

REPUBLIC OF THE SUDAN

**THE 4TH AND 5TH PERIODIC REPORTS OF THE REPUBLIC OF
THE SUDAN IN ACCORDANCE WITH ARTICLE 62 OF
THE AFRICAN CHARTER ON HUMAN AND
PEOPLES RIGHTS
2008 – 2012**

In the Name of Allah, the Gracious, the Merciful

Republic of the Sudan

**The 4th and 5th Periodic Reports of the Republic of the Sudan in
Accordance with Article 62 of the African Charter
on Human and Peoples Rights for the Period
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Introduction

Having ratified the African Charter on Human and Peoples Rights in February 1986, the Sudan continued to honour its obligations emanating thereof, show increased interest in the efforts and activities of the African Commission on Human and Peoples Rights, ensure regular participation in its meetings, cooperate with it, respond to its correspondence and queries and provide it with information and documentation. The Sudan also continued to receive missions from the African Commission and its mechanism out of its conviction of the genuineness of the Commission's mission and role in the protection and promotion of human and peoples rights in Africa and of the importance of constructive and objective dialogue between the Commission and Member States in the service of human rights and freedoms of the African peoples.

- Therefore, the Sudan submitted its First Report on its Human Rights status which it was discussed during the 21st Session held in Nouakchott, Mauritania in April 1997;
- In accordance with Article 62 of the Charter, the Sudan submitted its 2nd Report in 2003 and the 3rd Report in 2006. We now submit the 4th Report covering the period 2008 – 2010 and the 5th Report covering the period 2010 – 2012. We would like to elaborate on the approach followed in the preparation of these Reports as follows:
 - i) Avoid the repetition of what is contained in previous reports except for purposes of further clarification or introduction of new elements;
 - ii) Present basic rights in the order of Articles of the African Charter on Human and People's Rights with reference to the relevant Articles of the Charter;
 - iii) Use short paragraphs that are numbered for ease of reference;
 - iv) The Government of the Sudan emphasizes its genuine commitment to cooperation with the African Commission in the area of human rights as the institution responsible for the promotion and protection of human rights, guided by the universal principles, impartiality, objectivity, neutrality and non-politicization. The Commission is responsible for the promotion and protection of human rights based on the principles of cooperation and constructive dialogue with Member States, bearing in mind that these rights, as recognized by the Vienna Declaration and programme of work are "Universal, indivisible and interrelated". The mechanism for the work of the Commission articulates a strategic choice that has the protection of human rights as its target, rejecting any form of exploitation for political, ideological or economic reasons;

- v) These reports outline the status of human rights in North Sudan and cover the four years period during which South Sudan continued to enjoy full autonomy running its own affairs following the signing of the Comprehensive Peace Accord in 2005 and the adoption of the 2005 Transitional Constitution of the Republic of the Sudan which emphasized the principle of this autonomy up to secession from the Sudan and the establishment of a new State;
- vi) We present in these reports, a synopsis of the major gains made in the area of promotion and protection of human rights in the Sudan. This is supported by the efforts of the State at the legislative, judicial and executive levels to protect of human rights at a time when the Sudan was facing a lot of challenges and difficulties. All that did not deter the Sudan from pursuing its efforts resolutely in promoting human rights and improving its cooperation with the various players at the national, regional and international levels through enacting legislations and adopting of measures and initiatives in this respect;
- vii) After the signing in Nairobi of the Comprehensive Peace Accord in January 2005, the Translational Constitution of the Republic of the Sudan was adopted in July 2005 and its relevant parts were reproduced in our previous report;
- viii) We deem it useful to make this introduction to the subject to give an overview of the legal framework for the implementation and promotion of human rights in the Sudan and its governance structures in the post Comprehensive Peace Accord period and after the adoption of the 2005 Transitional Constitution of the Republic of the Sudan followed by the Referendum in South Sudan, leading to the secession of South Sudan.

Chapter One

Part One

The General Legal Framework

I. The General Framework

1. Sudan is the largest African country in terms of its area which is 881 thousand square metres, almost one tenth of Africa's area. It has borders with seven countries, namely, Egypt and Libya from the North, South Sudan from the South, Chad and the Central African Republic from the West, Ethiopia and Eritrea from the East and is separated from the Kingdom of Saudi Arabia by the Red Sea.

2. The basic natural characteristics of the Sudan include the Nile and its tributaries, with the White Nile from Lake Victoria in Uganda to the Southern Sudanese border of Bahel Jabal, passing through the Great Dams Zone and converging with Sobat River up to Khartoum where it links with the Blue Nile which starts from Lake Tana in Ethiopia, and then Atbara River in the Northern City of Atbara. The main sources feeding the Nile river are made up of the Blue Nile, Sobat River and Atbara River. The White Nile contributes about 30% of its annual flow to the waters of the River Nile which loses most of its water to the evaporation process in the dame zone.

3. The Nile Network provides the country with huge arable areas with fertile land between the White and Blue Niles and between Atbara river and the Blue Nile. The most important irrigation projects are found in the latter area between the Atbara and Blue Nile rivers.

4. The climate in the Sudan varies ranging from the Sahara climate in the North, the poor and rich Savannah in the central part and special climates in Jabal Marra, Arkwet area and the Nuba Mountains. This varying climate gives the Sudan the advantage of being able to produce different agriculture and horticultural crops.

5. In most parts of the country, the highest temperature is 100 degrees during most months of the year. There are continental storms in the Central and Northern parts of the country, especially during summer months from March to July, sending signals that the rainy season that lasts from July to October was about to start. As for the Red Sea coast, it has wonderful sea climate and it rains there during winter.

6. Arabic is the predominant language of the country, but English is also widely spoken. They form the two official languages in accordance with Article 8 f the 2005 Transitional National Constitution.

7. The war between North and South lasted for more than half a century affecting socio-political and economic stability of the country as it consumed most of the country's human and material resources. 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 Southerners the right to self-determination in a free and fair referendum in which the citizens of South Sudan chose to secede from the motherland and to form an independent state on 9 January 2011.

8. This report was accorded special attention by the Government of the Sudan and was prepared by a committee set up by the Minister of Justice and composed of representatives of various ministries and institutions that provided information about their policies for the promotion and protection of human rights. As these reports deal with efforts made by the Government regarding its commitments in the area of human rights, consultations were undertaken with civil society organizations as the reports are not to be exclusively prepared by Government alone. Those consultations included the convening of a series of meetings and workshops.

9. The right to self-determination is a constitutional right 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 stipulates that a referendum shall be held in South Sudan in January 2011. The referendum was organized by the Referendum Commission in South Sudan in the presence of international and local observers and it was about choosing between the Unity of the Sudan and secession. Voting during the referendum in the various parts of the Sudan and in the Diaspora ended on 9 July 2011.

10. Voting was conducted in a free and peaceful atmosphere as confirmed by the international, regional and national observers. No incidence of violence was reported. The Referendum Commission declared the final results which paved the way for Southerners to establish their independent state on 9 July 2011. More than 99% voted for secession. 57.65% voted for secession in the North and 42.35% voted for unity, 98.55% voted for secession in the eight Diaspora countries whilst 1.45% voted for unity. A total of 98.83% votes was for secession and those for unity were 1.17%. The Government accepted the results and Sudan was the first country to recognize the State of South Sudan.

II. The Legal Framework

11. The Constitution reaffirmed in Article 5 that the Islamic Sharia, Consensus and customs are the main sources of legislation as adopted in the successive previous constitutions. This is in relation to legislations enacted at the national level and applied in North Sudan. This Article takes into account what has been agreed on within the context of the Comprehensive Peace Accord, accommodating religious pluralism of the citizens of the Sudan. Similarly, the Constitution gives citizens in each State of South Sudan and where there is national legislation, the right to enact their own legislations and to establish institutions that are compatible with the religion and customs of the majority of the inhabitants of the state. In accordance with Article 5(a) of the Constitution, such legislations may be referred to the Council of the particular state for adoption by the two-third majority of the Representatives of the Council.

A. Laws

The 2005 Comprehensive Peace Accord

12. The Government of the Sudan and the Sudan People's Liberation Movement signed the Comprehensive Peace Accord on 9 January 2005 in Nairobi, Kenya, putting an end to the longest war on the African continent and providing the opportunity for transformation from deterioration to peace and prosperity.

13. The Accord addressed the direct major causes of the conflict and its main priorities included the establishment of unity government for the whole of the Sudan alongside a Government of south Sudan. It also contained a number of protocols with provisions relating to

the protection and promotion of human rights. The Protocol on sharing authority signed in May 2004, stipulates in Articles 1 – 6 that “the Republic of the Sudan shall fully honour at all levels of governance and in all parts of the country, the obligations dictated by the International Conventions on human rights, to which Sudan is a party”.

14. Several Commissions were created under the Comprehensive Peace Accord and the mechanisms for its implementation. For example, they include the following:

- The Civil Service Commission;
- The National Constitutional Review Commission;
- The Political Parties Council;
- The National Electoral Commission;
- The Human Rights Commission;
- The South Sudan Referendum Commission; and
- The Commission for the Rights of non-Muslims.

