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Sudan

* The present document is being issued without formal editing.



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Introduction

1. The Republic of the Sudan is honoured to be submitting its third national report to the universal periodic review mechanism, in accordance with the general guidelines of the Human Rights Council and the guidelines for drafting reports for the universal periodic review mechanism. As this report is being submitted, Sudan is fulfilling its obligations to follow up on the outcome of the second cycle of the universal periodic review, and the report will cover developments in the promotion and protection of human rights since the presentation of the second national report.
2. The present report is being submitted during a period of transition occasioned by the widescale uprising of the Sudanese people, which was followed by the creation of a transitional government to pave the way to democracy. The task during the transitional period is to respond to the demands of the revolution and to achieve the goals of freedom, peace and justice.
3. Sudan is submitting its third report following the creation of a country office. In fact, Sudan signed an agreement with the Office of the United Nations High Commissioner for Human Rights (OHCHR) for the establishment of such an office in the country, in September 2019.
4. Sudan reaffirms its respect for and adherence to the outcomes of the universal periodic review, in accordance with paragraph 5 (e) of General Assembly resolution 60/251 of 2006 and with Human Rights Council resolutions 5/1, 16/21 and 17/119.
5. The report reflects developments related to the promotion and protection of human rights since the submission of the second report, and to the implementation of the recommendations accepted by Sudan. It also explains the obstacles the State is facing as it seeks to ensure a wider enjoyment of human rights.

I. Methodology for follow-up to the universal periodic review and report preparation process

A. Methodology for follow-up to the universal periodic review

6. Sudan drafted its third report under the universal periodic review mechanism, in line with the standards, goals and principles of the review and with the general guidelines (including updates) relative to the preparation of information requested under the universal periodic review. The structure of the report is consistent with the guidelines for drafting reports for the third cycle of the universal periodic review mechanism. In order to avoid repetition, information regarding developments since the submission of the second national report has been integrated into the section on measures taken to implement the recommendations.
7. The report details the efforts made by Sudan to implement the recommendations made by the periodic review mechanism following the review of its report under the second cycle, in 2016. That review yielded 244 recommendations of which Sudan accepted 180 and noted 64. The Government of Sudan has effectively adopted these recommendations in the transitional period, during which all international human rights standards and norms have been accommodated.

B. Report preparation and consultation process

8. In drafting this its third report, Sudan adopted a consultative and participatory methodology that is coherent with the guidelines of the United Nations. In preparing the text, Sudan engaged in a high-level consultative process involving all relevant stakeholders in the executive, the legislature and the judiciary as well as the Office of the Public Prosecution, competent agencies, civil society organizations, the national human rights institution and development partners, the purpose being to collect data and information in fulfilment of

obligations arising from the discussion of its previous report. The National Human Rights Mechanism, which was established under Council of Ministers Decree No. 25 of 2021, was the body chiefly responsible for drafting the report and continuing the State's constructive dialogue with the Working Group on the Universal Periodic Review.

9. The current report was drafted following a review of other reports submitted by Sudan to United Nations treaty bodies and of the recommendations those bodies made. Some 70 meetings and 30 workshops were held in that connection, in the capital and in the states, with the involvement of governmental bodies and civil society organizations as well as experts, academics, media figures and activists, and local authorities at both central and provincial levels. This led to the issuance of a list of recommendations which government institutions and ministries have acted to implement.

10. The report provides information on actions taken by Sudan over the past four years to implement those recommendations, in partnership with civil society organizations. It details the measures taken to improve the human rights situation and the progress achieved in the protection and promotion of such rights. Sudan is facing a series of challenges and difficulties, but the State retains the will to continue to develop human rights, in cooperation with international, regional and national mechanisms.

II. Developments in the promotion and protection of human rights

A. Public policies with a bearing on human rights

Period prior to the Constitutional Document

11. The Transitional Military Council, when it took power in the country, issued a number of decisions to promote and protect human rights. They included the following:

- Engaging Sudan to abide by the international instruments to which it is a party;
- Lifting the curfew and the emergency measures imposed before the revolution;
- Releasing all political prisoners detained by security services or convicted by emergency courts for participating in protests;
- Guaranteeing complete press and media freedom as well as freedom of organization and of peaceful assembly, and removing censorship on newspapers and media outlets;
- Imposing a cessation to hostility and a ceasefire in conflict areas;
- Blocking the enforcement of the Public Order Act;
- Engaging in negotiations with civilian bodies with a view to transitioning to civilian authority;
- Making a political declaration to establish a new phase in the country's history, one marked by peace, democracy, rule of law and human rights;
- Establishing the principle of accountability by creating mechanisms to investigate all allegations of human rights violations and involvement in corruption, and to pursue them before the courts.

Period following the Constitutional Document

12. This phase marks the beginning of transition to civil authority as follows:

- Agreement between the civilian and military components on a political declaration;
- Formation of governing structures in the form of the Sovereignty Council and the Council of Ministers;
- Entry into force of the Constitutional Document, chapter XIV of which contains the Bill of Rights. The Bill contains safeguards for the protection and promotion of human

rights, most significantly in article 42 (2), which states that treaties and covenants are an integral part of the Constitutional Document itself.

B. International instruments

13. Since submitting its second report, and in reaffirmation of its respect for human rights, Sudan has acceded to and ratified the following instruments:¹

- Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29), ratified by Sudan in 2020;
- Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), ratified by Sudan in 2020;
- Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), ratified by Sudan in 2020;
- A tripartite agreement between Sudan, Chad and the Office of the United Nations High Commissioner for Refugees (UNHCR) concerning Sudanese refugees in Chad, 2018.

14. Procedures for ratifying one treaty are still pending:

- Protocol on the Statute of the African Court of Justice and Human Rights, 2008.

C. National legislation

15. Since submitting its second report, the Government has issued a body of laws and legislation to promote fundamental freedoms and protect human rights. The most significant of these are:²

- (a) Public Prosecution Act, of 2017;
- (b) Act on the Commission to Reform the Legal and Justice System, of 2020;
- (c) Peace Commission Act, of 2021;
- (d) Act on the Commission to Combat Corruption and Restore Public Funds, of 2021;
- (e) Transitional Justice Commission Act, of 2021.

16. A number of laws have been amended to bring them into line with international treaties. They include:

- (a) Criminal Code of 1991, amended in 2020;
- (b) Code of Criminal Procedure of 1991, amended in 2020;
- (c) National Security Act of 2010, amended in 2020;
- (d) Political Parties Act of 2007, amended in 2020;
- (e) Passports and Migration Act of 2015, amended in 2020;
- (f) Anti-Human Trafficking Act of 2014, amended in 2021;
- (g) Trade Unions Act, amended in 2021.

17. The Government is considering a number of bills. They include:

- (a) Bill on the National Human Rights Commission, of 2020;
- (b) Bill on transitional justice, of 2021;
- (c) Bill on children's rights, of 2021;

D. Mechanisms

18. In the context of implementing international treaties, the Government has created a number of national mechanisms to protect and promote human rights and public freedoms. They include:

(a) *National Human Rights Mechanism*

The Mechanism, which was established under Decree No. 25 of 2021 of the transitional Council of Ministers, drafts the periodic reports of Sudan to international bodies and follows up on the recommendations those bodies make by developing plans for their implementation with the relevant State actors. The Mechanism includes representatives from various government ministries.

(b) *Office of the Public Prosecution 2017*

The Office of the Public Prosecution has been separated from the Ministry of Justice and has become an independent entity. It receives reports of criminal cases, conducts inquiries and investigations into them and pursues them before the courts.

E. Policies, plans, strategies and programmes

19. The Government has continued to develop strategies, plans and programmes, which it is seeking to roll out. They include:

- National Quarter-Century Strategy 2007–2031;
- National Population Council Strategy 2020–2024;
- Five-Year Strategic Plan of the Ministry of Health 2017–2020;
- National Strategy for the Elimination of Female Genital Mutilation 2008–2018;
- National Plan for the Protection and Promotion of Human Rights in Sudan 2013–2023;
- National Strategy for the Eradication of Poverty;
- National Programme for Sustainable Development 2016–2030;
- Standard national operating procedures for the prevention of gender-based violence 2020;
- National Plan – between the Government of Sudan and the United Nations – to Prevent the Recruitment of Child Soldiers 2016;
- National Health Insurance Fund Strategy 2021–2024;
- National Population Council Strategy 2020–2024;
- Strategy and Plan for Reforming Secondary Education Policies 2012–2015–2021.

