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REPORT OF THE JOINT PROMOTION MISSION TO THE REPUBLIC OF THE SUDAN

BY

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Acronyms and Abbreviations

ACHR	: Advisory Council on Human Rights
AIDS	: Acquired Immune Deficiency Syndrome
ARV	: Antiretroviral
AU	: African Union
CAT	: Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	: Convention on the Elimination of all forms of Discrimination against Women
COR	: Commission for Refugees
CRPD	: Convention on the Rights of Persons with Disabilities
CSOs	: Civil Society Organisations
DRA	: Darfur Regional Authority
FGM	: Female Genital Mutilation
HAC	: Humanitarian Aid Commission

HIV	: Human Immunodeficiency Virus
ICC	: International Coordinating Committee for National Human Rights Institutions
IDP	: Internally Displaced Persons
IGAD	: Intergovernmental Authority on Development
IPF	: International Partners Forum for Human Rights
MCH	: Maternal Child Health
NCCW	: National Council for Child Welfare
NCHR	: National Commission for Human Rights
NCPP	: National Council for Press and Publications
NGOs	: Non-governmental Organisations
NHRIs	: National Human Rights Institutions
NISS	: National Intelligence and Security Services
OAU	: Organization of African Unity
OIC	: Organisation of Islamic Cooperation
OPCAT	: Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OVCs	: Orphan and Vulnerable Children
PEP	: Post-exposure Prophylaxis
PHC	: Primary Health Care
PLHIV	: People Living with HIV
PMTCT	: Prevention of mother- to -child transmission
SPLM/A-N	: Sudan Peoples' Liberation Movement/ Army-North
TB	: Tuberculosis
TRC	: Truth and Reconciliation Commission
UN	: United Nations
UNAMID	: African Union-United Nations Mission in Darfur
UNDP	: United Nations Development Programme
VAW	: Violence against Women

PART ONE

BACKGROUND

I. INTRODUCTION

1. The African Charter on Human and Peoples' Rights (the African Charter or the Charter) sets out in Article 30 the establishment of the African Commission on Human and Peoples' Rights (the Commission). The African Charter came into force on 21 October 1986.
2. Under the African Charter, the Commission is specifically mandated to promote the observance of the rights guaranteed in the Charter, to interpret and advise on its implementation, as well as ensure protection of the rights and freedoms set out in it.
3. Article 45 (1) of the African Charter directs the Commission to promote human and peoples' rights and to specifically carry out studies and research, to conduct visits to States Parties, to gather information on human and peoples' rights, as well as to formulate rules and regulations that could be used by the State Parties in their human rights policies and legislation.
4. The promotional function of the Commission mandates Members of the Commission to undertake promotional missions to State Parties to the African Charter. Promotional missions are an important aspect of the Commission's activities as they enable it to establish communication and links with State Parties.
5. The Republic of The Sudan (The Sudan) is a State Party to the African Charter which it ratified on 18 February 1986. It is on this basis that a Promotion Mission of the Commission was undertaken to The Sudan, at the invitation of the latter, from **22 to 28 May 2015**.
6. The Promotion Mission was constituted by:
 - i. Honourable Commissioner Lawrence Murugu Mute, Commissioner Rapporteur for the Human Rights Situation in The Sudan and Chairperson of the Committee for the Prevention of Torture in Africa (Head of the Delegation);
 - ii. Honourable Commissioner Lucy Asuagbor, Chairperson of the Committee on the Protection of the Rights of People Living with HIV (PLHIV) and Those at Risk, Vulnerable to and Affected by HIV; and
 - iii. Honourable Commissioner Med S.K. Kaggwa, Special Rapporteur on Prisons and Conditions of Detention in Africa.

7. The Honourable Commissioners were assisted by Ms Anita Bagona, Ms Albab Tesfaye, and Mr Philbert Bayeka, staff of the Secretariat of the Commission, as well as Ms Elizabeth Kyalo, Assistant to Honourable Commissioner Mute.
8. The Commission previously undertook a Promotion Mission to The Sudan from 1 to 7 December 1996; the Special Rapporteur on the Rights of Women in Africa undertook a Mission on the Rights of Women in The Sudan from 30 March to 4 April 2003; and the Commission undertook a Fact-finding Mission from 8 to 18 July 2004.

II. TERMS OF REFERENCE

9. The Terms of Reference for the Mission were as follows:

- i. Promote the African Charter and other relevant regional and international human rights instruments, and raise awareness on the activities of the Commission;
- ii. Exchange views and share experiences with the Government of The Sudan (the Government) and other stakeholders working on human and peoples' rights in the country on strategies to improve the enjoyment of these rights;
- iii. Strengthen relations between the Commission and the Government in the area of promoting and protecting the rights enshrined in the African Charter and other relevant national, regional and international human rights instruments;
- iv. Engage in dialogue with the Government with regard to legislative and other measures taken to implement provisions of the African Charter and other human rights instruments ratified by the country;
- v. Gather relevant information on the situation of the rights of women, children, asylum seekers, refugees, internally displaced persons, migrants, older persons, persons with disabilities, indigenous groups, persons in detention, and other categories of vulnerable persons living in The Sudan;
- vi. Gather information on the implementation of the Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa (the Robben Island Guidelines);
- vii. Hold discussions with prison administrative officials and other stakeholders on all issues relating to detention and prisons, including conditions of detention;

- viii. Understand the level of enjoyment of economic, social and cultural rights of populations in The Sudan, as well as measures taken by the Government to implement this category of human rights;
- ix. Gather information on the situation of human rights defenders in The Sudan and discuss the challenges faced by human rights defenders;
- x. Exchange views and gather information on exercise of the right to freedom of expression in The Sudan;
- xi. Exchange views and gather information on extractive industries, and assess the impact of extractive industries on the life of populations in The Sudan as well as on the environment;
- xii. Gather information in relation to HIV/AIDS and the measures, including policies put in place by the Government, to prevent this pandemic;
- xiii. Follow-up on recommendations of the Commission with regard to the human rights situation in The Sudan, including in relation to implementation of concluding observations and recommendations, Communications made to The Sudan, provisional measures, letters of appeal and resolutions.
- xiv. Advocate for the ratification of integral regional and international human rights legal instruments that have not been ratified by The Sudan.

III. METHODOLOGY

10. During the Mission, the delegation met with various stakeholders in Government, civil society, as well as other actors involved in the protection and promotion of human rights in The Sudan, with a view to exchange ideas and to collect the required information to establish the state of human rights in the country, and to identify how the Commission can assist the State in fulfilling its human rights obligations. The delegation also sought to raise awareness among state and nonstate stakeholders about the Commission's work and the work of its subsidiary mechanisms.
11. To facilitate discussions with the various stakeholders, the delegation engaged the services of an Arabic-English/English-Arabic interpreter.
12. The delegation held fruitful discussions with some of the country's highest authorities, including the Minister of Justice; the Minister of Foreign Affairs; the Minister of Interior; the Head of Police; the Director of Maternal Child Health and Acting Director of Primary Health Care; the Director General of the Ministry of Mines; the Under Secretary of the Ministry of Welfare and Social Security; and the Director of Legal Affairs of the National Intelligence and Security Services (NISS).

13. The delegation also met with the Advisory Council for Human Rights, the National Council of Persons with Disabilities, the National Commission for Human Rights, the Refugees Commission, and the Humanitarian Aid Commission.
14. The delegation was briefed by the African Union Liaison Office in The Sudan and the International Partners Forum on the human rights situation in The Sudan. It further met with the Council of African Political Parties. The delegation also held meetings with civil society organisations, media practitioners and human rights defenders.
15. The delegation visited the Al-Huda Prison and Reformatory Centre and the Omdurman Female Prison.
16. The delegation delivered a lecture to the students of the International University of Africa in Khartoum.
17. The delegation also travelled to North Darfur where it held meetings with the Darfur Regional Authority, the Special Prosecutor for Crimes in Darfur, the African Union – United Nations Mission in Darfur, and representatives of various internally displaced persons camps in North Darfur.
18. At each of these meetings, the delegation introduced the work of the Commission by outlining its organisation, composition, mandate, activities and subsidiary mechanisms. It further presented the objectives of the Mission and the need to bring out good practices as well as to highlight challenges in order to make relevant recommendations.
19. The delegation distributed publications and documents of the Commission to the stakeholders it met.
20. The Mission ended with a press conference.

IV. GENERAL INFORMATION

A. Geography, Language and Economy

21. The Sudan is the third largest African country in terms of its area which is 881 thousand square kilometres. It has borders with seven countries, namely, Egypt and Libya in the North, South Sudan in the South, Chad and the Central African Republic in the West, and Ethiopia and Eritrea in the East. The population of The Sudan is approximately 40 million people.¹

¹ World Population Review 'Sudan Population 2015' available at https://www.google.com/?gws_rd=cr,ssl&ei=xzsNVqqwPMrda4WqLgM#q=sudan+population+2015+UN (accessed 1 October 2015).

22. Arabic is the predominant language of the country but English is also spoken. They form the two official languages in accordance with Article 8 of the 2005 Interim National Constitution of the Republic of The Sudan (the Constitution).

B. Historical and Political Background

23. Joint British-Egyptian rule formally ended in The Sudan in 1956, setting the country free from centuries of association with Egypt.

24. Two rounds of north-south civil war cost the lives of 1.5 million people, and a continuing conflict in the western region of Darfur has driven two million people from their homes and killed more than 200,000.²³ The war between North and South Sudan lasted for more than half a century affecting the socio-political and economic stability of the country as it used up the country's human and material resources.³ The military-led government of President Jaafar Numeiri agreed to autonomy for the south in 1972, but fighting broke out again in 1983. A series of different negotiations were held to stop the war and reach a just and comprehensive peace. These negotiations culminated in the signing of the Comprehensive Peace Accord which gave the South the right to self-determination.

25. The right to self-determination was exercised by the people of South Sudan in a referendum in accordance with the Comprehensive Peace Accord and the 2005 Transitional Constitution. The 2009 Referendum Act stipulated that a referendum shall be held in South Sudan in January 2011. The referendum was organised by the Referendum Commission in South Sudan in the presence of international and local observers and it gave the options of either staying as part of The Sudan or secession.

26. Voting was mostly conducted in a free and peaceful atmosphere as established by international, regional and national observers. The Referendum Commission declared the final results allowing South Sudan to establish an independent state on 9 July 2011. More than 99% voted for secession.

C. Legal Framework

27. Article 5 of the Constitution affirms that Islamic Sharia and the consensus of the people are the main sources of legislation.

² BBC 'Sudan Country Profile - Overview' 18 June 2015, available at <http://www.bbc.com/news/worldafrica-14094995> (accessed 1 October 2015).

³ th and ⁵th Periodic State Report of The Sudan, submitted in accordance with Article 62 of the African Charter, covering the period from 2008 to 2012, para 7.

28. In accordance with the Constitution, a number of laws have been enacted and certain existing laws have been reviewed, including the following:

- 1989 Act for Combating Ill-gotten Wealth;
- 2000 Act for Combating Corruption;
- 2004 Act for Combating Money Laundering;
- 2006 Law Regulating Voluntary Work;
- 2007 Armed Forces Act;
- 2007 Political Parties Act;
- 2008 Elections Act establishing the National Electoral Commission;
- 2008 National Children's Welfare Council;
- 1991 Sudanese Criminal Act amended in 2009 to include a chapter on crimes against humanity, war crimes and genocide;
- 2009 National Human Rights Commission Act;
- 2009 Press and Publications Act;
- 2009 Disabled Persons Act;
- 2009 South Sudan Referendum Act;
- 2009 Abeye Area Referendum Act; • 2010 Children's Act;
- 2015 Anti-Human Trafficking Act; and
- 2015 Freedom of Information Law.