The 2005 Transitional Constitution of the Republic of the Sudan

15. The Comprehensive Peace Accord stipulates that the National Constitution Review Commission composed of the two parties to the Accord in addition to political parties and civil society actors in the Sudan, should develop a transitional constitution. This Constitution was put in place in 2005.

16. The 2005 Transitional Constitution defined the state as a democratic and decentralized, multi-cultural and multi-linguistic state where the various ethnic and religious groups co-exist. The Constitution adopts the principle of democracy and decentralization in a single Republic of the Sudan where the state is committed to respect for, and promotion of human rights, justice, equality and promotion of basic freedoms as well as political pluralism.

17. The Constitution stipulates that the National Legislative Body shall be composed of the National Council and Council of States. The National Council comprises members elected in a free and fair manner and the law determines composition of the Council. The Council of the State is composed of members elected in accordance with the provisions of the Constitution and law of the state.

18. The Constitution guarantees all the basic rights and freedoms in its second chapter where under the title “The Rights Charter” it was stated that this document constitutes a pact between all Sudanese and between them and their Government as well as commitment by them to respect human rights and freedoms enshrined in the Constitution, and to promote these rights and freedoms as the cornerstone of social justice, equality and democracy in the Sudan. The state undertakes to safeguard and implement the contents of this document.

19. The Constitution stipulates that the legislation shall regulate the rights and freedoms enshrined in the Constitution and shall not appropriate or negate them. In reaffirming these rights and freedoms, the Constitution prohibits their suspension even under a state of emergency, considers them to be part of the laws that the legislative institutions cannot tamper with or amend without referring the matter to the people in a general referendum.

20. The Constitution did not mention an official religion for the state but rather considered the Sudan a country where different religions and cultures form a source of strength, consensus

and inspiration and where cultural diversity is the basis for strong cohesion and should not be exploited for causing divisions, bearing in mind that the various Sudanese original languages are national languages that should be developed and nurtured.

Other National Legislations

21. In accordance with the Constitution, a number of new laws have been enacted and a number of the existing ones have been reviewed so as to harmonize them with the Constitution and the relevant International Conventions. They include the following:

- The 2006 Law Regulating Voluntary Work;
- The 2007 Armed Forces Act which contains a whole chapter on crimes committed during military operations such as war crimes, crimes against humanity and genocide. It emphasizes individual responsibility and accountability for such crimes. It also guarantees the protection of civilians and civil institutions in times of international and non-international armed conflicts;
- The 2007 Political Parties Act which paved the way for the great democratic transformation that led to the holding of general elections in April 2010;
- The 2008 Elections Act under which the National Electoral Commission was established;
- The 2008 National Children's Welfare Council;
- The 1991 Sudanese Council Law amended in 2009 with an additional chapter on all 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; and
- The 2010 Children's Act.

International and Regional Human Rights Conventions Ratified by the Sudan

22. The Sudan has ratified the majority of international and regional human rights conventions, including the African Charter on the Rights and Welfare of the Child, the Agreement and Protocol on the Disabled Persons. Studies for the ratification of other agreements, are being conducted.

23. These conventions form an integral part of the Constitution and a large chunk of the provisions have been incorporated into the body of the national legislations. Both the

Constitutional Council and other Ad-hoc tribunals protect and enforce these rights. Article 27(3) of the 2005 Transitional Constitution considers all the rights and freedoms contained in the international conventions, agreements and instruments ratified by the Sudan an integral part of its Constitution.

B. Mechanisms

24. Decisions for ensuring the promotion and protection of human rights, a number of national mechanisms for the practical application of human rights principles and standards. Among them are the following:

The Constitutional Council

25. The Constitutional Council was established under Article 119 of the Constitution and is composed of 9 judges renowned for their experience, competence, credibility and impartiality. It is independent of the legislature and executive authorities as well as the national judiciary. It is the custodian and guardian of the Constitution and is concerned with the protection of human rights and basic freedoms. The Court has consecrated constitutional principles and provisions and interpreted a number of constitutional texts based on the international human rights principles that are now binding on the national courts at the different levels of adjudication. In accordance with the provisions of the 2005 Constitutional Court Act (Article 105), an independent Constitutional Court whose president and members of wide experience in the field of justice should be appointed by the President of the Republic, shall be established. It shall be composed of a president, a vice-president and seven members and shall have its own rules of procedure (Annex 1 of the Act and Model provisions of the Constitutional Court attached).

The National Judiciary

26. The Supreme National Court includes the National Courts of Appeal and any other National Courts. These courts represent the main national mechanisms for the protection of human rights. They are fully independent of the legislative and executive bodies and have financial and administrative autonomy. Regarding the independence of the judges, the Constitution stipulates that they shall be independent in the discharge of their duties and shall have full jurisdiction without being influenced by anyone in making their judgments.

Other Mechanisms

A number of other institutions and commissions have been established to monitor human rights protection. They include the following:

Office of the Ombudsman

27. The Office was established under Article 1143 of the Constitution as an independent body that looks into complaints and grievances of citizens from state institutions without tampering with the finality of judicial provisions. It may, of its own volition, submit recommendations to the Office of the President of the Republic and the National Council on measures it deems fit for ensuring effectiveness, justice and rectitude in the performance of governmental institutions. It has branches in the various states, including those of the EI-Jazeera and the Sennar states, just to mention a few.

28. The Office of the Ombudsman deals with general complaints and grievances and seeks to ensure competence and decency in the performance of the states and dispensation of justice. It is a system of administrative surveillance and it derives its importance from its endeavor to redress injustice albeit without prejudice to the final judicial verdicts (Annex 16 of 1998 Act attached).

The Commission for the Rights of Non-Muslims in the State of Khartoum

29. This Commission was established for ensuring the protection of the rights of non-Muslims in the National capital, in accordance with the Constitution and the law. It is composed of a number of prominent legal, religious and social personalities concerned with human rights issues. It makes a recommendations on the protection of the rights of non-Muslims.

The Human Rights Commission

30. This Commission was established under Article 142 of the Constitution and is composed of 15 members known for their independence, competence, impartiality and non-partisan affiliation. It monitors the application of the rights and freedoms contained in the Rights Charter and receives complaints and claims of human right violations. The Act governing the work of the Commission was issued in 2009 and it is expected that its members will be nominated shortly for it to become operational.

The Human Rights Advisory Council

31. The Human Rights Advisory Council started as a coordinating committee for the organs of the State in the field of human rights in 1992 and was upgraded by a republican decree in 1994 to an Advisory Council for Human Rights chaired by the Minister of Justice with the membership of official and non-official actors.

32. The terms of reference of the Advisory Council include: advising the state on human rights issues, preparation of researches and studies, promotion of human rights culture through various means, training of government officials and members of the civil society organizations on standards and principles of human rights, review of national legislations in order to harmonize them with international and regional human rights instruments to which the Sudan has acceded and conduct of studies on the treaties to which Sudan has not yet acceded. The Council also receives complaints of human right violations from individuals and organizations both nationally and internationally through the Complaints Committee. It further prepares and submits Sudan's periodic reports on mechanisms for the implementation of international and regional human rights agreements. It is also the national focal point for the coordination of human rights issues with the UN Mission in the Sudan and the UN/AU Joint Mission in Darfur. Membership of the Council includes a cross-section of the populace and it conducts business in a subjective and specialized manner.

The National Committee for the International Human Law

33. It was created by a republican decree in 2003 and undertakes a number of duties prominent among which are the promotion of the culture of adherence to the international human law, provision of advice to the state on this law, including adherence to the international instruments, their harmonization with national legislations and coordination of Governmental and international efforts in the area of human rights and respect for the international

humanitarian law. Among its achievements are the ratification of the additional protocols to the 1949 Geneva Conventions and dissemination of such laws on the ground.

The National Council for the Welfare of the Child

34. The Council was created by a republican decree in 1991 and it is composed of Governors of the States and Federal Ministers concerned with child welfare. It formulates policies, plans and programmes for child welfare and coordinates the activities of the Governmental and voluntary organs, collects statistics, organizes seminars, trains cadres and prepares periodic international and regional reports. The Council also contributed effectively to the drafting of the 2010 Children's Act.

Unit for Combating Violence Against Women and Children within the Council of Ministers

35. This Unit was established by a presidential decree in 2005 on the recommendation of the Council of Ministers inspired by the National Plan for Combating Violence against Women. The Unit monitors the implementation of this Plan in collaboration with the United Nations and other international, national and regional organizations. Similar units were established in the three states of Darfur and a number of other Sudanese states.

The Committee for Human Rights and Common Obligations within the National Council

36. This Committee was established under the statutes of the National Council among various specialized standing committees such as the Media, Legislation, Justice, Family, Women and Children's Committees. This Committee is concerned with the protection and promotion of human rights through legislative surveillance and follow up on the activities of the executive bodies in accordance with the mandate of the National Council.

Civil Society Organizations

37. A number of units, departments, councils and committees were established within the various ministries such as the Ministries of the Interior, Foreign Affairs, Justice, Defence, Social Welfare ,etc. for the promotion of human rights and protection of the rights of women and children. They seek to ensure consistency between institutional performance of the organs and the international, regional and national human rights standards.

