved. Even the government accept to go on in reforming this Act. The process is going on.

**Recommendation n°36: Bring the 2009 Press and Publications Act in line with its international obligations, and put in place effective enforcement measures (Recommended by Canada)**

**IRI: not implemented**

**Redress Trust (REDRESS) response:**

Sudan accepted the recommendation to reform the Press and Printing Act of 2009, which remains outstanding, but has not acted on (or accepted) the recommendation to amend the 2006 Volunteer and Humanitarian Work Act. As the National Security Act and the Criminal Code have also been used to harass journalists, human rights defenders and others, an effective guarantee of their rights requires wholesale legislative reforms.

The reform of the 2009 Press and Publication Act has been discussed but no concrete legislative steps have been taken to this effect to date.

**Recommendation n°38: Enact a religious freedom act expressly excluding the application of sharia to non-Muslims and decriminalizing apostasy which is considered a crime under the Penal Code (1991) (Recommended by Spain)**

**IRI: not implemented**

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**Recommendation n°39: Revise the 1991 Penal Code and abolish the penalization of apostasy (Recommended by Poland)**

**IRI: not implemented**

**REDRESS response:**

Sudan rejected recommendations to abolish the crime of apostasy, stating that “Freedom of religion is guaranteed by the Constitution and the laws. Law provisions which are based on Shariaa are not applicable on [sic] non-Muslims.”

Beyond the crime of apostasy, a number of broad and vaguely drafted offences, particularly “offences against the state” and crimes such as “publications of false news” have given rise to repeated concerns; these offences have frequently been relied on when prosecuting journalists, protestors and/or (purported) political opponents even in case of a legitimate exercise of freedom of expression, association and assembly.

According to the Independent Expert on Human Rights in the Sudan, in his report of September 2013, Sudan has established a committee of experts “to study the reform of laws such as the Criminal Procedure Act, the Criminal Act, the Evidence Act, the Personal Status Law and the Labour Act.” However, there has apparently been no reform of any of these laws to date.

**Recommendation n°142: Ensure effective protection of journalists and human rights defenders against intimidation, harassment, arrest and detention (Recommended by Switzerland)**

**IRI: partially implemented**

**State of Sudan response:**

Many workshops were held to that end.

The Vice President ordered the stop of any act of pre censorship.

Level of implementation: Implementation going on

**Reporters sans frontières (RSF) response:**

Entre juin 2011 et avril 2014, plusieurs journalistes soudanais ou étrangers ont été ouvertement harcelés, arrêtés ou détenus par les services de renseignement et de sécurité soudanais (National Intelligence and Security Services, NISS). En juillet 2011, Amal Habani et Fatima Ghazali ont été arrêtées puis condamnées à des amendes pour la publication d'articles sur des violations des droits de l'Homme commises par des agents de l'Etat. En septembre 2011, les journalistes Osama Said Ahmed et Tagwa Ahmed ont pour leur part été brutalisés par des membres des services de sécurité. Entre novembre et décembre 2011, le journaliste érythréen Jamal Osman Hamad a été détenu 8 semaines par les mêmes services de sécurité, sans



qu'aucune charge de ne soit retenue contre lui. A la même période, Rashan Awshi, elle aussi journaliste, a été arrêtée sans explication et maintenue en détention pendant 19 heures. Le 9 mai 2012, le chroniqueur politique Faisal M. Salih a été arrêté et emprisonné 6 jours, vraisemblablement pour des propos critiques envers le président El-Béchir tenus à la télévision. Avant cela, il avait fait l'objet de convocations incessantes des services de sécurité, avec le but affiché de nuire à son activité courante. En novembre 2012, la journaliste Somaia Ibrahim Ismail "Hundosa", a été enlevée et torturée par les services de renseignement et de sécurité soudanais. Elle a choisi de fuir le pays suite à cet épisode. Les 3 et 4 avril 2013, le correspondant de la chaîne Al Jazeera, Almosalami Alkabbakhi, a quant à lui été convoqué pendant neuf heures dans les locaux des NISS pour interrogatoire. Ces cas mettent en lumière une pratique systématique de harcèlement envers les professionnels des médias, le plus souvent sans motifs clairement énoncés. Si le gouvernement donne de façon épisodique des signes positifs envers les médias, le quotidien pour ces derniers demeurent la menace permanente des abus des services de sécurité et de renseignements.

#### NCHR response:

Implementation is going on but in fluctuating manner. Still harassment being practiced on some journalists and some are prevented from writing.

Recommendation n°179: *Draft their Constitutions in an inclusive process with the participation of civil society, women and minorities. Also, ensure that the new Constitutions include a catalogue of human rights, in particular the freedom of speech and assembly, and take the multiethnic and multireligious background of their population into account* (Recommended by Austria)

**IRI: not implemented**

#### REDRESS response:

Constitutions are seen as the outcome of unique national processes, embodying core arrangements of state and society; commenting on issues of substance may be considered premature without there being even a draft constitution; and an emphasis on process may be viewed as the best means of ensuring that a constitution reflects key human rights standards. However, the new constitution of Sudan will invariably address a number of issues that are critical to the protection and realisation of human rights. This includes in particular the status of international treaties in the domestic legal system, the definition of specific fundamental rights, the institutional machinery for the protection of rights and broader institutional reforms, such as reform of the National Intelligence and Security (NISS). It will therefore be critical that the Constitution both grants fundamental rights that reflect



international standards and puts in place the institutional framework to ensure their protection.

There is no transparent or participatory constitutional review process. There have been concerns that human rights defenders have faced adverse repercussions for raising issues relating to the protection of human rights.

#### NCHR response:

The National Commission for Human Rights was established in 2012. Consultations on the new constitution and the bill of rights are taking place now.

**Recommendation n°194: Respect the rights to freedom of expression, association and assembly by allowing human rights defenders, political dissidents and journalists to express their views freely in line with international human rights law (Recommended by United Kingdom)**

**IRI: partially implemented**

#### State of Sudan response:

See [responses to recommendations n°62 and n°142]

#### RSF response:

Entre juin 2011 et avril 2014, plusieurs journalistes soudanais ou étrangers ont été ouvertement harcelés, arrêtés ou détenus par les services de renseignement et de sécurité soudanais (National Intelligence and Security Services, NISS). En juillet 2011, Amal Habani et Fatima Ghazali ont été arrêtées puis condamnées à des amendes pour la publication d'articles sur des violations des droits de l'Homme commises par des agents de l'Etat. En septembre 2011, les journalistes Osama Said Ahmed et Tagwa Ahmed ont pour leur part été brutalisés par des membres des services de sécurité. Entre novembre et décembre 2011, le journaliste érythréen Jamal Osman Hamad a été détenu 8 semaines par les mêmes services de sécurité, sans qu'aucune charge de ne soit retenue contre lui. A la même période, Rashan Awshi, elle aussi journaliste, a été arrêtée sans explication et maintenue en détention pendant 19 heures. Le 9 mai 2012, le chroniqueur politique Faisal M. Salih a été arrêté et emprisonné 6 jours, vraisemblablement pour des propos critiques envers le président El-Béchir tenus à la télévision. Avant cela, il avait fait l'objet de convocations incessantes des services de sécurité, avec le but affiché de nuire à son emploi du temps. En novembre 2012, la journaliste Somaia Ibrahim Ismail "Hundosa", a été enlevée et torturée par les services de renseignement et de sécurité soudanais. Elle a choisi de fuir le pays suite à cet épisode. Les 3 et 4 avril 2013, le correspondant de la chaîne Al Jazeera, Almosalami Alkabbakhi, a quant à lui été convoqué pendant neuf heures dans les locaux des NISS pour



interrogatoire. Ces cas mettent en lumière une pratique systématique de harcèlement envers les professionnels des médias, le plus souvent sans motifs clairement énoncés. Le but de telles actions est visiblement de faire taire les voix critiques ou dissidentes à l'égard des autorités. Une telle attitude des autorités contrevient clairement aux obligations du droit international relatives à la liberté d'expression.

Asmaa Society for Development, Awn Center for Advocacy & Consultancy and Mr. Faisal Mohamed Salih (Joint) response:

**Press Laws:**

The current press law is 2009 press and Publication law. It contradicts with international standards for media freedom in many ways that includes:

- The Act provides for wider restrictions on freedom of expression justified on various grounds including national security, public order and morals.
- The Act does not specify or define the ambit or the scope of these grounds and in accordance with international and regional treaties and jurisprudence.
- The power given to the press council, unprecedented powers including imposing fines and revoking journalists' licenses, disciplinary measures against journalists, suspension of newspapers, conditions of eligibility of journalists and chief editors.
- The government control over the council, ignorance of journalists right to access information,
- No laws or regulations guarantee safety of journalists
- The Act law does not remove the power of intelligence services, who censor papers ahead of publication under the National Security Act, 2010.
- It also clearly violates the right of freedom of expression of journalists as it licenses their arrest even in the course of performing their duties and profession.

**National Security Law 2010**

Give the security free hand over the media (Articles 24-25) which practice censorship, confiscation, suspension, arrest and detention.

**The Criminal Act of 1991**

Journalists are subjected to both tort and criminal liability and the Press Council is empowered to impose criminal sanctions for violations of the law.

In the court:

- Article 66- Spreading false news, article 115
- Article 159- Defamation



- Imprisonment or fine or both penalties
- Human rights lawyers and NGOs have brought cases of Pre-Censorship before the Constitutional Court, a judgment of the Constitutional Court that declared a law or particular provision to be unconstitutional

Unfortunately the court ruled in favor of pre-censorship on the ground of National Security.

### **Practice**

Censorship: all type of censorship, including: pre-censorship, phone and sms orders not to publish news or cover event, stick to official statement Suspension.

Long term suspension: Ray Alshaab (Popular Congress paper- 3 years)  
 Al-Midan (Communist Paper-2 years), Al-Tayyar (Independent-16 month)  
 Short term: We reported about ten cases during 2013, suspension for a week or two by the security.

Confiscation after printing: We have reported almost 30 cases in the year 2013 (two or three cases a month)

From January 2014 till now: 6 cases

### **Harassment of journalists**

Journalists subject to different type of harassment, detention, summon to security offices, threaten of denial right to work or write.

Banning from writing this a new phenomena been practiced for the last three years. The list of banned journalists and writers are changing, the biggest one included 15 journalists (2012-2013, but now there are about four still banned.

### NCHR response:

Implementation is going on. A constructive open dialogue is taking place now aiming at comprehensive political, economical and democratic reform.

Recommendation n°195: *Take concrete steps to ensure freedom of the media and investigate any intimidation and arbitrary detention of journalists and human rights defenders with a view to bringing such practices to an end (Recommended by Norway)*

*IRI: partially implemented*

### State of Sudan response:

Level of implementation: Implementation going on



### RSF response:

RSF Entre juin 2011 et avril 2014, plusieurs journalistes soudanais ou étrangers ont été ouvertement harcelés, arrêtés ou détenus par les services de renseignement et de sécurité soudanais (National Intelligence and Security Services, NISS). Ces derniers agissent en totale impunité, et sont rarement désavoués par les tribunaux. En juillet 2011, Amal Habani et Fatima Ghazali ont été arrêtées puis condamnées à des amendes pour la publication d'articles sur des violations des droits de l'Homme commises par des agents de l'Etat. Entre novembre et décembre 2011, le journaliste érythréen Jamal Osman Hamad a été détenu 8 semaines par les mêmes services de sécurité, sans qu'aucune charge de ne soit retenue contre lui. A la même période, Rashan Awshi, elle aussi journaliste, a été arrêtée sans explication et maintenue en détention pendant 19 heures. Le 9 mai 2012, le chroniqueur politique Faisal M. Salih a été arrêté et emprisonné 6 jours, vraisemblablement pour des propos critiques envers le président El-Béchir tenus à la télévision. Avant cela, il avait fait l'objet de convocations incessantes des services de sécurité, avec le but affiché de nuire à son activité courante. En novembre 2012, la journaliste Somaia Ibrahim Ismail "Hundosa", a été enlevée et torturée par les services de renseignement et de sécurité soudanais. Elle a choisi de fuir le pays suite à cet épisode. Les 3 et 4 avril 2013, le correspondant de la chaîne Al Jazeera, Almosalami Alkabbakhi, a quant à lui été convoqué pendant neuf heures dans les locaux des NISS pour interrogatoire. Ces cas mettent en lumière une pratique systématique d'intimidation envers les professionnels des médias, le plus souvent sans motifs clairement énoncés. Si le gouvernement donne de façon épisodique des signes positifs envers les médias, le quotidien pour ces derniers demeurent la menace permanente des abus des services de sécurité et de renseignements.

### Joint response:

[See response to recommendation n°194]

### NCHR response:

Implementation is going on. A constructive open dialogue is taking place now aiming at comprehensive political, economical and democratic reform.

**Recommendation n°196: Adopt legislation and measures to allow the free practice of religions in Sudan and in South Sudan (Recommended by Lebanon)**

IRI: *fully implemented*

**State of Sudan response:**

Freedom of religion is protected by the INC [Interim National Constitution] and will be protected in the new constitution as well.

Level of implementation: implemented

**NCHR response:**

Implementation is going on. All national laws are now under revision.

## ESC Rights

*Recommendation n°42: Seek the support of the international community in addressing human rights challenges, including development projects (Recommended by Pakistan)*

**IRI: fully implemented**

**State of Sudan response:**

UNDP is one of the major players in the development programmes and the implementation of the UPR recommendations.

Level of Implementation: Implementation going on

### Arab NGO Network for Development, Gender Center for Research and Training, NIDAA Organization (Joint 2) response:

In Sudan's National Midterm Report the government notes that the UNDP is the major partner in implementation of the recommendations and in several other recommendations where the international community's support is referred to, the report notes that Sudan is awaiting the international community to fulfill its pledges. However, recent developments in Sudan create concern for the collaboration with international community as in February 2014 the Sudanese government froze the mission of the International Red Cross (ICRC), in April 2014, the Sudanese Government expelled the head of the United Nations Population Fund UNFP and in April 2014 the Sudanese Government closed the offices of British Merlin in El Geneina in the Darfur region that offer medical services to migrants.

**NCHR response:**

The government, NCHR and the CSOs are seeking support of the international community who is responding very slowly. The unilateral coercive measures imposed on Sudan are reversely affect enjoyment of Sudanese people with right to development.



**Recommendation n°55: Give priority to the promotion and protection of human rights in all policies developed by the Government (Recommended by South Africa)**

**IRI: fully implemented**

**State of Sudan response:**

1. A national Human Rights Action Plan for the Promotion and Protection of Human Rights in Sudan was adopted with indicators and timeframe.
2. A national Action Plan for the implementation of the UPR recommendations was adopted and a working group was established to follow up and monitor the implementation.
3. Priority is given to the promotion and protection of Human Rights in policies developed by the Government in all fields.

**Level of Implementation: Implemented**

**Joint response:**

Till now all laws as National security law, criminal law, public order law, press & printing law, Humanitarian Work Act, family code are violating Human Rights and denoting undemocratic state and weakening rule of law and assuring Sudan as one of the most corrupted state worldwide, although some of these acts were modified slightly, but the situation continued as it is. No freedom of expression allowed, the cost of expressing yourself is losing your life, citizens who went on demonstrations on September 2013 were killed and injured. 168 Martayer announced by Tadamon Committee as killed by government forces either security, police or some militias. Citizens killed by being shot by weapons on head and chest, that is shot to be killed (The numbers of killed announced by government are 85, other bodies declared matayers exceeding 200 person). Hundreds were wounded. Some of them seriously injured. Thousands arrested. Those crimes were mostly reported against unknown, as the government refused to document cases in police against the true criminals.

**NCHR response:**

A ten-year action plan for human rights was adopted with priority to promotion and protection of all human rights and fundamental freedoms.

**Recommendation n°56: Continue its efforts to promote and protect human rights and freedoms (Recommended by Sri Lanka)**

**IRI: fully implemented**

**State of Sudan response:**

See comment [on recommendations n°43 and °67]

**Level of Implementation: Implementation going on**

Joint response:

[See response to recommendation n°55]

NCHR response:

[See response to recommendation n°55]

**Recommendation n°76: Continue its efforts to fight climate challenges with the support of the international community (Recommended by Bangladesh)**

**IRI: partially implemented**

State of Sudan response:

The Environment Ministry is following up on different climate change issues. A committee was established at the national level responsible for follow up and suggests solutions to hazardous and waste materials and their impact on the climate.