III. Measures taken to implement the recommendations

International obligations and ratification of instruments

Recommendations Nos. 138.1–138.13, 140.1–140.19 and 141.1–141.13

20. Since submitting its second report to the universal periodic review mechanism, Sudan has reaffirmed its will to abide by international human rights standards which, it believes, are an important way to strengthen cooperation with international mechanisms and fortify the legislative edifice of human rights.

21. Sudan has ratified the following instruments:

- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), ratified by Sudan in 2021;
 - International Convention for the Protection of All Persons from Enforced Disappearance (2006), ratified by Sudan in 2021;
 - Convention against Discrimination in Education (1960), ratified by Sudan in 2018.
22. Sudan is in the process of ratifying the following instruments:
- Convention on the Elimination of All Forms of Discrimination against Women (1979);
 - Rome Statute of the International Criminal Court (1998);
 - International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990);
 - Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) (2003).
23. Sudan is examining the following instruments:
- Domestic Workers Convention, 2011 (No. 189);
 - Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2002);
 - Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (1998);
 - Optional Protocol to the Convention on the Rights of the Child on a communications procedure;
 - Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (1999).

Constitutional and legislative framework

Recommendations Nos. 138.14–138.28, 138.74, 139.14, 140.20–140.30, 140.36, 141.14–141.19, 141.21, 141.41 and 141.42

24. The State has continued to reform and develop domestic legislation by amending existing provisions or passing new ones, in line with obligations arising from international instruments and with a view to promoting and protecting human rights and fundamental freedoms. Since the submission of its second report, the State has issued the Constitutional Document for the transitional period in addition to a number of pieces of legislation, as follows:

(a) Constitutional framework

In line with obligations arising from international instruments and with a view to promoting and protecting human rights and fundamental freedoms, in 2019 the transitional Government issued the Constitutional Document for the transitional period, which included the Juba Peace Agreement. The most significant provisions of the Document include:

- Citizenship as the bedrock of rights and duties, without discrimination on grounds of race, religion, culture, gender or colour (art. 4);
- The Constitutional Drafting and Constitutional Conference Commission (art. 39 (3) (c));
- A constitutional conference to finalize the country's Constitution, with the agreement of all parties in Sudan, before the end of the transitional period (art. 9).

(b) *Legal framework*

The State has embraced a programme for the reform of domestic laws whereby amendments have been made to provisions in the Criminal Code, the Code of Criminal Procedure, the Political Parties Act, the Passports and Migration Act and the National Security Act that violated or restricted human rights. These texts have been brought into line with the Constitutional Document, as follows:

- Lifting the immunities envisaged for members of the security forces under the National Security Act;
- Criminalizing and punishing the practice of female genital mutilation (art. 141 (a) of the Criminal Code);
- Decriminalizing apostasy and criminalizing violations against the religion or beliefs of others (art. 126 of the Criminal Code);
- Increasing the penalty for torture when committed by a person invested with public authority (art. 115 (2) of the Criminal Code);
- Allowing a child offender to be referred to a community institution designated by the Office of the Public Prosecution or the courts (art. 147 (a) of the Criminal Code);
- Abolishing all corporal punishments envisaged for *ta'zir* offences under the Criminal Code;
- Replacing article 152 of the Criminal Code, which penalized indecent attire, with a provision penalizing indecent acts of a sexual nature;
- Applying, in the Criminal Code, non-custodial penalties of community service to women who are pregnant, breastfeeding or have small children;
- Repealing article 12 of Passports and Migration Act, which required the written consent of a guardian before a child could leave the country accompanied only by its mother;
- Increasing the penalty for trafficking in women and children under the Anti-Human Trafficking Act of 2014.

(c) *Bills*

The process of legislative reform also envisages the review and enactment of a number of bills:

- Bill on personal status;
- Bill on press and printing;
- Bill on the National Human Rights Commission;
- Bill to combat domestic violence;
- Bill to combat racial discrimination.

Promotion and protection of human rights

Institutional reform

Recommendations Nos. 138.17, 138.71, 138.72, 138.56 and 138.57

25. The State has taken the following steps in pursuit of institutional reform:

- Separating the post of Public Prosecutor from the executive branch;
- Establishing the National Human Rights Mechanism in 2021;
- Re-establishing the National Committee for International Humanitarian Law;
- Setting up human rights departments in ministries and government agencies.

Comprehensive strategy and national action plan on human rights

Recommendations Nos. 138.44–138.50

26. The Government has issued decrees to launch the process of drafting a national human rights strategy, an outline of which has been prepared in consultation with the competent executive bodies. The aim is to establish human rights principles and a human rights culture, at the level of ideas as well as in law and practice, and to respect the inherent dignity of all human beings. Human rights, in fact, have come to constitute the central focus of relations between States and of a State with the citizens and residents on its territory. The strategy includes numerous themes all of which aim to promote and protect human rights.

National Human Rights Commission

Recommendations Nos. 138.37–138.43

27. In 2020, in partnership with stakeholders, the Government drafted a bill on the National Human Rights Commission, which is consistent with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Consultations on the bill are currently taking place preparatory to legal steps for the due enactment of the bill by the competent authorities.

International support

Recommendation No. 138.33

28. One of the challenges the nation is facing is the weakness of the budgets available for the implementation of strategies and programmes to protect and promote human rights. This is due to the economic situation in the country and its high rate of inflation not to mention past armed conflicts in Darfur, Southern Kordofan and Blue Nile and the fact that Sudan plays host to a large number of refugees. All this obliges governmental and non-governmental bodies to seek resources by establishing partnerships with United Nations agencies, to develop existing partnerships and to pursue cooperation and coordination between government institutions, national, international and regional organizations and civil society groups.

29. The Government has signed a number of agreements and entered into joint plans with international and regional organizations to support human rights activities in the Sudan. These include the regional office, the United Nations Special Development Fund, the United Nations Children's Fund (UNICEF), the United Nations Population Fund (UNFPA), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and other organizations.

Economic, social and cultural rights

Social and economic growth and combating poverty

Recommendations Nos. 138.55, 138.58 and 138.104–138.109

30. In line with its obligations under the Constitutional Document, the State is enacting a programme of socioeconomic reform to address the economic crisis and halt the economic collapse, one of the chief causes of which were the unilateral coercive sanctions imposed on the country in the past. In that connection, the roll-out has continued of strategies and plans to promote economic and social growth. Particular attention has been focused on combating poverty, in which regard State institutions and official funds (the Zakat Office, social security funds and relevant ministries) have been striving to achieve economic reforms, in the context of five-year programmes. Efforts towards curbing poverty are also made by voluntary groups and civil society organizations.³

31. The State has developed a number of strategies, plans and programmes to address the economic crisis. They include:

- National Quarter-Century Strategy 2007–2031;
- National Plan for the Protection and Promotion of Human Rights in Sudan 2013–2023;
- National Strategy for the Eradication of Poverty;
- National Programme for Sustainable Development 2016–2030;
- Sudan National Nutrition Plan 2008;
- National Population Council Strategy 2020–2024.

32. The State is working on a national employment policy consistent with the aspirations enshrined in the National Development Plan, which aims to provide full, productive and decent employment for both men and women. The necessary studies and surveys have been conducted and the policy is now at the approval stage.

33. The Council of Ministers issued its Decree No. 43 of 2018, which envisaged the creation of the Supreme Council for Social Welfare and Poverty Reduction. The Council acts as a coordinating body that unites and focuses official and voluntary efforts with the aim of formulating a new vision of social welfare linked to socioeconomic development, poverty alleviation and the realization of the 2030 Sustainable Development Goals. Its mandate includes drafting national policies, plans and programmes related to social welfare and poverty reduction.

34. A draft national strategy for social welfare and poverty reduction has been drawn up.

35. The official and voluntary institutions of the State have adopted a raft of policies and strategies aimed at reducing poverty.⁴

36. The State has developed an overall vision for a strategic framework to tackle multidimensional poverty. The strategy, which seeks to address challenges that hinder government efforts to eradicate multidimensional poverty, includes the following:

- Policies and programmes on education;
- Policies and programmes on health;
- Policies to improve standards of living among the poor;
- Policies for effective social development;
- Policies and programmes for the provision of housing and public facilities;
- Programme to support poor families under the auspices of the Ministry of Social Development;
- Programme to support graduates;
- *Thamrat* family assistance programme;
- *Sil'ati* programme for cooperatives.

37. The State has redoubled its efforts to reduce poverty and improve living conditions in rural areas, via the following measures:

(a) Direct social support in the form of cash for poor families and for persons working in the informal sectors such as food and drink vendors, craftworkers, small business owners and day labourers;

(b) The comprehensive social welfare programme, which envisages a package of measures to reduce poverty, promote human capital and build capacities in society as a whole. It focuses particularly on the poorest regions where its aim is to provide social welfare, build development structures, raise awareness and draw upon the existing human potential to promote development;

(c) The comprehensive social welfare programme, which targets areas that are most in need and most vulnerable, includes a raft of measures that continue to be applied until their impact become apparent. It consists of the following:

- Food security and livelihood projects;
- Water and environmental improvement projects;
- Health projects;
- Community awareness services;
- School meals projects for the basic level of education.