38. In addition to the above mechanisms, the Civil Society Organizations work effectively and actually play a significant role in the protection and promotion of human rights in the Sudan. For example, there are the Federation of Jurists, the Bar Association, the Sudanese Women's Association, the Sudanese Human Rights Network and a score of civil society organizations that deal with human right issues.

Part Two

The Governance Structures

Office of the President of the Republic

39. Sudan being a multi-racial, multi-cultural and multi-religious country, with a vast geographical area stretching across millions of square miles where means of communication are weak, and given the binding nature of the Comprehensive Peace Accord signed in January 2005, the presidential system formula adopted was articulated in Chapter 3, Part 1 as the most appropriate for the preservation of the national and cohesion of the country and the maintenance of the required political stability, through the election of the President by directly the people with real powers.

40. The Presidency is composed of the Presidential Council which includes the President and his two Vice-Presidents (Article 51(1) of the Constitution). This composition is designed to absorb what has been agreed on within the context of the Comprehensive Peace Accord signed in January 2005.

41. In accordance with Article 52 of the Constitution, The President shall be directly elected by the people in national elections conducted in line with the regulations laid down by the Constitutional National Commission. Article 53 of the Constitution defines conditions for standing as candidate for President, which do not include any specific religion, race, sect of affiliation. The only condition according to the Constitution is for the candidate to be Sudanese by birth, with a sound mind and not below the age of 40, able to read and write and not previously convicted of a crime that stains his/her credibility and moral standing.

42. The mandate is five years from the date of actually taking up office with a possibility of re-election for another one period mandate (Article 57 of the Constitution).

43. In accordance with Article 54(2) of the Constitution to assume the Office of President, the candidate must obtain 50% of the votes cast. In the event that no candidate obtains this percentage, voting shall proceed between the two candidates with the highest number of votes until one of them obtains the highest number of votes.

44. In accordance with the presidency formula, the President of the Republic shall exercise the powers vested in him/her under Article 58 of the Constitution in preserving the security and safety of the country, overseeing the constitutional and executive institutions appointment to Constitutional and Judicial positions, presiding over meetings of the National Council of Ministers, declaration of state of war, representation of the State in its relation with the outside world, appointment of Ambassadors, ratification of laws and death sentences, granting of amnesty and seeking opinion of the Constitutional Court.

45. The President of the Republic exercises other functions with the consent of the first Vice-President such as the declaration of the State of Emergency, conveying postponement and suspension of legislative sessions (Article 58(2) of the Constitution)

46. The Constitution grants in its Article 61 any person affected by actions of the President of the Republic, the right of appeal before a constitutional council on any action that violates the provisions of the Constitution, the Rights Charter, the Decentralized System or the Comprehensive Peace Accord.

The Two Vice-Presidents of the Republic

47. The Constitution outlines in its Article 63(1) the functions of the first Vice-President and they include, deputizing for the President of the Republic in his absence, membership of the National Council of Ministers, National Security Council and the Presidential Council as well as presiding over the Presidential Council in the event that the Office of the President becomes vacant in the post-election period.

48. Article 63(2) defines the functions of the Second Vice-President which include, performance of the duties of the President of the Republic and those of the First Vice-President in their absence, membership of both the National Council of Ministers and the National Security Council as well as the Presidential Council and acting as the Commander-in-Chief of the Sudanese Armed Forces in the event that the Office of the President of the Republic becomes vacant.

49. The two Vice-Presidents shall be responsible for their actions before the Constitutional Court or the Ad-hoc Tribunal in accordance with Article 61 (A and B) of the Constitution.

The National Council of Ministers

50. It represents the Federal Government and is composed of a number of Ministers appointed in accordance with Article 70(1) by the President of the Republic after consultation with his two Vice-Presidents who are both individually and collectively answerable to the National Council whilst the Ministers are answerable to the President of the Republic and the National Council. The Federal Government representing the National Council of Ministers, is responsible for the general planning for the country and the discharge of the duties assigned to the National Council of Ministers.

51. The Constitution grants in its Article 78 to any person affected by the actions of the National Council of Ministers or a national minister, the right of appeal before the Constitutional Court for any action that affects or violates the provisions of the Constitution, the Rights Charter, the Decentralized System or the Comprehensive Peace Accord, and the right of appeal before the Ad-hoc Tribunal for any other action of the Council.

Governments of the States

52. The Constitution adopted in its Article 177(a) the federal system of governance to ensure the fair sharing of power and wealth among the various parts of the country and in order to enable the different cultural groups to preserve their peculiarities and develop their cultures and heritage thereby increasing their level of participation and curtailing the hegemony by the central government. This way, a big country like the Sudan could be governed with competence and ease. This has necessitated the establishment of States of the country by a national legislation that defines the number of states and their borders in accordance with Article 177(2) with each state having its own government and Legislative Council as enshrined in Article 178(1).

53. As the sharing of wealth requires a similar measure, the financial resources of the country have been distributed at federal, state and local governance levels whereby each level deals with specific tax and revenue issues. To ensure a certain degree of solidarity, a national fund was established to support the poor states in addition to the right of each state to enact laws regarding its financial resources in accordance with Article 195.

54. The Constitution has designated for each State an executive organ headed by a governor elected by the people of the State in accordance with the Constitution and any measures that the National Electoral Commission may decide (Article 179(1) of the Constitution). The Governor appoints the Minister of the State in accordance with the State's constitution and they are individually and collectively answerable to the Governor and the Legislative Council of the country.

55. The Governor and the Council of Ministers of the State shall exercise their executive powers vested in them by the Constitution and the Comprehensive Peace Accord.

The National Legislation Body

56. It is composed of the National Council and the Council of states (Article 83(1) of the Constitution). The two Councils shall be represented at different levels of governance.

The National Council

57. It is composed of members elected in a free and fair manner. The National Electoral Act (Annex 19) defines the composition and number of members of the National Council in accordance with Article 84 (1 and 2) and it has five year mandate.

Council of States

58. It is composed of two representatives from each state elected by the Legislative Council of each State in accordance with the National Electoral Council and the

measures initiated by the National Electoral Council based on Article 85 of the Constitution for a five-year period.

59. The Constitution laid down the conditions of membership of the National Legislative Council in accordance with Article 86 as well as the suspension of this membership in accordance with Article 87. The headquarters of the Council and composition of the committees are in accordance with Article 95.

60. Article 91 of the Constitution outlines the functions of the legislative body as representing the administration, legislation, monitoring the national executive authority and promotion of decentralization as well as amendment of the Constitution., approval of amendments to the Comprehensive Peace Accord and the approval of the annual budget as well as ratification of the declaration of war and supporting the declaration of the State of Emergency. The Legislative Body also has, in accordance with the Constitution, the right to remove the President and summoning and interrogating national Ministers in addition to other specific functions under the Constitution.

The Legislative Council of States

61. 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. Legislative Councils of States shall have the mandate of drafting and approving the constitutions of the respective States and enacting laws.

The Judiciary

62. The Constitution stipulates that an independent judiciary of a national status answerable to the President of the Republic (see the Justice system, paragraph 21 – 28, and 31 of this report), shall be established. The body is totally independent of the executive and legislative organs. It shall be run by a Judicial Council headed by the Chief Justice with the membership of other senior judges. It makes recommendations on the appointment of Judges, their promotion, transfer and dismissal. The law guarantees the financial independence of the Judiciary, and the judges have immunity and should not be influenced by anyone. They are bound by the letter of the Constitution to dispense justice and apply the principle of the rule of the law. The Constitution enjoins public organs to implement the provisions made by the Judiciary. The Judiciary is composed of the Supreme Court acting in accordance with the Constitutional System. There are criminal and civil courts as well as personal statutes and administrative appeals courts. The Supreme Council is followed by the courts of appeal in the states and the public tribunals in the Districts and the first instance courts in the urban and rural areas.

63. The Judges enjoy enough guarantees against arbitrary dismissal as no Judge shall be subjected to accountability probe before the establishment of an accountability

council by the High Judicial Council and the Chief Justice, with the sanctions imposed being endorsed by the High Judicial Council.

The National Electoral Commission

64. The Constitution stipulates in its Article 144 that an Independent Electoral Commission shall be established composed of members known for their neutrality, non-partisan affiliation and for their competence. The President of the Republic appoints its members whose number shall not exceed 12, with the consent of the First Vice-President. In appointing them, he should take into account, the principle of broad representation. The National Electoral Act lays down the general rules and measures that govern elections, functions and conditions of service of members of the Commission.

65. The National Electoral Commission, in accordance with article 144(2) of the Constitution, is responsible for the preparation of the voter registration and its annual review, organization of the election of both the President and the Head of the Government of South Sudan, the Governors, members of the National Legislative Body and the Council of South Sudan in addition to the organization of any referendum that may be required by the Constitution.

Government's Efforts in Combating Corruption

66. In combating corruption, the Government enacted the following acts:

- i) The 1989 Act for combating Ill-gotten Wealth;
- ii) The 2004 Act for Combating Money Laundering;
- iii) The 2000 Act for Combating Corruption.

67. Under the 1989 Act for Combating Ill-gotten Wealth, declarations are required from all State employees and holders of higher positions on their financial gains corroborated by the Office of the Auditor General that audits the accounts of the State to ensure their proper management.