Level of implementation: implemented

NCHR response:

Implementation is going on. There is a ministry of environment guarding this issue, but strong policies are needed to prevent any negative impact on climate.

**Recommendation n°143: Continue applying strategies and plans for the socio-economic development of the country, in particular those aimed at reducing poverty (Recommended by Cuba)**

**IRI: fully implemented**

State of Sudan response:

Expressly stated for in the Constitution and different national laws and policies.

Level of implementation: Implementation going on

Joint response:

After cessation of South Sudan and decrease of oil exports, the government raise taxes to cover the deficit in budgets. These policies increase cost of production and raise costs of products and services. Inflation escalates with unprecedented ratios. All these increase poverty rates in the country. The public expenditure on education and health is at minimum percentages, primary education is not compulsory, huge numbers of children are out of schools. Government decisions were taken to dry the big old known hospitals, they said they transfer it to surrounding populated areas, but actually the new health centres have minimum capacity and low quality and sometimes with high costs. Corruption is weakening the meagre resources. Actually the wealth of the country is transferred to some people intentionally, and leaving the masses in deep poverty.



### Joint 2 response:

During its UPR revision, Sudan gave positive response to recommendations with regard to ensuring socio-economic development of the country and reducing poverty. Indeed, in the National Midterm report on implementation of the UPR recommendations, published by the government, it is stated that Sudan expressly states these goals in the Constitution and in different national laws and policies. Accordingly the State notes that the implementation is “going on.”

Nevertheless, a principal challenge with regard to high poverty rates and inefficiency of poverty reduction strategies remain still in Sudan: lack of updated and disaggregated data on poverty. The latest NBHS dates 2009 and remains insufficient to measure the poverty level in the country. In this regard, it is a welcome step that the Sudanese Central Bureau of Statistics (CBS) plans distributing survey questionnaires for measuring poverty levels in the country in 2014, yet it should be implemented soonest to bring up-to-date data.

Whereas the 2009 NBHS revealed that 46% of the population in the north lives below the poverty line including 57.6% in rural areas, at current stage, poverty rate is expected to exceed 95% in Sudan. Moreover, the poverty incidence varies significantly between urban and rural areas, for instance with poverty rates standing at 26% in Khartoum and 69.4 percent in North Darfur. The human development indicators also reveal the challenge, as they remain low and Sudan ranks at 171 out of 187 countries in the 2013 UNDP Human Development Index.

Indeed, with root causes of poverty deriving from the lack of economic diversification and over-dependence on oil which has resulted in a neglect of agriculture and livestock sectors and unequal distribution of fiscal resources and unequal access to natural resources, especially between the center and the periphery, the poverty challenge in Sudan necessitates sound social and economic reforms undertaken within a national development plan.

### NCHR response:

Implementation is going on. A 25 year- strategy is being applied for the past 10 years and being assessed every 5 years.



**Recommendation n°144:** *Develop, with the assistance of the international community, a long-term strategy to eliminate poverty and improve the standard of living of its people (Recommended by Singapore)*

IRI: partially implemented

**State of Sudan response:**

Implementation of the MDG is going on in collaboration with different UN agencies.

Ministry of Social Welfare adopted and implemented an action plan about reduction of poverty.

Health insurance system was adopted that covers a lot of families and in 2012, 150,000 families were added to that number.

The number of families benefited from the Social security was more than 500,000 families.

4,000 women were benefited from the Rural Women Development Project.  
Level of implementation: Implementation going on

**Joint response:**

[See response to recommendation n°143]

**Joint 2 response:**

[See response to recommendation n°143]

**NCHR response:**

[See response to recommendation n°143]

**Recommendation n°145:** *Continue measures to increase allocations for poverty reduction and focus further on the rehabilitation of agriculture and infrastructure (Recommended by Azerbaijan)*

IRI: partially implemented

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**Recommendation n°147:** *Increase further pro-poor public spending with a view to implementing the poverty eradication strategy (Recommended by Sri Lanka)*

IRI: partially implemented

**State of Sudan response:**

[See response to recommendation n°144]

**Joint response:**

[See response to recommendation n°143]

Joint 2 response:

[See response to recommendation n°143]

NCHR response:

Implementation is going on but in slow manner. Micro finance projects are increasingly contributing to poverty reduction but the gap is still big, while rehabilitation of agriculture and infrastructure have greatly been negatively affected by the unilateral coercive measures imposed on Sudan.

**Recommendation n°146: Continue its efforts to fight poverty with the support and cooperation of the international community (Recommended by Bangladesh)**

**IRI: fully implemented**

State of Sudan response:

[See response to recommendation n°144]

Joint response:

[See response to recommendation n°143]

Joint 2 response:

[See response to recommendation n°143]

NCHR response:

[See response to recommendation n°145]. Although UNDP and other UN agencies are contributing in poverty reduction, the international community pledges after CPA 2005 haven't been fulfilled and this resulted in slow change in the situation of poverty.

**Recommendation n°148: Ensure fair distribution of national income, taking special account of southern regions, which were hurt by long years of war (Recommended by Democratic Republic of Congo)**

**IRI: partially implemented**

State of Sudan response:

[See response to recommendation n°144]

Joint response:

[See response to recommendation n°143]

NCHR response:

See [responses to recommendations n° 143, 145 and 146]



**Recommendation n°149: Remain committed to helping the poor to access education and health care (Recommended by Oman)**

**IRI: partially implemented**

**State of Sudan response:**

[See response to recommendation n°144]

**Joint response:**

[See response to recommendation °143]

**Joint 2 response:**

Accepted recommendations with regard to the health revealed the main challenge of access to basic health services in Sudan, which remains low, covering 40 to 50 % of the population. As noted by WHO, 14% of the population has no access to health facilities within 5km and there is a huge disparity between states ranging between 0.1% with no access in the Northern State compared to 42% in West Darfur State.

While Sudanese government accepted the recommendation with regard to allocation of sufficient financial resources to the health sector, the budget allocation remains only at 7.2% (as Health expenditure, total % of GDP), whereas the resources allocated to military and defense expenditure account about 70% of the government spending.

As noted by the National report, Sudan collaborates with international organizations to improve access to health care. In this regard, new projects with regard to health and with a budget around 3 million Euros (both to education and health services) will be implemented in Sudan (funded by EU and implemented by UNICEF). Although these projects have significant positive impacts on the right to health situation in Sudan, it is important to highlight that ensuring access to basic services including health and education is a state obligation under the International Covenant on Economic, Social and Cultural Rights, to which Sudan is a party to and should be implemented within a national health strategy. Indeed, Sudan has adopted a number of policies and strategies with regard to the right to health, particularly on maternal and child health, yet implementation lacks.

Whereas Sudan shows a positive progress with regard to maternal, neonatal and child health status, with a decline by 33% for under-5 mortality rate and a 60% decrease in maternal mortality between 1990 and 2010, further steps remain to be taken with regard to strengthening partnerships and coordination among concerned stakeholders and with regard to achieving national targets. An assessment made on the Sudanese Health Sector Strategic Plan (2012-2016) reveals the same fact and notes that the



plan “only marginally addresses the relation and coordination between the Federal Ministry of Health, the State Ministry of Health and the other stakeholders, in particular the Development Partners (DPs), the civil society (national and international NGOs) and the private sector.”

NCHR response:

[See responses to recommendations n°145 and n°146]

Recommendation n°150: *Continue to work with WHO and other relevant international organizations to improve access to health care and rebuild health infrastructure in the conflict-affected areas (Recommended by Singapore)*

IRI: *fully implemented*

State of Sudan response:

Various programmed are implemented in cooperation with WHO, some of them resulted in the eradication and decrease in many epidemic deceases.

Level of implementation: Implementation going on

Also see response to recommendation [n°144].

Joint 2 response:

[See response to recommendations n°149]

NCHR response:

Implementation is going on. Federal ministry of health in collaboration with state's governments in the conflict areas are implementing some health care programs. WHO is involved in these programs and so some NNGOs. Needs assessments undertaken by NNGOs showed that the gab is still big.

Recommendation n°151: *Increase efforts to control endemic diseases, which constitute the main reason for the high number of deaths among citizens (Recommended by Oman)*

IRI: *partially implemented*

State of Sudan response:

[See response to recommendation n°144]

Joint 2 response:

[See response to recommendation n°149]

Recommendation n°152: *Allocate sufficient financial resources to the health sector to improve access to health care and to rebuild health infrastructure (Recommended by Turkey)*

IRI: *partially implemented*

**State of Sudan response:**

Enough resources were made available to the health sector in the general budget.

Level of implementation: Implementation going on

**Joint 2 response:**

[See response to recommendation n°149]

**NCHR response:**

Implementation is going on but the allocated resources to the health sector are still not sufficient.

**Recommendation n°153: Take effective measures to improve access to health care, particularly in remote and rural areas (Recommended by Iran)**

*IRI: partially implemented*

**State of Sudan response:**

Different health centers were established at the locality level to ensure easy access.

Level of implementation: Implementation going on

**Joint 2 response:**

[See response to recommendation n°149]

**NCHR response:**

Implementation is going on. Health care centers and facilities are being established in different parts of the countries, but more are needed.

**Recommendation n°154: Provide access to drinking water for each Sudanese (Recommended by Democratic Republic of Congo)**

*IRI: partially implemented*

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**Recommendation n°155: Take effective measures to ensure accessibility of safe drinking water and access to adequate sanitation facilities, particularly in remote rural areas (Recommended by Iran)**

*IRI: partially implemented*

**State of Sudan response:**

Policies and strategies were adopted and implementation is going on.

Level of implementation: Implementation going on

**Joint response:**

Old water networks perished. Khartoum and big cities in Sudan has not got the right sewage system every citizen has his own sewage system, this will affect drinking water brought from wells dug inside these cities. Many



locations in Khartoum the capital bring water by donkey. The problem is the priorities of spending of the government. The budget is allocated for military and security of the government.

#### Joint 2 response:

Access to water is a critical concern in Sudan and as noted by UNICEF, according to the Sudan Household Health Survey 2010, out of the 34 million people in Sudan, 13.4 million and 24.8 million do not have access to improved water supply and sanitation services respectively. The regional disparities with access to safe drinking water persist, 44% in urban areas, 41% in rural areas. Moreover, unsafe water and poor sanitation remain as the second highest cause of child deaths in Sudan.

In this regard, Sudanese government's positive response to the right to water related recommendations is important, yet needs genuine and immediate implementation at national level together with ensuring the endorsement of the Sudanese national water, sanitation, and hygiene (WASH) policy

#### NCHR response:

Implementation is going on. Policies and strategies are in place. Many drinking water stations were executed. Although, Sudanese in remote areas still suffering.

**Recommendation n°160: Strengthen the capacities and competencies of educational institutions in terms of providing services and rehabilitation to them, especially primary schools (Recommended by Oman)**

**IRI: partially implemented**

#### State of Sudan response:

Right to education is stated for in the INC and is implemented in practice, also training and policies for teachers are taking place.

Level of implementation: Implementation going on

#### Joint 2 response:

Whereas the government of Sudan declared the right of every Sudanese child to life, education and development a top priority recently, there is a clear need for continued and enhanced implementation of policies and programs for children's rights, protection and development. The National Report points that implementation is going on with regard to the right to education related recommendations, and as the Sudanese National Human Development Report 2012 notes education is the strongest social sector in Sudan. Yet "significant challenges confront even education: less than half of children graduating from primary education schools fail to move on to



secondary schools. And the quality of what is learned in schools remains open for improvement, as significant illiteracy rates highlight.” The illiteracy rate had risen to 31% in 2013, according to a report by the National Council for Literacy and Adult Education.

Moreover, disparities in primary enrollment rate throughout Sudan prevails, for instance in Red Sea State, while two out five children are enrolled, Gezira and Khartoum states have the highest primary enrolment rates in the country, with more than four out of five children enrolled. The NHDR 2012 points the two critical challenges in universalization of basic education as unavailability of schools in underdeveloped areas, and inaccessibility for poorer children due to high school fees.

Continuous and violent conflict in Sudan remains as a primary challenge for children in “jeopardizing their chance of building a future for themselves” and violating their right to full enjoyment of education among others. For instance, since January 2014, the conflicts has resulted more than 120,000 internally displaced people (IDPs) in Darfur alone; and Education sector partners in Sudan estimate that there are now over 26,000 newly displaced school-aged children in Darfur. As noted by UNICEF, “many of these will not have a chance to go to school in the near future, and much less sit the Grade 8 exam which would give them the opportunity to pursue secondary education or vocational training”.

#### NCHR response:

Implementation is going on. Building capacities of schools, Training for teaching staff and other facilities are taking place in several states.

#### United Nations Children's Fund (UNICEF) response:

Basic education is free and compulsory according to the constitution. However, conflict culture, economic situation of families continue to prevent thousands of children from realizing their rights to education. There is a policy on mobile schools for nomadic children with is being implemented by the government.

**Recommendation n°161: Continue applying programs and measures aimed at guaranteeing universal access to quality education and health services to the population (Recommended by Cuba)**

IRI: partially implemented

#### State of Sudan response:

See response to recommendations [n°152,153-158]

Level of implementation: Implementation going on

Joint 2 response:

[See response to recommendations n°160]

NCHR response:

[See response to recommendations n°160]

UNICEF response:

[See response to recommendations n°160]

Recommendation n°164: *Increase actions for access to schooling* (Recommended by Democratic Republic of Congo)

**IRI: partially implemented**

State of Sudan response:

Different schools were built at the locality level to ease access.

Level of implementation: Implementation going on

Joint 2 response:

[See response to recommendation n°160]

NCHR response:

See [responses to recommendations n°159, n°160 and n°163].

UNICEF response:

[See response to recommendations n°160]

Recommendation n°165: *Take all appropriate measures to eliminate illiteracy throughout the country* (Recommended by Iran)

**IRI: fully implemented**

State of Sudan response:

Illiteracy programmes are going on with the support of different government institutions and civil society organizations.

Level of implementation: Implementation going on

Joint 2 response:

[See response to recommendation n°160]

NCHR response:

Implementation is going on. The percentage of illiterate people is still high. The contribution of the international community is too small.

UNICEF response:

[See response to recommendations n°160]



**Recommendation n°199:** *In light of exceptional circumstances, appeal to the international community for its consent to cancelling Sudan's debt, which would constitute remarkable progress towards achievement of the Millennium Development Goals, ensure conditions of an equitable economic development and have a positive impact on the enjoyment of human rights for millions of Sudanese (Recommended by Djibouti)*

IRI: fully implemented

**State of Sudan response:**

The Government of Sudan is waiting for the international community to implement this recommendation.

Level of implementation: Implementation going on

**NCHR response:**

Sudan's dept, which directly affects economic development, is still waiting for cancelling, despite continues appealing from Sudan's government to the international community.

## Minorities

**Recommendation n°25:** *Incorporate robust provisions for the protection of human rights in the new Constitution, including articles on the prevention of discrimination and protection of minorities (Recommended by Canada)*

IRI: not implemented

**State of Sudan response:**

A letter of agreement was signed with UNDP to implement activities in all the states of Sudan to ensure a consultative and transparent discussion about the new Constitution, accordingly 14 workshops were held in different states of Sudan, another 13 activities about women's rights in the new constitution were held by the Social Development Center of the University of Khartoum as well as 2 activities about the Child Bill of rights in the new constitution by the National Council on Child Welfare. The recommendations affirmed that the Bill of Rights should be part of the upcoming Constitution. The gender issues were also discussed thoroughly.

Level of implementation: Implementation going on

**REDRESS response:**

Constitutions are seen as the outcome of unique national processes, embodying core arrangements of state and society; commenting on issues of substance may be considered premature without there being even a draft constitution; and an emphasis on process may be viewed as the best



means of ensuring that a constitution reflects key human rights standards. However, the new constitution of Sudan will invariably address a number of issues that are critical to the protection and realisation of human rights. This includes in particular the status of international treaties in the domestic legal system, the definition of specific fundamental rights, the institutional machinery for the protection of rights and broader institutional reforms, such as reform of the National Intelligence and Security (NISS). It will therefore be critical that the Constitution both grants fundamental rights that reflect international standards and puts in place the institutional framework to ensure their protection.