(d) The comprehensive social welfare programme envisages anti-poverty action via support for production projects among target groups:

- The provincial livelihood project targets 559,000 poor families with agricultural, livestock and industrial production projects;
- The provincial water project targets 150,942 poor families in 7 states;
- The school meals project has been rolled out in 13 states;
- The community awareness project has been rolled out in 8 states.

38. A memorandum of understanding has been signed with UNICEF on a pilot project under which cash transfers would be made to mothers for the first 1,000 days of their child's life. The project targets 50,000 mothers in the states of Kassala and Red Sea;

39. A memorandum of understanding on facilitated loans was concluded in July 2019 to enable target groups to gain easy access to funding. In fact, funding has been provided to 7,751 beneficiaries and 135 women's groups and associations via the Savings and Social Development Bank and the Family Bank. A total of around 250 million Sudanese pounds has been allocated by the two banks for the loans scheme, 100 million by the former and 150 million by the latter.

40. The Poverty Reduction Commission has implemented programmes to mitigate the social and economic impacts of the coronavirus disease:

- Direct cash support, which targets 430,000 families with cash transfers of 3,000 Sudanese pounds per family. This has benefited 226,223 families in the state of Khartoum and 203,777 in other states across the country;
- Support in kind (food basket), which has benefited 570,000 families in the state of Khartoum who have been affected by the pandemic and by flooding;
- A tri-state programme;
- An increase in the wages of civil servants;
- A survey into the budgets of poor families.

41. The Zakat Office runs technical assistance, poverty alleviation and training projects for poor persons who are able to work, in rural areas and in the states.

42. Sudan has received support from the International Fund for Agricultural Development (IFAD) to fight poverty and improve food security, at both the federal and the state levels.

43. Funding is provided to cooperative associations to help ensure the availability of basic goods at cost price. The Poverty Reduction Commission has funded 300 cooperative associations, of which 200 are consumer associations and 100 are production associations, the aim being to stimulate local production and stabilize the price of consumer goods in marginalized areas where basic services are lacking.

44. This project is being implemented in partnership with the Sudanese Consumer Goods Company, which supports cooperative associations (consumer associations, production associations and service associations) in order to promote the cooperative sector, reduce costs of living for citizens who are members of those associations and increase production capacity. This is achieved through the *Sil'ati* programme which subsidizes consumer goods, bypasses non-productive intermediaries and raises the productive capacity of cooperative associations.

Right to health

Recommendations Nos. 138.110–138.112, 138.121 and 138.122

45. The State works to ensure access to health-care services for all persons, without discrimination, by implementing its health strategy and transforming its policies into viable plans on the ground.

46. The State has adopted a comprehensive system of health insurance coverage – expanding the health insurance umbrella to cover all groups in society – to ensure that both individuals and families are protected against health-related risks and to prevent them from falling into poverty.

47. The State has adopted a four-year strategic plan 2021–2024, which includes the following goals:

- (a) Increasing health insurance coverage from 80 per cent to 90 per cent of the population;
- (b) Making high-quality and sustainable health services available to ensure effective health-care coverage;
- (c) Providing sufficient and sustainable funding and optimizing the transparent use of resources;
- (d) Raising awareness about insurance and communicating effectively with stakeholders;
- (e) Strengthening partnerships to achieve those goals.

48. As of the first half of 2021, the cumulative number of participants had reached 34,551,578, following the introduction of 394,912 new participants.

- Coverage for 2021 has been extended to 1 million poor families, and administrative and technical steps for the issuance of cards are being finalized;
- A health-care system is being rolled out for persons injured and the families of persons killed in the revolution of December 2018;
- Eighteen thousand families are being funded by the Rahad Agriculture Foundation and the International Organization for Migration (IOM);
- The database of contributors to the health insurance system is being linked to the civil registry database and the *Thamrat* family assistance programme.

49. The map of health service providers has been expanded with the addition of a 220 providers, bringing the total to 3,971 providers across all states of Sudan.

- Health care in remote areas is provided through tents, treatment days and visiting specialists; 222 camps have been set up benefiting 50,789 citizens;
- The programme “100 treatment days” has been launched to provide health services in remote areas as well as to displaced persons and nomads.

50. Support for the health-care system in the states:

- Medical equipment has been supplied to support health care in 11 states;
- Diagnostic services have been localized in the states;
- The Oulu Hospital has been built in the Bao district of Blue Nile state;
- Equipment and supplies have been provided for the operation of 11 centres in camps for displaced persons and voluntary-return villages in the states of Central Darfur and Northern Darfur;
- Preventive measures have been taken to combat the COVID-19 pandemic at both provincial and central level;
- A unified medical supply system has been rolled out with four branches: Northern, River Nile, Red Sea and Al-Gazira.

51. Thanks to communication with leaders of popular voluntary initiatives in camps for displaced persons, two state-level volunteer networks have been established, bringing the total number of such networks to nine, in partnership with the World Health Organization (WHO).

52. The State has entered into the following partnerships with international organizations with a view to strengthening the institutional structure of the National Social Insurance Fund:

- A partnership with the Japan International Cooperation Agency (JICA), which includes an expert to follow up on implementation, value: \$3.5 million;
- A partnership with the African Development Bank to build institutional technical and training capacities, value: \$850,000;
- A partnership with WHO on projects to strengthen the health-care system and improve institutional capacities, in cooperation with the European Union;
- A partnership with the International Labour Organization (ILO) to support social protection projects and universal health coverage;
- A partnership with the Italian Agency for Development Cooperation in the area of training and institutional capacity development;
- An agreement between the Ministry of Health and international organizations on a health insurance platform to follow up on the activities carried out by partners and to examine outcomes.

53. COVID-19 pandemic:

- The State has taken upon itself to test and vaccinate all citizens against COVID-19, in cooperation with UNICEF and WHO;
- The State has adopted preventive measures during the pandemic, providing vaccines and opening neighbourhood vaccination centres. It has also worked to support citizens during lockdown, making information available via a telephone hotline and raising awareness via the media;
- In order to determine the extent of the spread of the virus, the Ministry of Health has compiled statistics on the number of persons infected, including how many have recovered and how many died.

Right to education

Recommendations Nos. 138.112–138.125

54. As part of its continuing efforts to ensure universal access to basic education, the State adopted its education strategy 2007–2031. The strategy aims to reduce disparities in quality and to increase the level of education among girls, focusing particularly upon nomads and displaced persons. Five-year educational plans have also been rolled out, which emphasize the importance of generalizing basic education, increasing rates of completion, reducing dropout and training teachers.

55. Part of the State's efforts to expand education have involved creating new classrooms in order to address admission disparities, particularly for certain groups. Efforts in this regard are being made by the Ministry of Education, state ministries and partners, and both educational indicators and an analysis of the current situation in schools show that steady progress is being made.

56. To implement its education strategy, the Government has launched a number of educational support projects that aim to provide stability for students and to combat poverty. These include:

- A project to expand pre-school education;
- A project to improve the school environment and the working environment;
- A project to provide school meals;

- A project for the education of nomads.

57. In enactment of the national education plan, which has been updated for the period 2018–2022, the Government has continued its efforts to improve education, following the priorities and goals outlined in the plan, which over previous years has been implemented at the sub-sectoral level. The most important goals are to strengthen the education system in Sudan, to improve access to free basic schooling and to achieve education for all. Sudan, in fact, has witnessed a steady improvement in basic education over the past decade. The total number of schools (State-run and private) has increased by 2,800 meaning that an additional 1 million children have been able to access education. Over the same period, moreover, the number of pupils who completed their primary education and moved to secondary school rose from 251,000 to 336,000, while the pre-school enrolment rate stood at 43 per cent in 2017.

58. Under the Asylum Act of 2014, the Commission for Refugees has set up schools inside refugee camps. The schools follow the curriculum of the Ministry of Education. Working in cooperation with UNHCR, the Commission also provides the necessary school supplies.

59. With support from UNICEF, the Ministry of Education has conducted a study into the expected costs and funding of providing quality public education. The study focused on equality and on the integration of vulnerable children and communities, including refugees and displaced persons.

60. In implementation of the Convention against Discrimination in Education, which Sudan has ratified, the Government has adopted additional policies aimed at integrating children into basic education. The Council of Ministers has identified governmental priorities for the transitional period, which include 10 main goals, among them that of increasing admission rates to education at all levels and guaranteeing quality education for all.