68. The Auditor General is an independent person who has legal and administrative immunities and has the power to refer cases of flouting the rules to the Public Criminal Prosecution for investigation and subsequent trial.

Political Parties Council

69. It was created under Article 5 of the 2007 Act for the regulation of political parties and is independent of all other bodies in the discharge of its duties. Consequently, it reports to the National Council on the performance of its duties and its reports are published for the general opinion.

70. The Chairperson and members of the Political Parties Council are appointed by the President of the Republic with the consent of the National Council, from among those known for their competence and experience and in accordance with Article 7(1) of the 2007 Act for the regulation of political parties (Annex 2), for a five-year mandate from the date of appointment.

Chapter 2

Civil and Political Rights

Article 1 of the Charter

Recognition of the Rights, Duties and Freedoms Enshrined in the Charter

71. Before ratifying the Charter, the Republic of the Sudan reviewed all its laws in force as part of the legal technical process followed in the Sudan for ratifying international conventions.

72. To reaffirm its recognition of all rights, duties and freedoms enshrined in the African Charter on Human and Peoples Right, Article 27(3) of the 2005 Transitional Constitution stipulates that all rights, duties and freedoms guaranteed by international human rights conventions and instruments ratified by the Republic of the Sudan shall be considered an integral part of the Rights and Freedoms Charter contained of the Constitution.

73. In view of the foregoing, all the rights and freedoms enshrined in the African Charter are binding and form an integral part of the international laws in force in the Sudan, for being recognized by the National Constitution.

Article 2 of the Charter

74. The 2005 Transitional Constitution of the Republic of the Sudan stipulates in its Article1, Paragraph 2 that: “the State shall undertake to respect and promote human dignity on fair play and equality as well as the promotion of human rights and basic freedoms, whilst allowing multi partism”. This enhances the commitment of the State to justice and equality irrespective of race, ethnicity, colour, sex, language, religion, political opinion or any other form of discrimination.

75. Article 7(1) of the 2005 Transitional Constitution guarantees the right to equality without any discrimination and made citizenship the only criterion for enjoying the rights and freedoms.

76. For the rights, freedoms and duties of the foreign subjects in addition to Sudanese citizens, they are entitled to most of these rights with the exception of certain political rights which are internationally tied to citizenship. Among these rights are the

right to life and freedom and the prohibition of slavery, torture (Article 20 of the Constitution), the right to equality before the judiciary (Article 31), freedom of faith and worship (Article 38), sanctity of privacy (Article 29), the right to trial (Article 35), the right to be presumed innocent and fair trial (Article 34(1)).

77. There are basic rights that cannot be suspended even in a State of Emergency, in accordance with Article 211(a) of the Constitution, which stipulates that: “the President of the Republic, with the consent of the First Vice-President, may, in a State of Emergency, take any measures under the law or exceptional security conditions, that will not restrict or partially dilute the provisions of this Constitution and the Comprehensive Peace Accord except for those stipulated below:

“A” suspension of any part of the Rights Charter. The right to life and sanctity against slavery, and torture and prohibition of discrimination on account of race, ethnicity, sex, religion, the right to litigation and to fair trial. By this, the right not to be discriminated against, is sacrosanct even in a state of emergency.

Article 3 of the Charter

78. The Constitution upholds in its Article 31, the principles of equality before the law for all those resident in the Sudan without discrimination because of race, sex, language or religion. It upholds also in Article 35 the right to litigation for all persons so that no one could be prevented from resorting to the judiciary.

79. To emphasize the principle of equality before the law, the Constitution enjoined all the state apparatus to respect the rule of law and enforce its provisions. Hence the issuance of the 2005 Administrative Judiciary Act.

80. To accord the right to litigation more importance, the law has granted individuals the right to administrative appeal against decisions made by the Executive Body as stipulated in Article 20 of the Constitution and the Administrative Judiciary Law, which states that:

81. (1) All petitions for appeal against any administrative decision issued by the President of the Republic of the Sudan, the Federal Council of Ministers, Government of any state or a federal or state minister, shall be submitted to the competent judge;
- (2) Petitions for appeal against any administrative decision of any other public authority not stated in Paragraph 1, shall be submitted to the competent court of appeal;
- (3) The petition mentioned in paragraph 1 and 2, should contain in addition to the general status, statement of the decision against which the appeal is made and the reasons for the appeal;

- (4) If the decision, subject of the appeal is something which warrants complaint to be lodged to the competent authority, the petition should state the date of the complaint accompanied by a copy of the said decision.

The Right to Life and Personal Safety

82. The Constitution stresses the inherent right of each person to life and personal safety and the law protects this right as no one should be denied the right to life arbitrarily.

83. As any other country in the world, the Sudan does not see any reason why the legislator should abolish death sentence, but to rather restrict it to the worst crimes that threaten the security of the state and individual rights such as wanton killing, drug trafficking, and high treason. Therefore, the Constitution stipulates in Article 36(1) that death sentence should only be applied in the case of very serious crimes in accordance with the law.

84. To restrict the imposition of death sentence, Article 36(2) of the Constitution stipulates that death sentence should not be applied on any person who is below 18 years of age or who is above seventy years except in a murder case.

85. The law linked the measures for issuing death sentence to strong parameters designed to ensure justice and to grant the person convicted the right to appeal to the Chief justice for the re-consideration of the judgment. The Head of State has the right to mitigate the punishment in accordance with Articles 208, 209 and 217 of the 1991 Criminal Proceedings Act (copy of Act No. 6 attached).

86. The President of the Republic has the power of declaring general amnesty as the law grants the sentenced person the right to request for amnesty from the Heads of State in accordance with Article 21 of the 1991 Criminal Proceedings Act.

87. Death sentences for wanton killing, should not be carried out if the next of kin of the victim accept to forgive the person condemned to death against payment of blood money or without that (Article 194 of the Criminal Proceedings Act).

88. Due to the peaceful nature of the Sudanese community generally, the crime of killing is not rampant and enforcement of death sentence is also rare.

89. Among the factors that negatively impact on the right to life, is the persistence of rebellion in the west of the country (Darfur states). This is why the Government continues to make deliberate efforts to establish peace and put an end to the bloodshed in a manner that we shall elaborate on further in another part of these reports.

**Article 5 of the Charter
Torture, Inhumane Treatment and Slavery**

90. Sudanese Legislations, including the Constitution criminalize slavery. In its Article 30(1), the Constitution prohibits all kinds of slave trade and forced labour.

91. Sudan has also ratified the International Anti-slavery Convention of 1926 and acceded to its additional protocol.

92. Unlike what obtains in other countries, hard labour as a form of punishment does not exist in the Sudan. In addition, the accused persons waiting for trial are not used to do any work in accordance with Article 33 of the Criminal Act and Article 23 of the 2010 Prison Regulation Act and Treatment of Inmates.

93. Despite the fact that the Sudan does not exercise any form of discrimination, it has signed the Convention on the Elimination of All Forms of Racial Discrimination acceded to it and started implementing it since 4 January 1996. It has also introduced the 1991 Criminal Act on the crime of advocating the spread of racial ideas which is punishable by a prison sentence term not less than two years or a fine or both (Article 64 of the Criminal Act).

94. In accordance with the Constitution, sanctity from slavery is sacrosanct and is a right that cannot be suspended even in a state of emergency (Article 211(A) of the Constitution).

95. The 1991 Criminal Act (Annex 8) prohibits any crimes such as slavery in accordance with Article 161, kidnapping (Article 162), forced labour (Article 163), unlawful detention (Article 164) and unlawful arrest (Article 165). It imposes severe punishment of a prison sentence, or a fine or both. The punishment becomes even more severe if the intention behind the unlawful arrest is to force the person arrested to confess or to return money or to commit an act that violates the law or exposes his life to danger. The punishment may reach up to three years prison sentence with or without fine.

96. The 1991 Criminal Proceedings Act places emphasis on the fair treatment of prisoners under investigation, and the need to preserve their dignity and not to subject them to physical or psychological harm. They should be provided with proper medical care (Article 83).

**Article 6 of the Charter
The Right to Freedom and Personal Safety**

97. Cognizant that the right to freedom and person safety forms one of the fundamental human rights, the Sudanese legislator believes that violating this right could lead to the violation of other rights in the process of applying any punishment. It was against this background that the objectives and duties of the General Department

of Prisons and Reform were laid down and harmonized with the latest methods in the treatment of inmates in accordance with the principles of the Islamic Sharia and the international conventions and instruments that guarantee the right of all prison inmates.

98. The 2005 Transitional Constitution spells out in Article 29 that “each person has the right to freedom and personal safety. No one shall be subjected to arrest or detention and no one shall have his/her freedom denied or restricted except for genuine reasons or in accordance with measures defined by the law”. Therefore, the human being in the Sudan is free. He/she cannot be arrested, detained or imprisoned except in accordance with the 1991 Criminal Proceedings Act, which requires an accusation statement, restricts the duration of detention to a minimum and guarantees release if the allegations cannot be substantiated or on bail.