There is no transparent or participatory constitutional review process. There have been concerns that human rights defenders have faced adverse repercussions for raising issues relating to the protection of human rights.

#### NCHR response:

The new constitution making is now under process. Wide consultation is now being carried on and the NCHR is involved. All provisions for protecting human rights and the current Bill of Rights are considered.

**Recommendation n°57:** *Clearly voice its intention to guarantee the protection of ethnic and religious minorities and formalize post-referendum agreements on citizenship rights which will safeguard civil, political, economic, social and cultural rights on an equal footing as citizens - regarding people of both northern and southern Sudan origin* (Recommended by Finland)

**IRI: fully implemented**

#### State of Sudan response:

Protecting the rights of different minorities was affirmed through different activities in relation to the new constitution as mentioned before.

Level of Implementation: Implemented

[...]

#### Joint response:

All minority zones are war and conflict areas and all violations of HR are implemented there.

**Recommendation n°59:** *Take concrete steps to prevent any form of infringement on the human rights of southern Sudanese residing in the north, including by addressing issues of nationality and citizenship in cooperation with the authorities in Southern Sudan* (Recommended by Norway)

**IRI: partially implemented**



### State of Sudan response:

Measures were taken to protect the rights of the Southern Sudan citizens in the Sudan and a transitional period after the cessation to enable them rearrange their situations

Level of Implementation: Implemented

### Joint response:

After referendum all south Sudanese citizens are obliged to leave their jobs and depart north Sudan to the south. Although the two governments discussed the four freedoms (movement, residence, work, possession) generally but no agreement and no decisions taken so nothing implemented.

*Recommendation n°167: Continue the dialogue with all parties to put an end to the Darfur crisis, which would enable all displaced persons and refugees to return to their home villages and towns (Recommended by Kuwait)*

*IRI: fully implemented*

### State of Sudan response:

Doha document was signed and DRA Truth and Reconciliation Commissions were established. Darfur Development Strategy was adopted. Darfur Donner Conference was held in Doha. Negotiations are taking place with different armed groups to encourage them to join the peace process in Darfur and Voluntary Return Villages were built to encourage the voluntary return.

Level of implementation: Implementation going on

### NCHR response:

Implementation is going on. Dialogue with all parties, including the armed movements, is taking place.

*Recommendation n°168: Create incentives for the voluntary return of Sudanese nationals who left the country due to the situation of internal violence, including displaced persons, refugees and migrants. Generate and implement Government programmes enabling the economic and social reintegration of these people, especially those in vulnerable situation (Recommended by Ecuador)*

*IRI: fully implemented*

### State of Sudan response:

[See response to recommendation n°167]

**NCHR response:**

Implementation is going on. Some villages for returnees were established with basic services in health, education, drinking water and income-generating projects. The DDR programs assist the returnees in reintegration.

**Recommendation n°169: Seek assistance from the international community to provide the necessary support and coordination among all stakeholders in order to achieve remaining/future programmes for the voluntary return of displaced persons and refugees, as well as development programmes (Recommended by Palestine)**

**IRI: fully implemented**

**State of Sudan response:**

Government is waiting for the international community to fulfill its pledges.

Level of implementation: Implementation going on

**NCHR response:**

Implementation is going on. Although the government is seeking the assistance from the international community, the response of the later is too weak and too slow.

**Recommendation n°197: Foresee measures that would guarantee the right to their religions to groups that will become minorities in both countries after the birth of the new State, namely Muslims in South Sudan and non-Muslims in (north) Sudan (Recommended by Somalia)**

**IRI: fully implemented**

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**Recommendation n°198: Consider measures aimed at ensuring freedom of religion for groups which will become minorities in the two countries after the emergence of the new State (Recommended by Djibouti)**

**IRI: fully implemented**

**State of Sudan response:**

Freedom of religion is protected by the INC and will be protected in the new constitution as well.

Level of implementation: Implementation going on

**NCHR response:**

Implementation is going on. Wide consultation is taking place towards the new constitution which will keep the protection of freedom of religion enshrined in the current constitution.



## International Instruments

**Recommendation n°1:** *Ratify as soon as possible the main international human rights instruments to which it is not yet a party* (Recommended by Japan)

IRI: *not implemented*

State of Sudan response:

Sudan has already ratified most of the main international human rights treaties, including: ICCPR, ICESCR, CRC, CERD, ICPPD and its Optional Protocol. The second part was not accepted by Sudan.

Level of implementation: Implemented partially

NCHR response:

Not implemented. Since session 25 Sudan hasn't ratify any international human rights instrument. Still there are some instruments to be ratified, but many activities have been implemented towards creating public opinion supporting ratification of some international instruments.

**Recommendation n°3:** *Ratify the International Covenant on Civil and Political Rights* (Recommended by Switzerland)

IRI: *fully implemented*

State of Sudan response:

Implemented

NCHR response:

Implemented, Sudan has already ratified ICCPR.

**Recommendation n°4:** *Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights* (Recommended by Switzerland)

IRI: *not implemented*

REDRESS response:

Sudan did not accept this recommendation, nor has it ratified the 2nd OP to the ICCPR since Sudan's UPR in 2011.



*Recommendation n°5: Accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at abolishing the death penalty, and take the necessary steps to remove the death penalty from Sudan's justice system (Recommended by Australia)*

**IRI: not implemented**

REDRESS response:

Sudan did not accept this recommendation, nor has it ratified the 2nd OP to the ICCPR since Sudan's UPR in 2011.

*Recommendation n°6: Consider ratifying core universal human rights instruments, in particular the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Convention on the Elimination of All Forms of Discrimination against Women (Recommended by Brazil)*

**IRI: partially implemented**

State of Sudan response:

The necessary legal study for ratifying CAT has been made. The process started.

Level of implementation: Implemented partially

NCHR response:

Not implemented. Since session 25 Sudan hasn't ratify any international human rights instrument. Still there are some instruments to be ratified, but many activities have been implemented towards creating public opinion supporting ratification of some international instruments.

*Recommendation n°7: Sign and ratify the First Optional Protocol to the International Covenant on Civil and Political Rights, Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Recommended by Spain)*

**IRI: not implemented**

State of Sudan response:

ICPPED, Cat and CEDAW are the only instruments that Sudan accepted to accede to in the meantime (see above mentioned remarks).

Level of implementation: Implemented partially

REDRESS response:

Sudan commented that the:

Government does not think of acceding to ... the Optional Protocol to the [Convention against Torture] at the meantime.



However, its comments were silent on becoming a party to the Convention against Torture, an issue that has been under consideration for some time without any tangible progress.

Sudan has not ratified either the UN Convention against Torture or its Optional Protocol to date.

[+]

Sudan did not accept any recommendations to become subject to individual complaints procedures. In respect of the First Optional Protocol to the ICCPR, it stated that:

“Sudan has a Constitutional Court which is the guardian for the human rights stipulated in the Constitution and the international human rights treaties to which Sudan is a party.”

This explanation fails to acknowledge that the UN Human Rights Committee would only hear complaints once effective remedies have been exhausted. It would therefore not hear cases where the Constitutional Court exercises its role as guardian. This does not mean, however, that there may be situations where the Constitutional Court fails to do so, be it because of its limited mandate, delays or a misconstruction of applicable standards, as the jurisprudence of the African Commission on Sudan shows. It would be in those cases that the Human Rights Committee could play an important role as supervisory body ensuring respect of Sudan's obligations under the ICCPR.

Sudan has not ratified any of the Optional Protocols to date.

**Recommendation n°8: Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol (Recommended by Spain)**

IRI: partially implemented

State of Sudan response:

ICPPED, Cat and CEDAW are the only instruments that Sudan accepted to accede to in the meantime (see above mentioned remarks).

Level of implementation: Implemented partially

REDRESS response:

Sudan commented that the:

Government does not think of acceding to ... the Optional Protocol to the [Convention against Torture] at the meantime.



However, its comments were silent on becoming a party to the Convention against Torture, an issue that has been under consideration for some time without any tangible progress.

Sudan has not ratified either the UN Convention against Torture or its Optional Protocol to date.

[+]

Sudan did not accept this recommendation.

Sudan has not ratified the Convention for the Protection of All Persons from Enforced Disappearance to date.

#### NCHR response:

Not implemented. Since session 25 Sudan hasn't ratify any international human rights instrument. Still there are some instruments to be ratified, but many activities have been implemented towards creating public opinion supporting ratification of some international instruments.

*Recommendation n°9: Accede or ratify the following international instruments: International Convention for the Protection of All Persons from Enforced Disappearance, Convention on the Elimination of All Forms of Discrimination against Women, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Recommended by Ecuador)*

**IRI: not implemented**

#### State of Sudan response:

These are the only instruments that Sudan accepted to accede to in the meantime.

Level of implementation: Implemented partially

#### REDRESS response:

[See response to recommendation n°8]

#### NCHR response:

Sudan have recently adopted a new act criminalizes and punishes trafficking in persons. Sudan also accept to accede to the mentioned instruments. These are good steps towards implementing this recommendation.

*Recommendation n°10: Accede or ratify the following international instruments: the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the*



*Rome Statute of the International Criminal Court (Recommended by Ecuador)*

IRI: *not implemented*

REDRESS response:

Sudan commented that the:

Government does not think of acceding to ... the Optional Protocol to the [Convention against Torture] at the meantime.

However, its comments were silent on becoming a party to the Convention against Torture, an issue that has been under consideration for some time without any tangible progress.

Sudan has not ratified either the UN Convention against Torture or its Optional Protocol to date.

[+]

Sudan did not accept this recommendation, nor did Sudan accede to the Rome Statute since its UPR in 2011.

*Recommendation n°11: Take appropriate steps to accede to the Convention on the Elimination of All Forms of Discrimination against Women (Recommended by Malaysia)*

IRI: *fully implemented*

State of Sudan response:

1. Many of the principles enshrined in the Convention are already included in the Interim national constitution.

2. The legal studies concerning CEDAW are taking place.

Different workshops with different stakeholders including civil society organizations are being held to ensure wide consultation

Level of implementation: Implemented partially

NCHR response:

Partially implemented, Wide consultation is needed to implement this recommendation which is going on right now.

*Recommendation n°12: Ratify the Convention on the Elimination of All Forms of Discrimination against Women (Recommended by Norway)*

IRI: *not implemented*

+

*Recommendation n°14: Ratify the Convention on the Elimination of All Forms of Discrimination against Women (Recommended by Belgium)*

IRI: *not implemented*

State of Sudan response:

See above mentioned remarks [on recommendation n°11].



Level of implementation: Implemented partially

NCHR response:

Partially implemented. Wide consultation is needed to implement this recommendation which is going on right now.

**Recommendation n°16: Sign and ratify the Convention on the Elimination of All Forms of Discrimination against Women, and adopt a law prohibiting female genital mutilations (Recommended by France)**

**IRI: partially implemented**

State of Sudan response:

A law prohibiting FGM was adopted in four states of Sudan.

Level of implementation: Implemented partially

NCHR response:

Four states out of 18 have adopted laws prohibiting FGM. This recommendation is partially implemented.

**Recommendation n°17: Ratify without any limiting reservations the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, as well as repeal all laws that discriminate against women(Recommended by Finland)**

**IRI: not implemented**

State of Sudan response:

The phrase without any limiting reservation was not accepted by Sudan.

Level of implementation: Implemented partially

REDRESS response:

Sudan accepted the UPR recommendations calling on it to reform discriminatory legislation and laws to combat gender-based violence but has yet to put this into practice.

One area of concern that has not been explicitly captured in the recommendations made by regional and international bodies is the regime of public order laws. As examined in detail elsewhere, public order laws have been discriminatory and have resulted in the imposition of whipping for offences, which in the circumstances constitutes a form of gender-based violence.

Sudan has neither become a party to CEDAW and its Optional Protocol nor amended any laws that discriminate against women.

NCHR response:

See [response to recommendation n°11]. The phrase without any limiting reservation was not accepted by Sudan.

**Recommendation n°18: Consider acceding to the Convention on the Elimination of All Forms of Discrimination against Women (Recommended by Republic of Korea)**

**IRI: fully implemented**

State of Sudan response:

Three workshops were implemented with all stakeholders to discuss disputed provisions in the Press and Printed Act, and the recommendations to amend them.

Level of implementation: Implemented partially

NCHR response:

Partially implemented. Wide consultation is needed to implement this recommendation which is going on right now.

**Recommendation n°19: Ratify, without reservations, the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, and review national legislation in light of its provisions to eliminate all discriminatory laws against women (Recommended by Uruguay)**

**IRI: not implemented**

State of Sudan response:

The phrase without reservation was not accepted by Sudan. These are the only instruments that Sudan accepted to accede to in the meantime

Level of implementation: Implemented partially

REDRESS response:

Sudan accepted the UPR recommendations calling on it to reform discriminatory legislation and laws to combat gender-based violence but has yet to put this into practice.

One area of concern that has not been explicitly captured in the recommendations made by regional and international bodies is the regime of public order laws. As examined in detail elsewhere, public order laws have been discriminatory and have resulted in the imposition of whipping for offences, which in the circumstances constitutes a form of gender-based violence.

Sudan has neither become a party to CEDAW and its Optional Protocol nor amended any laws that discriminate against women.

[+]



[...]

NCHR response:

See [response to recommendation No. 11]. The phrase without any limiting reservation was not accepted by Sudan

Recommendation n°20: *Ratify the Rome Statute of the International Criminal Court and cooperate with this court* (Recommended by Australia)

IRI: not implemented

+

Recommendation n°22: *Ratify the Rome Statute of the International Criminal Court* (Recommended by Poland)

IRI: not implemented

REDRESS response:

Sudan did not accept this recommendation, nor did Sudan accepted to the Rome Statute since its UPR in 2011.

Recommendation n°21: *Ratify other key human rights treaties including the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment and the Convention on the Elimination of All Forms of Discrimination Against Women* (Recommended by Australia)

IRI: not implemented

State of Sudan response:

These are the only instruments that Sudan accepted to accede to in the meantime

Level of implementation: Implemented partially

REDRESS response:

Sudan commented that the:

Government does not think of acceding to ... the Optional Protocol to the [Convention against Torture] at the meantime.

However, its comments were silent on becoming a party to the Convention against Torture, an issue that has been under consideration for some time without any tangible progress.

Sudan has not ratified either the UN Convention against Torture or its Optional Protocol to date.

NCHR response:

Not implemented. Since session 25 Sudan hasn't ratify any international human rights instrument. Still there are some instruments to be ratified, but



many activities have been implemented towards creating public opinion supporting ratification of some international instruments.

**Recommendation n°45:** *Continue to seek technical cooperation and assistance from the international community and relevant international and regional stakeholders, particularly UNMIS and UNAMID, for support in strengthening its human rights institutions and implementing the UPR recommendations (Recommended by Thailand)*

**IRI: partially implemented**

**State of Sudan response:**

Three letters of Agreements were signed with UNDP to implement the UPR recommendations, two of them were implemented and the third one is under implementation.

Level of Implementation: Implementation going on

**NCHR response:**

The government has already engaged with UNDP Sudan.

**Recommendation n°71:** *Develop a national plan of action to enforce the rights of children in a comprehensive manner and based on the Convention on the Rights of the Child (Recommended by Uruguay)*

**IRI: fully implemented**

**State of Sudan response:**

Strategy for children welfare and its implementation is monitored and followed up by the NCCW [National Council of Child Welfare] in cooperation with UNICEF.

Level of Implementation: Implemented

**Joint response:**

A new law for child was issued in 2010, although this law is better than the old law but it has its problems: no clear definition to crimes of rape for children, no clear memorandums attached to each article are found, the responsibility age is defined in criminal law by 15 years, moreover in child law it is less than this and it can reach 12 years, in family code law a girl could be married from 10 years. The judges are not trained and not committed to the child rights. The implementation of the law bring so many violations to child rights. There is a case now of a child convicted with death penalty and accepted by high (upper) court and waiting for the constitutional court approval. The priorities of the government are not devoted to the interest of children as budgets are directed towards military and security and small budgets are offered to clean water, food, education and health. Displaced are living in a very drastic situation the government have nothing



to offer and it drove out the international organizations offering assistance or aid

NCHR response:

Implemented. The National Action Plan is in place.

UNICEF response:

Most of the actions of NCCW, the national coordinating body on children's rights is currently focused on child protection for which there is a national work plan.

