

In the name of God the merciful



The national human rights Commission – Sudan.

National Commission for Human Rights, Sudan. (NCHR)

(Independent national institution on human rights)

Independent NHRI.))

Report of the UPR in second session

**Report Submitted to the UPR Mechanism
in its Second Cycle.**

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In the name of God the merciful
National Commission for human rights-Sudan.
Report of the UPR in second session
On the situation of human rights in the Sudan

Portal:

The present report is submitted by the national human rights Commission for the Sudan on the situation of human rights in the Sudan. To publicize the UNHCR and efforts in the review and preparation of this report see annex (1)

International treaties:

- 1- Sadiq, Sudan during the reporting period a number of regional conventions and international law by ratifying the United Nations Convention against corruption in 2014, the Protocol to prevent, Suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against transnational organized crime and the International Convention on the preparedness, response and cooperation in the field of oil pollution Act of 1990, the International Convention for the prevention of marine pollution from vessels in accordance with amended by the Protocol of 1978 to the year 2014.

Sudan has also ratified a number of important regional conventions, namely the Arab Charter for human rights in the year 2013, the African Charter on democracy and good governance in 2014 and 6 Arab conventions related to employment and occupational safety and health, the employment of women, persons with disabilities and combating corruption.

- 2- Despite all those efforts on ratification of international and regional conventions the Sudan's position remains of some of the major international conventions on what it is before the first review, and organized many workshops and attitude of approval which give the Government remains examined by including the Convention on the Elimination of all forms of discrimination against women, the Convention against torture and other cruel, inhuman or degrading treatment or punishment, the Protocol to the African Charter on human and peoples ' rights on the rights of women And the draft Convention, Arabic for organizing refugee situations.

Legislative and institutional framework:

- 3- Sudan has issued a number of legislation that responded to a number of recommendations which have been accepted by Sudan in the first session, including the law on combating human trafficking for 2015 and the Act organizing asylum of 2014. He also made amendments to certain laws, for example the armed forces act,

amendment of 2013 introduction chapter on war crimes, crimes against humanity and the text on the protection of civilians and civil installations in line with international humanitarian law, the election law amendment Act 2014 and increasing the representation of women in Parliament and the law on organization of the access to information act and the Criminal Code amendment to 2015 and the code of criminal procedure amended 2015.

- 4- Armed forces Act amendments included material requires trying civilians in military courts which violates civil rights guaranteed by the Constitution and contrary to international and regional conventions ratified by Sudan
- 5- Before Sudan recommendations concerning the amendment of some laws but had not implemented those recommendations, including the press and Publications Act of 2009 and the voluntary and humanitarian work Act of 2006.

Infrastructure, institutions and human rights:

- 6- Sudan has sought to seek technical assistance from the international community with a view to strengthening the human rights infrastructure and institutions. Although Sudan receives assistance from time to time by some development partners, but overall we can say that what has been presented to institutions concerned with the promotion and protection of human rights and civil society organizations and national human rights institution during the period covered by the report was very weak.
- 7- Enforcement of recommendations received by Sudan in this framework were establishment of the national human rights Commission as an independent national institution in January 2012. Office configuration was readapted to the Paris principles in terms of representation of civil society and the diversity of experiences and disciplines and women's representation. UNHCR adopted its strategy for the years 2014-2018 and organize comprehensive training joint membership, civil society organizations and initiated the founding of branches in the States of Sudan giving priority to areas of armed conflict, starting with Darfur. And still the support received by UNHCR from either the Government or the international community commensurate with the magnitude of the challenges in the field of human rights in the Sudan and that requires widespread to UNHCR.
- 8- Committee has been established to combat trafficking in human beings involved in enforcement of the law against trafficking in human beings for the year 2014. The Committee included representatives of diverse experiences for all involved.

Policy measures:

- 9- Sudan implement the recommendations regarding the comprehensive peace agreement, with some remaining outstanding issues, Sudan receives large numbers of southern Sudan fleeing the internal war, and was the President of the Republic to be treated as citizens.
- 10- This year's general elections and participated in surveillance and emphasized the fairness and issued a report thereon (annex).