61. In the context of its alternative education programmes for children and young people, the State has striven to provide vocational and professional education for children who have completed the basic level of schooling.

62. The Ministry of Education runs 28 centres across the various states of the country. These are attended by 4,289 pupils, who account for 0.6 per cent of all children in secondary education. A number of other ministries also have their own institutes.

63. According to a UNESCO report, the overall enrolment rate in basic education increased slightly between 2009 and 2017 from 72.35 per cent to 76.82 per cent. For its part, the Ministry of Education recorded a figure of 72.5 per cent for 2017.

64. The 2017 primary school enrolment rate and annual trends both show a significant disparity between girls and boys, depending upon the state. In fact, the overall enrolment rate for boys stands at 75 per cent while for girls it is 71 per cent. However, in most states the gap between boys and girls is small.

Women, children and persons with disabilities

Women's rights

A. Promoting the rights of women

Recommendations Nos. 138.30, 138.35, 138.52, 138.64, 138.65, 138.68, 138.69, 138.70, 138.76, 138.87, 138.88, 138.93, 138.102 and 138.103

65. Women are guaranteed all their civil, political, social, economic and cultural rights under article 49 of the Constitutional Document, which upholds women's rights in all areas and enjoins the State to practise positive discrimination in their favour, to combat customs and traditions that are harmful to their dignity and to provide free health care for mothers, children and pregnant women.

66. In order to achieve equal rights between women and men in all areas of life, continuous efforts are being made to uphold principles of equity and justice and to

consolidate the advances women have made. Article 28 of the Civil Service Act includes provision for equal wages for work of equal value, and the Act applies the general rule that employment in public service is to be on the basis of merit and free from discrimination. In the same way, article 59 of the National Civil Service Regulations of 2007 envisages equal rights to promotion while, under article 61, the choice and evaluation of candidates for promotion is to be exclusively merit-based. Other laws and regulations governing the civil service envisage further entitlements for women.

67. The State has taken positive steps to empower women and enable them to enjoy a greater number of civil and political rights. Under the Constitutional Document, at least 40 per cent of the members of the Legislative Council are to be women.

68. A number of policies, strategies, plans, programmes and projects have been prepared. The most significant of these was the national policy for the empowerment of women, which the Government approved in 2007 then updated in 2017. An action plan for the implementation of the policy at the central level and in the states has also been adopted as part of government plans, in line with the Agenda 2063 of the African Union and the 2030 Sustainable Development Goals. Various activities, programmes and projects are run in cooperation with United Nations agencies and with other bodies and institutions, and a national gender equality action plan has been adopted.

69. In line with the Constitutional Document, the Government has appointed women to leadership positions, including that of presidency of a state and head of a ministry, as well as to leading roles in the judiciary.

70. Women's issues have been integrated into various sectors where they have been given support in the performance of their jobs with capacity-building and skills development. A ministerial committee has been set up to review legislation affecting women.

71. One State initiative in the area of education has been the education strategy 2007–2031. A five-year educational plan has also been rolled out, which emphasizes the importance of generalizing basic education, increasing rates of completion, reducing dropout, training teachers and creating new classrooms in order to address admission disparities.

72. A strategy has been developed which aims to reduce disparities in quality and to increase the level of education among girls, focusing particularly upon nomads and displaced persons.

73. Public awareness about issues affecting women and their rights is being promoted, in which regard a number of alliances and other bodies have been formed, and community advocacy initiatives on behalf of women have been organized.

B. Protecting women and combating violence

Recommendations Nos. 138.34, 138.66, 138.67, 138.77 and 138.80–138.82

74. A framework agreement to combat sexual violence in conflict zones was signed in New York in March 2020 between the Government of Sudan and the Special Representative of the Secretary-General. A ministerial mechanism for the implementation of the agreement has been formed.

75. The State's responsibility to protect women's rights as enshrined in international and regional agreements ratified by Sudan is set forth in article 49 of the Constitutional Document, which upholds women's rights in all areas and enjoins the State to practise positive discrimination in their favour, to combat customs and traditions that are harmful to their dignity and to provide free health care for mothers, children and pregnant women.

76. The Constitutional Document and the Juba Peace Agreement envisage a political will to uphold freedoms and to provide opportunities for the involvement of women at a level of at least 40 per cent.

77. The State has developed its national strategy to combat violence against women 2015–2030.

78. In 2020, in the context of the women and peace and security agenda, the Council of Ministers endorsed a national plan regarding Security Council resolution 1325 (2000). The same issue is covered in the 2019 Constitutional Document, specifically in chapter XV on issues related to peace (art. 68 (3)), and it is one of the basic clauses of the 2020 Juba Peace Agreement. This is confirmation of the Government's concern for women. A ministerial committee has also been set up to implement the resolution.

79. The Government rolled out its national policy for the empowerment of women in 2007 then updated in 2017, making it part of overall development plans.

80. On 17 February 2020, a document was approved containing unified standard working procedures to address and respond to cases of gender-based violence in Sudan.

81. The Unit to Combat Violence against Women has been created, with support from UNFPA. The Unit, which acts as a coordinating mechanism for the implementation of policies intended to prevent anti-female violence, has been running a hotline for women who have suffered violence during the COVID-19 pandemic. Family and child units in the capital city and in the states also work to combat violence against girls. They include the General Directorate for Women and the Family, the Unit to Combat Violence against Women (which has 18 branches in the capital and in the states), state-level women's mechanisms and sectoral ministries. Moreover, there are women and family affairs departments in a number of ministries and government institutions, including in their offices at the state level.

82. With a view to ensuring the provision of integrated health services for women and girls who are victims of sexual violence, the Public Prosecutor issued circular No. 6 of 2016 under which women who have suffered violence or serious abuse are to be given priority access to immediate treatment and assistance. Under the order, such cases are given precedence over other cases and are not required to fulfil the requirements of schedule 8 before gaining access to testing, treatment or assistance. They also have the right to pursue legal action on the basis of the medical report, leading to the punishment of the offenders and compensation for the victim.

83. To uphold the principle of the rule of law and combat impunity, the Public Prosecutor has issued decrees for the formation of committees, made up of prosecutors and civil society representatives, to conduct investigations into cases involving violations of human rights and of international humanitarian law.

84. Family and child protection units, which incorporate specialized prosecution offices, have been set up in all states of Sudan.

85. In recognition of the efforts the Government has made in this connection, in February 2019 UNESCO awarded its Prize in Social Sciences, Humanities and Arts to the National Council for Child Welfare for the success of the *Saleema* initiative to end female genital mutilation.

86. The State has developed national policies, strategies and programmes that aim to reduce maternal and child mortality by focusing on the social, cultural and economic aspects of the phenomenon. Institutional mechanisms have been put in place to implement initiatives at the central level and in the states, and community networks have been formed to raise public awareness about issues surrounding maternal health.

87. A multiple indicator cluster survey is being developed in collaboration with UNICEF. It aims to monitor health and mortality indicators in children and in women of reproductive age and to discover how best to address them.

88. A survey has been conducted into the economic and social impact of the COVID-19 pandemic on women and on medium- and small-sized enterprises run by women.

89. Social support is being provided to midwives and they are being given their own projects to run in order to improve their income and encourage them to abandon harmful traditional practices.

90. Assistance is being provided with the provision of social services (health insurance and social welfare) in specialized centres in order to raise awareness about reproductive health.

91. Basic treatment and diagnostic facilities are being established, developed and equipped, while primary health care and mobile emergency services are provided to citizens free of charge.

92. The quality of reproductive health services is being improved and a national strategy is being developed that includes both long- and short-term plans.

93. In order to raise the general level of awareness among security services and the judiciary regarding domestic and sexual violence and female genital mutilation, security and judicial officials have received training, both in Sudan and abroad, on the subject of violence against women and children.