29. The Sudan has ratified the following major regional and international human rights instruments:

- OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (24/12/1972);
- OAU Convention for the Elimination of Mercenarism in Africa (26/08/1978);
- African Charter on Human and Peoples' Rights (18/02/1986);
- OAU Convention on the Prevention and Combating of Terrorism (15/04/2003);
- African Charter on the Rights and Welfare of the Child (30/07/2005);
- African Charter on Democracy, Elections and Governance (19/06/2013);

- International Convention on the Elimination of All Forms of Racial Discrimination (21/03/1977);
- International Covenant on Civil and Political Rights (18/03/1986);
- International Covenant on Economic, Social and Cultural Rights (18/03/1986);
- Convention on the Rights of the Child (3 August 1990);
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (26/07/2005);
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (02/11/2004);
- Convention on the Rights of Persons with Disabilities (24/04/2009); and
- Optional Protocol to the Convention on the Rights of Persons with Disabilities (24/04/2009).

30. The above-stated instruments form an integral part of the Constitution and parts of the provisions of these instruments have been incorporated into the body of domestic laws. Article 27(3) of the Constitution considers all the rights and freedoms contained in ratified human rights instruments as an integral part of the Constitution.

D. Governance Structure

31. The Sudan follows a *presidential system*, where the president is directly elected by the people. The presidency is composed of the Presidential Council which includes the president and his 2 vice-presidents in accordance with Article 51 (1) of the Constitution. The mandate of the president is 5 years from the date of actually taking up office with a possibility of re-election for another one period mandate in line with Article 57 of the Constitution.

32. Article 177(a) of the Constitution provides for a federal system of governance and each state has an executive organ headed by a governor elected by the people of the state. Article 180 of the Constitution gives each State the right to establish a Legislative Council whose members are elected in accordance with the laws of the particular State and as may be decided by the National Electoral Council.

33. The judiciary comprises of the Supreme Court, the Court of Appeal, Public Courts, District Courts and, Town and Rural Courts. The Constitutional Council was established under Article 119 of the Constitution and is composed of 9 judges, whose duties include interpreting constitutional texts based on international human rights

principles and ensuring protection of constitutional rights.

PART TWO

CONDUCT OF THE MISSION

34. This section of the Report provides highlights of the series of meetings held with diverse stakeholders involved in the protection and promotion of human rights in The Sudan.

I. Ministries

1. Meeting with the State Minister of Foreign Affairs

35. The delegation met with the State Minister of Foreign Affairs, Mr Kamal Ismail and the Director of the Human Rights Department in the Ministry, Ambassador Mohamed Almortada Mobarak. The State Minister stated that The Sudan welcomes and supports African institutions such as the Commission, and stressed The Sudan's willingness to work with the Commission in addressing identified short-comings.

36. The delegation thanked the State Minister for The Sudan's participation in the Commission's activities, underscored the importance of the will of State Parties in promoting and protecting human and peoples' rights, and introduced the Commission's mandate and activities, its special mechanisms, and raised some issues of concern. Some of these issues of concern include the non-ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), Convention on the Elimination of all forms of Discrimination against Women (CEDAW), the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), as well as other major regional and international treaties. Further, the delegation urged The Sudan to submit its outstanding periodic state report to the Commission. The delegation also inquired about instabilities in certain regions of The Sudan.

37. The State Minister indicated that these instruments will be brought to the attention of relevant stakeholders/government bodies for their action. As regards the Maputo Protocol, he stated that The Sudan will likely ratify the treaty, with some reservations.

38. In relation to inquiries into the instabilities in the Kordofan and Blue Nile regions, the State Minister indicated that The Sudan has done everything that is expected of it, and hopes that South Sudan will do the same.

2. Meeting with the Minister of Justice

39. The delegation had a working session with the Minister of Justice, Mr Mohammed Bushara Dousa, also in the presence of other officials of the Ministry and Members of the Advisory Council on Human Rights (ACHR). In his introductory remarks, Commissioner Mute expressed the Commission's gratitude to The Sudan for welcoming the promotion mission and then introduced the delegation. Commissioner Mute gave an overview of the Commission's mandate, its various special mechanisms and the purpose of the mission.
40. The Minister of Justice welcomed the delegation's visit and noted its importance in showing the actual human rights situation in The Sudan, as opposed to solely relying on reports of other non-state bodies. He added that The Sudan is open to cooperation with human rights bodies such as the Commission and the United Nations (UN) mandate holders.
41. The Minister stated that The Sudan is committed to the promotion and protection of human rights; it regularly attends the Commission's sessions, submits periodic state reports regularly, and has ratified major international human rights treaties. He further stated that The Sudan's customs and religion are human rights friendly.
42. The Minister mentioned other measures that The Sudan has taken in compliance with its obligation to promote and protect human rights, including efforts to align domestic laws with international and regional standards and the establishment of national institutions with human rights mandates including the ACHR.
43. He added that the Ministry of Justice ensures the rule of law and monitors compliance of government institutions with their obligations. It ensures compliance of national laws with international standards.
44. He stated that the major challenges the country faces in fulfilling its human rights obligation include the unilateral sanctions imposed on it by the United States and the lack of assistance from the international community.

3. Meeting with the Minister of Interior

45. The Minister of Interior, Mr Ibrahim Mahmoud Hamed, together with other members of the Ministry and the Head of Police, received the delegation. The Minister stated that he welcomes the visit of African human rights institutions, such as the Commission.
46. The delegation introduced the Commission, its mandate and activities, its special mechanisms, as well as the objective of the mission. The delegation then raised some major issues of concern to the Commission, including the alleged arrest and detention

of individuals for prolonged periods in violation of Sudanese laws; confiscation of newspapers and whether due process is observed before, during and after the confiscations; training to personnel of the Ministry or police on human rights issues; information on investigations into the September 2013 killings of demonstrators; whether investigations generally take place when complaints are received; if there are cases of personnel who have been prosecuted for excessive use of force and whether any disciplinary action has taken place against them; allegations of police brutality and torture by the National Intelligence and Security Services (NISS); which body regulates the acts of NISS; threats, intimidation and violence in the April 2015 elections; and in rape cases, whether the victims are given post-exposure prophylaxis (PEP) within 72 hours to reduce the likelihood of HIV infection.

47. The Minister questioned the authenticity of the reports received at the Commission, which according to him is a reflection of the freedom of expression exercised by the people of The Sudan, who are free to approach institutions such as the Commission with complaints. He added that the people of The Sudan are frustrated by the effect of the unilateral sanctions imposed by the United States, which has particularly affected the economic fulfilment of the people.
48. The Minister further stated that in relation to the September 2013 killing of demonstrators, the demonstrations were held without authorisation and therefore illegally, and the police were also attacked by the demonstrators.
49. As regards training, the Minister indicated that human rights are integrated into courses at all levels, and not only in the police academy, but also in the army training. The Minister stated that he is not aware of disciplinary measures taken against personnel for excessive use of force. Concerning the provision of PEP by police in cases of rape, it was stated that there are specialised police departments which deal with such matters. The Minister stated that the April 2015 elections was transparent and fair, and was attended by several observers from around the world. In relation to NISS, the Minister of Interior admitted that there may be some irregularities, but that NISS does not prevent people from expressing their opinion.
50. Following the meeting with the Minister of Interior, the delegation met with the Director of Legal Affairs of NISS.

4. Meeting with the National Intelligence and Security Services (NISS)

51. The delegation met with the Director of Legal Affairs of NISS, Mr Omer Altaher Abdalgum, and introduced the Commission, its activities and mandate, as well as the purpose of the promotion mission.
52. The Director made a comprehensive presentation of the background to the establishment of NISS, and how it has progressed over the years. He explained that in

2010, the National Security Act was adopted. It mostly regulates administrative matters, such as the administrative detention of persons in cases which affect national security. The Act guarantees the rights of persons in NISS detention, such as the right of the detainee to be informed of the reasons for detention, to contact their family or lawyers, not to be subjected to torture or ill-treatment, and to be placed in a detention cell which meets basic standards of detention.

53. The Director indicated that there are more than 18 judicial, executive and internal mechanisms which have the mandate to inquire, investigate and regulate the acts of NISS. He added that one of the internal mechanisms is the Citizen Information Centre which receives complaints and works 24 hours a day. Ordinary, military, as well as administrative courts serve as judicial mechanisms to regulate the acts of NISS. One of the executive mechanisms which monitor the acts of NISS is the National Security Council. The ACHR and the National Commission for Human Rights (NCHR) also regulate the acts of NISS, as they bring urgent appeals to the attention of NISS. The ACHR and NCHR usually receive those complaints from the public and civil society. He added that most complaints are due to weak police in The Sudan.
54. The Director mentioned instances whereby courts have ruled against NISS, including by authorising the printing of newspapers which were confiscated by NISS and requesting NISS to pay compensation to the applicant. Further, at least three NISS staff members have been dismissed as part of disciplinary measures.
55. The Director further stated that human rights training for NISS officials are compulsory. As regards the limitations on freedom of expression, it is only when it poses a threat to national security.
56. The delegation raised some issues of concern, including the relationship between the police and NISS, and the Ministry of Interior and NISS; broad and vague provisions in the National Security Act which give immunity to NISS officials and collaborators for acts performed in the course of duty; whether due process is observed when NISS confiscates newspapers; what factors NISS takes into account when deciding to ban non-governmental organisations (NGOs) or political parties; whether NISS officials have ever been held accountable for acts of torture or extra-judicial killings; and the length of detention of individuals before they are taken to court.
57. The Director started by stressing the negative effects the unilateral sanctions by the United States have had on the realisation of human rights in the country. He then explained that the major difference between the police and NISS is that NISS works primarily on gathering intelligence and aims at preventing crimes before they occur. As regards immunity of NISS officials, he stated that it is not absolute, it could be lifted when they abuse their powers and added that there have been many cases where NISS officials have gone on trial.

58. In cases of confiscation of newspapers, the Director explained that NISS follows due process and that the newspapers are free to appeal to courts. He added that in most cases confiscations take place because newspapers fail to follow the 2009 Press Law and disregard notices.
59. Regarding the September 2013 killing of demonstrators, the Director stated that a Fact-finding Committee was set up in the Ministry of Justice on the matter.
60. On the banning of NGOs, the Director indicated that NGOs are closed when they fail to fulfil the criteria for their establishment.
61. On the issue of detention periods before detainees are taken to courts, the Director clarified that the usual detention period is up to 15 days, but if there is material evidence that may result in conviction or there is need for further investigation, the issue will be referred to the National Security Council which may extend the detention period for up to three months.