- 11- Presidency tabled a national dialogue between all political forces, ruling and opposition parties and movements transporting arms and components of other Community country out of crises which beset, and is an important step in the reform of the political climate. UNHCR is of the opinion that guarantees the success of this dialogue is not excluding any category of society and not to overlook any topic related to the protection and promotion of human rights.
- 12- Progress in implementing the Doha document for Darfur peace, peace projects and voluntary return to the ground with the support of donors from Arabic countries, led by the State of Qatar, the sponsor of document the construction of the voluntary return villages almozeigh and provide basic services. As was many magistrates within the action reconciliation, truth and Justice regional authority in the territory continues to witness a bloody tribal conflict. UNHCR is of the opinion that the success of the five almozeigh villages in Darfur requires expansion of the voluntary return villages and establish security and peace. We must also not overlook the situation of displaced persons camps now poor.
- 13- The State adopted a 10-year plan for the promotion and protection of human rights (2013-2023) which included the adoption of policies promoting human rights in all areas.

Cooperation with international mechanisms:

- 14- Sudan reports submitted late and new to a number of regional and international mechanisms and cooperation independent expert and thematic special rapporteurs who visited the Sudan during the reporting period.
- 15- The relations between the Government and the UN African Mission in Darfur hybrid to go better than if taking into account the obligations of the parties. The Government occasionally dimensions one of the employees of the UN agencies for causes valued by Government.

Equality and non-discrimination:

- 16- Some legislation has been amended and taking some measures to ensure greater equality and non-discrimination, where the elections law was amended in the year 2014 to raise the proportion of women in Parliament seats from 25% to 30%. Banks also expanded on the work of microfinance for women of the family Bank and the realization of the strategic plan for combating violence against women (2012-2016), Sudan ranks first on the level of Arabic countries in terms of women's participation in political life.
- 17- Also, various measures have been taken with a view to equality and non-discrimination against persons with disabilities, where the first regulation was passed to regulate the work of educational establishments for the disabled, as the common reference dictionary is designed for the deaf number 1450 term. And information agreements signed with a number of machines for the production of special programmes for the disabled (93 tv work, 6 emissions Sudanese and two) as recommended to configure four sports associations for the disabled.

18- Despite the criminal resolution No. (1) in 2004 from the Minister of Justice, which ensures emergency procedure before the procedure, still Örnek who (8) Criminal Code constitutes an obstacle to victims for access to justice in some States experiencing violence based on SGBVtype. Domestic violence and sometimes undermine Tribal Justice efforts in empowering women and protecting the rights of the child in many States.

The right to life, liberty and security of person:

19- Although Sudan is one of the most secure countries in most of the rest with the exception of the zones of armed conflict, as enshrined in the Constitution, but the reporting period has witnessed a number of events that have affected the right to life, liberty and personal security is perhaps the most prominent events of September 2013 and demonstrations that killed eighty-eight citizens as official statements, while the civil society organizations that the number exceeded 200. Regardless of the veracity of any estimates or statements the official report on the events of public opinion did not possess.

20- To know the number of victims and the extent of the losses and the perpetrators of these crimes and bring them to justice is one of the requirements of Justice. Some are in those specific charges in those incidents. It is compensation for the victims and their families as well as one of the pillars of the remedy. We must move forward in the implementation of the decision of the President of the Republic to compensate the families of victims of the events of September 2013.

The administration of Justice, impunity and the rule of law:

21- Despite many efforts to reform legislation and publications, regulations, training for law enforcement officials, however, during the reporting period under the State of emergency and police stations were closed and local courts to Kutum, Northern Darfur, in August 2011 to this report which threatened the six rights and freedoms guaranteed by the Constitution in case of emergency. It also considers the complexities of immunity is one of the most important obstacles to justice in Darfur and in other parts of the country. He stressed that the Darfur crimes prosecutor in one of the workshops held by the Advisory Council for human rights on immunities during the reporting period.

22- During the reporting period UNHCR amounted to an allegation of raping 200 women a repented village of North Darfur State. The Office has investigated the claim and did not prove her rape.

23- UNHCR monitored the situation in prisons, particularly State and they don't fit the standard minimum rules for the treatment of, particular rules of Bangkok in the treatment of prisoners. Also spotted having children with their mothers in prison in similar situations. These prisons are due to poor resources for prisons. Nevertheless, there is considerable scope in the prison regulations to visit relatives and legitimate holiday for prisoners and prisoners.