Rights of the child

Recommendations Nos. 138.83–138.89, 138.93, 138.94, 139.12 and 139.13

94. Over recent years, the State has been attaching increasing importance to the rights and welfare of children. In that connection, it has taken a number of legislative and administrative measures to guarantee the exercise of those rights and to provide the means to consolidate them within the framework of the integrated social development of families. The following steps have been taken:

(a) The State has guaranteed the right of free birth registration as a way of promoting and encouraging that practice. The Civil Registry Act 2011 envisages penalties for persons who fail to register the birth of their children;

(b) The State has set up an online network that connects maternity hospitals to the general administration of the civil registry via which births can be recorded with a national identity number; 343 of a total of 685 hospitals have been connected and work is still continuing;

(c) The State has adopted a national strategy to prevent child marriage, which is part of its national strategy for children 2018–2030. In addition to this, a national action plan to end child marriage in Sudan, rolled out in November 2017, has been updated for the period 2021–2031. The plan uses as its baseline a regional assessment of child marriage conducted by UNICEF in 2016;

(d) A bill to combat violence against women has been drafted, which includes provisions prohibiting early marriage. In addition, a ministerial committee has been set up to review legislation and laws on women and to address any loopholes;

(e) Female genital mutilation has been made a criminal offence under article 141 (a) of the Criminal Code as amended in 2020, and the Personal Status Act is being reviewed to bring it into line with international standards concerning age of marriage;

(f) A strategy to end female genital mutilation 2021–2030 has been drafted and is currently in the final stages of approval, and a proposal has been made to include that issue in the school curriculum.

Rights of persons with disabilities

Recommendation No. 138.126

95. The State has continued to be attentive to the rights of persons with disabilities. It has taken a number of measures to ensure the exercise of those rights as set forth in international treaties and to provide the means to develop and renew them within a framework of social development.

96. The State has made considerable efforts to implement the Convention on the Rights of Persons with Disabilities which it ratified, along with the Optional Protocol, in April 2009.

97. As concerns legislation, the State has adopted a constitutional and legal framework that ensures full protection for persons with disabilities. In fact, under article 64 (1) of the 2019 Constitutional Document, persons with disabilities are guaranteed respect for their

rights, freedom and human dignity, and they are given opportunities for education, employment and participation in society.

98. The Persons with Disabilities Act was passed in June 2017 with the aim of ensuring that disabled people are able to enjoy all their rights enshrined in the Convention on the Rights of Persons with Disabilities. The Act stipulates that persons with disabilities are to be integrated into all levels and types of education, on an equal footing with their peers.

99. In its efforts to pursue the effective implementation of legislative measures intended to combat violence against women and children, the State has taken steps to protect women and girls, particularly those with disabilities. In terms of legislation, the Criminal Code envisages penalties for crimes, such as sexual harassment, that fall under the definition of violence against women, while the 2014 Anti-Human Trafficking Act, as amended in 2021, envisages harsher penalties for trafficking when the victims are women, children or persons with disabilities.

100. As part of the right to health and treatment, medical aids have been included under health insurance, in accordance with the Health Insurance Act 2016, and the National Authority for Prosthetics and Orthotics, in coordination with the International Committee of the Red Cross (ICRC), supplies artificial limbs and movement aids at cost price. For persons unable to pay, the costs are met by the Zakat Office. For its part, article 4 (m) of the Persons with Disabilities Act states: “Persons with disabilities are to be covered by social security while health-care and therapeutic services related to mobility, hearing, sight and mental conditions are to be included as part of health insurance.”

101. During the course of 2016, 17,826 persons were brought under the health insurance umbrella while a further 54,555 persons with disabilities were included up to October 2017. These figures do not take account of beneficiaries within families. Moreover, in order to promote gender equality and to empower women and girls with disabilities and help them exercise their human rights, the protection of women with disabilities has been included in the raft of integrated policies envisaged under the national strategy to combat violence against women.

102. Sudan underwrote the Sustainable Development Goals in September 2015 whereby it committed to ensuring inclusive and equitable quality education for all. In that regard progress has been made on several fronts. According to article 62 (1) of the 2019 Constitutional Document for the transitional period: “Education is the right of every citizen, and the State is to guarantee access to education without discrimination on the basis of religion, race, ethnicity, gender or disability.” Article 62 (2) reads: “General-level education is compulsory and is to be provided by the State free of charge.”

103. The Public Education Planning and Regulation Act 2001 also envisages compulsory education for children (art. 13) and recognizes educational centres for persons with disabilities as part of the public education system (art. 14 (b)). For its part, the Persons with Disabilities Act 2017 stipulates that education is to be provided, without discrimination and in accordance with the type of disability, in order to achieve the goal of integration, with the provision of the necessary technical assistive devices and educational aides. Moreover, persons with disabilities are to be integrated into all levels and types of education, on an equal footing with their peers (section II, art. 4 (a) (c) and (d)).

104. A committee of specialists and experts has been formed, which will examine how to modify the basic-level curriculum in order to meet the requirements of persons with disabilities. In collaboration with the special education department within the Ministry of Education, the basic-level curriculum has been printed in Braille while, in collaboration with the National Federation of Blind Persons, the basic and secondary education curricula, as well as the private education curriculum have been copied into audio format.

105. In addition to this, the special education department has drafted a guide on schooling for persons who are deaf, which has been adopted by the Ministry of Education. A technical guide for the 2018 examinations for the basic-level certificate has been developed, which includes guidance on how to deal with basic-level students with disabilities of all kinds, and a sign-language dictionary has been compiled in collaboration with UNESCO.

106. In 2017, the National Federation of Deaf Persons and the Ministry of Justice compiled a draft sign-language dictionary of legal terminology, while a guide of Sudanese standards and specifications in Braille has been produced by the National Standardization Agency.

107. Despite the many challenges it faces, the State has made considerable efforts to ensure that children with disabilities are able to have an education. These efforts include the upgrading of the special education department within the Ministry of Education to the status of general department rather than subdivision and staffing it with qualified personnel to spearhead the implementation of the integrated education policy.

108. As concerns the right to work, the State has made notable efforts towards capacity-building among persons with disabilities to enable them to enjoy equal job opportunities, without discrimination. In this connection, the State has amended a number of its own laws.

109. The State drew up a strategy aimed at the economic empowerment and appropriate employment of persons with disabilities for the period 2017–2020, administered by the Ministry of Labour and Administrative Reform.

110. A detailed plan regarding the national policy for the empowerment of women was developed and incorporated into the second five-year plan 2012–2017. It was applied in the capital and in the states to women in vulnerable categories and women with disabilities.

111. As regards the provision of adequate accommodation to persons with disabilities, article 4 (u) of the Persons with Disabilities Act requires a proportion of land in the public housing plan to be allocated to such persons. In order to avoid long waiting lists, applications from persons with disabilities are examined by a committee set up to consider special cases.

112. The Persons with Disabilities Act provides that all relevant actors are required to give effect to the rights, privileges, facilities and exemptions envisaged for such persons; in addition, certain discriminatory conditions for access to public service have been removed, such as the medical fitness requirement. There has been a tangible improvement in the employment of persons with disabilities in the public sector, in line with the quota laid down in article 24 (7) of the 2007 Civil Service Act, which states: “A proportion of not less than 2 per cent of accredited posts shall be allocated for persons with disabilities, taking due account of the requirements of the job and the nature of the disability.”

113. A number of national mechanisms – such as the National Council for Persons with Disabilities – have been set up with a view to pursuing policies, plans and programmes for persons with disabilities and to monitoring the competent authorities to ensure that such persons are able duly to exercise their rights. There are also a number of centres for persons with disabilities, including: the National Federation of Blind Persons, the National Federation of Deaf Persons, the Organization for the Development of Persons with Disabilities, the Voluntary Habilitation Centre for the Protection of Women and Children and the Cheshire Home. All these federations and centres are involved in providing services, facilities and psychosocial guidance in several areas. The State has also developed its national strategy for persons with disabilities.

114. Policies, programmes and procedures have been put in place to disseminate the rights of persons with disabilities and to ensure they are able to participate in economic and social development. Measures have also been taken to reduce risks, avoid catastrophes, ensure humanitarian emergency responses and provide infrastructure access for persons with disabilities. In that connection, the State has adopted a strategy for the resettlement of displaced persons with disabilities in new villages, and has drawn up building plans for existing camps in order to provide better living conditions for affected populations and facilitate the exercise of their human right to adequate housing.

115. As concerns homeless persons with disabilities, a number of shelters exist in Khartoum state where children, young people and older persons with disabilities can find accommodation, basic health services, meals and clothing.

Strengthening State mechanisms related to care for the most vulnerable groups

Recommendation No. 138.52

116. As part of its efforts in this regard, the State has set up specialized mechanisms to promote the welfare of vulnerable groups such as women. The Ministry of Social Development – as the competent national institution charged with developing policies and strategies for vulnerable categories such as women and persons with disabilities – works as a coordinating body among the relevant authorities in the states.

117. The National Council for Child Welfare and the National Council for Persons with Disabilities have both been reconstituted.

118. The State has established women and family affairs departments in a number of ministries and government institutions and has set up departmental offices at the state level.

119. The State has formed training and technical support partnerships with United Nations agencies.

Fundamental freedoms

Freedom of belief

Recommendation No. 138.95

120. The State respects the right to freedom of belief, without discrimination. This is upheld in the Constitutional Document, which explicitly envisages freedom of belief, while the Juba Peace Agreement requires the State to enact legislation criminalizing racism and recognizing religious diversity.