5. Meeting with the Director of Maternal Child Health (MCH) and Acting Director of Primary Health Care (PHC)

62. The Director of MCH and Acting Director PHC, Dr Nada Gaafer Osman, accompanied by three other members of the Ministry, welcomed the delegation on behalf of the Ministry of Health, after which the delegation expressed thanks and introduced the Commission's work and purpose of the mission.
63. The delegation then raised issues regarding the right to health in The Sudan; the budget allocated to the health sector; whether free medical treatment is provided; statistics on the number of hospitals, doctor-patient ratio, and maternal and infant mortality; the sexual and reproductive rights women are entitled to; and the treatment of pregnant women with disabilities.
64. In relation to PLHIV, the mission sought to know statistics for PLHIV, disaggregated in terms of sex, age and region, as well as statistics on the provision of prevention of mother to child transmission (PMTCT); efforts to reduce HIV transmission including by putting in place legal and institutional framework; whether there are instances of discrimination against PLHIV and if there are any cases in that regard; where cases of discrimination are brought forward, whether legal aid is provided to the victims; whether taxes are imposed on HIV medication; Whether there is a policy at the level of the Ministry on orphan and vulnerable children (OVCs); and what is The Sudan doing in light of the global movement for zero infection.
65. The Director informed the delegation that: the right to health is enshrined in the Constitution of The Sudan; the Government is progressively working to ensure that 15% of the budget is allocated to health; the treatment and medication provided for

common illnesses is satisfactory; taxes are not imposed on medication; and the PHC service meets international standards including preventive and curative services.

66. She added that 14% of the population does not have access to PHC mostly because of geographical considerations as 8% of the Sudanese population are nomads. However, there are community health workers who assist the nomadic communities. From 2014, there has been expansion of PHC services, particularly in the area of free drugs and contraceptives. These drugs include iron supplements for pregnant women. PHC also includes the provision of basic antenatal care free of charge. Further, cancer treatment is free, and there are 3 cancer treatment centres.
67. As regards statistics, there is 1 midwife per 13,000 patients, and the maternal mortality rate is 206 maternal deaths per 100, 000 live births. Efforts are being made to train more midwives and to increase the budget allocation.
68. The delegation was informed that abortion is a priority area for the Ministry, and that capacity-building is required on how to deal with abortion and post-abortion care. Abortion is illegal in The Sudan, unless for medical reasons. Even in the case of rape, the victim receives pregnancy-preventive treatment, but if the victim is pregnant she receives care until delivery.
69. Regarding HIV, the mission was informed that The Sudan has low incidence: the infection rate reduced from 1.6% in 2002 to 0.24% in 2015. There are 370 centres with trained doctors following up on PMTCT and antenatal care. These centres offer services to Sudanese and non-Sudanese individuals without any distinction. Centres which provide treatment for other opportunistic infections, such as tuberculosis (TB) and malaria, now also provide HIV treatments. In this regard, there are 168 hotspots and 36 Centres which provide treatment for these infections.
70. Female migrant sex workers have been identified as the most at risk segment of the population for HIV infection, and so there is a project on this group. In collaboration with NGOs, there are efforts to involve the group in other income generating activities. Further, they are entitled to free treatment at any of the centres. The Ministry works to prevent HIV infection amongst sex workers or provide treatment, even though sex work is illegal in The Sudan.
71. On victims of rape, the mission was informed that victims are screened for HIV and PEP is administered within the required timeline. There is follow-up on the victims' health for up to six months.
72. As regards sterilisation of women living with HIV, it was explained that there are no such cases, and that it is also not in line with Islam.
73. On OVCs, the Director explained that there is no specific policy on it, but the Ministry works with non-governmental and governmental organisations such as the Ministry

of Welfare and Social Security to ensure their protection. Following a study on the issue, a strategic plan was developed which includes the provision of care for OVCs. The Ministry of Welfare and Social Security has a committee working on the protection of OVCs.

74. There is a draft law on the protection of PLHIV, but it has not been signed by the President yet. However, there are not many cases of discrimination against PLHIV.

6. Meeting with the Director General of the Ministry of Minerals

75. The delegation was received by the Director General of the Ministry of Minerals, Dr Yousif Elsamani. The delegation thanked the Director General and introduced the work of the Commission as well as the purpose of the mission. The delegation inquired about how The Sudan is managing its wealth, environment and realising peoples' right to development. The delegation further requested for information on the impact the separation with South Sudan has had on mining; the process for expropriation where minerals are found on private or communal land in terms of the principle of free, prior and informed consent; whether there are social impact audits; in light of a recent mine collapse, what safety protocols are in place; Whether most mining takes place in the formal or informal sector; whether Ministry staff are trained on environmental law; and whether there is a budget line for environmental preservation.
76. The Director General welcomed the questions from the delegation and explained that The Sudan has a vast area, and therefore vast resources, particularly gold. He stated that there is large-scale, small-scale and traditional mining. He added that there are 163 agreements for large-scale mining and the number is expected to rise. He explained that The Sudan encourages large companies to invest in the country, and ensures that proper safety and environmental regulations are respected. He added that the Ministry has a body responsible for environmental protection.
77. The Director General explained that the Ministry aims to develop traditional mining and has set up a common vision to establish, develop and legalise traditional mining. In this regard, the Ministry has set up bodies at the ministerial and community levels to supervise the sector and ensure its development and legalisation.
78. In relation to safety, the Director General stated that the Ministry has conducted studies to combat the negative impact of mining mercury and other harmful substances, and is on course to finding a replacement for the substances and banning them. Further, when an area is identified for mining, a comprehensive study is undertaken to identify any harmful impacts. Medical and safety tools are provided as well.

79. Regarding training of staff of the Ministry, the Director General explained that there is a body which focuses on monitoring and it also facilitates training. The Mining Police, Mining Security and Economic Security are bodies in the Ministry that collaborate to ensure the non-exploitation of people working in mining, particularly vulnerable groups.
80. As regards the displacement of land owners for mining activities, the Director General stated that there is a procedure for adequate compensation, through collaboration between the Ministry, regional authorities and the community.
81. The Director General stated that one of the major problems the Ministry, and the country as a whole faces, is the smuggling of minerals out of The Sudan. The Sudan has entered into an agreement with the Great Lakes region countries to address this problem.

7. Meeting with the Under-Secretary of the Ministry of Welfare and Social Security

82. The delegation met the Under-Secretary of the Ministry of Welfare and Social Security, Ms Khadiga Abu El-Gassim Hag Hamed as well as 13 other members of the Ministry and other government bodies. The Under-Secretary briefed the delegation on the work of the Ministry, including its developmental strategies; programs with other entities or Ministries; supervision of retirees or pensioners fund; implementation of strategic funds regarding social security and social development; gender specific programmes; poverty eradication; humanitarian aid for persons in conflict or disaster zones; work with vulnerable groups such as children, women, persons with disabilities, and the elderly; protection of OVCs; and the Violence against Women (VAW) Unit.
83. The delegation thanked the Under-Secretary for the briefing and introduced the work of the Commission, its special mechanisms and the purpose of the mission. The delegation asked questions relating to whether the Ministry has offices in each state; if there is a unit working on issues pertaining to older persons; what the Ministry is doing to address Female Genital Mutilation (FGM); the programme for OVCs; women empowerment projects; issues of forced labour; youth employment programmes; racial discrimination issues; discrimination against women; and rights of nomads.
84. The Under-Secretary and other officers explained that the Ministry is represented in all 18 states, and that it also conducts its work through NGOs and the Humanitarian Aid Commission (HAC).
85. In relation to the pensioners' fund, 8% arises from contributions from the pensioners, while the remaining amount is from the Ministry of Finance. There is a consolidated social security fund. Further, the age of retirement was raised from 60 to 65 following

a decree issued by the President in January 2015. This change came about following a request by civil servants and observations that men and women are now able to work longer due to improved living standards.

86. It was stated that 4% of the Sudanese population is elderly and there are specialised units within the Ministry working on issues pertaining to the elderly. In the traditional setting, the family is the primary care-provider for the elderly. The government is working on the enactment of legislation on elderly persons.
87. As regards persons with disabilities, the mission was informed that The Sudan has ratified the Convention on the Rights of Persons with Disabilities (CRPD) and a National Council for Persons with Disabilities was consequently established. One of the projects the Ministry is working on is the production of wheel chairs locally.
88. In relation to OVCs, the Ministry has a specialised department for OVC care. It was stated that there are donors who wish to provide direct assistance, but the Ministry ensures that assistance is directed through family members. As regards adoption, it is prohibited under Islamic law, but the Ministry encourages sponsorships. OVCs are exempted from paying fees for primary education. Moreover, there are three centres for OVCs.
89. Concerning FGM, the National Council for Child Welfare (NCCW) has been pushing for the adoption of the draft law criminalising FGM. It was stated that there are already four regions which have criminalised FGM, and there are many initiatives to combat it, including the *Saleema* movement. The practice of FGM has reduced in The Sudan, although a lot more needs to be done.
90. In relation to the empowerment of women, it was explained that there is a Directorate on Women which develops plans, policies and strategies in coordination with governmental and non-governmental bodies. The Directorate is represented in 17 states across The Sudan.
91. Regarding The Sudan's nomadic population, it was stated that there is a council which oversees issues pertaining to that segment of society, particularly the empowerment of nomadic women and their right to education. There are mobile schools for nomads which travel with them.
92. In the efforts to fight poverty, the Ministry also organises the collection and distribution of *Zakat*, which obliges Muslims to contribute to a fund for the very poor. Millions of Sudanese pounds are collected through this scheme, which has been found to be one of the most efficient means of eradicating poverty.

II. National Institutions

8. Meeting with the Advisory Council on Human Rights (ACHR)

93. The Solicitor-General and Rapporteur of the ACHR, Dr Muaz A. M. Tungo, together with fourteen (14) ACHR staff members welcomed the delegation. The Rapporteur explained that the ACHR is a coordinating body established in 1994 through a presidential decree to promote and protect human rights in The Sudan. He added that it is comprised of government ministries/departments, as well as civil society. According to the Rapporteur, the ACHR is among other tasks, responsible for compiling and presenting periodic state reports, as well as representing The Sudan at national, regional and international human rights forums.
94. Members of the delegation thanked ACHR for its role in facilitating the undertaking of the promotion mission, and briefed the ACHR about the Commission, its mandate, activities, special mechanisms and the purpose of the mission.
95. The delegation requested for information on when The Sudan will submit the one outstanding periodic state report to the Commission in accordance with Article 62 of the African Charter. The delegation also asked questions on the status of implementation of the Commission's various recommendations, provisional measure orders and letters of appeal. The delegation further inquired as to if and when The Sudan will ratify the Maputo Protocol and the CEDAW. It also asked questions about whether The Sudan is a monist or dualist state.
96. The delegation further raised concerns regarding allegations of confiscation of newspapers, the imposition of corporal punishment and capital punishment in the country. It also asked if the ACHR receives complaints on instances of discrimination against PLHIV.
97. The Rapporteur of the ACHR explained that The Sudan is monist in some aspects and dualist in others. While self-executing treaties are directly applicable, non-selfexecuting treaties require the adoption of separate legislation.
98. In relation to confiscation of newspapers, ACHR representatives explained that confiscations take place in exceptional circumstances, such as when journalists violate the defamation law, and there is in place guidelines on confiscation, as well as a Press Council which looks into press freedom.
99. As regards the Maputo Protocol, the ACHR explained that the country does not have a position on ratifying it yet, because the African Union (AU) does not do enough to promote its treaties. On CEDAW, the ACHR stated that The Sudan does not agree with some of the provisions in the instrument because it is not in line with Islam, and CEDAW does not allow any reservation.