Recommendation n°80: *Improve cooperation with the Independent Expert on the situation of human rights in Sudan, including on the implementation of the recommendations by the Group of Experts* (Recommended by Austria)

IRI: partially implemented

State of Sudan response:

Four visits of the IE since the adoption of the recommendations-took place with full cooperation from the government side and facilitation of all the field visits.

Level of implementation: implemented

Recommendation n°81: *Continue to fully cooperate with the Independent Expert on the situation of human rights in Sudan, including with respect to the implementation of recommendations* (Recommended by Canada)

IRI: partially implemented

State of Sudan response:

See above comment [on recommendation n°80]

Level of implementation: implemented

NCHR response:

Implementation is going on. The IE visited Sudan four times since the adoption of the recommendations. More cooperation is needed till next September when he expected to present his report to the HRC.

Recommendation n°83: *Engage civil society in the process of implementation of UPR recommendations* (Recommended by Poland)

IRI: fully implemented

State of Sudan response:

- Civil Society Organizations are part of the ACHR [Advisory Council for Human Rights].
- All the activities of the ACHR are open to civil society organizations.



- Two workshops were held with civil society about ways and means of implementing the UPR.
- Some civil society organizations participated in the different activities in the states.
- Civil society organizations were invited to comment on the national action plan for the implementation of the UPR recommendations.

Level of implementation: implemented

#### NCHR response:

Implementation is going on. More engagement with civil society organizations is needed during the rest of time before mid 2015.

*Recommendation n°92: Exert additional efforts in the field of providing care for persons with disabilities and in establishing national mechanisms to enable them to effectively participate in public life, while considering accession to the Convention on the Rights of Persons with Disabilities (Recommended by Egypt)*

**IRI: fully implemented**

#### State of Sudan response:

Sudan ratified the Convention on the Rights of Disabilities. Also persons with disabilities have been given 2% of the job opportunities in the civil service.

The Council on the Welfare of Persons with Disability was established to promote the welfare of persons with disability.

Level of Implementation: Part of the recommendation was implemented and the other part Implementation is going on

#### NCHR response:

Convention on the rights of persons with disabilities has already been ratified by Sudan. The Council on the Welfare of Persons with Disability was established to promote the welfare of persons with disability. Persons with disabilities have their unions which need more support from the government.

*Recommendation n°124: Criminalize the worst forms of child labour and accede to international treaties which ban this practice (Recommended by Saudi Arabia)*

**IRI: fully implemented**

#### State of Sudan response:

Sudan is a member to Conventions No. 38 and 182 of the ILO prohibiting the worst forms of child labour and the Child Act 2010 and the Labour Act 2007 also criminalizes this form of labour including child recruitment.



Level of implementation: implemented

Joint response:

The government does not apply compulsory primary education, so many children are outside schools and many dropouts so all those are child workers.

NCHR response:

Implemented. Sudan's laws prohibited all worst forms of child labour. Sudan has ratified the international treaties which ban this practice.

*Recommendation n°125: Adopt national legislation to protect child rights, create follow-up mechanisms, criminalize the worst forms of child labour and accede to international treaties banning this practice (Recommended by Mauritania)*

*IRI: fully implemented*

State of Sudan response:

Sudan is member to Conventions No. 38 and 182 of the ILO prohibiting the worst forms of child labour and the Child Act 2010 also criminalizes this form of labour.

Level of implementation: implemented

Joint response:

The government does not apply compulsory primary education, so many children are outside schools and many dropouts so all those are child workers.

NCHR response:

Implemented. Child Act 2010 is in place. NCCW [National Council for Child Welfare] is functioning. For the rest see [response to recommendation n°124].

*Recommendation n°166: Continue education and awareness-raising programmes in the area of human rights and international treaties (Recommended by Algeria)*

*IRI: fully implemented*

State of Sudan response:

See different comments in the different recommendations.

Level of implementation: Implementation going on

**NCHR response:**

Implementation of this recommendation is too slow. No specific curriculum for children human rights education in schools is in place. All efforts provided now are voluntary.

**UNICEF response:**

Basic education is free and compulsory according to the constitution. However, conflict culture, economic situation of families continue to prevent thousands of children from realizing their rights to education. There is a policy on mobile schools for nomadic children which is being implemented by the government.

**Recommendation n°181: Strengthen cooperation with all the mechanisms of this Council (Recommended by Austria)**

**IRI: fully implemented**

**State of Sudan response:**

Timely response to all urgent appeals and all the due reports were submitted to the treaty bodies.

Level of implementation: implemented

**NCHR response:**

Sudan responds timely to all treaty bodies, while responses to other mechanisms need to be in time.

**Recommendation n°182: Cooperate in the follow-up to this review (Recommended by Austria)**

**IRI: fully implemented**

**State of Sudan response:**

A workshop was held to approve the national action plan for the implementation of UPR recommendations with the participation of different actors including civil society organizations and a working group to follow up the implementation was established

Level of implementation: implemented

**NCHR response:**

Sudan adopted a strategy for implementation of the UPR recommendations. The mid-term report is submitted in time. Many activities were held to raise awareness about the UPR process. Sudan fully cooperates with the UPR.



**Recommendation n°183: Continue to fully cooperate with the Independent Expert on the situation of human rights in Sudan (Recommended by France)**

IRI: *fully implemented*

**State of Sudan response:**

Level of implementation: Implementation going on.

**NCHR response:**

Implementation is going on. The IE visited Sudan more than once. During the last visit he was able to visit the conflict areas he request to visit.

**Recommendation n°186: Ratify, without limiting reservations, the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol (Recommended by Austria)**

IRI: *not implemented*

**State of Sudan response:**

See different comments in the different recommendations.

Level of implementation: Implementation going on

**Recommendation n°191: Adhere to the Convention against Torture and to the International Convention for the Protection of All Persons from Enforced Disappearance (Recommended by France)**

IRI: *not implemented*

**State of Sudan response:**

Accepted in part.

Legal studies were started to these treaties

Level of implementation: Implementation going on

**REDRESS response:**

Sudan commented that the:

Government does not think of acceding to ... the Optional Protocol to the [Convention against Torture] at the meantime.

However, its comments were silent on becoming a party to the Convention against Torture, an issue that has been under consideration for some time without any tangible progress.

Sudan has not ratified either the UN Convention against Torture or its Optional Protocol to date.

[+]

Sudan did not accept this recommendation.



Sudan has not ratified the Convention for the Protection of All Persons from Enforced Disappearance to date.

NCHR response:

Not implemented.

Recommendation n°192: *Adhere to the Optional Protocol to the Convention against Torture* (Recommended by France)

IRI: *not implemented*

REDRESS response:

Sudan commented that the:

Government does not think of acceding to ... the Optional Protocol to the [Convention against Torture] at the meantime.

However, its comments were silent on becoming a party to the Convention against Torture, an issue that has been under consideration for some time without any tangible progress.

Sudan has not ratified either the UN Convention against Torture or its Optional Protocol to date.

## Justice

Recommendation n°26: *Continue to implement the provisions of the Comprehensive Peace Agreement and ensure the rule of law in the country* (Recommended by Singapore)

IRI: *partially implemented*

State of Sudan response:

The CPA is implemented.

Level of Implementation: implemented

Recommendation n°27: *Adjust its national legislation to be compatible with the Comprehensive Peace Agreement and the Interim National Constitution adopted in 2005, especially the following laws and codes: National Security Act (2010), Press and Printing Act (2009), Volunteer and Humanitarian Work Act (2006), Criminal Code, Criminal Procedure Code* (Recommended by Ecuador)

IRI: *not implemented*



### REDRESS response:

Sudan accepted the recommendation to reform the Press and Printing Act of 2009, which remains outstanding, but has not acted on (or accepted) the recommendation to amend the 2006 Volunteer and Humanitarian Work Act. As the National Security Act and the Criminal Code have also been used to harass journalists, human rights defenders and others, an effective guarantee of their rights requires wholesale legislative reforms.

The reform of the 2009 Press and Publication Act has been discussed but no concrete legislative steps have been taken to this effect to date.

### NCHR response:

The comprehensive peace agreement is no longer valid. All the legislations mentioned in this recommendation are now under discussion within a wide consultation on the new constitution.

**Recommendation n°30: Amend the 2010 National Security Act, by removing immunities for members of the National Intelligence and Security Services and withdrawing its powers of arrest and detention (Recommended by Canada)**

IRI: *not implemented*

+

**Recommendation n°33: Amend the 2010 National Security Act to ensure that the powers to arrest and detain of the National Intelligence and Security Service (NISS) are in line with the human rights obligations of Sudan (Recommended by Switzerland)**

IRI: *not implemented*

### Joint response:

The rejection of government of Sudan for these amendments in the National Security Act to be compatible with CPA and Interim Constitution and international human rights agreements, reflects that the invitation of the government to the anticipated dialogue to solve Sudan crisis is not genuine and could not be reached.

### REDRESS response:

Sudan has not acted on, or accepted any UPR recommendations to abolish immunities. In 2013, the Ministry of Justice initiated a review of immunity laws though a closer examination of proposals made shows that they are aimed at regulating, rather than abolishing immunities. Sudan did not accept any recommendations made to amend or abolish the National Security Act. Instead, it maintained that:



"The current National Intelligence and Security Services Act provide [sic] for judicial oversight and there is now a prosecutor appointed by the Minister of Justice who assumes the oversight and ensure the compliance of the Security Services with the Constitution particularly with regard to the rights of detainees."

As has been examined in detail elsewhere, the Act does not accord judicial oversight in conformity with international standards; further, a prosecutor is not a judicial body as required by the ICCPR. As a result, concerns over arbitrary arrest, detention and torture by the NISS, coupled with virtually complete impunity, are as acute as ever.

Since its UPR in 2011, Sudan has not amended the 2010 National Security Act.

**Recommendation n°54: Continue efforts to strengthen democracy, good governance, the rule of law and equality (Recommended by Jordan)**

IRI: *partially implemented*

State of Sudan response:

A letter of agreement was signed with UNDP to implement activities in all the states of Sudan to ensure a consultative and transparent discussion about the new Constitution, accordingly 14 workshops were held in different states of Sudan, another 13 activities about women's rights in the new constitution were held by the Social Development Center of the University of Khartoum as well as 2 activities about the Child Bill of rights in the new constitution by the National Council on Child Welfare. The recommendations affirmed that the Bill of Rights should be part of the upcoming Constitution. The gender issues were also discussed thoroughly.

Level of Implementation: Implementation going on

RSF response:

Les acteurs de l'information soudanais demeurent régulièrement victimes d'entraves directes opposées par les autorités, menaçant directement la liberté d'information et l'état de droit dans le pays. D'une part, les nombreux harcèlements, suspensions et arrestations de professionnels des médias par les services de renseignement et de sécurité soudanais (National Intelligence and Security Services, NISS) rendent très difficile le travail des journalistes et entretiennent chez eux un climat de menace permanente. D'autre part, les confiscations de journaux à l'imprimerie, ainsi que la suspension de rédactions pour des durées indéterminées constituent de flagrants cas de censure, qui posent aussi de graves problèmes financiers aux médias en question. Plus de 20 cas de confiscations par les forces de sécurité ont été recensés en 2012, et désormais 18 en 2014. Ceci menace



à termes l'objectivité des médias touchés, qui recourent à l'auto-censure pour se protéger, mais aussi leur survie financière, et donc la diversité médiatique du pays dans son ensemble. Une démocratie saine nécessite une presse objective et indépendante, libre d'exprimer des opinions diverses. Le gouvernement soudanais pose actuellement de graves entraves à cet objectif.

Joint response:

Since 2010 situation deteriorated regarding these issues.

NCHR response:

For now, all political detainees have been released, freedom of political activities been allowed and a wide consultation is being carried out in order to make a comprehensive reform to the political system.

Recommendation n°63: *Continue its efforts aimed at protecting aid workers and relief convoys and take measures against banditry acts* (Recommended by DPR Korea)

IRI: *fully implemented*

State of Sudan response:

[...]

Level of Implementation: implementation going on

NCHR response:

Implementation is going on. Although, civilians in some parts of Darfur are still being attacked by some armed groups.

Recommendation n°64: *Take the necessary measures to end attacks against civilians and to ensure unimpeded humanitarian access to the camps of internally displaced persons in Darfur, including by lifting the state of emergency* (Recommended by Canada)

IRI: *partially implemented*

State of Sudan response:

1. The Sudanese Armed Forces are taking all the precautionary measures to ensure full protection of civilians.

2. The Special Prosecutor for Darfur Crimes investigated 54 cases, some of them were already decided upon and the others were under investigation

[...]

Level of Implementation: implemented

Joint response:

Instead of building lasting peace in Darfur, war escalated since 2013 furiously, Doha and other peace agreements seems as public relations



meetings, no positive gains towards having peace, instead of that war between tribes increased due to the policy of empowering some tribes by giving them weapons, moreover the humanitarian situation of displaced citizens deteriorated due to the government decisions to stop most of international organizations offering assistance to the people by accusing them of being spies and working pro repels.

#### REDRESS response:

Sudan's emergency laws are flawed, and their use in the context of armed conflicts, which have been characterised by allegations of serious human rights violations, further undermines human rights protection. No steps have been taken to date to reform the system of emergency legislation.

**Recommendation n°65: *End the deliberate and indiscriminate attacks against civilians in Darfur and prosecute those responsible for these attacks* (Recommended by Spain)**

**IRI: fully implemented**

#### State of Sudan response:

The Sudanese Armed Forces are taking all the precautionary measures to ensure full protection of civilians and the Special Prosecutor for Darfur Crimes investigated 54 cases, some of them were already decided upon and the others were under investigation.

Level of Implementation: Implemented

#### Joint response:

The government formed special courts to the violations in Darfur, but according to the continuity of war and continuous violations and due to loss of safety and security in the region, the courts could not perform well to assure justice, in addition to these factors the government was not keen and committed to complete its work in offering or assuring fair trials to the criminals because the crimes may reach some officials. A committee was formed to investigate on the violations in Darfur. The committee made investigations but they haven't got technical skills and laboratories to prove the crimes, so no accusation were prepared towards any one and justice doesn't take place. Because no one was accused or punished so the phenomena of violence against women continue till this date.

#### NCHR response:

Implementation is going on. The prosecutor of Darfur crimes is investigating many cases. He brought some to court.

**Recommendation n°66: *End all indiscriminate attacks against civilians and other violations of international humanitarian and human rights law,***



*especially in Darfur, and bring the perpetrators to justice, ensuring due process* (Recommended by Uruguay)

IRI: *fully implemented*

State of Sudan response:

Level of implementation: Implemented

Joint response:

[See response to recommendation n°65]

NCHR response:

[See response to recommendation n°65]

Recommendation n°93: *Establish a moratorium on all executions and, eventually, abolish the death penalty* (Recommended by Switzerland)

IRI: *not implemented*

Joint response:

The government based its rejection to abolish death penalty to sharia Law, but actually so many crimes e.g crimes against the state are trialed or punished with death, these crimes are not part of (Hodod) sharia Law.

REDRESS response:

Sudan emphasised that “the Constitution and the Child Act of 2010 prohibit the application of death penalty on persons below 18 years”.

It did, however, not accept any recommendations to abolish the death penalty or to establish a moratorium. Instead, Sudan stressed that “in compliance with Sudan’s commitment under the ICCPR, the death penalty in the Sudanese laws is confined to the most serious crimes. In murder cases there is room for pardoning by the relative(s) of the deceased and in such case the death penalty will not be imposed.”

This position ignores concerns previously raised by the UN Human Rights Committee in 2007 to the effect that the death penalty applies to crimes considered to be not “the most serious”, which have not been followed up by any legislative changes. It is also silent on serious concerns over procedural shortcomings, such as in the anti-terrorism laws, and practices, such as reliance on confessions in death penalty cases that defendants alleged had been extracted under torture. Any death penalty imposed following an unfair trial constitutes a violation of the right to life contrary to Sudan’s obligations under the ICCPR and other relevant treaties.

Since its UPR review in 2011, Sudan has neither declared a moratorium nor abolished the death penalty.

**Recommendation n°96: Establish, as soon as possible, a moratorium on the execution of the death penalty with a view to its abolition in the future (Recommended by Belgium)**

**IRI: not implemented**

+

**Recommendation n°97: Establish a moratorium on executions with a view to abolishing the death penalty (Recommended by Italy)**

**IRI: not implemented**

**REDRESS response:**

Sudan emphasised that “the Constitution and the Child Act of 2010 prohibit the application of death penalty on persons below 18 years”.