121. As part of the legislative reforms, provisions criminalizing apostasy have been repealed while violations against the religion or beliefs of others have been declared criminal offences.

122. The Government has recognized the religious holidays of different faith communities and a council for religious coexistence in Sudan has existed since 2002.

123. As the result of its fulfilment of its international obligations vis-à-vis religious freedom, Sudan has been removed from the list of countries of particular concern.

Freedom of expression, freedom of peaceful assembly and freedom to form associations

Recommendations Nos. 138.96–138.101 and 140.49

124. Freedom of expression, freedom of peaceful assembly and freedom to form associations and organize are guaranteed under the Constitutional Document.

125. Anyone implicated in acts of repression or the killing of protestors is held accountable by the State. Moreover, the Constitutional Document restricts the powers of the general intelligence services to gathering and analysing information then presenting it to the competent authorities.

126. Laws regulating the press, publication and the media are being reviewed and amended to reflect values of freedom of expression and freedom of the media, to keep abreast of technological advances and to achieve consistency with recognized international standards.

127. As part of institutional reforms to the human rights system, the National Human Rights Commission, which acted as an observer to monitor any violations of human rights, has been dissolved. The Commission was an advisory, non-voting member of the National Human Rights Mechanism, which has the task of drafting the periodic report under the universal periodic review. A steering committee is currently running the affairs of the Commission until such time as it can be reconstituted.

128. A charter governing press activity has been signed, which requires the Government to guarantee freedom for the press and other media, in accordance with the law.

129. An advisory committee for media reform in Sudan was formed under Ministerial Decree No. 17 of 2020, its membership made up of media experts, academics, legal scholars and representatives of relevant bodies. Its task is to study and formulate policies regarding the media, in the light of the obligations enshrined in the Constitutional Document.

130. On 17 December 2020, the Public Prosecutor issued instructions concerning the regulation of peaceful demonstrations, under which prosecutors and the police are directed to avoid an excessive use of force, under any circumstances.

131. On 11 January 2021, the Public Prosecutor issued a directive to all security agencies to the effect that civilians are to be arrested only by the criminal police.

Migrants, refugees, asylum seekers, displaced persons and human trafficking

Recommendations Nos. 138.30 and 138.127

132. As part of its ongoing efforts to address problems associated with asylum and displacement, the State has developed an integrated action plan to implement the “Sustainable Solutions” project and protect displaced persons, in accordance with the Juba Peace Agreement and the Protocol relating to the Status of Refugees. In this, it works alongside governmental and non-governmental mechanisms to address humanitarian conditions in Darfur following the withdrawal of the African Union-United Nations Hybrid Operation in Darfur (UNAMID).

133. Acting under its international obligations, the State has adopted a number of policies, plans and programmes to address asylum-related problems. These may be summarized as follows:

- Shelter until the reasons that led to the asylum no longer subsist;
- Voluntary repatriation to country of origin;
- Resettlement in a third country;
- Absorption and accommodation at the local level;
- Supporting areas affected by refugees and urging the international community to uphold its commitments to help refugees and improve services in the camps.

134. In October 2020, acting under the Constitutional Document, the Juba Peace Agreement was signed between the Sudanese Government and a number of armed groups. The Agreement – which included the Sudan People’s Liberation Movement (Northern Sector) and the Revolutionary Front around the areas of Southern Kordofan and Blue Nile – helped to address the issue of displacement and the return of displaced persons to their villages.

135. As part of its efforts to ensure the safety of refugees and asylum seekers, the State drew up a plan for a survey in order to determine their economic and social needs.⁵

136. A memorandum of understanding to update the refugee survey has been signed between the Central Bureau of Statistics and IOM.

137. The Government, working with South Sudan, has adopted a sectoral strategy for displaced persons, refugees, returnees and local communities. It has also implemented the ILO Fair Recruitment Initiative.

138. The Commission for Refugees is the national focal point for incoming international aid from UNHCR and donors. The aid received is used for food, health, education, accommodation, housing, drinking water, etc.

139. Officials of the Ministry of the Interior have received training on civil protection and how to deal with displaced persons in the camps.

Ensuring humanitarian aid for persons affected by war and internally displaced persons

Recommendations Nos. 138.128–138.135, 139.1, 140.39 and 140.51

140. Sudan has taken steps to facilitate the unhindered movement of humanitarian aid. The Ministry of Foreign Affairs has requested the Sudanese Embassy in New York to provide partners with information so as to facilitate relief efforts and the movement of aid throughout the country.

141. The United Nations “Sustainable Solutions” project facilitates relief operations and ensures that aid reaches those in need, opening up and securing humanitarian corridors and protecting humanitarian workers. For its part, the State has made considerable efforts to guarantee basic services for displaced persons in the country and has launched a number of projects of its own, including the following:

- Repairing roads and bridges to facilitate the flow of goods and the movement of communities during the rainy season;
- Building and repairing reservoirs and dams;
- Extending the national electricity grid to the states of Darfur and exploiting alternative energy by expanding the deployment of solar power plants, especially in villages;
- Planning and mapping out the routes followed by nomads and launching joint committees between nomads, on the one hand, and citizens and farmers who live along the routes, on the other, with a view to avoiding violations;
- Providing water along the seasonal routes followed by herders;
- Revitalizing the economy to achieve sustainable development by reviving strategic projects on agriculture and animal husbandry.

142. A joint committee has been formed between the Sudanese Government and certain armed groups, including the Sudan People’s Liberation Movement (Northern Sector) which controls the areas of the Nuba Mountains and Blue Nile. The purpose of the committee is to open routes for the arrival of humanitarian aid to the states of Blue Nile, Southern Kordofan and Darfur, then to secure those routes via the competent security agencies, in cooperation with the World Food Programme (WFP).

143. The Government has acted to address the humanitarian emergency caused by a local conflict in the states of Western and Southern Darfur. Working with other stakeholders, it has allocated and sent out relief supplies then overseen their distribution. It has also opened the route to the city of El Geneina in Western Darfur state, to enable humanitarian access to displaced persons.

144. In applying the Protocol relating to the Status of Refugees to its humanitarian action in favour of persons displaced and affected by war, the Humanitarian Aid Commission has issued directives to accelerate and facilitate access for humanitarian organizations and humanitarian aid, at the same time eliminating all provisions that had previously hindered such access.

145. A coordination mechanism has been set up in the state of Western Darfur to oversee and monitor the distribution of humanitarian aid, in cooperation with the relevant organizations.

146. As part of efforts to address problems associated with internal displacement, a displacement and voluntary-return unit has been set up to monitor the voluntary-return programme for displaced persons in Khartoum and Rumbek.

Combating human trafficking

Recommendations Nos. 138.54 and 139.6–139.9

147. The State has taken the following steps to combat human trafficking:

- Entering into bilateral agreements with most neighbouring States to cooperate on preventing impunity;
- Forming joint forces under unified command with four other nations: Sudanese-Libyan; Sudanese-Chadian; tripartite Sudanese-Chadian-Central African; and Sudanese-Ethiopian. The forces serve to control and monitor shared borders;
- Amending, in 2021, the Anti-Human Trafficking Act of 2014 by extending the definition of the offence to include all the means and methods whereby it is committed and eliminating the concept of “consent” of victims, who are now treated as victims and face no criminal responsibility. The amendments also envisage harsher penalties if the victim of the offence is a female, a child under the age of 18 or a person with a disability (art. 9 (2) (b) of the Anti-Human Trafficking Act of 2014, as amended in 2021);
- Creating a committee to review the Anti-Human Trafficking Act of 2014, as amended in 2021; the committee is currently considering the possibility of including migrant smuggling under the Act;
- Setting up a specialized public prosecution office for cases of human trafficking in the state of Kassala in eastern Sudan. Further prosecutors have been assigned to other states affected by human trafficking;
- Ensuring that the Office of the Public Prosecution cooperates with the International Criminal Police Organization (INTERPOL) and with the National Commission on Counter-Terrorism to update travel-ban and sanctions lists against any group or entity associated with Da’esh or with Al-Qaida, as per Security Council resolution 2368 (2017);
- Establishing a special section within the Office of the Public Prosecution that concerns itself with extradition and extradition requests in regard of fugitives, the purpose being to pursue cooperation between nations in the fight against crime and impunity (one foreign national was extradited in 2018, at the request of Italy, for offences related to unlawful migration);
- Creating a protective environment for children through the work of community child- and woman-protection networks in the states of Khartoum and Kassala. There are some 155 children’s homes distributed across Northern Darfur that provide services to minors. In some states, such homes are run by civil society organizations.