100. The ACHR stated that there is no discrimination against PLHIV. They added that there are not many instances of discrimination against minorities, including Christians. It used to be an issue when South Sudan was part of The Sudan. Further, sharia law and applicable punishments like flogging and stoning does not apply to Christians.
101. The ACHR reiterated the statement by the Minister of Justice of how the unilateral sanctions by the United States are inhibiting the promotion and protection of human and peoples' rights in the country.

9. Meeting with the National Commission for Human Rights (NCHR)

102. The delegation met with the Deputy Chairperson of the NCHR, Mr Joseph Soliman Khalil, as well as seven other members of NCHR. The Deputy Chairperson welcomed the delegation and briefed them on the establishment of the NCHR, its members, mandate and activities. He explained that the NCHR protects the bill of rights enshrined in the Sudanese Constitution, and receives complaints.
103. The delegation introduced itself, the Commission, its mandate, activities and special mechanisms. The delegation stressed the importance the Commission attaches to its relationship with national human rights institutions (NHRIs), and highlighted some areas in which the Commission collaborates with NHRIs. The delegation further indicated that the NCHR could apply for affiliate status with the Commission, which would enable it to report on human rights issues in Sudan at the Commission's public sessions, as well as engage with the Commission or its special mechanisms on other activities.
104. The delegation then asked questions related to whether the NCHR has been accredited by the International Coordinating Committee for National Human Rights Institutions (ICC); the level of independence enjoyed by the NCHR; statistical data on the number of complaints received and remedies awarded; major problematic areas identified in complaints received; whether the NCHR receives complaints on rape, reprisal against human rights defenders, police brutality or complaints against NISS officials; NCHR's findings on the 30 October 2014 allegations of mass rape in Tabit, Northern Darfur; funding of NCHR; appointment process of members of NCHR; relations with NGOs; and which body the NCHR reports to.
105. The Deputy Chair and other members of the NCHR made the following clarifications. The Government does not interfere in the activities of the NCHR. The NCHR submits its report to the president and parliament. A large percentage of the NCHR budget comes from a consolidated fund under the presidency and it can also receive funds from donors such as the United Nations Development Programme

(UNDP) for capacity-building activities. There are specialised committees within the NCHR and Commissioners are responsible for various areas.

106. It was stated that the Complaints Committee is the most active committee within the NCHR. Matters which are before courts or have been adjudicated on by courts cannot come before the NCHR. It receives complaints from individuals and NGOs and after processing the complaints, makes recommendations. Although Government bodies used to disregard its letters of appeal or inquiry, lately they have been eager to cooperate with the NCHR.
107. NCHR members added that most of the complaints it receives relate to arbitrary detention by NISS or the police, confiscation of land, and arbitrary dismissal from work. NCHR has a contact person at NISS, and it has good working relations with NISS. There have been instances of torture and ill-treatment committed by NISS. While some of their recommendations have been taken on board by NISS, others have not.
108. In relation to the mass rape allegations in Tabit, the Commissioner on Women's Rights explained that she visited the area and talked to several people, including residents, police and armed forces as well as medical professionals, but could find no evidence of mass rape.
109. As regards the NCHR's relations with the Commission, members explained that the NCHR has attended all of the Commission's sessions since May 2012, but does not yet have affiliate status, which it undertook to apply for in time for the 57th Ordinary Session. As for accreditation before the ICC, the NCHR members stated that they have not been accredited yet, but hope to start the process soon.
110. Finally, the NCHR called for technical assistance from the AU generally and the Commission in particular, to enable it become more efficient in its work.

10. Meeting with the National Council for Persons with Disabilities

111. The General Secretary of the National Council for Persons with Disabilities, Mr Abu Osama Abdalla Mohamed Taktook, together with other members of the Council, some of whom are persons with disabilities, welcomed the delegation. The General Secretary explained that the Council was established following the adoption of the 2009 Disability Act and is under the Ministry of Welfare and Social Security. Members of the Council comprise government representatives and civil society as well. He added that there are 18 Council Offices in The Sudan's various states. He stated that The Sudan ratified the CRPD on 24 April 2009.
112. The Secretary General averred that although a lot has been done in terms of the adoption of laws in relation to the rights of persons with disabilities, a lot more needs to

be done on implementation, which is why the Council works to mainstream the interests/rights of persons with disabilities into the action plan of ministries.

113. The Secretary General also stated that issues of persons with disabilities do not end with the Government, and that a lot needs to be done to raise awareness and change society's attitude towards persons with disabilities. He also underscored the need for support from regional and international actors such as the AU and United Nations.
114. The delegation introduced the Commission, its mandate, activities, special mechanisms and the purpose of the mission. The Head of the Mission, Commissioner Mute, who is also a member of the Working Group on the Rights of Older Persons and Persons with Disabilities, highlighted the Commission's framework on the rights of persons with disabilities, including the mandate and activities of the Working Group on the Rights of Older Persons and Persons with Disabilities, as well as the Draft Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities.
115. The delegation posed questions on whether the Council has members with mental/intellectual disabilities to ensure diversity of representation of persons with disabilities; if the Council oversees implementation or monitoring; if there is a fully independent monitoring body in accordance with Article 33 of the CRPD; whether the Council is working towards assisting the Government in moving from a charity model to a rights model in relation to persons with disabilities; efforts at ensuring accessibility for persons with disabilities, particularly in public spaces; how persons with disabilities are accommodated/treated in prisons and mental institutions and whether there are monitoring authorities in these institutions; and efforts at raising awareness of persons with disabilities on how they could be affected by HIV.
116. In response to the queries of the delegation, the Secretary General of the Council explained that there are no Council members with mental disability; the Council carries out the task of implementation and monitoring, although its primary task is mainstreaming; implementation is a big challenge; there is discrimination and stigma against persons with disabilities, especially mental disabilities; 5% of the population in The Sudan has disabilities; and the Council is working on issues of disability and HIV.

11. Meeting with the Commission for Refugees

117. At the Office of the Commission for Refugees (COR), the delegation held a working session with the Commissioner for Refugees in The Sudan, Mr. Hamad Elgizouli Morowa. Among other matters, the discussions focused on the total number of refugees, the overall situation regarding the rights of refugees, the challenges the government faces in relation to providing assistance and protection to refugees, cases

of sexual violence against refugees, cases of refolement, and ratification of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention).

118. The Commissioner for Refugees briefed the delegation on the situation of refugees. The Sudan has been hosting refugees for several decades, most of whom are from South Sudan, Eritrea and Syria. He indicated that there are three categories of persons covered under the COR mandate, refugees living in camps, refugees living in urban areas, and asylum seekers. He stated that refugees from South Sudan are not considered as refugees but as brothers and sisters, and special treatment is given to that category of refugees as directed by the President of The Sudan.

Number of refugees in The Sudan

State	Out of camps	In camps	Total
Kasala	77557	214542	292099
Algadarif	59303	13000	72303
Portsudan	43482	0	43482
Aljazeera	15431	1206	16637
Western States	69923	8674	78597
Khartoum	166254	0	166254
Total	431950	237422	669372

Table statistics provided by the Commissioner for Refugees

119. The Commissioner further indicated that the National Refugees Act provides for assistance to be given to refugees, and only refugees in camps are assisted. Refugees living in urban areas do not receive assistance.

120. Regarding the rights of refugees to health, education, and other services, the Commissioner indicated that there are schools and health centres within the refugee camps. He added that the facilities are sometimes used by the local population living near the camps.

121. On the issue of refolement, he indicated that The Sudan never sends refugees to their country of origin against their will. He added that refugees leave when voluntary repatriation is organised. However, he indicated that people who enter the country illegally, such as economic migrants, are sometimes taken back. Regarding the means of distinguishing economic migrants from refugees, he indicated that a refugee status determination is conducted whenever the Office receives an asylum application.

122. The Commissioner stated several challenges faced by the Office, including human trafficking and smuggling, which continue to be a problem despite the adoption of an

Anti-Human Trafficking Act by the Government in March 2015 and the establishment of an Anti-trafficking body. He also indicated that security in camps is not adequate due to insecurity in neighbouring regions. He added that there is a category of asylum seekers who come to The Sudan to transit to Europe or Israel.

123. Regarding the ratification of the Kampala Convention by The Sudan, he explained that the issue of internally displaced persons falls outside the mandate of the COR.

12. Meeting with the Humanitarian Aid Commission

124. At the HAC, the delegation met with the General Commissioner, Mr. Ahmed Mohamed Adam and his colleagues. The discussions focused amongst others on the role of the HAC, the procedures for registration of NGOs, the issue of deregistration of some associations, the support provided by the Government to NGOs, capacity building of NGOs, the issue of reprisals on human rights defenders, and the assistance given to Internally Displaced Persons (IDPs).

125. The General Commissioner began with a brief presentation on the HAC. He indicated that it is a national body established by the Humanitarian Aid Act of 2006. The HAC is responsible for coordinating humanitarian aid in The Sudan. It is also responsible for working with local and international NGOs in The Sudan.

126. He stated that there are two types of aid. The first is aid for emergency situations, for which the procedure is fast-tracked and takes less time. The second category is rehabilitation and recovery, which serves to build schools and other development infrastructures.

127. The delegation was informed that the HAC distributes aid according to need and the situation of the beneficiaries. For example, IDPs get basic services such as food, shelter and water.

128. With regards to the number of NGOs and the process of registration, the General Commissioner told the delegation that there are 4,300 local NGOs, 97 international NGOs and 53 networks registered in The Sudan. Regarding registration of NGOs, it was indicated that the HAC is the body responsible for handling NGO related matters, and it works in close collaboration with 9 ministries which have offices in the HAC building to ensure that the NGOs finalise their issues in one building rather than go to different ministries.

129. On the question of support provided by the Government to NGOs qualified as pro-government, the HAC representatives indicated HAC treats all NGOs equally according to its regulations. It was also stated that NGOs do not get any support from government. However, all registered NGOs have tax and custom exemption, except fees for services. As an example, the delegation was informed that when the

registered NGOs import cars, they do not pay any tax.

130. Regarding the required number of people to form an NGO or the number of NGOs that can form a network, the delegation was informed that an NGO can be created by not less than thirty (30) people and a network by a minimum number of ten (10) NGOs.
131. The delegation was also informed that if an NGO wants to open an account, it has to get a letter from the HAC to make sure that the organisation is registered, and also because legislation on money laundering and anti-terrorism require clearance.
132. With regards to freedom of association, the delegation was informed that the NGOs are allowed to work freely as long as they are duly registered. Criteria for registration include: that an organisation have not less than 30 people, have a constitution, have an executive body, state how it gets funds, submit financial report annually, not be involve in profit making schemes, and limit their activities to their stated objectives.
133. Regarding the issue of de-registration of NGOs, the delegation was informed that some NGOs de-register themselves by for example not reporting or not paying the annual fee of 40 dollars a year.
134. Regarding recourse provided in case an NGO is refused registration or is deregistered, the General Commissioner affirmed that there is an appeals process through which NGOs can appeal.
135. Concerning training programs for NGOs, the delegation was informed that such a program takes place. Training was held in 2014 for more than 100 NGOs to improve their technical skills.
136. The delegation was informed that funds for NGOs from external sources come through the UN Work plan and the Government takes no percentage of the money at any level. As regards funding for the HAC, it has strong collaboration with regional and international partners. The HAC has bilateral funding from different countries such as China and Saudi Arabia, but also gets funding from Organisations including the Arab League, the Organisation of Islamic Cooperation (OIC), the AU, the Intergovernmental Authority on Development (IGAD) as well as from international NGOs.
137. The delegation seized the opportunity to inform the representatives of HAC about the possibility of civil society organisations obtaining observer status with the Commission, and explained that this status will enable them to become partners of the Commission and to participate in its sessions and other activities.