99. The Constitution contains a set of principles and guarantees regarding freedom in recognition and affirmation of the provisions of the African Charter on Human and Peoples Rights regarding:

- Informing the detained person of the reasons of his/her detention (Article 34(2) of the Constitution);
- Early appearance of the detained person charged of committing crime, before the court (Article 34(5) of the constitution);
- Reading out the charges against the detained person (Article 34(2) of the Constitution).

100. The 1991 Criminal Proceedings Act provides a wide range of guarantees against arrest, known in their entirety as the principle of legality.

101. The judge and the prosecution agent have the right to visit prisons and inspect it with a view to gathering first-hand information on the conditions of inmates (1991 Criminal Proceedings Act).

102. The following are the rights of prison inmates in accordance with the Sudanese legislation:

- In the treatment of inmates, the principle of prison being for reform, discipline and rehabilitation in accordance with international laws, conventions and instruments relating to the treatment of inmates;
- Maintaining order in the prisons to the extent necessary for ensuring stability;
- Deploying all the potentials and health education, social and religious sensitization needed for the rehabilitation and reform of the inmates;

- In prison, women should be separated from men, and adolescents should be separated from adults as the classification should also take into account, age, period of punishment, type of the crime, number of past crimes and health conditions so as to reach the best way of ensuring rehabilitation and reform;
- Special treatment for female inmates. According to the Constitution, female inmates should be given special treatment, and all measures should be put in place for ensuring their welfare and to provide special care for the pregnant inmates until they deliver their babies in a hospital, if possible, without any indication of the place of birth in birth certificate where delivery takes place in the prison;
 - They should be kept in penitentiaries where all social, educational spiritual, sports, cultural and technical activities could be undertaken in accordance with the principles of the 1989 Convention on the Rights of the Child and the Sudanese 2010 Children's Act;
 - Treatment of the mentally challenged persons: They should be under surveillance and treatment in special sections where they shall be provided with all the special health care and treatment;
 - Treatment of those awaiting trial: they shall have the right to continue to pursue their basic education at all levels in accordance with the curriculum of the Ministry of Education. There shall be examination centres for all levels of education (basic, secondary, university).
- *Health Care:* All inmates shall have access to health care and the prison should provide this care;
- *Needs of inmates:* Inmates shall be given food at the daily meals schedules fixed by the competent authorities and those whose health conditions so require, shall be served special meals. In addition, inmates should be provided with full clothing (clothes and covers) for each category of inmates (men, women, minors);
- Social inmates shall be provided with social and mental care by specialized categories in this field under integrated social and mental care plans and programmes subjected to regular assessment.

Work:

Those convicted have the right to work in the various facilities of the prison against a commensurate pay determined by the prison management in accordance with the rules in force. For those who are not yet convicted, they may also work if they so wish as they are in the same situation as other inmates.

Visits:

The families and friends of inmates may visit them regularly in addition to visits approved by the Prisons Director.

Visits by Spouses:

The spouses of convicts are allowed to visit after confirmation by the prison manager that they are spouses;

Correspondence:

Convicts are allowed to write to their families through the official channel;

Access to News:

Inmates are allowed to have access to daily periodic newspapers, and to tune to the media, both audio and video;

Religious and Moral Correction:

The prison management shall embark on the process of religious and moral correction of inmates through programmes of preaching and religious guidance and shall to that end establish places of worship for both Muslims and Christians

Physical Fitness and Cultural and Recreational Activities:

The prison management shall provide all the necessary means for the implementation of sports programmes and cultural activities in stadiums and theatres.

Guarantee for Inmates:

In accordance with specific conditions, convict for the first time and returnees shall be given personal guarantees that allow them to move around without a guard and collective guarantee given to a number of inmates not exceeding five who share a lot in common such as belonging to the same tribe.

Leave for Inmates:

Convicts and those granted special guarantees individually or collectively, may be granted annual leave not exceeding 15 day to be spent with their families. The prison management pays the travel ticket and gives pocket money.

Permission:

Convicts shall be given permission to go out of the prison under watch to attend to their problems or visit their families.

Post Prison Sentence Care:

This care is one of the most important corrective methods and is done in concert with the civil society institutions by providing the inmate with a source of income after releasing him/her from prison. In this regard, the following is necessary:

- 1) Provision of means of production and small scale enterprise;
- 2) Provision of various means of production.

Special Forms of Release from Prison:

The prison laws provide for various forms of release from prison to encourage prisoners to maintain good behavior in prison, in the following manner:

- Releasing those who have memorized the Holy Quran;

Convicts who have memorized the Holy Quran are released after spending one tenth of their prison sentence terms against memorizing each three portions of the Holy Quran, with a proviso that this does not contradict the provisions of the Islamic Sharia;

- Releasing those who have memorized their Divine Scripts. In this regard, any inmate who has proven to have reached an advance state of committing his/her tenets, even if he/she is not Muslim, may be released whilst serving hi/her sentence term.

- Release after serving one quarter of the prison sentence term;

An inmate serving more than six months sentence term, may be released by dropping a quarter of his/her prison sentence for good behavior in prison and this includes:

- Release for Health Reasons:

A convict suffering from a hopeless disease or a permanent disability that threatens his/her life may be released by dropping the remaining period of his/her sentence term, except in special cases;

- Release for old Age

A prisoner who has reached the age of 70 may be released on the advice of a medical board that determines his/her age in the case of a common crime;

- Temporary Release for Health Reasons

A prisoner may be released temporarily for health reasons for six months to receive treatment from any serious sickness that may threaten his/her life, upon a medical recommendation and he/she may be treated outside the Sudan;

- Legal Custody is the first phase organized by the Criminal Proceedings Act in accordance with the 1992 Statutes regulating this kind of custody, the International Convention for Civil and Political Rights and the minimum model rules for the treatment of prisoners as well as the principles of the protection of all those who have been subjected to any form of detention or imprisonment;
- We would like to caution that the minimum model rules are the minimum conditions recognized by the United Nations and that the Central Prison Authority has the power to exclude prisoners from these rules albeit temporarily;
- The accused faces after his/her arrest a number of legal measures that curtail his/her liberty until the issuance of the final judgment. Among them is detention for investigations.

103. The Constitution gives any person affected by the violation of his/her constitutional rights, the right to resort to the Constitutional Court which has the power to restore his/her rights or compensate him/her for damages caused to him/her, in accordance with the provisions of Article 122(4) of the Constitution.

Article7 of the Charter The Right to Fair Trial

104. The 2005 Transitional Constitution of the Sudan grants the right to litigation in accordance with Article 35 which stipulates that: "Guarantee for all the rights of litigation and no one should be denied his/her right to resort to justice. This right is guaranteed for both citizens and foreigners in accordance with the jurisdiction defined by the 1983 Civic Criminal Proceedings Act and Article 31 thereof affirmed equality between all persons before the law.

105. The 1991 Criminal Proceedings Act Stipulates in its Article 4(b) that “no person shall be criminalized or punished except in accordance with a previous law”. This means that it is not permissible to apply criminal texts retroactively.

106. The Constitution of the Sudan upholds the principle of presuming any person innocent until proven guilty and the right of each person to a fair trial (Article 34(1)).

107. The Constitution guarantees for each person the right to self-defence and to choose who they want to represent them (Article 34(6)).

108. Article 122 (d) of the Constitution stipulates that a Constitutional Court that is responsible for deciding on cases of constitutional rights violations, and freedoms, shall be established.

109. The Constitution requires the establishment of an independent body that takes decisions on conflicts and judge in accordance with the Constitution and the law. It is fully independent of the executive and legislative bodies and it operates effectively under the National Judicial Services Commission (Article 129(1) of the Constitution) headed by the Chief Justice (Article 129(2) of the Constitution).

110. Judges are appointed based on their competence, impartiality and credibility by a decision of the President of the Republic on the recommendation of the National Judicial Services Commission. The conditions of service of the Judges, their immunity, accountability and dismissal under the direction of the Chief Justice, determined by an order from the President of the Republic upon the recommendation of the Chief Justice and consent of the National Judicial Services Commission (Article 131 of the Constitution).

111. All trials, criminal or civil, are conducted in accordance with the Sudanese legal system, in public and both the general public and the press are allowed to follow such trials unless the court decides that the nature of the proceedings does not allow such presence (Article 68 of the 1983 Criminal Proceedings Act and Article 133 of the 1991 Criminal Proceedings Act).

112. In accordance with the Sudanese legal system, Judgment on civil and criminal cases are pronounced in public unless the nature of the case warrants otherwise (Article 166 of the Criminal Proceedings Act and Article 102 of the 1983 Civil Proceedings Act).

113. The Sudanese legal system guarantees the right for the accused person to have the charges against him/her arrest, read out to him/her during his/her arrest (Article 69 of the 1991 Criminal Proceedings Act) and for this information is included in the arrest warrant.

114. The Constitution gives each person the right to self-defence or through a lawyer of his/her own choice, where the individual cannot afford to engage a lawyer in serious criminal cases and the state should provide legal assistance for his/her defence (Article 34(6) of the Constitution). This was reaffirmed by the 1991 Criminal Proceedings Act which stipulates that “the accused person has the right to defend himself/herself and the state should provide legal assistance for those who cannot afford and in the case a punishment that does not exceed ten years prison sentence or death sentence or amputation (Article 135 of the 1991 Criminal Proceedings Act and the 1983 Magistrates law (Annex II) on the provision of the legal assistance for those who cannot afford it.