148. The National Commission on Human Trafficking, working with other national mechanisms, runs programmes to protect children and their rights. They include:

- Renewal of the memorandum of understanding with ICRC on 23 January 2020. The memorandum exists to disseminate, promote and integrate the principles of international humanitarian law, including rules of engagement, into the training of the armed forces and into their operations;
- Signing memorandum of understanding with the Geneva Institute for Human Rights on 6 November 2020, with the aim of promoting and integrating international human rights standards among the armed forces;
- Updating the training guide for the armed forces on the rights and protection of child victims of armed conflict and child soldiers, in collaboration with UNICEF and the Roméo Dallaire Initiative for Child Soldiers;
- The National Commission on Human Trafficking has drawn up a three-year national plan for 2021–2023. The plan aims to prevent human trafficking, protect victims, pursue criminal prosecutions and encourage involvement at both regional and international level.

149. The State seeks to provide the National Commission on Human Trafficking with the financial resources it requires to conduct its activities. However, although it has been allocated a separate budget, the economic conditions of the country are such as to prevent that happening. Nonetheless, some activities and programmes are carried out in cooperation with international partners and United Nations agencies.

150. The State has designed the web page for Sudan on the “Extradite Manual”, which is a website on judicial cooperation and extradition of offenders between the countries of the Horn of Africa and Yemen in matters concerning transnational organized crime, including terrorism and human trafficking, with the support of the European Union.

151. Sudan participates in international and regional meetings on human trafficking and continues to cooperate with States of the Eastern Africa Police Chiefs Cooperation Organisation (EAPCCO) with a view to eliminating human trafficking. EAPCCO seeks to combat transnational crime by strengthening cooperation between its member States and INTERPOL.

152. Capacity-building measures have also been taken with a view to combating human trafficking:

- Specialized workshops and training courses have been held in collaboration with the regional office of the United Nations Office on Drugs and Crime and a number of international and national partners;
- In accordance with the national plan for the protection of civilians, security forces have been trained in human rights, investigative skills, investigation of cybercrimes and how to combat transnational organized crime;
- Law enforcement officials and around 170 prosecutors received training in the period 2018–2021;
- Staff of the Central Bureau of Statistics have been trained on how to collect administrative data on human trafficking;
- Training has also been given to inspection teams of the Ministry of Labour and to members of civil society organizations.

Cooperation with the United Nations system and human rights mechanisms

A. Cooperation with human rights mechanisms

Recommendations Nos. 138.59–138.63, 138.138, 138.139, and 140.31–140.35

153. Sudan is a regular presence at meetings of the Human Rights Council of the United Nations and it coordinates closely with international and regional mechanisms, special rapporteurs, delegations and representatives of international and regional organizations.

154. In 2016, Sudan cooperated with the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights.

155. The period covered by the report covers that of the mandate of the Independent Expert on the situation of human rights in the Sudan, established under agenda item 10 of the Human Rights Council. With its renewal, the mandate continued over the period 2015–2020.

156. In September 2019, in the context of its cooperation with OHCHR, Sudan signed an agreement for the establishment of an OHCHR country office. The start of that office’s activity coincided with the end of the mandate of the Independent Expert, in accordance with Human Rights Council resolution 39/22 of 2019.

157. Sudan has also cooperated with the United Nations Integrated Transition Assistance Mission in the Sudan (UNITAMS), established under Security Council resolution 2524 (2020).

B. Cooperation with the International Criminal Court

Recommendations Nos. 141.32, 141.34 and 141.37

158. A memorandum of understanding and cooperation has been signed between the Office of the Prosecutor of the International Criminal Court (ICC) and the Ministry of Justice.

159. Article 24 of the Juba Peace Agreement, which is an integral part of the Constitutional Document, envisages cooperation with ICC in regard of persons who are the subject of ICC arrest warrants.

160. There has been cooperation with the ICC Prosecutor in connection with investigations and inquiries concerning Ali Muhammad Abd-Al-Rahman (Kushayb).

161. On 17 January 2020, a number of deputy prosecutors were assigned to pursue investigations into general cases related to Darfur. In accordance with the memorandum between the Office of the Prosecutor of ICC and the Government of Sudan, they cooperate with the ICC Chief Prosecutor, under the supervision of the Sudanese Public Prosecutor.

162. The crimes of Darfur have been investigated in accordance with existing laws, and arrest warrants have been issued for a number of persons implicated therein.

163. The State is currently cooperating with the ICC Chief Prosecutor in connection with investigations concerning Ali Muhammad Abd-Al-Rahman (Kushayb).

Protection of civilians

Recommendations Nos. 138.90–138.92

164. The Government called on the Security Council to adopt a resolution to establish UNITAMS and to provide assistance in peacebuilding, protecting civilians and establishing the rule of law. The Government has also sought support for the implementation of the national plan for the protection of civilians, which Sudan developed in response to Security Council resolution 1591 (2005) to monitor sanctions and carry out tasks set by the Security Council.

165. The Public Prosecutor of Sudan has issued decrees for the formation of the following commissions to investigate reports of killings:

- A commission to inquire into violations and extrajudicial killings against peaceful rallies between December 2018 and April 2019; it conducts its investigations under article 186 of the Criminal Code, which concerns crimes against humanity;
- A commission in December 2020 to investigate extrajudicial killings, human rights violations and acts that constitute crimes under the 1991 Criminal Code between 30 June and 11 April 2019, including instances of rape and torture inside prisons and detention facilities;
- A commission in 2020 to investigate the killing of student Muhammad Abd al-Salam; inquiries in the case are still ongoing;
- A commission in November 2019 to investigate killings that took place in September 2013 along with human rights violations and other incidents related to the same events; inquiries in the case are still ongoing;
- A commission to investigate the execution of 28 officers of the armed forces on 24 April 1990;
- A commission to investigate the killing of Dr. Ali Fadl (the perpetrators have been arrested);
- A commission in 2021 to investigate cases of persons killed during the revolution of December 2018;
- A commission in 2019 to investigate and uncover the facts behind the disappearance of persons following the break-up of a sit-in in front of the general headquarters of the armed forces;
- An investigation has been conducted into the killing of the student Mahjoub al-Taj (the perpetrators have been arrested and are being tried).

166. On 11 January 2021, the Public Prosecutor of the Government of Sudan issued a directive to all security agencies to the effect that civilians are to be arrested only by the criminal police. This is in enactment of the principle of immediate, independent and

comprehensive investigation into any allegation of torture or excessive use of force by State officials, or any other human rights violations including sexual violence.

167. The State has pursued its efforts to provide training to law enforcement officials, to which end it has organized a number of specialized courses on human rights standards and their application, in order to ensure that civilians are protected from any discriminatory or inappropriate treatment.

Armed conflict

Recommendations Nos. 138.53, 139.2, 140.37, 140.38, 140.48, 140.52–140.54, 141.20 and 141.22

168. By signing, alongside a number of armed resistance groups, the 2020 Juba Agreement for Peace in the Sudan in 2020, the transitional Government intended to support peaceful political transition, put an end to conflict, renounce all forms of violence, uphold the principle of accountability and combat impunity, as set forth in the Constitutional Document. The Government also undertook to work towards a just and comprehensive peace, to end the war and address its after-effects and to implement the voluntary repatriation programme for displaced persons, while also taking account of special interim measures for war-affected and underdeveloped areas and for the more seriously affected groups.

169. In signing the Juba Peace Agreement, the transitional Government, the Sudan People's Liberation Movement (Northern Sector) and the Revolutionary Front came to agreement on a number of issues, including the demarcation of the regions of Southern Kordofan and Blue Nile, as well as authorities, jurisdictions and commissions.

170. As part of its engagement with international stakeholders, the Government of Sudan has signed an agreement with the United Nations concerning cooperation to prevent sexual violence in conflict. The agreement covers a number of questions, the most significant of which are:

- Ensuring access to justice and strengthening the rule of law;
- Deploying advisers on human rights and the protection of civilians from civilian and police forces; their function will be one of counselling and coordination to increase the degree and effectiveness of protection;
- Strengthening the role of the police in crime prevention, especially among displaced persons;
- Setting up monitoring centres and early warning networks and taking preventive measures to avoid community tensions;
- Facilitating access to justice and rehabilitation and establishing new courts in rural areas where legal proceedings can be pursued.

171. As a way of preventing attacks against civilians, the State has adopted an integrated approach to crisis management in Darfur with a view to reducing the number of crimes committed in that region. At the same time, the presence of organs of the judiciary – such as prosecution offices and courts – has been strengthened in areas that have recently witnessed conflicts. Human rights violations, particularly sexual assaults in conflict areas, were recorded over 12 months during the transitional period, for which reason the Security Council issued its resolution 2524 (2020).