III. CSOs/Media Professionals

13. First Meeting with Civil Society Organisations / Media Professionals

138. The delegation held a working session with civil society organisations (CSOs) working on human rights issues in The Sudan. The session was held with about 26 persons representing various organisations.
139. The delegation welcomed participants to the Meeting, and briefed them on the mandate, activities, communications procedure and special mechanisms of the Commission, as well as the purpose of the mission and the meeting with CSOs / media professionals. The delegation also spoke of the significance the Commission attaches to its relations with NGOs, which is why it grants observer status to NGOs. It encouraged the NGOs that do not have observer status with the Commission to apply for observer status. The delegation then asked participants to highlight areas of concern identified in the course of their work, or any other matter which they wish to bring to the Commission's attention.
140. Some of the issues raised include, recruitment of child soldiers; tribal conflicts; lack of financial and technical capacity of local NGOs in order to operate meaningfully; the unilateral sanctions imposed by the United States; division amongst activists; the lack of awareness about the African human rights system in general and the African Charter in particular; the need to strengthen efforts to address FGM and human trafficking; lack of clarity on the mass rape allegations in Tabit and therefore need for further investigation; and the need to accelerate law reform.
141. The participants also mentioned some positive developments, including the successful convening of general elections in April 2015; increase in the percentage of women in parliament from 25% to 30%; enactment of law prohibiting FGM; and respect for the rights of prisoners.
142. The delegation thanked the participants for their contributions and assured them that the issues raised would be brought to the attention of the relevant government bodies and also highlighted in the mission report.

14. Second Meeting with Civil Society Organisations, Media Professionals and Human Rights Defenders

143. The delegation met other CSOs, media professionals and human rights defenders who were unable to attend the first meeting held with similar groups. At least ten participants were present at this meeting.
144. The delegation welcomed participants to the Meeting, and briefed them on the work of the Commission and the purpose of the mission. The delegation highlighted

the Commission's interest in strengthening relations with civil society, the process of granting observer status to NGOs and how they could contribute to the Commission's aim of promoting and protecting human rights in the continent. It encouraged the NGOs that do not have observer status with the Commission to apply for observer status, which would allow them to speak during the Commission's Ordinary Sessions on the human rights situation on The Sudan. The delegation then asked participants to highlight areas of concern identified in the course of their work, or any other matter which they wish to bring to the Commission's attention.

145. According to the participants, a key pressing issue is the continuing civil war in three regions of The Sudan following its separation from South Sudan. Not enough is being done to seek a lasting peaceful solution. Participants indicated that instead of dealing with the conflicts as rebellions, it is preferable to commit to negotiations and find a peaceful solution, such as that of the African Union High-Level Implementation Panel.

146. A participant who is also a member of the Nuba community indicated that the people of Nuba Mountains, South Kordofan have been under constant aerial bombardment since 2011 by the Sudan Armed Forces, in attempts to flush out the Sudan Peoples' Liberation Movement/Army-North (SPLM/A-N). However, it is civilians that are suffering in the fight. Civilians have been displaced, many have taken refuge in South Sudan, those that remain have no access to basic services such as healthcare, children are not vaccinated, and schools have been destroyed. The community has resorted to using traditional medicine.

147. The participant averred that the Nuba people have been denied the right to express themselves about what is happening in the Nuba Mountains, as it could result in detention by the NISS or imprisonment for prolonged periods. Child soldiers are used in the fights.

148. In relation to NISS, it was stated that the National Security Act and several other Sudanese laws are vague, thereby allowing NISS to detain individuals for prolonged periods. The laws are discriminatory and provide for flogging, or other cruel and degrading punishments, particularly against women.

149. There is political stagnation in the country as the same ruling party has been in power for decades, often times through undemocratic means. With specific reference to the April 2015 elections, participants added that there is no conducive environment for elections; and political parties find it difficult to attain permits to carry out rallies and other activities outside their premises. Further, lack of free media means lack of free elections, because the Government has a tight grip on the media's activities. They added that most government bodies, particularly the law enforcement agencies, are very politicised. They indicated that due to these reasons, a majority of the Sudanese

population boycotted the 2015 elections.

150. There is a dire need for law reform, as there exist restrictive laws particularly curtailing women's rights, religious rights, freedom of expression and information, and freedom of association. For example, The Sudan's Family Law restricts the rights of children and women, including allowing child marriage, limiting women's right to work, in the areas of marriage, and regulating the conduct of women. The Public Order Law unjustly restricts women's freedoms and rights in public settings, and puts in place severe punishments for non-observance such as flogging.
151. Sexual violence against women is a major issue, and it is not limited to conflict zones. There are many reports of rape. Participants added that although the number of women in parliament has increased, not a lot has changed in terms of improving women's rights.
152. It was indicated that there is limited space for CSOs to carry out their work, and that CSOs have been cornered into focusing on service delivery, as opposed to working on advocacy and political participation. They added that the civil society law is very restrictive.
153. Regarding the confiscation of newspapers, participants stated that even while the delegation was conducting its Promotion Mission, on 25 May 2015, NISS confiscated ten newspapers, four of which were suspended indefinitely. They added that the National Council for Press and Publications (NCPP) of The Sudan has the authority to suspend newspapers.
154. Participants averred that the on-going crackdown on journalists is evidence that the recently adopted Freedom of Information Law does not change the *de facto* atmosphere for journalists in The Sudan. They further stated that the media was not consulted in the development of the Freedom of Information Law. Major television and radio establishments are owned by Government. Those which are privately owned avoid covering politics.
155. On a positive note, participants stated that the fear barrier has been broken, and despite the possible consequences, journalists and people speak their mind, especially using social media like *facebook*.
156. One of the participants, Dr Amin Mekki Medani, an advocate and human rights defender, shared his experience of being detained at Kober Prison.⁴ He explained that he was kept in solitary confinement for 16 days, denied any contact with family or lawyers, that the cell was dark, and there was no proper sanitation. He added that

⁴ The delegation had requested to visit Kober Prison. However, authorisation was not granted by the Government of The Sudan.

he was eventually taken out of solitary confinement after 16 days, and that although conditions improved for him, the majority of other prisoners were kept in very poor conditions, with not enough food and facilities, and some even remained in shackles throughout the day.

157. In relation to sanctions, one of the participants stated that sanctions do have negative effects on The Sudan, such as in the transportation sector, due to shortage of spare parts, but that sanctions are not the primary cause for the violation of human rights in the country.

158. Participants indicated that there is very little discourse on the African human rights system, the general public and relevant stakeholders are not aware of the African Charter or the Commission. There is more awareness about The Sudan's engagement in the Arab League as opposed to the AU.

IV. Other Partners

15. Meeting with the Council of African Political Parties

159. The delegation was received by Dr Azhari El Tigani Awad Elseed, the Deputy Chairperson of the Council of African Political Parties, which is a forum for African political parties. The discussions focused on the Council's mandate, its achievements as well as challenges.

160. Dr Elseed stated that the Council was established under the initiative of the African Union's Peace and Security Council in 2013, which was declared African renaissance year. All five regions are represented and all the bodies agreed that The Sudan would be the permanent headquarter of this Council.

161. Regarding its role, the Council amongst other activities provides training for AU Election Observers, in collaboration with the AU. For example, during the 2015 elections held in Chad, Ethiopia and Eritrea, the Council selected election observers for these countries. The Council's observers had direct relations with national observers.

162. Dr Elseed indicated that the Council works on good governance, as it believes that power transfer has to be through elections. It also focuses on the development, progress and promotion of human rights.

163. The Council has set up organs such as the Youth Organ. It further plans to establish social and economic organs.

16. Meeting with the International Partners Forum for Human Rights

164. The delegation met with the International Partners Forum for Human Rights (the IPF). This Forum comprises representatives of diplomatic missions to The Sudan. The IPF, amongst others, aims to facilitate and enhance constructive dialogue between its members and the Government of The Sudan on human rights issues. The delegation's discussions with the IPF focused on the general human rights situation in the country.
165. The delegation made a brief presentation on the Commission's mandate, the objective of the mission to The Sudan, as well as how the Commission generally engages with State Parties regarding human rights issues.
166. With regards to the human rights situation, the delegation was informed that the human rights situation in The Sudan is deteriorating. The IPF added that The Sudan is not meeting its obligations under the Bill of Rights in its Constitution. It was also recalled that both government and non-government forces are committing acts amounting to human rights violations. The instances of closure of newspapers, closing down of NGOs, and other restrictions on freedom of expression were also discussed. Other areas of concern mentioned by the IPF representatives are the lack of credibility of the recent elections and the fact that The Sudan has not ratified a number of major human rights instruments.
167. Regarding CSOs, it was brought to the attention of the delegation that CSOs are under great pressure placing them in need of political and financial support. The IPF expressed hopes that the mission and follow-up actions should not only focus on areas of concern but also identify areas in which training and capacity-building can take place.
168. The meeting also discussed the work of NISS. It was highlighted that there is no way to deal with human rights issues in The Sudan without reflecting on the role of NISS.
169. It was also indicated that human rights issues are being overshadowed by political issues, leading to impunity of perpetrators of human rights violations. It was stated that the general public and human rights defenders are amongst the most targeted. Furthermore, human rights institutions, such as the NCHR, lack the capacity to carry out their mission efficiently. For instance, the NCHR budget is too small compared to that of NISS.
170. The IPF concluded by stressing that there should be an end to the silence around issues of bombings, NISS violations, and violation of freedom of expression.

V. Visits

17. Visit to Al-Huda Prison and Reformatory Centre

171. During the promotion mission, the delegation visited Al-Huda Prison and Reformatory Centre where it met with Mr Badreldin Sharif, the Prison Director. The delegation was briefed on the Al-Huda Prison and conditions of detention.
172. Mr. Sharif indicated that the Prison was established in 2007, and added that the Prison has six sections, including accommodation centres, schools and medical units in each section. He stated that there is a hall for visitors and a quiet, private space for family visits. The prison has a separate building for administrative offices, and accommodation for prison officials. Mr Sharif informed the delegation about the reform programs. He indicated that there are primary and secondary schools, an observation centre, and also religious teaching for Muslims.
173. The delegation thereafter sought responses from the officials regarding the capacity of the prison and how many prisoners it actually has; the number of convicts and those on remand; the number of death row inmates; the administration of justice; the conditions of detention in terms of food, shelter, water, recreation and education; the treatment of vulnerable groups like women and minors; the treatment of the persons who look after prisoners like warders; instances of torture; the treatment of PLHIV and measures taken to prevent the spread of HIV in prison; human rights training; and the visiting procedure.
174. The delegation was informed that the operational capacity of the prison is 7500 persons and the number of prisoners as at the time of the visit was 5446 prisoners. It was indicated that there are no juvenile prisoners.
175. On the health and sanitation facilities in the prison, the delegation was informed that the prison has a comprehensive hospital with medical staff that provides health care to prisoners. The prison has 6 underground wells and water tanks for drinking water and sanitation. On the issue of HIV, the delegation was informed that PLHIV have access to Antiretroviral (ARV). Mr Sharif indicated that prisoners who test positive are isolated to avoid infection of other prisoners.
176. Regarding meals, Mr Sharif stated that prisoners are served two meals a day, and added that one of the meals is of a large portion and the meals are of high nutritious value, and include cereal, vegetables and bread.
177. Regarding recreational facilities, the delegation was informed that there are facilities for sports activities including football. There are music instruments, and cultural activities are allowed. Sports competitions and concerts are also organised.