It did, however, not accept any recommendations to abolish the death penalty or to establish a moratorium. Instead, Sudan stressed that “in compliance with Sudan’s commitment under the ICCPR, the death penalty in the Sudanese laws is confined to the most serious crimes. In murder cases there is room for pardoning by the relative(s) of the deceased and in such case the death penalty will not be imposed.”

This position ignores concerns previously raised by the UN Human Rights Committee in 2007 to the effect that the death penalty applies to crimes considered to be not “the most serious”, which have not been followed up by any legislative changes. It is also silent on serious concerns over procedural shortcomings, such as in the anti-terrorism laws, and practices, such as reliance on confessions in death penalty cases that defendants alleged had been extracted under torture. Any death penalty imposed following an unfair trial constitutes a violation of the right to life contrary to Sudan’s obligations under the ICCPR and other relevant treaties.

Since its UPR review in 2011, Sudan has neither declared a moratorium nor abolished the death penalty.

**Recommendation n°101: Establish a moratorium on the death penalty with a view to its abolition (Recommended by Uruguay)**

**IRI: not implemented**

**REDRESS response:**

[See response to recommendation n°96]

**UNICEF response:**

According to Sudan Interim National Constitution 2005, death penalty is not inflicted on any one below 18, the Constitutional Court in one of its decision decided that even in ElHudod crimes any one below 18 cannot be



sentenced with death. UNICEF started a rapid assessment on death penalty to ensure that it is not implemented in practice.

**Recommendation n°103: *Immediately prohibit the death penalty and immediately prohibit its application to minors*** (Recommended by Spain)

IRI: partially implemented

**State of Sudan response:**

The Child Act 2010 explicitly prohibits the imposition of death penalty on persons below 18 years old and the Constitutional Court affirmed the same in one of its decisions.

Level of implementation: implemented

**Joint response:**

The courts in earlier stages of trial they accept accusing with death penalty for children, and this violate child Act.

**NCHR response:**

The first part of this recommendation was not accepted by Sudan. For the second part see [response to recommendation n°100].

**UNICEF response:**

According to Sudan Interim National Constitution 2005, death penalty is not inflicted on any one below 18, the Constitutional Court in one of its decision decided that even in ElHudod crimes any one below 18 cannot be sentenced with death. UNICEF started a rapid assessment on death penalty to ensure that it is not implemented in practice.

**Recommendation n°110: *Abolish the death penalty, corporal punishment and other cruel, inhuman or degrading treatment from its national legislation*** (Recommended by Ecuador)

IRI: not implemented

**Global Initiative to End All Corporal Punishment of Children (GIEACPC) response:**

With regard to penal corporal punishment of children, law reform to date has failed to achieve clear prohibition. The Child Act 2010 states that in sentencing a child the court must "give due regard" to the principle that "the sentence of whipping is not inflicted on the child" (art. 77), but giving "due regard" does not amount to prohibition of all judicial whipping, including as hudud. Furthermore, the Act does not prohibit other forms of corporal punishment, such as amputation and wounding as retribution, which may be imposed for hudud offences under the Criminal Code 1991. The 2014 World Report by Human Rights Watch documented continued judicial flogging and other humiliating punishments of girls and women. Corporal



punishment is lawful in other settings, including the home, alternative care settings, day care, schools and penal institutions. The Child Act prohibits "cruel penalties" in school (art. 9) but does not prohibit all forms of corporal punishment. In Khartoum State corporal punishment is prohibited in schools under Decree No. 10 (2010).

REDRESS response:

Sudan emphasised that "the Constitution and the Child Act of 2010 prohibit the application of death penalty on persons below 18 years".

It did, however, not accept any recommendations to abolish the death penalty or to establish a moratorium. Instead, Sudan stressed that "in compliance with Sudan's commitment under the ICCPR, the death penalty in the Sudanese laws is confined to the most serious crimes. In murder cases there is room for pardoning by the relative(s) of the deceased and in such case the death penalty will not be imposed."

This position ignores concerns previously raised by the UN Human Rights Committee in 2007 to the effect that the death penalty applies to crimes considered to be not "the most serious", which have not been followed up by any legislative changes. It is also silent on serious concerns over procedural shortcomings, such as in the anti-terrorism laws, and practices, such as reliance on confessions in death penalty cases that defendants alleged had been extracted under torture. Any death penalty imposed following an unfair trial constitutes a violation of the right to life contrary to Sudan's obligations under the ICCPR and other relevant treaties.

Since its UPR review in 2011, Sudan has neither declared a moratorium nor abolished the death penalty.

[+]

Sudan categorically stated that it does "not accept the part of the recommendation that calls for eliminating the corporal punishment from the penal code".

Earlier, in 2009, Sudan stated that:

"The State does not impose the penalty of amputation under any circumstances. It views the penalty of flogging, which is carried out on condition that it does not cause excruciating pain or leave a mark and only after consultation with a doctor, as a much better option than the alternative, namely, imprisonment, which has social consequences and wastes employment opportunities. Moreover, flogging is not carried out in public."



Sudan has not given any explanation as to why or how this practice could be seen as being compatible with its obligations under the ICCPR and other relevant international treaties. Further, the penalty of amputation was imposed in several recent cases. There are also serious doubts as to the veracity of claims that flogging does not “cause excruciating pain or leave a mark” and “is not carried out in public”.

Since its UPR in 2011, Sudan has not taken measures to reform the penal code in relation to corporal punishment nor has it taken any other actions to eliminate corporal punishment.

#### UNICEF response:

According to Sudan Interim National Constitution 2005, death penalty is not inflicted on any one below 18, the Constitutional Court in one of its decision decided that even in ElHudod crimes any one below 18 cannot be sentenced with death. UNICEF started a rapid assessment on death penalty to ensure that it is not implemented in practice.

**Recommendation n°119: Take appropriate measures to reform its penal code (Recommended by Brazil)**

IRI: *fully implemented*

#### State of Sudan response:

Accepted in part.

The penal law is under review

Level of implementation: Implementation going on

#### NCHR response:

The Penal Code, among other acts, is under review.

**Recommendation n°120: Take appropriate measures to reform its penal code, particularly aiming at eliminating corporal punishment (Recommended by Brazil)**

IRI: *not implemented*

#### GIEACPC response:

[See response to recommendation n°110]

#### REDRESS response:

Sudan categorically stated that it does “not accept the part of the recommendation that calls for eliminating the corporal punishment from the penal code”.

Earlier, in 2009, Sudan stated that:



"The State does not impose the penalty of amputation under any circumstances. It views the penalty of flogging, which is carried out on condition that it does not cause excruciating pain or leave a mark and only after consultation with a doctor, as a much better option than the alternative, namely, imprisonment, which has social consequences and wastes employment opportunities. Moreover, flogging is not carried out in public."

Sudan has not given any explanation as to why or how this practice could be seen as being compatible with its obligations under the ICCPR and other relevant international treaties. Further, the penalty of amputation was imposed in several recent cases. There are also serious doubts as to the veracity of claims that flogging does not "cause excruciating pain or leave a mark" and "is not carried out in public".

Since its UPR in 2011, Sudan has not taken measures to reform the penal code in relation to corporal punishment nor has it taken any other actions to eliminate corporal punishment.

**Recommendation n°126:** *Take efforts to organize more training programmes for national personnel working in the areas of judicial affairs and law enforcement, in accordance with international human rights principles*(Recommended by Egypt)

IRI: *fully implemented*

#### State of Sudan response:

National Coordination Council on Human Rights and Humanitarian Law was established at the Ministry of Interior and is functioning.

A training programme for law enforcement officials in relation to administration of justice and more than 20 activities were implemented since 2012, the activities took place in the different states of Sudan.

Level of implementation: Implementation going on

#### NCHR response:

Implementation is going on but in slow manner. More activities are needed in different states. Sudan now is composed of 18 states.

**Recommendation n°127:** *Train professionals in the area of judicial affairs so as to enable them to perform their role effectively*(Recommended by Palestine)

IRI: *fully implemented*



**State of Sudan response:**

National Coordination Council on Human Rights and Humanitarian Law was established at the Ministry of Interior and is functioning.

A training programme for law enforcement officials in relation to administration of justice and more than 20 activities were implemented since 2012, the activities took place in the different states of Sudan.

Level of implementation: Implementation going on

**NCHR response:**

Implementation is going on but in slow manner. More activities are needed in different states. Sudan now is composed of 18 states.

**Recommendation n°128: Continue to take measures to support the rule of law and ensure that justice is brought to Darfur (Recommended by Syria)**

IRI: *partially implemented*

**State of Sudan response:**

National Coordination Council on Human Rights and Humanitarian Law was established at the Ministry of Interior and is functioning.

A training programme for law enforcement officials in relation to administration of justice and more than 20 activities were implemented since 2012, the activities took place in the different states of Sudan.

Level of implementation: Implementation going on

**Joint response:**

So many committees were formed to investigate on Darfur crimes, reports document some violations. Some articles of laws are added to the criminal law, but actually nothing done to succeed in having justice in Darfur

**NCHR response:**

Implementation is going on but in slow manner. More activities are needed in different states. Sudan now is composed of 18 states.

**Recommendation n°129: Seek technical assistance and capacity-building support from relevant United Nations agencies as well as from other international organizations in the field of human rights, and provide human rights training for judges, public prosecutors, legal advisors and law enforcement agencies (Recommended by Turkey)**

IRI: *fully implemented*

**State of Sudan response:**

Ministry of Justice signed a letter of agreement with UNDP in relation to administration of justice and 5 activities were implemented in different states.

Level of implementation: implemented

**NCHR response:**

Implemented. UNDP is running a capacity building program for some governmental institutions. The response of international community to fund this program is very weak.

**Recommendation n°130: Step up human rights education and training for personnel involved in prosecution and law enforcement activities, including the police, armed forces personnel, judges and lawyers (Recommended by Malaysia)**

*IRI: fully implemented*

**State of Sudan response:**

Different training and awareness materials were developed and distributed with the support of UNDP Brochures, posters and pamphlet.

Level of implementation: Implementation going on

**NCHR response:**

See [response to recommendation n°129]. UNDP also support awareness activities. These activities need to implemented all over the country.

**Recommendation n°131: Strengthen awareness-raising and training in the human rights area, in particular for judges and law enforcement personnel (Recommended by Jordan)**

*IRI: fully implemented*

**State of Sudan response:**

[See response to recommendation n°128]

**NCHR response:**

See [response to recommendation n°129]. UNDP also support awareness activities. These activities need to implemented all over the country.

**Recommendation n°134: Make all allegations of extrajudicial executions, forced disappearances, torture and other ill-treatment, as well as grave violations of human rights and international humanitarian law the object of effective and independent investigations at the earliest, to bring the perpetrators of these acts to justice, irrespective of their ranks or functions (Recommended by Switzerland)**

*IRI: partially implemented*



State of Sudan response:

1. A committee to follow up the allegations of disappearances was established.
2. Complaint Committee at the ACHR [Advisory Council for Human Rights] was established.
3. An online ACHR complaint page was established.
4. Many cases were investigated and resolved.
5. Torture is legally prohibited by the different laws of the country including the INC [Interim National Constitution].

Level of implementation: Implementation going on

RSF response:

En novembre 2012, la journaliste Somaia Ibrahim Ismail "Hundosa", a été enlevée et torturée par les services de renseignement et de sécurité soudanais. Elle a choisi de fuir le pays suite à cet épisode. A ce jour, aucune procédure d'enquête ou de sanction portant sur ce cas n'est connue.

Joint response:

Perpetrators of September peaceful demonstrators martyrs, wounded and arrested victims are not brought to justice. Darfur crimes victims were still waiting for justice to take place.

NCHR response:

Implementation is going on but in slow manner. Some cases took very long time to be investigated and others still waiting on the Q.

**Recommendation n°135: *Ensure that those suspected of being responsible for crimes under international law in Darfur are investigated and prosecuted before independent and impartial courts, without resort to the death penalty* (Recommended by Austria)**

*IRI: partially implemented*

State of Sudan response:

Accepted in part.

Investigation on 54 cases is going on through the office of the Special Prosecutor for the Darfur Crimes and 8 cases were already decided upon by the courts.

The Truth and Reconciliation Commission was established and functioning.

Level of implementation: Implementation going on

**NCHR response:**

Implementation is going on. Special prosecutor for Darfur crimes is in place. Many cases have been investigated, some of which are being judged. The rest of the recommendation is ignored by the government mid-term report. Sudan rejected all recommendations regarding implementation of the death penalty except on children.

**Recommendation n°136: *Take concrete action to end impunity in Darfur (Recommended by Norway)***

**IRI: fully implemented**

**State of Sudan response:**

The Ministry of Justice held an event in Khartoum to discuss countering impunity and its impact on the criminal justice. And a committee to follow up the recommendations was formed.

Also see response to recommendation [n°135].

Level of implementation: Implementation going on

**NCHR response:**

Implementation is going on. A committee is formed to study the issue of impunity. The minister of justice declare that all laws which granted impunity shall be reviewed and revised.

**Recommendation n°137: *Enhance measures swiftly to address the issues of impunity, arbitrary arrests and detention, the lack of access to a fair trial and reliance on traditional courts, among others (Recommended by Japan)***

**IRI: fully implemented**

**State of Sudan response:**

[See response to recommendation n°136]

**RSF response:**

Entre novembre et décembre 2011, le journaliste érythréen Jamal Osman Hamad a été détenu 8 semaines par les services de sécurité, sans qu'aucune charge de ne soit retenue contre lui. A la même période, Rashan Awshi, elle aussi journaliste, a été arrêtée sans explication et maintenue en détention pendant 19 heures. Ces cas mettent en lumière une pratique de harcèlement affiché envers les professionnels des médias, le plus souvent sans motifs clairement énoncés. Si le gouvernement donne de façon épisodique des signes positifs envers les médias, le quotidien pour ces derniers demeurent la menace permanente d'arrestation ou de détention arbitraire.

**NCHR response:**

[See response to recommendation n°136]



**Recommendation n°139: Adopt all necessary measures to bring the perpetrators of all serious human rights violations in the country to justice (Recommended by Slovenia)**

IRI: *fully implemented*

**State of Sudan response:**

Accepted in part.

Investigation on 54 cases is going on through the office of the Special Prosecutor for the Darfur Crimes and 8 cases were already decided upon by the courts.

The Truth and Reconciliation Commission was established and functioning.  
Level of implementation: Implementation going on

**RSF response:**

En novembre 2012, la journaliste Somaia Ibrahim Ismail "Hundosa", a été enlevée et torturée par les services de renseignement et de sécurité soudanais. Elle a choisi de fuir le pays suite à cet épisode. A ce jour, aucune procédure d'enquête ou de sanction portant sur ce cas n'est connue.

**NCHR response:**

See [responses to recommendations n°135, n°136 and n°138].

**Recommendation n°140: Ensure that all allegations of violations of human rights and international humanitarian law are duly investigated, and that the perpetrators are brought to justice (Recommended by Australia)**

IRI: *partially implemented*

**State of Sudan response:**

See above comments [no 134, 135]

Level of Implementation: Implementation going on

**RSF response:**

Entre juin 2011 et avril 2014, plusieurs journalistes soudanais ou étrangers ont été harcelés, violentés, arrêtés ou détenus par les services de renseignement et de sécurité soudanais (National Intelligence and Security Services, NISS). Ces derniers agissent en totale impunité, et sont rarement désavoués par les tribunaux. En juillet 2011, Amal Habani et Fatima Ghazali ont été arrêtées puis condamnées à des amendes pour la publication d'articles sur des violations des droits de l'Homme commises par des agents de l'Etat. En septembre 2011, les journalistes Osama Said Ahmed et Tagwa Ahmed ont pour leur part été brutalisés par des membres des services de sécurité. Entre novembre et décembre 2011, le journaliste



érythréen Jamal Osman Hamad a été détenu 8 semaines par les mêmes services de sécurité, sans qu'aucune charge de ne soit retenue contre lui. A la même période, Rashan Awshi, elle aussi journaliste, a été arrêtée sans explication et maintenue en détention pendant 19 heures. Le 9 mai 2012, le chroniqueur politique Faisal M. Salih a été arrêté et emprisonné 6 jours, vraisemblablement pour des propos critiques envers le président El-Béchir tenus à la télévision. En novembre 2012, la journaliste Somaia Ibrahim Ismail "Hundosa", a été enlevée et torturée par les services de renseignement et de sécurité soudanais. Elle a choisi de fuir le pays suite à cet épisode. Ces cas mettent en lumière une pratique systématique de harcèlements envers les journalistes, le plus souvent pour nuire à leurs activités professionnelles. Ces atteintes au droit de la presse et aux libertés d'information et d'expression demeurent très largement impunies.