172. A special prosecutor for crimes committed in Darfur has been appointed to conduct inquiries into all allegations of sexual violence in conflict zones. The Special Court for Darfur was established before the transitional period and its mandate was renewed under the Juba Peace Agreement.

173. The Prosecutor General has assigned a number of deputy prosecutors to pursue investigations into incidents in Darfur in general, and into cases of sexual violence in particular. They work under the Public Prosecutor's direct supervision and in cooperation with the ICC Chief Prosecutor and the Ministry of Justice.

174. With regard to investigations into alleged human rights violations in camps for displaced persons, the commission of inquiry into the incidents in El Geneina and Karandaq camp No. 1 has referred 33 cases to the courts. Another commission has been formed to look into the latest incidents at Kalma camp.

175. Prosecutors specializing in cases involving families and children have been deployed to all areas of Sudan while judges who also specialize in such matters have been appointed.

Children and armed conflict

Recommendations Nos. 138.31, 138.32, 138.51 and 139.3–139.5

176. In March 2016, the State signed an action plan with the United Nations to protect children from violations in areas of armed conflict. This led, in July 2018, to the removal of Sudan and its security forces from the list of States that recruit children. In August 2018, a simplified road map was drawn up to protect children from violations during armed conflict; the map is still in the process of being implemented with the United Nations.

177. In 2020 following the departure of the UNAMID mission, the State adopted a plan to protect civilians. In that connection, civilian protection forces and the civil affairs component were brought together and deployed at the end of June 2020.

178. The use of children in armed conflict has been made a criminal offence under domestic laws such as the Armed Forces Act 2007, as amended in 2013, and the Children's Act.

179. In accordance with an amendment to the Criminal Code, the family and child protection units are working to implement the referral system, which envisages care and reform measures for child offenders outside the ordinary justice system by referring them to a community institution designated by the Office of the Public Prosecution or the courts. Mechanisms for the protection of children in armed conflicts – such as the children's rights unit – which work alongside partners and other mechanisms, are making a considerable impact at the domestic, regional and international levels. There is a move towards establishing a child protection unit as part of the national security apparatus and to extend the mandate of family and child protection units in the police to include the protection of children during armed conflict.

180. The family and child protection units provide medical care as well as psychosocial and legal support to child victims and offenders. The child hotline acts as a watchdog and a source of support for children and adolescents who have suffered abuse.

181. In November 2020 – in enforcement of article 5 (2) (k) of the Children's Act, under which children are guaranteed protection from all forms of violence – the Minister of Education issued a regulation to control behaviour in educational institutions. Under the regulation, educational institutions are required to ensure the availability of a psychologist and social worker.

Administration of justice

Recommendations Nos. 138.92, 139.10, 139.11, 141.33, 141.35, 141.44–141.47

182. As stated in article 8 of the Constitutional Document, one of the most urgent priorities of the transitional period is to pursue legal and institutional reforms. These will serve to restore and develop the system of human rights and justice and to ensure judicial independence and the rule of law, while fulfilling the requirements of justice in general and of transitional justice in particular.

183. As part of the reform of the justice system, the post of Public Prosecutor has been separated from the Ministry of Justice.

184. The Office of the Public Prosecution has established a number of commissions to conduct inquiries against persons implicated in the ruin of the national economy. Arrest warrants and extradition requests have been made against a number of accused persons, some of whom have been referred for trial.

185. In line with the Constitutional Document, the Council of Ministers issued its Decree No. 63 of 2019 to establish a national commission with a mandate akin to that of the Office of the Public Prosecution to pursue inquiries into allegations of human rights violations and to refer persons before the courts.

186. For its part, the Sovereignty Council has set up an independent national commission to conduct an investigation into the break-up of the sit-in in front of the general headquarters of the armed forces, on 3 June 2019.

187. The Office of the Public Prosecution has established 10 commissions of inquiry to look into violations of international humanitarian and human rights law in the period between 1989 and 2021. The commissions, which include civil society organizations as part of their membership, will consider issues such as: torture and other cruel or inhuman treatment, excessive use of force by government forces, enforced disappearances, extrajudicial killings, sexual violence, gender-based violence, etc. Immunity has been lifted from members of government forces implicated in violations, and a number of them have been brought to trial while investigations against others are still ongoing.

188. On 17 January 2020, a number of deputy prosecutors were assigned to pursue investigations into general cases related to Darfur. In accordance with the memorandum between the Office of the Prosecutor of ICC and the Government of Sudan, they cooperate with the ICC Chief Prosecutor, under the supervision of the Sudanese Public Prosecutor.

189. Arrest warrants have been issued against persons wanted by ICC for violations of international humanitarian law and human rights in Darfur.

190. Cooperation is currently ongoing with the ICC Prosecutor in connection with investigations and inquiries concerning Ali Kushayb.

191. On 17 December 2020, the Public Prosecutor issued instructions concerning the regulation of peaceful demonstrations, under which prosecutors and the police are directed to avoid an excessive use of force, under any circumstances.

192. On 11 January 2021, the Public Prosecutor issued a directive to all security agencies to the effect that civilians are to be arrested only by the criminal police.

193. The Ministry of the Interior and the Commission to Combat Human Trafficking compile regular statistics about trafficking to inform the public about the extent and prevalence of the crime.⁶

194. The national courts have heard several cases relating to abortion, rape, terrorism and human trafficking. In order to support measures to prevent such offences, statistics and indicators have been issued showing the number of crimes committed, their prevalence and the sentences handed down by the courts between 2016 and 2020.⁷

Death penalty

Recommendations Nos. 141.23–141.31

195. In line with legislative developments and legal reforms, notably the 2020 amendment to the Criminal Code of 1991, all forms of corporal and cruel punishment have been abolished. The death penalty has likewise been abolished for *ta'zir* offences and cannot be handed down against anyone under the age of 18.

IV. Challenges

196. Though eager to honour its international commitments, Sudan nonetheless faces a number of challenges and difficulties that hinder its ability to do so to the full. These consist in:

- The severe economic crisis in the country, which has affected the general national situation;

- Autumn floods that have devastated a number of states of Sudan and destroyed infrastructure;
- Armed tribal conflicts that have affected several states in the past;
- Foreign debts, which have contributed to a drop in funding for vitally important development projects. That in turn has increased the cost of living and the poverty rate while at the same time limiting opportunities to operate on global currency markets and reducing the inflow of foreign currency with respect to demand;
- Unavailability of funding to carry out the sixth population census which, under Council of Ministers Decree No. 44 of 2020, is scheduled for April 2022;
- Lack of funding to train persons working in State agencies, particularly law enforcement agencies;
- The COVID-19 pandemic and precautionary measures that have had to be taken, which have cast a pall over the nation;
- The unilateral coercive measures, the negative impact of which continues to affect all areas;
- The problems the national economy has faced since the Government decided to float the Sudanese pound, in response to demands of the World Bank and the International Monetary Fund;
- Difficulties in funding peace agreements and the security arrangements necessary for Sudan to meet its international obligations.

V. Concluding remarks

197. As concerns democratic transition in Sudan, by submitting the present report, the transitional Government intends to demonstrate the efforts it has made towards fulfilling its pledges to improve the human rights situation in the country, to put an end to war and to build a just, comprehensive and sustainable peace. A national will has been successfully translated into steady progress towards peace via agreement; namely a framework agreement for the two regions and the 2020 Juba Peace Agreement, which have contributed to citizens' full enjoyment of their human rights and fundamental freedoms.

198. The Government of the Republic of Sudan wishes to express its thanks and appreciation to all partners who have provided technical assistance of any kind, which has had such a positive impact on the fulfilment of its human rights obligations. Sudan looks forward to further technical assistance and support so as to continue to promote and protect human rights in the country.

Notes

<https://www.moj.gov.sd>.¹

<https://www.moj.gov.sd>.²

جدول رقم (1) يوضح إجمالي التغطية لعدد المستفيدين للعام 2017م.³

جدول رقم (2) يوضح تغطية أعداد المشمولين بالحماية الاجتماعية للعام 2017م.⁴

جدول رقم (3) يوضح أعداد النازحين والعائدين بالولايات السودانية ديسمبر 2020م.⁵

جداول رقم (4) و(5) توضح إحصاءات الإتجار بالبشر في البلاد.⁶

جدول رقم (6) يوضح إحصاءات جرائم الإجهاض، الاعتصاب، الإرهاب والإتجار بالبشر في البلاد في الفترة من 2016-2020م.⁷