178. In relation to visitations, the delegation was informed that visiting hours are the whole day, but there are specific days for differing categories of visitors. Government representatives as well as NGOs have the right to visit prisoners. The delegation was informed that the prison collaborates with NGOs on many programs, including the purchase of medicine for prisoners. The prison has space for family visits, including private places where prisoners can spend time with their spouses.
179. Mr Sharif informed the delegation that parole is regulated by law. Prison officials apply for parole for prisoners.
180. There is a regular human rights training for prison officials.
181. Concerning employment of prisoners, it was indicated that there is no institutionalised employment program, but rehabilitation activities as well as vocational training form part of the reform program.
182. On the issue of instances of torture, it was indicated that no case of torture or other ill-treatment such as flogging or amputations take place. On the question of death row inmates, the delegation was informed that the prison has death row inmates, but no executions were planned.
183. The Delegation was given a tour of the facilities. The facilities the delegation saw conformed to minimum standards of detention. The delegation however did not interact with any of the prisoners.

18. Visit to the Omdurman Female Prison

184. The Delegation also visited the only prison for women in The Sudan where it was received and briefed by the Prisoner Director, Ms Salwa Ahmed. Following the exchange of courtesies, the delegation requested for information regarding the right of prisoners to food, shelter and education; the treatment accorded to pregnant women; care for prisoners with HIV; the available recreational facilities for prisoners; the parole procedure; the nature of offences committed by inmates; the available sanitary facilities; and prisoners with disabilities.
185. The prison had a total number of 1067 prisoners, and 151 children. The operational capacity of the prison is 600 to 700 prisoners. The prison receives prisoners with long-term prison sentences. In order to reduce the number of prisoners, the delegation was informed that a section for women is going to be built in Al-Huda Prison.
186. Regarding the treatment of pregnant women and mothers, the Director indicated that they are accorded special treatment, and that there is even a law on their

protection and treatment, including their diet. She stated that prisoners with a child have a separate section and in addition to the meal provided by the prison, there is an NGO which provides meals and items for children. She added that married women have conjugal rights, but because there is no room in the prison, they are sometimes allowed to leave the prison. If an inmate becomes pregnant, she receives more nutritious food, medication, and can even deliver in the prison as there is a comprehensive medical unit within the prison.

187. Concerning sanitary facilities for the women, the Director informed the delegation that there is a stock of sanitary items which are provided to prisoners. A budget is allocated for such purposes.
188. The prison has few prisoners with disabilities and the prison provides special care for them, including medication and prosthetic limbs, where necessary.
189. In response to the types of offences committed by the prisoners, it was indicated that most are accused of theft, fraud, murder, use of alcohol, drugs and prostitution. The delegation was informed that there is no case of women being arrested because of their dress code.
190. Regarding legal aid, the Director indicated that the Ministry of Justice provides legal assistance. The Director further stated that during public holidays, several inmates are released.
191. On the issue of disciplinary procedures, the Director indicated that there are disciplinary rules which apply to prisoners. If prisoners are involved in violent acts, the Prison can prohibit visits and impose other punishments such as mandatory work in the workshop.

19. Visit to the International University of Africa

192. At the International University of Africa, the delegation was received by Dr Baaziz Ali Bin Ali Alfakih, Dean of the Faculty of Sharia and Law. The delegation had discussions with him on the curricula and facilities provided to students, after which the delegation was given an opportunity to lecture students on human rights.
193. Dr Alfakih indicated that the International University of Africa is present in many African countries, The Sudan being one of them. The University in Khartoum has two thousand (2000) students representing 40 countries in Africa, and 50% are female. The delegation was informed that the University is only for Muslims.
194. Regarding the curricula, it was indicated that the first four semesters are dedicated to general education, and from the fifth semester the students start to specialise, some in Sharia law. The University also has a post-graduate program.

195. Concerning the language of studies, the delegation was informed that teaching is in Arabic, but some curricula are in English, particularly to accommodate students from abroad such as Kenya, South Africa and Tanzania, especially in legal studies.
196. With regards to the facilities provided, the Dean informed the delegation that the University gives scholarships with the support of donors.
197. The delegation met with students in a hall, all of whom were male. The delegation then gave a lecture on the African Charter and the rights enshrined in the Charter, the Commission and its mandate of promoting and protecting of human rights, as well as some of the Commission's activities and how the students can engage with the Commission. The issue of terrorism was also discussed.
198. The students were given an opportunity to ask questions, most of which related to an internship program at the seat of the Commission, the Commission's action on Xenophobia in South Africa as well as the Garissa University terrorist attacks, ways to engage or cooperate with the Commission as well as the remedy provided by the Commission when human rights are violated.
199. The delegation provided answers to the various issues raised by the students and also briefed them on the Commission's procedure. The delegation further invited the students to participate in the 2016 Moot Court competition to be organised as part of celebration to mark "2016: African Year of Human Rights, with a focus on women's rights".
200. The delegation appreciated the fruitful discussions and thanked the students for their interest in the lecture. The delegation also congratulated the students for deciding to further their education, as education is the gateway to awareness. The students were invited to continue their education, to study hard and have concrete and focused objectives.

VI. Meetings in Darfur

20. Meeting with Dr Al-Tejani Al-Sisi, Head of the Darfur Regional Authority

201. The delegation travelled to Darfur where it met with the Head of the Darfur Regional Authority (DRA), Dr Al-Tejani Al-Sisi. The discussions centred on the human right situation in Darfur, the role of the DRA, the Doha Document for Peace Agreement and how the process is progressing, the situation of IDPs as well as the allegations of mass rape in Tabit.
202. Before providing clarifications on the issues raised by the delegation, Dr Tejani made a brief presentation on the Institution he chaired. Dr Tejani indicated that the DRA is an interim governing body for the Darfur region which replaced the former

Transitional Darfur Regional Authority. It was established in line with the Doha Peace Agreement. He stated that the DRA assumed its full functions in February 2012 and contributes amongst others to creating peace and promoting human rights in Darfur. He informed the delegation of the different measures already set up to improve the human right situation in Darfur including the organisation of workshops regarding tribal reconciliations, the establishment of the Truth and Reconciliation Commission (TRC), the Darfur Crimes Tribunal which has prosecuted crimes committed as well as the appointment of the Prosecutor for Darfur Crimes.

203. Dr Tejani highlighted the absence of observers to monitor the prosecution process in accordance with the Doha Peace Agreement. There was lack of response from the international community in relation to the deployment of observers.
204. Conflicts in Darfur have reduced in number but they do occur from time to time. As an example, he indicated that even a week before the promotion mission, there were some clashes and there were casualties. They resolve conflicts through traditional means using tribal elders. According to Dr Tejani, Africans should settle their problems at the continental level, and there is no need for intervention from the international community.
205. Regarding the situation of IDPs, Dr Tejani explained that efforts have been made in order to improve their situation, including the establishment of a voluntary return commission under DRA, the resumption of their agricultural activities and the organisation of a conference on IDPs with an agenda to build villages for IDPs. As a result, the Government is working on the construction of 350 villages for voluntary returnees. He indicated that 500, 000 IDPs have returned to their villages.
206. On the issue of allegations of mass rape in Tabit, Dr Tejani indicated that the allegations had no basis because the accused soldiers belong to the Tabit area and have their sisters and mothers in that village. He further indicated that African Union-United Nations Mission in Darfur (UNAMID) has visited the area and conducted investigations which concluded that there is no evidence of rape. According to Dr Tejani, the Tabit allegations were fabricated to tarnish the Government's image.
207. In his conclusion, he affirmed that the situation in Darfur is far better than it used to be. This is certified by the fact that attacks by armed groups have decreased and there is also a significant decline in tribal conflicts.

21. Meeting with the Special Prosecutor for Darfur Crimes

208. The delegation met with the Special Prosecutor for Darfur Crimes, Mr Yasir Ahmed Mohamed. The discussions focused on the human rights situation in Darfur,

and the role of the Special Criminal Court on the Events in Darfur and the measures taken to ensure a fair trial to accused persons.

209. The Special Prosecutor informed the delegation that the Special Tribunal for Darfur Crimes was established in 2012 in order to combat impunity. He stated that Darfur is an important region in the Sudan with almost 7, 000, 000 of The Sudan's population. However, the region is faced with conflicts because of various armed groups. He highlighted that Darfur's problems became an international issue when the situation was referred to the UN Security Council in 2003.
210. He explained that the conflict in Darfur had negative impacts on the overall human rights situation in the country. He stated that 90% of human rights violations were committed by armed groups. The latter attacked many localities in the North and South of Darfur where they committed many violations of humanitarian law such as using internationally prohibited weapons and destroying basic facilities like water pumps.
211. The delegation sought to know more about the current situation of displaced persons. The Special Prosecutor informed the delegation that their situation has improved. He indicated that 40, 000 displaced persons have returned to their homes because there has been rehabilitation of the areas they came from.
212. Mr. Mohamed indicated that at the end of 2014, the government declared defeat of armed groups. 203 persons were captured and will be tried fairly.
213. Regarding the guarantee of a fair trial, the Special Prosecutor indicated that the major human rights instruments have been incorporated into federal laws and there is no problem with legislation in The Sudan and in Darfur. He stated that fair trial is observed for all. Individuals alleged to have committed a crime have the right to defend themselves before court and the law is applicable to all without discrimination. Further, there is no immunity for perpetrators of war crimes.
214. Regarding the number of cases adjudicated by the Court, he mentioned that 2000 complaints have been filed by members of the community against the armed groups and there are 285 members of armed groups on trial. There were a few cases where persons accused of committing war crimes were prosecuted, convicted and sentenced. He however indicated that some armed groups who committed war crimes have escaped justice.
215. Mr. Mohamed indicated that he worked on creating better human rights awareness as can be seen in documented Court activities.
216. With regards to pardons, Mr. Mohammed indicated that the president of The Sudan can pardon anyone, but it is conditional. Only crimes committed against the State can be pardoned. There are acts under sharia law that cannot be pardoned. As

an example, he stated that some of the armed groups who signed the peace agreement have been pardoned.

217. Responding to the issue of the execution of death sentences, he averred that one person was executed by popular defence force in 2012. The Court has prosecuted 88 persons who have been sentenced to death, and 16 persons have been found innocent.
218. Regarding challenges, the Special Prosecutor indicated that the main challenge is the difficulty of victims identifying the perpetrators.
219. Mr. Mohammed concluded by suggesting that the Commission should adopt a resolution condemning the acts of the armed groups and classify them as terrorist groups.