115. In accordance with the law declared by the Ministry of Justice in 1983, there is a department within the Ministry for the provision of free legal assistance in both civil and criminal cases (Article 37). In addition to legal assistance by the State, the 1983 Magistrates Act (Annex 14) upholds the principle of legal assistance by assigning a lawyer for this task and both the Bar Association and the Ministry of Justice shall pay the fees (Article 39).

116. The Constitution guarantees the right to fair trial in accordance with Article 34(3) thereof as well as Article 4(c) of the 1991 Criminal Proceedings Act on the Right of the accused person under investigation.

117. The Constitution provides for the principle of the rule of the law and enjoins judges to protect this principle and ensure justice without fear or favour (Article 101).

118. The Criminal Proceedings Act prohibits trial for the same crime twice and does not force anyone to act as witness against himself/herself (Articles 60-132).

119. The Criminal Proceedings Act guarantees the right to public trial in a court established under the law. The rule in all trials is for them to be in public where they can be attended by both the general public and the press unless the court decides otherwise for moral or security reasons or for the safety of the accused (Article 133).

120. If it transpires during a criminal trial that the accused suffers from mental disorder and cannot therefore defend himself/herself, the proceedings shall stop for him/her to be referred for medical examination, and the trial shall only resume if the doctors decide that he/she is capable of defending himself/herself.

121. The 1991 Criminal Proceedings Act guarantees for each party to a case, the right to hold discussion with the witnesses of the other party through a lawyer (Article 155 of the Act). The same right is guaranteed by the 1983 Civil Proceedings Act for parties to a case (Article 91). For recalling witnesses (Article (153) in civil cases, the law gives the accused person the right to recall his/her witnesses just as the prosecution witnesses may be recalled, as granted under Article 91 of the 1983 Civil Proceedings Act .

**Article 8 of the Charter
Freedom of Faith and Free Practice of Religion**

122. Sudan is a multi-racial, multi-cultural and multi-religious country with a majority Muslim population and a considerable number of Christians and traditional belief following. Its Constitution has reaffirmed this reality in its Article 1 where it states that “The Republic of the Sudan is an independent sovereign State, and a democratic decentralized country where different ethnic and religious groups co-exist”.

123. The Constitution clearly guarantees for each individual, the right to liberty, of conscience and religious faith with what that entails in terms of demonstrating his/her religion and belief and disseminating the through worship, teaching and practice as well as the right to practice religious functions. It forbids that anyone is compelled to embrace a religion that he/she does not believe in or practise any religious functions that have been imposed on him/her. He/she should not interfere with any other person’s freedom to choose his/her own religion and should not hurt the feelings of others or tamper with the general order (Article 38 of the Constitution).

124. The Constitution does not chose a given religion as a condition for holding high positions in the State, including the Office of the President of the Republic (Article 54(1) of the Constitution).

125. Citizenship – neither religion, race nor colour forms the basis for equal rights and duties in the Sudan, in accordance with Article 7(1) of the Constitution. The practical example for that is the identification cards of citizens which do not indicate the religion of the holder. Equally, all the services rendered by the State do not require indication of the religion.

126. Children of non-Muslims have full rights to education inspired by their culture, and the Constitution upholds the right of each group of citizens to preserve their culture, language and religion and bring their children up with the framework of their peculiarities which must not be tampered within (Article 6 of the Constitution). The number of TV stations in the Sudan has reached 88 and radio stations 17, all promoting local languages and cultures.

127. Religious tolerance in the Sudan is a reality as evidenced by the existence of churches, social training institutions belonging to more than ten Christian denominations Within the context of the 2006 Voluntary Work Act (Annex 20), the Religious Co-existence Council was established as an independent voluntary organization which seeks to promote and build confidence among various religious leaderships and protect religious freedom.

Article 9 of the Charter Freedom of Expression

128. As the freedom of expression forms one of the fundamental freedoms that is intricately connected with the freedom of faith and constitutes one of the characteristics of a modern democratic state, the Constitution has accorded it a special attention and guaranteed for each citizen the right to express themselves, have access to information, publications and the press without undermining security, order, safety and ethics (Article 39(1), (2) and (3) of the Constitution).

129. Among the relevant regulations giving the freedom of expression, is the Press and Printed Newspapers Act of 2009 (Annex 12) which regulates the practice of journalism and guarantees wide ranging freedoms of expression and access to information. The law has assigned the task of supervising newspapers to a council independent of the executive authority (Article 6(1) of the Act) that grants licence to newspapers and looks into complaints lodged by those affected by the publication of certain newspaper materials (Article 9 of the Act).

130. Among the major characteristics of the Act is that two-thirds of its members are elected and its decisions are taken by consensus or the majority of its members present (Article 15(3)). The Government also has no powers to administratively disrupt any newspaper or withdraw its licence as that is within the purview of the Press Council. The only thing the Government can do if it is affected by any publication, is to lodge a complaint with the Council like any other ordinary citizen. Article 26 of the Act gives journalists immunity from arrest for allegations related to their work in addition to the fact that journalists have the right to protect their sources of information and are entitled to protection from dismissal without prior notification to the General Association of Journalists and the completion of the mediation processes (Article 25(4) of the Act).

131. The essence of the 2009 Press and Publications Act is to ensure self-supervision in the publication process by journalists themselves through the Council whose membership includes the fraternity, instead of Government interference. In accordance with the Act, the only authority that monitors press activities is the Independent Press Council and anyone affected by the decisions of the Council may resort to the Judiciary (Article 34 of the Act).

132. The Act prohibits any journalist to do anything unlawful with the intention of influencing the course of justice and fair play or affecting his commitment to professionalism. The Act guarantees for journalists the right to protect the sources of their information and not be arrested without prior notification to the Press Association. The Act obliges public institutions to provide journalists with information except what is confidential (Article 25). That notwithstanding, journalists are obliged to be truthful, impartial and committed to the values of their profession and its rules and not to publish any confidential information relating to state security.

133. In affirmation of the principle of equality in the use of the mass media, the Constitution stipulates that the Electoral Body should present candidates fairly to the electorate through the public means of communication (Article 128(2) of the Constitution).

134. An observer of the trend of the Sudanese press will note the huge number of newspapers published and the amount of freedom guaranteed to the point of acerbic criticism of Government policies and measures relating to a number of issues. This has been acknowledged by the leaderships of opposition political parties and reports of international organizations and mechanisms concerned with human rights. Internet Cafes are also found in all parts of the Sudan and their number has significantly increased. In addition, Government has removed all forms of fees imposed on computer imports.

135. Practically, some 50 odd newspapers operate in the Sudan, 27 of which are exclusively political (representing different political shades, 23 in Arabic and 4 in English. There are 13 sports newspapers, 6 social papers and 4 miscellaneous covering economic, recreational and propaganda issues in addition to a number of specialized periodicals in different areas from health, law to other matters.

136. There is in the Sudan also six companies that provide communication services through the internet countrywide. The number of those who have access to the internet has reached four million eight hundred. The Sudan is the fifth African country in terms of giving its citizens the right to access to internet. There are 6 TV stations and 17 radio stations in the different states of the Sudan. The 2001 Communication Act allows direct internet communication through satellite and this facility is capitalized on by a large number of companies and commercial institutions.

Article 10 of the Charter Freedom of Association and Assembly

137. The Constitution gives the citizen the right to form professional, social and economic associations in accordance with the law (Article 40(1) of the Constitution).

138. In accordance with the 2001 Labour Unions Act (Annex 13), workers have the right to form their own trade unions or join them with a view to defending their rights and interests and augmenting their cultural, and socio-economic standards. These Unions have the right to be members of a regional or global federation (Article 9 of the Act). The act prohibits under Article 16, that any worker is deprived of this right and gives him/her the right of appeal to the General Assembly in the event of expulsion from a trade union association he/she belongs to (Article 22). Neutral legal committees are charged with the task of overseeing elections conducted by trade unions (Article 28). Statistics released by the Registrar General of the Trade Union Associations indicate that the number of such associations in the Sudan has reached 22, the trade union bodies 105 and their branches 4,000. Trade unionists 42000 and workers who are

members of these trade union organizations are above two million for public and private sectors.

139. The voluntary Humanitarian Work Regulation Act was issued in 2005, prohibiting the use of the associations registered to discriminate against any individual on account of colour, sex, origin, or religion. It gave voluntary organizations as well as civil society organizations special privileges such as exception from customs duties.

140. The 2005 Transitional Constitution guarantees the right to form political organizations within the rights enshrined in the Rights Charter. In this regard, the Political Parties Act was issued in 2007. The special nature of this Act is that it came into force after the operationalization of the Comprehensive Peace Accord and the 2005 Transitional Constitution.

141. The Constitution also guarantees the right of citizens to form political organizations without limiting this right to anything other than consultation and democracy at the leadership level (Article 40(1) of the Constitution), for the purposes of establishing good governance and democracy.