Joint response:

Perpetrators of September peaceful demonstrators martyrs, wounded and arrested victims are not brought to justice. Darfur crimes victims were still waiting for justice to take place.

NCHR response:

See [responses to recommendations n°135, n°136 and n°138].

Recommendation n°190: *Establish a moratorium on executions with a view to the definitive abolition of the death penalty* (Recommended by France)

IRI: *not implemented*

REDRESS response:

[See response to recommendation n°93]

Recommendation n°193: *Strengthen awareness of and respect for human rights within the armed forces, police and judiciary* (Recommended by Norway)

IRI: *fully implemented*

State of Sudan response:

See above comments [to recommendations n°143 and 150]

Implementation level: Implementation going on.

NCHR response:

Implementation is going on. Units for human rights were established in the armed forces, police and NISS.



## Women & Children

*Recommendation n°37: Amend its laws, including those on marriage, custody, divorce, property rights, and indecency, to ensure compliance with international human rights law (Recommended by Canada)*

**IRI: not implemented**

**State of Sudan response:**

1. A committee was established at the Ministry of social welfare, Women Center for Human Rights to revise all the laws pertaining to women including the Personal Law Act.
2. 8 activities were implemented to discuss the outcome of the study with the participation of civil society organizations.
3. The recommendations of the Committee were submitted to the Minister of Social Welfare.
4. A committee was established by the Chief Justice to make recommendations to the Personal Law Act 1991 and the recommendations were submitted to the Chief Justice.
5. Five workshops were held to discuss the controversial sections in the Act with the participation of civil society organizations and the recommendations were compiled and submitted to the Women Parliamentarians' Committee.

Level of Implementation: Implementation going on

**REDRESS response:**

Sudan accepted the UPR recommendations calling on it to reform discriminatory legislation and laws to combat gender-based violence but has yet to put this into practice.

One area of concern that has not been explicitly captured in the recommendations made by regional and international bodies is the regime of public order laws. As examined in detail elsewhere, public order laws have been discriminatory and have resulted in the imposition of whipping for offences, which in the circumstances constitutes a form of gender-based violence.

Sudan has neither become a party to CEDAW and its Optional Protocol nor amended any laws that discriminate against women.



**Recommendation n°40: Adjust legislation and practices affecting women and children to international law obligations assumed by Sudan (Recommended by Honduras)**

**IRI: partially implemented**

**State of Sudan response:**

1. The Child Act was promulgated in 2010 in compliance with the ICRC.
2. The legislative committee at the NCCW [National Committee on Child Welfare] started revising the different national laws to ensure its compliance with the CRC and its optional protocols.
3. An implementation action plan of the Act was developed by the NCCW and the implementation of the action plan is going on.

Level of Implementation: Implementation going on

**REDRESS response:**

[See response to recommendation n°37]

**NCHR response:**

An action plan is being implemented by the National Council of Child Welfare including revising all Acts concerns children. The process need to accelerated.

**UNICEF response:**

The Child Act 2010 was adopted in compliance with the CRC. The best interest of the child is included and considered in practice. There are some gaps in relation to adoption of some regulations and implementation of the child act. UNICEF is working closely with the Judiciary to support implementation of the Child Act 2010.

**Recommendation n°53: Establish an appropriate mechanism for the protection and the promotion of children rights (Recommended by Poland)**

**IRI: fully implemented**

**State of Sudan response:**

National and States Councils for Child Welfare have been established as well as the legislative Committee with NCCW [National Council of Child Welfare], Joint Coordination Committee.

Level of Implementation: implemented

**NCHR response:**

Implemented. The National Council for Child Welfare is established in all states.



**Recommendation n°67: Elaborate a plan and create national mechanisms to combat violence against women in Darfur (Recommended by Mauritania)**

**IRI: fully implemented**

**State of Sudan response:**

1. A national Plan of Action for Combating Violence against Women has been set.
2. Federal and state mechanisms for combating VAW were established and functioning.

**Level of Implementation: Implemented**

**Joint response:**

The government formed special courts to the violations in Darfur, but according to the continuity of war and continuous violations and due to loss of safety and security in the region, the courts could not perform well to assure justice, in addition to these factors the government was not keen and committed to complete its work in offering or assuring fair trials to the criminals because the crimes may reach some officials. A committee was formed to investigate on the violations in Darfur. The committee made investigations but they haven't got technical skills and laboratories to prove the crimes, so no accusation were prepared towards any one and justice doesn't take place. Because no one was accused or punished so the phenomena of violence against women continue till this date.

**NCHR response:**

Implemented. National Action plan adopted. Mechanisms for implementation established in all states.

**Recommendation n°68: Establish national mechanisms to combat violence against women, especially in Darfur (Recommended by Qatar)**

**IRI: fully implemented**

**State of Sudan response:**

Federal and state mechanisms for combating VAW are functioning.

**Level of implementation: Implemented**

**Joint response:**

[See response to recommendation n°67]

**NCHR response:**

[See response to recommendation n°67]

**Recommendation n°69: Make further efforts to protect and promote women's rights in Sudan (Recommended by Republic of Korea)**

**IRI: fully implemented**



### State of Sudan response:

More than 20 different awareness activities at national and state levels were implemented in relation to the promotion and protection of women's rights on different issues including:

- Family laws
- Rights of rural women.
- ToT for 300 women on administration of small agricultural projects, who then trained one million women in the different states.
- Reduction of infant mortality.
- Gender sensitive budgeting.
- Women and the upcoming constitution.
- Affirmative action in the Constitution and the laws.
- Women empowerment and gender integration.
- Equal work opportunities
- Women and AIDs.

Level of implementation: Implementation going on

### NCHR response:

Implementation is going on but it needs continuous monitoring and evaluation.

Recommendation n°70: *Continue its active efforts to promote children's rights, including the implementation of the new law on children promulgated in 2010, disarmament, demobilization and reintegration activities for children, enhancement of a juvenile court system, and work towards the compulsory registration of births and the eradication of female genital mutilation (Recommended by Japan)*

**IRI: partially implemented**

### State of Sudan response:

1. An implementation action plan was adopted to implement the Child Act 2010.
2. Number of Executive Statutes were drafted and approved in relation to, Social Monitoring, Dealing with Child Victims, Regulations of Nurseries.
3. One workshop in relation to the restorative justice and juvenile justice system was implemented.

Level of Implementation: Implementation going on

### Joint response:

A new law for child was issued in 2010, although this law is better than the old law but it has its problems: no clear definition to crimes of rape for children, no clear memorandums attached to each article are found, the responsibility age is defined in criminal law by 15 years, moreover in child law it is less than this and it can reach 12 years, in family code law a girl



could be married from 10 years. The judges are not trained and not committed to the child rights. The implementation of the law bring so many violations to child rights. There is a case now of a child convicted with death penalty and accepted by high (upper) court and waiting for the constitutional court approval. The priorities of the government are not devoted to the interest of children as budgets are directed towards military and security and small budgets are offered to clean water, food, education and health. Displaced are living in a very drastic situation the government have nothing to offer and it drove out the international organizations offering assistance or aid.

#### NCHR response:

Although Sudan' armed forces Act prohibited hiring of children below 18 years, the armed movements still use child soldiers.

#### UNICEF response:

Implementation of the Child Act 2010 is going well, 3 regulations were adopted, 5 finalized at the experts level and will be discussed with justice for children partners before its final adoption. The GoS has issued a decree on free birth registration and this is gradually increasing the birth registration rates. For example in North Darfur State 19,500 the number of new-borns registered in 2013 increased to 32,230 compared to 19,500 in 2012. Demobilization and reintegration programmes for children, mainly those with armed groups signatories of the peace agreement is ongoing. For FGM see our comments below.

**Recommendation n°72: Continue to devote special attention to children in order to realize their best interest (Recommended by Jordan)**

**IRI: fully implemented**

#### State of Sudan response:

A number of State Councils of Child Welfare were established at the state level to ensure close attention to children issues.

Level of Implementation: Implemented

[...]

#### Joint response:

[See response to recommendation n°70]

#### NCHR response:

Implementing is going on. Child Welfare Councils were established in few states. Other states need more attention.

#### UNICEF response:



[See response to recommendation n°40]

**Recommendation n°73: Develop a national plan of action for the implementation of children's rights and adopt a holistic child rights approach (Recommended by Iran)**

**IRI: fully implemented**

**State of Sudan response:**

The strategy for children welfare was adopted by the NCCW [National Council for Child Welfare] in cooperation with UNICEF.

[...]

Level of Implementation: Implemented

**Joint response:**

[See response to recommendation n°70]

**NCHR response:**

Implementation is going on. A national action plan for promotion and protection of human rights in place together with an action plan for implementation of the UPR recommendations. More concentration on child rights is needed.

**UNICEF response:**

Most of the actions of NCCW [National Council of Child Welfare], the national coordinating body on children's rights is currently focused on child protection for which there is a national work plan.

**Recommendation n°74: Develop a national plan of action for the implementation of children's rights (Recommended by Australia)**

**IRI: fully implemented**

**State of Sudan response:**

[...]

Level of implementation: implemented

**Joint response:**

[See response to recommendation n°70]

**NCHR response:**

Implementation is going on. A national action plan for promotion and protection of human rights in place together with an action plan for implementation of the UPR recommendations. More concentration on child rights is needed.

UNICEF response:

[See response to recommendation n°73]

**Recommendation n°75: Elaborate national legislation for the protection of child rights and create national mechanisms to monitor implementation (Recommended by Saudi Arabia)**

**IRI: fully implemented**

State of Sudan response:

The Child Act of 2010 is enforced and Federal and State Councils for Child Welfare were established in addition to the Child and Family Units in all the states of Sudan.

Level of implementation: implemented

Joint response:

[See response to recommendation n°70]

NCHR response:

Implementation is going on. A national action plan for promotion and protection of human rights in place together with an action plan for implementation of the UPR recommendations. More concentration on child rights is needed.

UNICEF response:

See comments in recommendation [n°40]. There is also the National Mechanism For Family and Child Protection Units as well as NCCW that monitors the implementation of Child Rights as per the national legislations and the CRC.

**Recommendation n°84: Intensify programmes to promote the status of women (Recommended by Algeria)**

**IRI: partially implemented**

State of Sudan response:

The Bill of Rights at the INC stated the principles of equality and non discrimination as well as other national laws including the Labour Law which states the right of equal pay for equal work

Level of implementation: Implementation going on

Joint response:

Although the government developed the document (The empowerment of women) by the ministry of social welfare, but the MDG's indicators are deteriorating sharply especially maternal mortality rates, child mortality rates, poverty rates increased, diseases and epidemic diseases spread, the quality of education deteriorates, drop outs increase illiteracy rate increase,



the quota system implemented in Sudan election 2010 give 25% from women candidates to the parliament but they are not supporting women agenda and they are representing NCP party and its policies, women face problems in dressing when walking in the streets and women small sellers face harassments from security and police. Violence against women is escalating, rape in Darfur became a normal phenomena the criminals are free and justice does not prevail. FGM is legalized by (Fatwa) advocating for some type of FGM called SUNNA.

NCHR response:

Implementation is going on. Capacity building, Awareness, income generation programmes took place in different states of Sudan to empower women. More empowerment needed.

**Recommendation n°85: Continue efforts aimed at the improvement of the situation of women and their empowerment (Recommended by Jordan)**

**IRI: fully implemented**

State of Sudan response:

Ongoing capacity building activities are taking place through the General Directorate of Women at the Ministry of Social welfare and the Unit on Combating Violence against Women and Children.

Level of implementation: Implementation going on

NCHR response:

[See response to recommendation n°84]

**Recommendation n°86: Implement programmes and activities to support the empowerment of women and to raise their awareness and capacity to enjoy their rights (Recommended by United Arab Emirates)**

**IRI: partially implemented**

State of Sudan response:

[See response to recommendation n°85]

Joint response:

Civil society organizations are facing problems in having licences to work, activities are banned in many cases especially in the states e.g. so many constitution workshops were cancelled. The government programs for empowerment of women are mainly macro finance packages, women in large have no access to these packages, the problem of guarantees are facing women, beside most of the activities are trade rather than production programs

NCHR response:

[See response to recommendation n°84]

**Recommendation n°87: Further pursue awareness-raising efforts to counter the phenomenon of discrimination against women so that they are not deprived of fundamental rights (Recommended by Palestine)**

IRI: *fully implemented*

NCHR response:

[See response to recommendation n°84]

**Recommendation n°88: Provide appropriate employment opportunities for women and work to achieve equal wages for men and women (Recommended by United Arab Emirates)**

IRI: *partially implemented*

+

**Recommendation n°89: Provide appropriate employment opportunities for women, ensuring equal wages for men and women (Recommended by Bahrain)**

IRI: *partially implemented*

State of Sudan response:

Equal right to work and equal pay is stated for in the INC and the Labour Act 2007. In some government institutions the number of women exceeds the number of men.

Level of implementation: implemented

Joint response:

Women generally has equal wage with men, women constitute higher percentage in higher education but their chances of employment are not the same with men. Women could not be employed in petroleum companies except in administrative small jobs, beside all military jobs, and private sector companies. Women constitute high proportion of informal sector as tea and food sellers, chance of women to be promoted for higher jobs in all ministries is very low. The history of women employment in judiciary and diplomatic jobs started earlier before all countries in the region, but this employment in these two fields stopped for more than 13 years starting 1989 then resumed after that, but the percentage of women in higher executive and professional jobs is low if compared to men. Success to have quota system 25% is a good step towards increasing women political participation. Actually more than 95% of the women in parliament are from NCP, they support their party agenda rather than women agenda.

NCHR response:

Implemented. The INC and the Labour Act 2007 safeguarded women's rights to equal opportunities and equal pay for work.

**Recommendation n°90: *Expand appropriate employment opportunities for women and ensure equal pay for men and women, while taking the necessary measures to promote the participation of women in political life* (Recommended by Egypt)**

IRI: *partially implemented*

State of Sudan response:

Women have been accorded at least 25 percentage (quota) with possibility of increase in the Parliament seats through other geographical competition.

See above comments [on recommendation n°88]

Level of implementation: implemented

Joint response:

[See response to recommendation n°88]

NCHR response:

See [response to recommendation n°88] + 25% of the parliament seats have been granted for women in quota basis and they can acquire more by voting.

**Recommendation n°91: *Further pursue efforts aimed at strengthening the protection of the rights of women and children through further development of legislation and mechanisms in this field* (Recommended by Syria)**

IRI: *partially implemented*

State of Sudan response:

Different mechanisms were established under the supervision of NCCW [National Council of Child Welfare] to monitor the implementation of the Child rights, including Consultative coordination committee, Joint Coordination Mechanisms on Children and Armed Conflict. Legislation Committee.

Level of implementation: implemented

Joint response:

[See response to recommendation n°84]

NCHR response:

Implemented. Consultative coordination committee, Joint Coordination Mechanisms on Children and Armed Conflict, Legislation Committee were some of the mechanisms established to protect child rights. Federal and



state mechanisms for combating violation against women are in place and functioning.

**Recommendation n°100:** *For as long as it resorts to the death penalty, respect the relevant international standards, especially the principles stated in Economic and Social Council resolution 1984/50, and particularly ensure that it will only be applied to the most severe crimes and to individuals who are more than 18 years of age at the time of the act* (Recommended by Belgium)

IRI: *partially implemented*

State of Sudan response:

The Constitution and the Child Act 2010 explicitly prohibits the imposition of death penalty on persons below 18 years old.

Joint response:

The courts in earlier stages of trial they accept accusing with death penalty for children, and this violate child Act.

NCHR response:

Implemented. Death penalty is not applied to individuals who are under 18 according to The Child Act 2010.

UNICEF response:

According to Sudan Interim National Constitution 2005, death penalty is not inflicted on any one below 18, the Constitutional Court in one of its decision decided that even in ElHudod crimes any one below 18 cannot be sentenced with death. UNICEF started a rapid assessment on death penalty to ensure that it is not implemented in practice.