22. Meeting with the African Union-United Nations Mission in Darfur (UNAMID)

220. The delegation was received by a team led by Mrs Isha Dyfan, the Chief of Human Rights of UNAMID. The delegation sought to know the general human rights situation in Darfur, and what issues fall within the UNAMID mandate, and the assessment of UNAMID in relation to the human rights situation in Darfur. The allegation of rape in Tabit was also discussed.
221. The UNAMID team explained that The Sudan is faced with various human rights challenges which were at the heart of the visits by the UN mandate holders which concluded a week before the promotion mission.
222. In relation to the Tabit rape allegations, it was indicated that UNAMID has reported to the Human Rights Council that they were not given authorisation to investigate the allegations of rape, whether it occurred and to what extent.
223. Regarding the security issue, the delegation was informed that clashes between belligerent groups are reported from time to time, leading to criminal violations. It was indicated that that bombings are continuing in areas like Ruwata, near Rokero.
224. The UNAMID team indicated that although there is some progress in legal areas, access to justice remains a challenge in as much as the ongoing conflicts deter victims from seeking justice. Furthermore, the emergency law in force in Darfur and huge legislative gaps make access to justice very difficult.
225. Although the reform in the Criminal Act provides a definition of rape which distinguishes this offence from adultery, the situation is compounded by weak governance institutions. In this respect, the judiciary, the special courts and the prosecutor have not been able to address serious crimes. Judges themselves have fled some areas.

226. The delegation was informed about the Transitional Justice Initiative which the population can rely on to the extent that there is recognition of the rights being violated, economic, social and cultural rights being the major problems.
227. The delegation was informed that IDPs rely on humanitarian support and are living in abject poverty. CSOs have to build on their efforts. However, in Darfur, CSOs focus strictly on humanitarian issues; their work does not extend to human rights. The risks which NGOs are exposed to include deregistration.
228. The other challenge raised was that while in the ordinary courts, immunity of soldiers perpetrating rape has been lifted, the law granting immunity has not been repealed. It is one of the issues which UNAMID is engaging the Government on.
229. It was concluded that the fact that Darfur is no longer in the news does not mean that the situation has improved; rather it is because there are other pressing situations going on elsewhere in the world.

23. Meeting with the elders of Abou Shouk IDPs Camp

230. The delegation was not able to visit an IDP's camp due to time constraints. However, it held a briefing session with the elders of Abou Shouk IDPs Camp at the Humanitarian Aid Commission Office. The discussions focused mainly on the human rights situation of IDPs.
231. The Camp Director informed the delegation that the camp contained about 37,500 IDPs. He indicated that the Government together with the UN provide basic necessities. Micro-finance and donations are also provided. He stated that IDPs have health insurance cards and there is special assistance for the needy.
232. He further highlighted that since November 2005, the camp had stopped receiving additional IDPs, but now the camp is open and receiving people.
233. With regard to the organisation of the camp, the elders indicated that the camp has 30 leaders who collaborate with police and provide security with the police. He stated that from 2004 - 2014, the camp registered 12 murder cases, but all are isolated cases.
234. On the issue of voluntary return, the delegation was informed that the majority of the IDPs intend to return to their place of origin but are still waiting for security to improve in their area of origin while others wish to be resettled. He indicated that many have already returned to their places of origin due to improved security in their regions.
235. The delegation thanked the representatives of the IDPs, urged the leaders to work for peace and goodness of the community, but noted the fact that there were no

women amongst the elders present.

VII. Debriefing session

236. The delegation was welcomed at the Ministry of Justice for the debriefing session which brought together representatives of several Ministries and members of the Advisory Council of Human Rights as well as other national human rights bodies.
237. The head of delegation, Commissioner Mute thanked the Government for facilitating the successful mission. He further reported on the various meetings held with governmental, non-governmental and other stakeholders working on human rights and the multiple visits carried out. A presentation on the preliminary findings of the mission was made.
238. After the debriefing, representatives of the various ministries and national bodies which the delegation had not met due to time constraint, such as the Ministry of Education, the Ministry of Guidance and Endowment, the National Council for Child Welfare, the Sudanese Women's Union, and VAW Unit briefed the delegation on their mandate and achievements.
239. In conclusion, the Head of the Advisory Council of Human Rights congratulated the delegation for the work it had accomplished, and reiterated the will and commitment of the Government of The Sudan to work for the effective implementation of the rights and freedoms guaranteed under the African Charter.

PART THREE

OBSERVATIONS AND ANALYSIS OF THE HUMAN RIGHTS SITUATION IN THE SUDAN

240. This section of the Report provides the general observations and findings of the Promotion Mission based on the visits and information gathered from the meetings and discussions with the different stakeholders.
241. The mission took place from 22 to 28 May 2015 and limited its visit to Khartoum and Al-fasher in Northern Darfur. Thanks to the facilitation of the Government, and in particular the Advisory Council for Human Rights, the delegation met a crosssection of stakeholders working in the field of human rights.
242. The delegation is satisfied that the individuals and institutions which it met gave it an adequate picture of the human rights situation in the country, which forms the basis of the observations which it sets out here.

POSITIVE ASPECTS

243. The Commission notes and appreciates the following as positive factors in the promotion and protection of human rights in The Sudan:

General

- i. The authorisation granted to it by the Government of The Sudan, which is proof of the Government's willingness to cooperate with the Commission in addressing human rights issues in the country;
- ii. The further granting of authorisation for a visit by the UN Special Rapporteur on Violence against Women and the UN Independent Expert on the situation of human rights in Sudan, in May 2015, which shows The Sudan's commitment to cooperate with international human rights mechanisms;
- iii. The Sudan's regular attendance and participation in the public sessions of the Commission; iv. The ratification of regional and international human rights instruments, including: the African Charter on Human and Peoples' Rights; the African Charter on the Rights and Welfare of the Child; the African Charter on Democracy, Elections and Governance; the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa; the OAU Convention on the Prevention and Combating of Terrorism; the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Rights of the Child; the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict; the Convention on the Rights of Persons with Disabilities; Optional Protocol to the Convention on the Rights of Persons with Disabilities; and the International Convention on the Elimination of All Forms of Racial Discrimination;
- v. The adoption and review of a number of laws with positive bearing on the human rights situation in the country, including: the 1989 Act for Combating Illgotten Wealth; the 2000 Act for Combating Corruption; the 2004 Act for Combating Money Laundering; the 2006 Law Regulating Voluntary Work; the 2007 Armed Forces Act; the 2007 Political Parties Act; the 2008 Elections Act establishing the National Electoral Commission; the 2008 National Children's Welfare Council Act; the 1991 Sudanese Criminal Act amended in 2009 to include a chapter on crimes against humanity, war crimes and genocide; the 2009 National Human Rights Commission Act; the 2009 Press and Publications Act; the 2009 Disabled Persons Act; the 2009 South Sudan Referendum Act; the 2009 Abeye Area Referendum Act; the 2010 Children's Act; the 2015 Anti-Human

Trafficking Act and the 2015 Freedom of Information Law; vi. Programs, activities and strategies put in place for the realisation of human rights, as well as the establishment of national institutions with human rights mandates, including the Advisory Council on Human Rights under the Ministry of Justice, the National Council for Human Rights, the Anti-Human Trafficking

body and the National Council for Persons with Disabilities;

- vii. The continuous efforts of the Government to develop various legislation aimed at improving the governance framework in the country, through a number of bills pending in Parliament; and
- viii. Efforts to align domestic laws with international and regional standards.

Darfur

- i. The organisation of workshops on tribal reconciliations, the establishment of the TRC, the Darfur Crimes Tribunal as well as the appointment of the Prosecutor for Darfur Crimes;
- ii. The establishment of a mechanism to combat impunity such as the Special Court for Darfur Crimes;
- iii. Establishment of a voluntary return commission for IDPs under the DRA and the resumption of agricultural activities; and
- iv. Efforts by the Government to construct 350 villages for voluntary returnees, and the return of 500, 000 IDPs to their villages.

Conditions of detention

- i. Commendable facilities at the Al-Huda Prison and Reformatory Centre.

Freedom of association

- i. Capacity building of NGOs in order to develop their technical skills; and
- ii. Tax and custom exemption to registered NGOs.

Health

- i. Taxes are not imposed on medication and health related advertisements are free;
- ii. Expansion of PHC services, particularly in the area of free drugs and contraceptives; and
- iii. 168 hotspots and 36 centres provide treatment for opportunistic infections such as tuberculosis and malaria.

PLHIV

- i. The infection rate of HIV reduced from 1.6% in 2002 to 0.24% in 2015;
- ii. Specialised departments which deal with cases of rape and ensure that victims have access to PEP within the required timeline;
- iii. 370 centres provide PMTCT and antenatal care to Sudanese and non-Sudanese individuals without any distinction; and
- iv. Efforts to involve female migrant sex workers in other income generating activities, and they are entitled to free treatments at any of the centres.

Women

- i. Increase in the representation of women in Parliament from 25% to 30%;
- ii. Enactment of laws criminalising FGM in four regions of The Sudan and other efforts to combat FGM, such as the *Saleema* movement;
- iii. Efforts to empower nomadic women; and iv. reform in the 1991 Criminal Act which provides a definition of rape which distinguishes it from adultery.

Persons with disabilities

- i. Efforts by the Ministry of Welfare and Social Security to manufacture wheel chairs locally.

Other vulnerable groups

- i. Mobile schools for the nomadic population; and
- ii. The collection and distribution of *Zakat*, which obliges Muslims to contribute to a fund for the very poor.

Minerals

- i. Study conducted by the Ministry of Mines to combat the negative impact of mining mercury and other harmful substances, and efforts to find a replacement for the substances and to ban them; and
- ii. Agreement with the Great Lakes region countries to address the smuggling of minerals out of The Sudan.

NISS

- i. Disciplinary measures taken on NISS officials for abuse of power;

- ii. The institution of mechanisms which have the mandate to inquire, investigate and regulate the acts of NISS; and
- iii. The setting up of the Citizen Information Centre, an internal mechanism to monitor NISS activities, which receives complaints and works 24 hours a day.

Human rights training

- i. Regular human rights training for prisons officials;
- ii. Compulsory human rights training for NISS officials; and
- iii. Human rights are integrated into courses at all levels at the police academy and in the army training.

AREAS OF CONCERN

244. The delegation however noted and remains concerned about certain challenges which inhibit the full realisation and enjoyment of human rights by the citizens, and in this regard wishes to highlight the following:

General

- i. Lack of ratification of international human rights instruments, including the Protocol on Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights; Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa; African Union Convention on Preventing and Combating Corruption; African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention); Convention on the Elimination of All Forms of Discrimination against Women; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); Optional Protocol to CAT (OPCAT); Second Optional Protocol to the International Covenant on Civil and Political Rights Aiming at the Abolition of the Death Penalty; Convention for the Protection of All Persons from Enforced Disappearance; and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
- ii. Not yet submitted its Sixth Periodic State Report in accordance with Article 62 of the African Charter, which was due in May 2014;
- iii. Lack of response on the status of implementation of the Commission's various recommendations, provisional measures and letters of appeal;
- iv. Discriminatory laws and policies not in compliance with international and regional standards which unduly restrict the rights particularly of the most

vulnerable;

- v. Adverse effects of the unilateral sanctions by the United States on the economic and social well-being of the Sudanese people; and
- vi. Lack of awareness of the general public about the African human rights system in general and the African Charter in particular.