- 24-** From time to time is preventing some of the leaders of opposition political parties and some civil society activists from leaving the country without legal reasons sometimes are stamped and delivered them later contrary to freedom of movement guaranteed by the Constitution.
- 25-** During the period covered by the report the arrest of several opposition leaders and human rights defenders whom exceeded the statutory period without trial, in contravention of national legislation webenthk of their rights guaranteed by the Constitution. OHCHR visited detainees and assured their conditions and ensure their rights as in the cases of Mr. Sadiq al-Mahdi, head of the opposition National Umma party and Dr. Amin Mekki Medani, President of the Confederation of civil society and Mr. Knight Lina Secretary for strong national consensus. UNHCR calls on authorities to release the detainees or brought to trial, which is what actually happens in most cases.
- 26-** UNHCR received various complaints about the closure of some cultural centres and the confiscation of their property. OHCHR has ascertained from the contrary to law and that the Office considers the urgent need to modify it to be consistent with the spirit and provisions of the Constitution, especially the articles on organizations and centres to organize their activities freely.

Freedom of expression:

- 27-** Is the increasing number of newspapers, radio, tv and online media and social networking sites operating in the Sudan one of the indicators to ensure freedom of expression. UNHCR has noted that all those means cash draws heavily for the Government and its policies and its symbols and uncover corruption in the State apparatus and finding criticism sometimes response as supplied with the means. Also was passed the law regulating the access to information act.
- 28-** There are many practices that reflect a positive image and impression about ensuring freedom. The Office has received a number of complaints substantiated has ascertained concerning the prevention of book to write or delete some columns and articles from newspapers. UNHCR had a role in a number of them to write.
- 29-** Was stop number 14 newspaper on 16 February 2015 and confiscating printed without the authorities issue any public announcement about the reasons for those actions. Although the Office had issued a statement about the incident but repeated on the second stop of fewer, and repeated on May 25, 2015 10 newspapers, which poses a threat to freedom of expression as guaranteed under the Constitution.
- 30-** Despite Sudan's acceptance of the recommendations to amend the press and Publications Act of 2009, in spite of the Government and a number of independent bodies and civil society organizations for a number of workshops in order to modify the law, but the law has not been modified throughout the reporting period. UNHCR agrees with the National Council for press and publications and the Union of

journalists and civil society activists on a number of articles of the law are incompatible with the spirit and not the provisions of the Constitution which calls for the speedy edit.

The right to social security and standard of living:

- 31- Been allocated 12% of roofs of commercial banks to fund microfinance projects within the poverty reduction plan, and the Ministry of welfare and social security through social funds projects in the fight against poverty. but the standard of living of the average citizen still suffers significant weakness to higher prices for goods and services. As well as raising the retirement age from 60 to 65 years old, which helps to improve the quality of life during those years.
- 32- In all State budgets reviewed by UNHCR did not allocate sufficient resources for health which reflected negatively on the right to health. Using national standards until we find that the level of health services is low compared with the Khartoum State experiencing the same shortages and medicines and other supplies. Despite the expansion of health and social insurance are located many essential drugs outside the umbrella insurance. The health sector is also suffering from the sweeping immigration staff to lower the working environment and lower salaries than lose the country a lot of experiences.

The right to education and cultural life of the community:

- 33- Although free and compulsory basic education guaranteed by law, but the inability of the State to provide basic needs to make educational institutions Government circumvent the law by charging through the Councils of parents who do not have compelled the Declaration fees, for the sake of the future of their children, given the low educational environment and the movement of qualified teachers to work in special schools and other organizations. This applies to all States of the Sudan. Although wizards school dropout still constitute an impediment to the right to education.
- 34- Schools in remote villages and urban periphery of their lack of bulk ingredients for educational process buildings, positioning and book and qualified teacher and others increasingly poor conditions in rural schools affected by armed conflicts.
- 35- Some institutions of higher education in Sudan teaching diploma for the first time during the reporting period, while the Ministry of education approved the inclusion of human rights teaching in schools and are now considering how to integrate it into the curriculum.