142. In Article 40(3), the Constitution defines the conditions of membership of political parties at the federal and states levels in accordance with the duties of every citizen in the state. These conditions are:

- a) That membership is open to any Sudanese irrespective of religion, ethnic background or place of birth;
- b) The programme of the party should not be in conflict with the provisions of this Constitution;
- c) The leadership and institutions of the party should be elected democratically;
- d) The sources of funding the party should be transparent.

143. To ensure legality and rationalize the practice, the Act makes it compulsory for each political organization or party to publish an annual report containing any amendments to the statutes and names of members of the leadership structure. A copy of the report should be deposited with the Registrar. It is not allowed to form political parties along racial, religious, or regional lines. All political organizations should be of national nature to enhance national unity.

144. Out of the state's desire to guarantee the freedom of association, the law has not laid down any conditions for registration to engage in political activity. Any political organization or party may engage a political activity in the Sudan before registration, provided that it notifies the Registrar in writing. However, the political organization or party concerned cannot contest elections before registration.

145. Concerning voluntary organizations and associations, the door is open to anyone to form and register them in accordance with simple formalities such as depositing the constitution of the association, its rules of procedure and list of membership, with the Registrar in accordance with the 2006 Voluntary Humanitarian Work Regulation Act.

146. In its Article 12(1), the Act gives every Sudanese who has reached 18 years of age the right to participate in the formation of political parties and become a member. The act however, bars the following categories from becoming members of political parties:

- Regular forces;
- Judges of the Judiciary;
- Legal advisers in the Ministry of Justice;
- Top Management of the Civil Service
- Diplomats belonging to the Foreign Ministry.

147. To regulate the activities of political parties, the Act stipulates in its Article 5 that a political parties affairs council shall be established with a personal charter and a general seal. In the discharge of its duties, the council shall be independent of all other authorities and shall submit regular reports on its performance and such reports shall be published for public consumption.

148. The Council shall comprise a chairperson and eight members nominated by the President of the Republic after consultations within the Presidency, from among individuals known for their good moral standing, experience and non-partisan affiliation. They are confirmed by a decision of the two-thirds majority of the National Assembly.

149. Articles 8 and 10 of the Act spells out the mandate of both the Council and its Chairperson.

150. The Council was established to perform its role fully during the 2010 elections. A significant development concerning the Act is that unlike the previous Act which assigned to a registrar appointed by the President of the Republic, the terms of registering political organizations and parties, the present Act does not consider the approval of the National Assembly a condition for the registration, which now requires the approval of only 4 members present.

**Article 11 of the Charter
The Right to Holding Meetings**

151. In its Article 40(1), the Constitution guarantees the right to peaceful assembly in accordance with Articles 124 – 128 of the 1991 Criminal Proceedings Act.

152. The Act describes the right to peaceful assembly in detail where it prohibits an assembly that poses a threat to national security and public safety and order or public health and morality or infringes on the rights and freedoms of others, in accordance with Article 21 of the Charter (Articles 124 – 128 of the Criminal Proceedings Act).

153. Genuine assembly is permissible unless it threatens public security and this has been in force since the colonial era at all successive levels of national governance, and is in line also with the restrictions mentioned in the African Charter on Human and Peoples Rights (Article 11) (Also see Article 127 of the Criminal Proceedings Act).

**Article 12 of the Charter
Freedom of Movement, the Right to Asylum and Prohibition of
Mass Expulsion of Foreigners**

154. The Constitution guarantees the right of each citizen or foreigner to free movement and choice of residence in the country, the right to leave and return to the country. This freedom shall, however, be subject to the restrictions stipulated in Article 42 of the Act.

155. The Constitution guarantees the right to freedom of movement and choice of residence. This freedom shall not be restricted except for reasons of public health and safety, in accordance with Article 43(1) of the Constitution.

156. It was indicated in previous reports that the 1993 Passport and Immigration Act guarantees freedom of movement and choice of residence (paragraphs 103 and 104 of the Second Report).

157. To facilitate the movement of citizens and foreigners alike, the exit visa system was abolished and this visa is now issued at exit ports, which has made formalities easier.

158. Regarding the travelling of women below 55 years of age, women travelling to join their husbands abroad need proof that the husband is actually living abroad with authenticated evidence from the consular authorities in the particular Sudanese Embassy in the country concerned. As for women participating in conferences and seminars, they are exempted from this rule. The President of the Republic has issued a decision recently dissolving the Women's Travel Committee.

159. There are no prohibition lists for political reasons. Each individual may travel and this right is not to be restricted except for a legal reason. By a republican decision 251

of 2003 dated 18 August 2008, all travel restrictions have been dropped except those emanating from a judicial authority of the Public Prosecution in accordance with the Act (Annex 17).

160. The Constitution forbids the state authorities to take any measures that may hinder the movement of individuals from one state to the other or trade, commodities, services, of imposition of a levy of fees thereon (Article 206 of the Constitution).

161. There are no restrictions in the Sudan on the entry of foreigners whether they have visa or not. After entering in the Sudan, there are no restrictions again except the need to obtain residence permit after staying in the country for more than one month.

162. Many foreigners live in the Sudan most of them as refugees. The Sudan is among the first countries to sign the 1951 Geneva Convention on Asylum and its 1967 Protocol as well as that of the Organization of African Unity on Refugees.

163. To honour its obligations, the Sudan incorporated these Conventions in its 1977 national law for regulating asylum, which is a comprehensive flexible law that regulates asylum in the Sudan.

164. The Sudanese Government has expanded the definition of a refugee whereby a refugee may be accepted for reasons of pure humanitarian reasons such as famine and natural disasters. As a result, the Sudan shoulders the burden of more than a million refugees, most of whom are from Ethiopia, Eritrea and the Congo. Most of them had fled their countries to the Sudan since the sixties and remained throughout this period sharing with the Sudanese their living despite the meager resources of the country and the limited national supplies. This approach by the Sudan has resulted in serious problems that include the conflicts which erupted in the Darfur states due to the entry into those states of those foreigners with their customs, diseases and weapons, which are directly responsible for what is now known as the Darfur problem.

165. The Sudan established a Special Refugee Commission as the official channel for cooperation with the UNHCR in Geneva. The Commission implements government policies aimed at encouraging voluntary repatriation. In this regard, a number of tripartite agreements have been signed with neighbouring countries and UNHCR for the implementation of the voluntary repatriation programme. The Sudan has also continued to honour its international and regional obligations towards the refugees from certain neighbouring states at a time when its territories are under direct military aggression from those countries, which impacted negatively on the environment and development.

166. In accordance with the 1974 Asylum Regulation Act and the 1993 Passport and Immigration Act (Annex 15), a refugee living in the Sudan legally shall not be expelled except in implementation of a decision issued in accordance with the law.

167. The Sudanese legal system guarantees for everyone in the Sudan including foreigners, the right to seek redress from the executive and administrative authorities

and they have a special tribunal for the protection of their families and schools for their educational systems. It gives them the right to resort to the Constitutional Court for the protection of their freedoms and rights guaranteed by the Constitution (Article 34).

168. Due to the tolerant nature of the Sudanese people, the country has never in its history witnessed any hatred for foreigner and there has never been any mass expulsion of foreigners except in accordance with the international law where for the first time in its history, the Sudan implemented the provisions of the UNHCR 2003 Declaration in a given case.

169. As asylum is viewed from a humanitarian reality angle, in cases of famine and natural disasters, the Sudan through its cultural legacy and religious belief, hosts and promotes relief for refugees with the assistance of the local and international community and in collaboration with the UNHCR. Arrangements are made for their temporary stay until measures are taken for their return.

170. The Sudan granted asylum to many refugees in the eastern and western states and the statistics show the number of refugees who entered the Sudan during 2007, 2008, 2009 and 2010.

The New Influx

171. The daily influx of refugees is estimated at 30 and the total influx from 2007 – 2010 reached some 20,000 asylum seekers from Eritrea.

172. The statistics show the right of movement for refugees from January – August 2010. Permits were issued for 807 refugees in Khartoum state only.

Entry of Refugees into the Sudan

- a) Statistics of the influx of refugees in 2010 including those accepted as refugees and those not yet accepted as such, and those who are waiting in the Eastern State, are as follows:
 - i) El-Shewak Administration;
- b) New entry into the Eastern Administration, in Port Sudan Administration;
 - i) The new influx in 2005 reached 665 asylum seekers;
 - ii) The new influx in 2006 reached 525 asylum seekers;
 - iii) The number of refugees granted asylum during the above years.
 - iv) There has been no voluntary repatriation programme in the Eastern State
- c) Entry of a new batch of Chadian refugees reached 19,000 in addition to more than 4,000 in Arem El-Kul district.

Voluntary Repatriation

With reference to the 2010 UN Report, it can be observed that there has been voluntary repatriation of Sudanese refugees from neighbouring countries during the last three years.

Article 13 of the Charter The Right to Participate in Public Affairs

173. The Constitution guarantees for all citizens equality in being entitled to employment and public office without discrimination (Article 1).

174. Participation in general elections and referenda mentioned in the Constitution, is one of the duties of a citizen, in accordance with Article 23.