Instability/conflicts

- i. Instability/conflict in the Darfur, South Kordofan and Blue Nile regions, leading to the perpetration of grave human rights violations and severe humanitarian crises;
- ii. Lack of concerted action to find a lasting peaceful solution;
- iii. Aerial bombardment of the Nuba Mountains, South Kordofan, since 2011 by the Sudan Armed Forces to flush out the SPLM/A-N; iv. Massive displacement of civilians, with most seeking refuge in South Sudan, while those that remained have no access to basic services, such as healthcare and education;
- v. The use of child soldiers;
- vi. The prolonged situation of conflict in Darfur which has negative impacts on the overall human rights situation in The Sudan, such as political instability, insecurity, violence, and internal displacement;
- vii. Violation of human rights and humanitarian law by belligerents;
- viii. Difficulty of victims in identifying the perpetrators;
- ix. Absence of observers to monitor the prosecution process in accordance with the Doha Document for Peace Agreement;
- x. Security and access restrictions which negatively impact the activities of UNAMID; and
- xi. The hostile environment and risks that NGOs in Darfur are exposed to, including risks of deregistration and reprisals.

IDPs

- i. Insecurity hindering the return of IDPs to their places of origin; and
- ii. Extreme poverty under which IDPs are living.

Refugees

- i. Lack of assistance to refugees in urban areas.

Women and children

- i. Discriminatory laws against women, including the Public Order Law which unjustly restricts women's freedoms and rights in public settings and puts in place punishments such as flogging;
- ii. Legal provisions in the Family Law which unduly limit the rights of children and women, including limitations in the areas of marriage and the right to work, as well as provisions which permit early marriage;
- iii. Use of child soldiers; iv. Inadequate number of midwives;
- v. Prevalence of FGM in the country, and absence of a federal law criminalising FGM;
- vi. High incidence of sexual violence, including rape; and
- vii. Lack of clarity regarding the mass rape allegations in Tabit, Northern Darfur.

Persons with disabilities and older persons

- i. Major short-coming in relation to implementation of policies and laws on persons with disabilities;
- ii. Discrimination and stigma against persons with disabilities, especially mental disabilities; and
- iii. Absence of legislation regulating the well-being of the elderly.

PLHIV

- i. Lack of legislation on the protection of PLHIV.

Torture and ill-treatment

- i. Lack of specific legal provisions criminalising torture; and
- ii. Reports of torture and ill-treatment at Kober Prison.

Corporal punishment and the death penalty

- i. Imposition of judicial corporal punishment;
- ii. Allegations of execution of prisoners at Kober Prison; and
- iii. Continued imposition of the death penalty and executions.

Human trafficking

- i. Problems of human trafficking and smuggling despite the adoption of the 2015 Anti-Human Trafficking Act.

Conditions of detention

- i. Detention of individuals for prolonged periods in violation of Sudanese laws;
- ii. Reports of poor detention conditions and facilities at Kober Prison;
- iii. Over-crowding at the Omdurman Female Prison; and iv. No space to exercise conjugal rights at the Omdurman Female Prison.

Freedom of expression and access to information

- i. Arbitrary confiscation of newspapers;
- ii. Alleged lack of consultation of media professionals in developing the Freedom of Information Law; and iii. Lack of a conducive environment for journalists and human rights defenders to freely express themselves.

Freedom of association

- i. Lack of financial and technical capacity of local NGOs to operate meaningfully;
- ii. Limited space for NGOs to carry out their work, particularly in the area of advocacy, human rights and political participation;
- i. Politicisation/polarisation of NGOs; and
- ii. Large number of members needed to create an association.

Freedom of assembly

- i. Lack of information on investigations into the September 2013 killings of demonstrators, aside from a Fact-finding Committee set up under the Ministry of Justice.

Political participation

- i. Lack of conducive environment for political participation of the Sudanese people; and
- ii. Widespread boycott of the May 2015 general elections, by the main opposition parties.

NISS

- i. Irregularities in NISS operations;
- ii. Complaints relating to police brutality as well as torture and ill-treatment by NISS; iii. Lack of observation of due process by NISS in confiscating newspapers;
- iv. Broad and vague provisions in the 2010 National Security Act including granting

immunity to NISS officials and collaborators for acts performed in the course of duty; and

- v. Prolonged detention by NISS, particularly administrative detention for up to four months without charges;

Law enforcement agencies

- i. Politicisation of law enforcement agencies.

National institutions

- i. Lack of conformity to the Principles Relating to the Status of National Human Rights Institutions (the Paris Principles); ii. Non-compliance by state agencies, particularly NISS, with the recommendations of NCHR; and
- iii. Lack of adequate financial resources for the effective functioning of the NCHR.

RECOMMENDATIONS

245. The above areas of concern are an indication that The Sudan still faces some challenges in promoting and protecting human rights in the country. These recommendations are reflective of the fact that as a State Party to the African Charter and other international human rights instruments, The Sudan has an obligation to respect and implement those instruments.

246. In light of the above, the Commission makes the following recommendations:

General

- i. Ratify the international and regional human rights treaties which The Sudan has not acceded to, and to particularly expedite ratification of the Maputo Protocol, , the Kampala Convention, CEDAW and CAT;
- ii. Domesticating instruments to ensure effective protection of human rights for its population;
- iii. Submit its outstanding periodic state report to the Commission in accordance with Article 62 of the African Charter, and involve all stakeholders in the preparation of the report;
- iv. Implement / respond to the Commission's various recommendations, provisional measures orders and letters of appeal;
- v. Implement the outstanding recommendations made by the Commission in its previous Concluding Observations;

- vi. Increase its efforts to raise awareness of the African Charter among judges, lawyers and prosecutors to ensure that its provisions are taken into account by courts, and to take effective measures to disseminate the Charter to the public;
- vii. Accelerate law reform and ensure that national laws comply with the African Charter and other regional and international standards, particularly discriminatory laws which curtail the rights of vulnerable groups such as women and children;
- viii. Ensure consultation of stakeholders and the general public in the development and drafting of laws; and
- ix. Ensure that the Freedom of Information Law and the media law comply with international and regional standards.

Instability/conflicts

- i. Address more concretely the instabilities in Darfur, South Kordofan and Blue Nile regions; ii. Strengthen efforts to find lasting peaceful solutions; and
- iii. Allow UNAMID more freedom/support to carry out its mandate.

IDPs

- i. Take the necessary measures to address the insecurity and poverty faced by IDPs;

Refugees

- i. Provide assistance to refugees in urban areas;

Women and children

- i. Enact, without delay, legislation criminalising harmful traditional practices, such as FGM and early marriage, and ensure its effective implementation;
- ii. Strengthen sensitisation, information and education programmes on the rights of women and children;
- iii. Conduct enhanced awareness raising campaigns, especially amongst parents as well as community and religious leaders on harmful traditional practices, such as FGM and early marriage; iv. Ensure the sufficient participation of women in all decision-making processes;
- v. Strengthen and institutionalise a gender specific mandatory training course for law enforcement and health officials to ensure their full capacity in responding to all forms of violence against women and children;

- vi. Investigate thoroughly and expeditiously all cases of gender based violence, including sexual and domestic violence; and
- vii. Allow international and regional human rights mechanisms unimpeded access in order to carry out an impartial investigation into o the Tabit mass rape allegations.

Persons with disabilities and older persons

- i. Implement the policies and laws that are in place in relation to persons with disabilities;
- ii. Raise public awareness to fight stigma and discrimination against persons with disabilities;
- iii. Ensure the representation of persons with mental/intellectual disabilities in the National Council for Persons with Disabilities; and iv. Take legislative and administrative measures to protect older persons, and ensure their empowerment, including the enactment of legislation on the wellbeing of older persons.

PLHIV

- i. Enact the draft law on the protection of PLHIV.

Torture and Ill-treatment

- i. Expressly criminalise torture and ill-treatment and establish a National Preventive Mechanism; and ii. Stop the use of torture or cruel, inhuman or degrading treatment at Kober Prison.

Corporal punishment and the death penalty

- i. Take urgent measures to abolish laws that allow corporal punishment including stoning, amputation, cross-amputation and flogging; and
- ii. End the execution of inmates at Kober Prison, observe a moratorium on the death penalty and take measures for its total abolition.

Human trafficking

- i. Strengthen efforts to address human trafficking; and
- ii. Partner with relevant regional and international bodies as well as neighbouring countries to combat human trafficking, and provide training to law enforcement officials and border patrols.

Conditions of detention

- i. Ensure the speedy dispensation of justice to avoid prolonged pre-trial detentions, and generally comply with the Guidelines on Conditions of Police Custody and Pre-trial Detention in Africa;
- ii. Take immediate steps to address over-crowding at the Omdurman Female Prison; and iii. Improve conditions of detention and facilities at Kober Prison.

Freedom of expression and access to information

- i. Ensure that all laws that limit the right to freedom of expression including the National Security Act comply with the Commission's Declaration of Principles on Freedom of Expression in Africa and other relevant international and regional instruments;
- ii. Cease the unlawful confiscation of newspapers; and
- iii. Decriminalise defamation.

Freedom of association

- i. Create a conducive environment for NGOs to flourish, and encourage them to extend their activities to advocacy and human rights;
- ii. Review its policy regarding the large number of persons required to establish an association;
- iii. Work in collaboration with NGOs and CSOs in the promotion and protection of human rights in the country; and
- iv. Accord due protection to human rights defenders.

Freedom of Assembly

- i. Release the findings of the Fact-finding Committee on the September 2013 killing of demonstrators;
- ii. Hold those responsible for the killings liable, and ensure adequate redress for the families of the victims; and
- iii. Resort to a notification system in relation to freedom of peaceful assembly.

Political participation

- i. Create a conducive environment in which the political participation of the Sudanese population can thrive; and ii. Ensure that CSOs with human rights and governance functions as well as the media operate without undue interference and that

they are not proscribed or prevented from undertaking their work without due process.

NISS and Law enforcement agencies

- i. Ensure that the conditions of arrest, preliminary interrogation and detention of suspects comply with the principles of the Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa (the Robben Island Guidelines);
- ii. Ensure human rights training for relevant law enforcement officials, magistrates and judges;
- iii. Take adequate measures to combat insecurity and violence, as well as tackle the excessive use of force by the police, NISS and other law enforcement bodies;
- iv. Appoint an independent commission to investigate all extrajudicial executions, excessive use of force, enforced disappearances and torture by law enforcement agents, and make the findings public;
- v. Hold perpetrators of human rights violations, including torture, within law enforcement agencies, accountable for their actions; and
- vi. Provide adequate redress, including restitution, compensation, rehabilitation, and satisfaction and guarantees of non-repetition.

National Institutions

- i. Ensure compliance of the NCHR with the Paris Principles;
- ii. Provide national institutions such as the NCHR, the Anti-Human Trafficking body and the National Council for Persons with Disabilities with adequate technical and financial resources to enable them effectively implement their mandates; and
- iii. Strengthen collaboration of government offices with the NCHR including responding to its letters of appeal or inquiries, and implementing its recommendations.

NGOs

- i. Apply for observer status with the Commission; and
- ii. Avoid politicisation/polarisation and work in synergy.

UN Agencies and other partners

- i. Continue to provide financial, material and technical support to the State, NGOs and other stakeholder to enable them play a meaningful role in the promotion

- and protection of human rights in the country;
- ii. Strengthen support to the Darfur Peace Process and, in particular, reinforce efforts to expedite a transitional justice framework for Darfur; and
 - iii. Ensure that observers are deployed to monitor the prosecution process in Darfur in accordance with the Doha Peace Agreement.

247. In conclusion, the Commission calls on the Government of The Sudan to take all the necessary measures to implement the recommendations contained in this Report, and also the outstanding recommendations made by the Commission in its previous Concluding Observations.