**Recommendation n°102:** *Immediately stop the imposition of the cruel measure of death penalty on children* (Recommended by Uruguay)

IRI: *fully implemented*

+

**Recommendation n°104:** *Abolish the death penalty against juvenile offenders* (Recommended by Italy)

IRI: *fully implemented*

+

**Recommendation n°105:** *Consider especially abolishing the death penalty to children under 18 years* (Recommended by Brazil)

IRI: *fully implemented*

+



**Recommendation n°106: Ensure that no one is executed for a crime that he/she would have committed when he/she was under the age of 18 years, and commute death sentences already pronounced against minors to appropriate alternative sentences (Recommended by Switzerland)**

**IRI: partially implemented**

+

**Recommendation n°109: Ensure that the death penalty is not carried out at least on persons under 18 years of age (Recommended by Slovenia)**

**IRI: fully implemented**

**State of Sudan response:**

The Child Act 2010 explicitly prohibits the imposition of death penalty on persons below 18 years old and the Constitutional Court affirmed the same in one of its decisions.

Level of implementation: implemented

**Joint response:**

The courts in earlier stages of trial they accept accusing with death penalty for children, and this violate child Act

**NCHR response:**

Implemented. Death penalty is not applied to individuals who are under 18 according to The Child Act 2010.

**UNICEF response:**

[See response to recommendation n°100]

**Recommendation n°107: Lower the criminal responsibility for children, ban the application of the death penalty to children, and prohibit the recruitment of children as child soldiers and their participation in armed conflict (Recommended by Palestine)**

**IRI: fully implemented**

**State of Sudan response:**

1. The age of criminal responsibility has been raised from 7 years to 12 years in compliance with the international standards

2. Armed forces Act prohibits the recruitment of Children.

3. Plan of action to eliminate and prohibit recruitment of children was adopted by Mo D.

4. Child protection unit was established in the Army to address issues of children and armed conflicts.

5. DDR [Disarmament, Demobilization and Reintegration] Commission was established and functioning to reintegrated child soldiers in the society.

Level of implementation: implemented

**NCHR response:**

Partially implemented. Although The Armed Forces Act prohibits recruitment of children, child soldiers are still used in the armed movements in Sudan.

**UNICEF response:**

[See response to recommendation n°100]

Recommendation n°108: *Prohibit executions of minors pursuant to the Children's Act of 2010* (Recommended by France)

**IRI: fully implemented**

**State of Sudan response:**

[See response to recommendation n°109]

**NCHR response:**

[See response to recommendation n°109]

**UNICEF response:**

[See response to recommendation n°109]

Recommendation n°111: *Take further measures to prevent and combat all forms of violence against children and women, including training law enforcement officials to deal with sexual violence cases* (Recommended by Brazil)

**IRI: fully implemented**

**State of Sudan response:**

NCCW [National Council of Child Welfare] and the Unit on Combating Violence against Women and Children were established and functioning. Different and ongoing training is taking place in different states of Sudan.

Level of implementation: implemented

**NCHR response:**

Partially implemented. Although The National Council of Child Welfare and The Unit on Combating Violence Against Women are in place and functioning, states witnessing armed conflicts need more attention and more training for the law enforcement personnel to prevent all forms of violence against women and children.

**UNICEF response:**

UNICEF started sensitization programme on GBV with the purpose of establishing gender desk within the Police Authorities, currently GBV cases against children are dealt with through Family and Child Protection Units which exists in all the states of Sudan. There is also a child right unit in SAF



which is responsible for training SAF personnel on children's rights, including protection against gender based violence.

**Recommendation n°112:** *Take measures to raise awareness of the police, other authorities, and the general public about gender-based violence against women and girls, as well as women's rights (Recommended by Finland)*

IRI: partially implemented

**State of Sudan response:**

During the year 2012 and beginning of 2013, 470 police officers from different ranks were trained on specialized human rights issues including rights of women and children

Level of implementation: Implementation going on

**REDRESS response:**

Sudan accepted the UPR recommendations calling on it to reform discriminatory legislation and laws to combat gender-based violence but has yet to put this into practice.

One area of concern that has not been explicitly captured in the recommendations made by regional and international bodies is the regime of public order laws. As examined in detail elsewhere, public order laws have been discriminatory and have resulted in the imposition of whipping for offences, which in the circumstances constitutes a form of gender-based violence.

Sudan has neither become a party to CEDAW and its Optional Protocol nor amended any laws that discriminate against women.

**NCHR response:**

[See response to recommendation n°111]

**UNICEF response:**

[See response to recommendation n°111]

**Recommendation n°113:** *Develop and implement national legislation explicitly prohibiting female genital mutilation and ensure its practical enforcement. Enhance school programmes and community education to raise public awareness about the harmful effects of this practice which constitutes a serious form of violence against women and a serious attack on human rights (Recommended by Ecuador)*

IRI: partially implemented



**State of Sudan response:**

There is strategy to eliminate FGM implemented by the NCCW [National Council of Child Welfare] and UNICEF.

Level of implementation: Implementation going on

**Joint response:**

FGM should be abolished completely but actually (Fatwa) was issued to legalize part of FGM called (Sunna). This harmful tradition is not part of Islam, so many Islamic countries do not know it, as Saudi Arabia. The government is pro this tradition. So they are part of the problem.

**NCHR response:**

A strategy on prohibiting FGM has been developed. UNICEF is involved in implementation. Public awareness needs new approaches while implementation is going on.

**UNICEF response:**

FGM was prohibited in 4 states, Red Sea, ElGadarif, South Kordofan and South Darfur. UNICEF together with NCCW developed Saleema Initiative to deliver a Positive Message against FGM and a lot of community based and School awareness programmes were implemented. NCCW and the MoSW are working on a draft National Law.

*Recommendation n°114: Take all necessary measures to end female genital mutilation, notably regarding prevention, awareness-raising, control and sanctions (Recommended by Belgium)*

IRI: *partially implemented*

**State of Sudan response:**

[See response to recommendation n°113]

**Joint response:**

[See response to recommendation n°113]

**UNICEF response:**

[See response to recommendation n°113]

*Recommendation n°115: Pass legislation at the federal level to prohibit female genital mutilation and early forced marriages, and ensure that such legislation is enforced in practice (Recommended by Slovenia)*

IRI: *not implemented*

**State of Sudan response:**

Four state laws were passed prohibiting FGM.



Different studies in relation to early marriage have been initiated through different government institutions as a pre-step to any amendment in the legislation.

Level of implementation: Implementation going on

Joint response:

[See response to recommendation n°113]

NCHR response:

Implementation is going on. Four state laws were passed prohibiting FGM. Different studies in relation to early marriage have been initiated through different government institutions as a pre-step to any amendment in the legislation. Agree with the government's response.

UNICEF response:

[See response to recommendation n°113]

Recommendation n°116: *Adopt legislative and other measures to explicitly prohibit and eradicate female genital mutilation, and reinforce awareness and education programmes about its harmful effects* (Recommended by Uruguay)

IRI: *partially implemented*

State of Sudan response:

[See response to recommendation n°113]

Joint response:

[See response to recommendation n°113]

NCHR response:

[See response to recommendation n°115]

UNICEF response:

[See response to recommendation n°113]

Recommendation n°117: *Abolish the law that legalizes the Sunna* (Recommended by Honduras)

IRI: *partially implemented*

State of Sudan response:

Accepted in part. There is no law that legalizes the FGM

Level of implementation: Implementation going on

Joint response:

[See response to recommendation n°113]

UNICEF response:

[See response to recommendation n°113]

Recommendation n°118: *Completely eradicate the practice of female genital mutilation through education and awareness campaigns in the communities* (Recommended by Honduras)

**IRI: not implemented**

State of Sudan response:

[See response to recommendation n°117]

Joint response:

[See response to recommendation n°113]

NCHR response:

[See response to recommendation n°115]

UNICEF response:

[See response to recommendation n°113]

Recommendation n°121: *Continue to take strong measures to end the recruitment and use of child soldiers* (Recommended by Malaysia)

**IRI: fully implemented**

State of Sudan response:

1. Armed Forces Act prohibits the recruitment of Children.
2. Plan of action to end and prohibit recruitment of children partially adopted.
3. DDR [Disarmament, Demobilization and Reintegration] Commission was established and functioning.
4. Training of 2132 officers and NGOs was done.

Level of implementation: Implementation going on

NCHR response:

Partially implemented. Although The Armed Forces Act prohibits recruitment of children, child soldiers are still used in the armed movements in Sudan.

UNICEF response:

Recruitment and use of children by armed forces is prohibited under the child act and the SAF act. However, in the absence of a fully functioning birth registration systems, there are lot of challenges in fully implementing these acts.



**Recommendation n°122:** *Take effective measures to end the recruitment of children into the armed forces and affiliated armed groups, and also fight the forced recruitment and abduction of children by non-State armed groups* (Recommended by Uruguay)

IRI: partially implemented

State of Sudan response:

Laws to prohibit this practice were adopted (SAF act 2007 - 18 years is a legal age of recruitment).

Capacity building programmes are ongoing.

Level of Implementation: Implementation going on

NCHR response:

See [response to recommendation n°107]. Fighting the forced recruitment by non-state armed groups needs assistance from international community and those who support these groups.

UNICEF response:

[See response to recommendation n°121]

**Recommendation n°123:** *Take all necessary measures to ensure that all children are released by armed forces and armed groups, and that these children receive all the assistance necessary for their physical and psychological recovery, including special medical care for victims of sexual violence* (Recommended by Slovenia)

IRI: partially implemented

State of Sudan response:

[See response to recommendation n°121]

NCHR response:

Implementation is going on. DDR [Disarmament, Demobilization and Reintegration] is in place and functioning. For the rest of the recommendation see [response to recommendation n°107].

UNICEF response:

[See response to recommendation n°121]

**Recommendation n°132:** *Implement the recently adopted United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) to improve the treatment of female offenders and seek appropriate assistance for its implementation from relevant United Nations agencies* (Recommended by Thailand)

IRI: partially implemented



### State of Sudan response:

Legal Aid Center was established inside the Women Prison with the support of the Women Human Rights Center.

Level of implementation: Implementation going on

### NCHR response:

Implementation is going on. Women prison is supplemented by a legal aid section providing legal support to women prisoners. More is needed to fully implement the Bangkok Rules.

Recommendation n°133: *Raise the minimum age of criminal responsibility currently fixed at 12 years, in compliance with its international obligations* (Recommended by France)

IRI: *partially implemented*

### Joint response:

[See response to recommendation n°70]

Recommendation n°138: *Adopt strong and decisive measures to punish those responsible for the rape of girls and women* (Recommended by Honduras)

IRI: *partially implemented*

### State of Sudan response:

Accepted in part.

Investigation on 54 cases is going on through the office of the Special Prosecutor for the Darfur Crimes and 8 cases were already decided upon by the courts.

The Truth and Reconciliation Commission was established and functioning.

Level of implementation: Implementation going on

### Joint response:

In spite of the large number of women raped in Darfur justice is not prevailing towards these cases.

### NCHR response:

Implementation is going on. The Truth and Reconciliation Commission is in place and functioning. More than 50 cases were investigated, 8 of them were judged.

Recommendation n°156: *Continue to take steps to decrease child mortality rate* (Recommended by DPR Korea)

IRI: *fully implemented*

+



**Recommendation n°157:** Continue its efforts with regard to the advancement of women's rights, reduction in child mortality and illiteracy rates, and the reintegration of children into their communities (Recommended by Azerbaijan)

IRI: *fully implemented*

State of Sudan response:

Different programmes were developed through different ministries and the implementation is going on.

Level of implementation: Implementation going on

NCHR response:

Implementation is going on. Many projects were implemented in different states. Child mortality decreasing (in a decreasing manner).

**Recommendation n°158:** Continue efforts aimed at ensuring education for all children and make arrangements to improve the performance of the education system (Recommended by Algeria)

IRI: *fully implemented*

State of Sudan response:

Right to education is stated for in the INC and is implemented in practice, also training and policies for teachers are taking place.

Level of implementation: Implementation going on

NCHR response:

Implementation is going on. Plans are being implemented and new schools were established, but still large numbers of children in remote areas haven't enjoyed right to education.

UNICEF response:

Basic education is free and compulsory according to the constitution. However, conflict culture, economic situation of families continue to prevent thousands of children from realizing their rights to education. There is a policy on mobile schools for nomadic children which is being implemented by the government.

**Recommendation n°159:** Devote attention to the education of children and take measures to reduce the rate of dropouts from school (Recommended by Bahrain)

IRI: *fully implemented*

State of Sudan response:

Special programmes were developed in the states affected by the drop out specially Kassala State to decrease the dropout.

Level of implementation: Implementation going on.



Also see response to recommendation [n°158]

NCHR response:

Implementation is going on. Children of nomad tribes haven't enjoy the right to education despite the efforts exerted by the government, most probably because of cultural reasons.

UNICEF response:

[See response to recommendation n°158]

**Recommendation n°162: Devote attention to the education of children and use education to spread a human rights culture though school curricula (Recommended by Saudi Arabia)**

**IRI: fully implemented**

State of Sudan response:

The 2013 budget increased the budget allocated to education. NCCW in collaboration with State NCCW and National and State Ministries of Education together with civil society organizations had an ongoing training programmes for all the schools in the different states of Sudan.

Level of implementation: Implementation going on

NCHR response:

Implementation of this recommendation is too slow. No specific curriculum for children human rights education in schools is in place. All efforts provided now are voluntary.

UNICEF response:

[See response to recommendation n°158]

**Recommendation n°163: Increase the expenditure allocated for education in order that it could be accessible to children across the country (Recommended by Sri Lanka)**

**IRI: fully implemented**

State of Sudan response:

[See response to recommendation n°162]

NCHR response:

Implementation is going on. Expenditure allocated for education in 2013 is higher than that in 2012 but the amount is still below expectations.

UNICEF response:

[See response to recommendation n°158]



Recommendation n°170: *Improve, in cooperation with relevant stakeholders, the living conditions and safety situation of internally displaced persons by providing access to humanitarian assistance, while ensuring the security of humanitarian workers, and strengthen its protection of women and girls from sexual violence in the camps of the internally displaced* (Recommended by Thailand)

IRI: *partially implemented*

State of Sudan response:

See the comments in relation to the different aspects mentioned in this recommendations.

Level of implementation: Implementation going on

NCHR response:

Implementation is going on. Basic services are provided to displaced people by the government and some NNGOs and INGOs.

UNICEF response:

There is no denial of humanitarian access directly targeting IDP children. However, there are some administrative restrictions and security constraints, especially in conflict affected areas which affect the capacity of humanitarian actors to deliver assistance to IDP children and their families.

Recommendation n°187: *Ratify the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa* (Recommended by Austria)

IRI: *not implemented*

State of Sudan response:

Level of implementation: Implementation going on

NCHR response:

Not implemented.

Recommendation n°188: *Repeal all laws that discriminate against women* (Recommended by Austria)

IRI: *not implemented*

State of Sudan response:

Accepted in part.

Legal studies were started to these treaties.

Level of implementation: Implementation going on



### REDRESS response:

Sudan accepted the UPR recommendations calling on it to reform discriminatory legislation and laws to combat gender-based violence but has yet to put this into practice.

One area of concern that has not been explicitly captured in the recommendations made by regional and international bodies is the regime of public order laws. As examined in detail elsewhere, public order laws have been discriminatory and have resulted in the imposition of whipping for offences, which in the circumstances constitutes a form of gender-based violence.

Sudan has neither become a party to CEDAW and its Optional Protocol nor amended any laws that discriminate against women.

### NCHR response:

Implementation is going on. All national laws are now under revision.

## Other

**Recommendation n°41: Continue its engagement with the international community to ensure that it delivers on its promises to support the post-referendum political transition (Recommended by Ethiopia)**

IRI: fully implemented

### State of Sudan response:

The international community is under an obligation to implement what they promised to deliver. And the Human Rights Council is also under a duty to remind and encourage them to do so.

Level of Implementation: Implementation going on

### NCHR response:

Partially implemented. Some issues are still disputed. Implementation is going on. Negotiations are to be accelerated and the international community is to fulfil its obligations.