Refugees and asylum-seekers, displaced people and migrants:

- 36- Sudan is one of the largest refugee-receiving countries in the world, for a variety of complications occurring in countries next to Africa, and recently the security complexities in some Arabic countries after Arab spring. Sudan has also begun in recent years to witness the big waves of illegal immigrants across its eastern border. Sudanese authorities acknowledge not knowing the actual number of refugees and

immigrants of non-cooperation of the UN specialized agency. Authorities estimate the number of refugees according to the latest statistical year 2014 with about 676,362.

37- Under these circumstances, constantly growing complexities of refugees and asylum-seekers. In the clause and stopped aid and UN support for the voluntary return of those refugees and the large influx of illegal immigrants across the eastern border are preparing the environment for human trafficking crimes and suffered by migrants and refugees alike. Despite Sudan's version of the law regulating asylum Act 2014 and combating trafficking in human beings for the year 2014 and ratification of the relevant United Nations conventions, but that the fight against this crime is international where it's transnational crime requiring international cooperation and coordinated security still lacking Sudan which threaten the lives and dignity of migrants, refugees and asylum-seekers.

38- Authorities estimate the number of internally displaced people, 224, 273 citizen across 11 States and 131 go camp and pool. There are 89% of them in Darfur. Are being applied to five-year strategic plan for the years 2012-2016, with a view to the enforcement of the national policy for the displacement of options to return to villages that have been displaced, integration into the society in which they reside and resettle in any safe place in Sudan.

39- So far succeeded the voluntary return villages in addressing the problem of displacement but the number of displaced persons requires multiple options so that the number of displaced persons to return to their villages of origin and needing other processors. It is still the situation of displaced persons in camps vulnerable significantly as many camps lack basic rights that should be enjoyed by the migrant.

Pressing issues adversely affect the human rights situation:

Corruption:

40- Unfolded during the reporting period, many big corruption cases, involving a number of institutions and the resources and capacities of the State had been squandered by corruption. The application of electronic funds collection system is one of the great gains which, in turn, revealed the huge amount of funds collected and expended outside the authority of the Ministry of finance. There is no doubt that corruption has negative impact on the ability of the State to ensure the rights of its citizens.

Unilateral coercive measures imposed by America on Sudan:

41- U.s. sanctions on Sudan continued unabated throughout the period covered by the report. The sanctions have led to the collapse of the national carrier, Sudan get free currency export earnings, debt relief, and he lost opportunities impacted directly on major development projects and destabilize Sudan employment advanced technologies in health, agriculture, industry, oil and other which reflected negatively on the enjoyment by citizens of their rights, especially economic, social and cultural rights, including the right to development.

Recommendations:

42- Recommendations to the Government of the Sudan:

- 1- Continuation of the review of national legislation to conform with the Constitution, especially the press and Publications Act of 2009 and voluntary work Act of 2006, enacted new legislation to promote and protect the rights guaranteed by the Constitution.
- 2- Accession to the international conventions that have not yet acceded to the Sudan.
- 3- Reconsider rejected recommendations on amending some laws to conform with the Constitution.
- 4- Review the armed forces act to ensure not to prosecute civilians in military courts.
- 5- Advancing national dialogue with other community components to the ends to ensure the promotion and protection of human rights.
- 6- Put stringent measures to combat corruption.
- 7- Increased allocations for health, education and the fight against poverty in the general budget.
- 8- Use appropriate force in the dispersal of demonstrations and prevent politicians and activists from traveling except by law.
- 9- The publication of the report of the Commission of inquiry into the events of September 2013.
- 10- Efforts to achieve peace and greater attention to the development of areas affected by armed conflict.
- 11- Provide greater physical capabilities of the national human rights Commission to enable it to discharge its responsibilities and fulfil its mandate.

43- Recommendations to the international community:

- 1- Work on lifting unilateral coercive measures imposed on the Sudan.
- 2- Meeting its commitments made in support of the promotion and protection of human rights.
- 3- Increased attention to National Commission for human rights and capacity-building.

44- Recommendations for universal periodic review mechanism:

- 1- Multiply the number of pages available for national human rights institutions to prepare written reports of the mechanism, so that should not be equated with civil society organization working in one area only.
- 2- Encourage States to make recommendations specific and measurable.