**Recommendation n°43: Continue to engage the United Nations with a view to fully benefit from the United Nations Technical Cooperation Programme in the field of human rights (Recommended by Zimbabwe)**

IRI: fully implemented

**State of Sudan response:**

The Government already submitted to the OHCHR in March 2012 a project proposal document for support without receiving any feedback.

Level of Implementation: Implementation going on

**NCHR response:**

UNDP office in Sudan is doing well, but still technical assistance is badly needed.

**Recommendation n°44:** *Continue to avail itself of offers of technical assistance and capacity building from relevant development partners at the bilateral, regional and multilateral levels* (Recommended by Malaysia)

**IRI: fully implemented**

**State of Sudan response:**

[...]

Level of Implementation: Implementation going on

**NCHR response:**

The government, NCHR and the CSOs are seeking support of the international community who is responding very slow. The unilateral coercive measures imposed on Sudan are reversely affect enjoyment of Sudanese people with right to development.

**Recommendation n°46:** *Expedite the appointment of members to the Human Rights Commission so that it may initiate its work* (Recommended by Oman)

**IRI: fully implemented**

**State of Sudan response:**

The Chair person and the commissioners of the NHRC had been nominated and functioning.

Level of Implementation: Implemented

**NCHR response:**

Implemented. NCHR was established in Jan 2012 and working now.

**Recommendation n°47:** *Seek technical assistance through the relevant mechanisms of the United Nations* (Recommended by Azerbaijan)

**IRI: fully implemented**

**State of Sudan response:**

Engagement started between the ACHR and UNDP to implement the UPR accepted recommendations.

Level of Implementation: Implementation going on

NCHR response:

UNDP office in Sudan is doing well, but still technical assistance is badly needed.

**Recommendation n°48: Establish an independent human rights commission** (Recommended by Norway)

IRI: *fully implemented*

State of Sudan response:

The National Commission on Human Rights had been established and functioning.

Level of Implementation: Implemented

Joint response:

The Human Rights Commission was established on 2012, most of its appointed members are not independent they are affiliated to NCP, and it was not fully mandated. Since its establishment so many violations raised to them but nothing was done, so it's decorative action.

NCHR response:

Implemented. NCHR was established in Jan 2012 and working now.

**Recommendation n°49: Expedite the procedures for the establishment of the National Human Rights Commission and the appointment of its members as soon as possible** (Recommended by Turkey)

IRI: *fully implemented*

+

**Recommendation n°50: Establish a national human rights institution in accordance with the Paris Principles** (Recommended by Poland)

IRI: *partially implemented*

+

**Recommendation n°51: Complete the establishment of the National Commission for Human Rights as soon as possible** (Recommended by Thailand)

IRI: *fully implemented*

+

**Recommendation n°52: Establish the National Human Rights Commission, as soon as possible, which comprises independent and impartial Commissioners and which is compatible with the Paris Principles** (Recommended by Republic of Korea)

IRI: *partially implemented*

State of Sudan response:

The National Commission on Human Rights had been established all Commissioners have been nominated



Level of Implementation: implemented

Joint response:

The Human Rights Commission was established on 2012, most of its appointed members are not independent they are affiliated to NCP, and it was not fully mandated. Since its establishment so many violations raised to them but nothing was done, so it's decorative action.

NCHR response:

UNDP office in Sudan is doing well, but still technical assistance is badly needed

**Recommendation n°58: Continue to reinforce the pillars of peace throughout the country, in implementation of the CPA (Recommended by Kuwait)**

IRI: *fully implemented*

State of Sudan response:

CPA has been implemented.

Level of Implementation: Implemented

Joint response:

War is escalating now in South Kordofan, Darfur states, Blue Nile State. Many international HR bodies and United Nations bodies raised many reports around Human Rights violations towards citizens in Sudan. Complete areas were burned with people, livestock, possessions of citizens, women were raped, millions are now displaced facing hunger and bad conditions.

NCHR response:

Implemented.

**Recommendation n°60: Redouble efforts to build lasting peace in Darfur by exercising restraint, engaging with the African Union/United Nations peace process in Doha and improving the security situation in which humanitarian workers operate (Recommended by United Kingdom)**

IRI: *partially implemented*

State of Sudan response:

Darfur administrative structure has been modified to answer better the peace building and development needs. Doha Document for Peace in Darfur was signed by the Government of Sudan.

The Darfur Regional Authority and the Truth and Reconciliation Commission as well as the office of the Special prosecutor for Darfur



Crimes were established and efforts are exerted in relation to encourage other rebel groups to join the peace process.

An international Forum was held for the development of Darfur in October 2012.

Level of Implementation: implemented

Joint response:

Instead of building lasting peace in Darfur, war escalated since 2013 furiously, Doha and other peace agreements are public relations meetings, nothing was done on earth to have peace, moreover the humanitarian situation of citizens deteriorated due to the government decisions to stop most of international organizations offering assistance to the people by accusing them of being spies and working pro repels.

NCHR response:

Implemented. The Darfur Regional Authority and the Truth and Reconciliation Commission as well as the office of the Special prosecutor for Darfur Crimes were established and now functioning.

Recommendation n°61: *Continue to make concerted efforts to find a permanent and peaceful solution to the conflict in Darfur* (Recommended by Zimbabwe)

IRI: *fully implemented*

State of Sudan response:

[...]

Level of Implementation: Implemented

Joint response:

[See response to recommendation n°60]

NCHR response:

Implemented. The Darfur Regional Authority and the Truth and Reconciliation Commission as well as the office of the Special prosecutor for Darfur Crimes were established and now functioning.

Recommendation n°62: *Continue to take the necessary steps aimed at ensuring the delivery of relief assistance to those people in need in Darfur* (Recommended by DPR Korea)

IRI: *fully implemented*

State of Sudan response:

New directives were adopted and published by HAC to ensure timely access and effect distribution of humanitarian assistance.



Level of Implementation: Implementation is going on

Joint response:

[See response to recommendation n°60]

NCHR response:

Implementing is going on. The Fast Track operation is yearly being renewed.

Recommendation n°79: *Cooperate fully with UNAMID in Darfur in order to prevent and prosecute any human rights violations* (Recommended by Italy)

**IRI: fully implemented**

State of Sudan response:

A Joint Forum between the ACHR and UNAMID Human Rights Section has been established. There are three sub-forums in the states Darfur.

Joint response:

The government cooperate with UNAMID, but their cooperation is not directed towards saving lives of citizens and recent UN reports points to this limitation.

NCHR response:

Implementation is going on. A joint forum between ACHR and UNAMID. The latter is in need of assistance from the UN and AU to work more effectively.

Recommendation n°171: *Make every effort to preserve the climate of peace achieved by the Comprehensive Peace Agreement during the six years of transition* (Recommended by Djibouti)

**IRI: fully implemented**

State of Sudan response:

Over 15 agreements were signed with South Sudan for bilateral cooperation.

Level of implementation: Implementation going on

NCHR response:

Implementation is going on. Sudan and South Sudan have signed 9 main agreements covering all post-referendum issues and some other agreements to breakdown the main issues. Joined committees were formed to implement these agreements.



**Recommendation n°172:** *Continue to work with regional and international partners to ensure amicable solutions to remaining post-referendum issues (Recommended by Ethiopia)*

IRI: *fully implemented*

**State of Sudan response:**

Negotiations are going on.

Level of implementation: Implementation going on

**NCHR response:**

See [response to recommendation n°171]. International and regional parties are involved in the agreements mentioned above.

**Recommendation n°173:** *Remain committed to negotiations to resolve pending areas of disagreement (Recommended by Syria)*

IRI: *fully implemented*

**State of Sudan response:**

Level of implementation: implemented

**NCHR response:**

[See response to recommendation n°171]

**Recommendation n°174:** *Continue negotiations with a view to a peaceful resolution of pending questions (Recommended by Djibouti)*

IRI: *fully implemented*

+

**Recommendation n°176:** *Continue negotiations with a view to peacefully settling the remaining stipulations of the CPA, particularly with regard to issues like border demarcation, foreign debts, oil and water sharing and citizenship, with the understanding that nobody will be stateless (Recommended by Somalia)*

IRI: *fully implemented*

+

**Recommendation n°177:** *Maintain the peaceful atmosphere that was created by the Comprehensive Peace Agreement throughout the six years of the transitional period, by taking measures to reduce tension and all parties should refrain from taking any unilateral steps that would undermine the purpose of the Agreement (Recommended by Somalia)*

IRI: *fully implemented*

**State of Sudan response:**

Level of implementation: Implementation going on

**NCHR response:**

[See response to recommendation n°171]



**Recommendation n°175: Continue negotiations to reach agreement on pending issues such as border and natural resources (Recommended by Lebanon)**

**IRI: fully implemented**

**State of Sudan response:**

1. An agreement on oil was reached and implemented.
2. Boundary Demarcation agreement was signed.
3. Agreement on Trade and border trade was signed and implemented.
4. Agreement on the treatment of citizens of both countries was reached.

Level of implementation: Implementation going on

**NCHR response:**

[See response to recommendation n°171]

**Recommendation n°178: Guarantee the human rights of citizens under the new Constitutions and establish effective mechanisms to ensure these are respected, including through the establishment of a national human rights institution in line with the Paris Principles (Recommended by United Kingdom)**

**IRI: partially implemented**

**State of Sudan response:**

Level of implementation: Part one implementation going on. Part two implemented.

**REDRESS response:**

Constitutions are seen as the outcome of unique national processes, embodying core arrangements of state and society; commenting on issues of substance may be considered premature without there being even a draft constitution; and an emphasis on process may be viewed as the best means of ensuring that a constitution reflects key human rights standards. However, the new constitution of Sudan will invariably address a number of issues that are critical to the protection and realisation of human rights. This includes in particular the status of international treaties in the domestic legal system, the definition of specific fundamental rights, the institutional machinery for the protection of rights and broader institutional reforms, such as reform of the National Intelligence and Security (NISS). It will therefore be critical that the Constitution both grants fundamental rights that reflect international standards and puts in place the institutional framework to ensure their protection.



There is no transparent or participatory constitutional review process. There have been concerns that human rights defenders have faced adverse repercussions for raising issues relating to the protection of human rights.

NCHR response:

The National Commission for Human Rights was established in 2012. Consultations on the new constitution and the bill of rights is taking place now.

Recommendation n°180: *Bring all constitutional provisions and relevant laws into line with the CPA and international obligations* (Recommended by Norway)

IRI: *not implemented*

State of Sudan response:

The CPA is implemented.

Level of implementation: Part one implemented.

REDRESS response:

[See response to recommendation n°178]

NCHR response:

CPA is implemented.

Recommendation n°184: *Strengthen the capacity to adequately protect and promote human rights in cooperation with OHCHR* (Recommended by Norway)

IRI: *fully implemented*

State of Sudan response:

Level of implementation: Implementation going on

Recommendation n°185: *Consider establishing national human rights institutions in compliance with the Paris Principles* (Recommended by India)

IRI: *fully implemented*

State of Sudan response:

Level of implementation: implemented

NCHR response:

Implemented. The National Commission for Human Rights is in place and functioning.



Recommendation n°200: *Appeal to the international community to take individual and collective initiatives to exempt the debts of Sudan (Recommended by Somalia)*

IRI: *fully implemented*

State of Sudan response:

The Government of Sudan is waiting for the international community to implement this recommendation.

Level of implementation: Implementation going on

NCHR response:

Sudan's dept, which directly affects economic development, is still waiting for cancelling, despite continues appealing from Sudan's government to the international community.



## Methodology

### A. First contact

Although the methodology has to consider the specificities of each country, we apply the same procedure for data collection about all States:

1. We contact the Permanent Mission to the UN either in Geneva or New York;
2. We contact all NGOs that took part in the process. Whenever NGOs were part of coalitions, each NGO is contacted individually;
3. The National Institution for Human Rights is contacted, whenever one exists.
4. UN Agencies, which sent information for the UPR, are also contacted.

We post our requests to the States and send e-mails to NHRIs, NGOs and UN Agencies.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation are not contacted and those stakeholders' submissions are not taken into account.

However, since the UPR is meant to be a process that aims to share best practices among States and stakeholders, we take into account positive feedbacks from the latter.

### B. Processing recommendations and voluntary pledges

The stakeholders that we contact are encouraged to use an Excel sheet, which we provide, that includes all recommendations received and voluntary pledges taken by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, the submission is split among recommendations to which we think it belongs. Since such a task is more prone to misinterpretation, we strongly encourage stakeholders to use the Excel sheet.

If the stakeholder does not clearly mention whether the recommendation was “fully implemented” or “not implemented”, *UPR Info* usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.

*UPR Info* retains the right to edit comments that are considered to not directly address the recommendation in question, when comments are too lengthy or when comments are defamatory or inappropriate. While we do not mention the



recommendations which were not addressed, they can be accessed unedited on the follow-up webpage.

### C. Implementation Recommendation Index (IRI)

*UPR Info* developed an index showing the implementation level achieved by the State for both recommendations received and voluntary pledges taken at the UPR.

The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show an average of stakeholders' responses.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review claims that the recommendation has been fully implemented, and a stakeholder says it has been partially implemented, the score is 0.75.

Then the score is transformed into an implementation level, according to the table below:

Percentage:	Implementation level:
0 – 0.32	Not implemented
0.33 – 0.65	Partially implemented
0.66 – 1	Fully implemented

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation is given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

### ***Disclaimer***

*The comments made by the authors (stakeholders) are theirs alone, and do not necessarily reflect the views and opinions at UPR Info. Every attempt has been made to ensure that information provided on this page is accurate and not abusive. UPR Info cannot be held responsible for information provided in this document.*



## Uncommented recommendations

Hereby the recommendations which the MIA does not address:

rec. n°	Recommendation	SMR	Response	A	Issue
2	Issue a standing invitation	Japan	Rejected	5	Special procedures
13	Ratify the Optional Protocol of the Convention on the Elimination of All Forms of Discrimination against Women	Norway	Rejected	5	International instruments,Women's rights
15	Ratify the Optional Protocol of the Convention on the Elimination of All Forms of Discrimination against Women	Belgium	Rejected	5	International instruments,Women's rights
23	Cooperate fully with the International Criminal Court and its Prosecutor and provide it with the necessary support pursuant to Security Council resolution 1593 (2005)	Switzerland	Rejected	4	Justice
24	Cooperate fully with the International Criminal Court	Austria	Rejected	4	Justice
28	Repeal the National Security Act and ensure institutional and legislative reform of the National Intelligence and Security Services, including the establishment of a judicial oversight mechanism	Austria	Rejected	5	Justice,Public security
29	Abolish the 2010 National Security Act	France	Rejected	5	Public security
31	Amend the National Security Act so that it conforms with the Interim National Constitution, the Comprehensive Peace Agreement and the International Covenant on Civil and Political Rights	Ireland	Rejected	5	International instruments,Public security
32	Make a serious review of the compatibility of the 2010 National Security Act with international standards in international human rights instruments to which Sudan is a party	Republic of Korea	Rejected	3	International instruments,Public security
34	Reform the National Intelligence and Security Service in accordance with the Comprehensive Peace Agreement, particularly the broad powers of arrest and detention	United Kingdom	Rejected	5	Detention conditions,Public security
77	Extend a standing invitation to all special procedures and respond positively to pending requests for visits	Spain	Rejected	5	Special procedures
78	Issue a standing invitation to the human rights special procedures	Ecuador	Rejected	5	Special procedures
82	Fully cooperate with the Independent Expert on the situation of human rights in Sudan	Spain	Rejected	4	Special procedures
94	Consider abolishing the death penalty	Brazil	Rejected	3	Death penalty
95	Establish a moratorium on the use of the death penalty with a view to its total abolition	Spain	Rejected	5	Death penalty



rec. n°	Recommendation	SMR	Response	A	Issue
98	Commute death sentences to prison terms	France	Rejected	5	Death penalty
99	Replace death sentences with an appropriate alternative sanction	Slovenia	Rejected	5	Death penalty
141	Cease to hinder the freedom of movement of UNAMID and humanitarian agencies	Ireland	Rejected	4	Freedom of movement
189	Ensure that after independence, no one will be discriminated against because of their origin from the other State, respectively	Austria	Rejected	4	Racial discrimination
201	The recommendations which we accept will enjoy our commitment in terms of implementation	Sudan	Voluntary Pledge	5	UPR process

A= Action Category (see on [our website](#))

SMR = State making recommendation

## Contact

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