175. Article 41(2) of the Constitution guarantees every qualified Sudanese according to the Constitution the right to stand as a candidate for political and legislative positions, including the office of the President, Governor of a state and membership of councils of representatives in accordance with the 2008 Elections Act (Article 41(1)). These conditions are tied to citizenship, age and sound mind. The Act provided the basic legal framework for conducting elections in the various states of the Sudan from 11 – 15 April 2010. The first multiparty elections since 20 years at the national, states and local levels for the office of the President, Governors of states and membership of the National Legislative Council as well as state councils. The elections were characterized by large participation of all the sections of society, including women who have been allocated 25% of the legislative seats in addition to other seats. A cross-section of the security personnel participated in the polls, in addition to the displaced person, prison inmates and patients in hospitals. The elections were observed by a large number of national and international observers in a peaceful atmosphere and their results were recognized both regionally and internationally.

176. In accordance with the 2007 Civil Service Act (Annex 17), the choice of regular positions is done in line with the laid down criteria through decent and fair competition based on merit and the requisite ability. The same applies to promotion to higher positions within the context of the approved human resource system based on merit and choice. This requires success in the compulsory training and training related to career development. The Rules and Regulations determine the modalities of measuring capacities and meeting conditions of appointment to higher positions (Articles 22 – 38).

177. For the protection of civil servants, the Constitution stipulates in its Article 139(1) that “there shall be a National Justice Bureau for Civil Servants assigned the task of looking into, and redressing the grievances of civil servants without prejudice to the right to resort to the judiciary”.

178. There is no dismissal for political reasons in the Sudan or negation of civil rights on account of a political stand or financial bankruptcy.

179. The Constitution guarantees equal rights for all those living in the Sudan before the law irrespective of whether they are Sudanese or non-Sudanese and without discrimination on account of race, sex, language or religion (Article 31).

Article 14 of the Charter The Right to Property

180. The Sudanese Constitution guarantees the right to property for each person and this is not limited only to money, but includes intellectual rights and scientific, literacy and artistic production. The Constitution prohibits the appropriation of property except in accordance with the law and public interest against a fair compensation (Article 43). It also introduced the 1996 Copyright Act which protects the rights of authors (Article 8, 9 and 13).

181. Reference was made to the right of the owner to make use of his/her property and strong guarantees are given to investors against confiscation. The Sudanese legal system also guarantees the right to compensation for those affected by administrative decisions (see paragraphs 140, 141, and 142 of the second report).

Chapter 3

Article 15 of the Charter The Right to Work

182. The Sudan is keen on implementing the right to work which was enshrined in its successive constitutions. In the present 2001 Transitional Constitution of the Republic of the Sudan, this right was for the first time connected to two indivisible principles to work, namely equal rights and equality between men and women. Article 32(1) of the Constitution stipulates that “the state guarantees for men and women equal rights to enjoy civil, political, social, cultural and economic rights, including the right to equal pay for the equal job and other benefits.

183. The Sudan is a member of the ILO and has ratified a number of the latter’s conventions chief among which are those related to equal pay so as not to discriminate against women.

184. The Constitution guarantees for each citizen equality in qualifying for a job and for public office without discrimination (Article 1).

185. In Accordance with the 2007 Civil Service Act, the choice of regular positions is done in line with specific laid down criteria through decent and fair competition. The same applies to promotion to higher positions (Articles 22 – 38 of the Act).

186. The 1997 Labour law (Annex 18) was keen on regulating labour issues in the non-governmental sector, including the establishment of the employment bureaux, professional training, employment of women and adolescents, work and wage contracts, number of working hours for women, children and men as well as leaves, settlement of disputes, retirement benefits, industrial security, etc.

187. Reference was earlier made to an important element of the 1997 Labour Law which is to protect the worker and his/her rights as the weaker party (see paragraphs 146, 147 and 148) of the second report).

188. The Judiciary established a tribunals specialized in labour cases to deliver justice and decide quickly on labour disputes. Three such tribunals were established in Khartoum, Omdurman and Khartoum North. Finally, another tribunal was added in Port Sudan (East Sudan).

189. To ensure full productive and decent jobs for all, including women and the youth, the state deployed great efforts to provide graduates with jobs through the Federal Selection Committee and the States Committee of the Ministry of Labour. It started at the premises of the Selection Committee in Khartoum and El-Jazeera states with the registration formalities for the national project for the absorption of graduates from universities and higher learning institutions into the public office institutions in 2011 where all arrangements were finalized for the project to take off, with the states providing enough cadres in line with the requirements of extending authority and resources to the states.

190. Applications for all fields of specialization include first degree and diploma holders based on the priority fields of specializations in the need-based sectors of health, education, agriculture and engineering with particular emphasis on development and basic service related specializations.

191. The statistics show the number of the people in the labour market entry age and rates of economic activity as well as the unemployment rate according to the type and place of residence. The statistics also show the number of secondary and university graduate absorption from 2007 – 2010.

Article 16 of the Charter The Right to Health Care

192. The 2005 Transitional Constitution of the Republic of the Sudan considers the human being the centre of political and economic life and therefore accords him greater attention in terms of welfare, rights, physical, emotional and mental health. This has been integrated into a number of Articles.

193. For the citizen to be entitled to the right to health, this has to begin with his/her surroundings. As a result, the 2005 Transitional Constitution grants in its Article 11, all Sudanese citizens the right to live in clean environment. The state therefore should not pursue policies that may impact negatively on the environment. In addition, the state is expected to put in place legislations that may lead to the optimal utilization of the natural resources.

194. To affirm the right to healthcare, the Constitution started with looking at the citizen from birth to the various stages of growth, which is why its Article 14 laid emphasis on the right of the youth in particular to physical and mental health, stipulating thus; “the state develops policies that provide the youth with care and ensure that they are brought up in a healthy manner both physically and morally, and are protected from exploitation and neglect materially and morally.

195. The Constitution stipulates in Article 19 that “the state shall guarantee for all its citizens the right to priority healthcare in addition to the states duty to develop public health.

196. The health insurance scheme being applied includes a wide section of state employees, the private sector and retirees. This scheme aims at meeting the healthcare and other medical expenses for them and their families. Through social welfare, medical check-ups and medication are provided for hundreds and thousands of patients among the low income earners for token sums. In 1994, the Health Insurance Act was issued, establishing a welfare scheme to which each individual contributes according to their monthly income. Under this scheme the worker and his/her family are entitled to different health services irrespective of the size of the family and cost of the services provided. The employee now pays 4% from his/her monthly basic salary and the employer 6% of the basic salary as contribution to the scheme for medical treatment. The state therefore meets medical expenses of the employee and 75% of the medicines prescribed as well as expenses for major and minor operations. This service is not limited to state employees only, but extended to all citizens – students and low-level state employees (attached is information on the number of facilities created through the health insurance scheme in the state and the population coverage in addition to statistics on beneficiaries from this service in the northern states).

197. For the training of medical cadres, a number of medical schools have been established in Universities of states, which contribute to the graduation of qualified cadres in addition to Sudanese doctors seconded to work outside the Sudan.

198. In the field of medicines, the state has adopted a national medical policy of a quarter century strategy from 2005 – 2029 in addition to the 2005 National Policy for Medicines that includes price-regulation and rules that ensure that every citizen has access to the medicine they need at an affordable price.

199. The state has implemented this strategy which includes the development of the national health insurance scheme and reduction of cost through exemption from customs duties and regulations of the profit margin in addition to the reform of the supply strategies so as to boost the availability of safe and effective medicines at affordable prices.

200. Vaccination campaigns against polio in the states capitals and in the areas inhabited by the displaced person and in their camps in Darfur, are organized periodically.

In the Area of Combating Malaria

201. Malaria is the major cause of high rates of morbidity and mortality in the Sudan. It accounts for 17.5% of outdoor patients and 11% of indoor cases.

202. There are interventions aimed at reversing rates of malaria cases. In 2001, a ten—year national strategic plan 2007 – 2012 was developed and updated in 2007. The National Drug Policy was also updated and 90% of services are provided free of charge. A pilot project for household malaria management with more than 90% coverage was implemented in targeted localities.

203. From 2005 to date, the government earmarked more than US\$40 million for combating malaria and between 2007 and 2009, the National Anti-Malaria Programme distributed 6 million impregnated malaria nets and the rate of households without at least one insecticide treated net rose from 21% in 2005 to 41% in 2009.

204. In 2009, 2.3 million patients were cured free of charge.

205. Among the challenges that faced the Anti-Malaria Programme was how to improve its effectiveness at the state and locality level and deliver quality services for ensuring comprehensive coverage either through diagnostic or curative intervention or through increased diagnostic coverage.

Article 17, Paragraph 1 of the Charter The Right to Education

206. Article 13(1) (a) of the Constitution titled “Education, Science, Arts and Culture” stipulates that the state shall ensure the following in its strategies:

- a) Promote education at all levels throughout the Sudan, make compulsory basic education free and implement illiteracy eradication programmes;
- b) Each individual or group shall have the right to establish and run private schools and other educational institutions at all levels in accordance with the conditions and standards laid down by the law;

- c) The state shall mobilize funds and public and private resources for the promotion of education and scientific research and development, encourage the development of arts and crafts, and assist governmental and individuals institutions.

207. The state recognizes the cultural diversity for the Sudan and allows the different cultures to prosper and express themselves through the mass media and education.

208. The state protects the Sudanese heritage and important national and historical places from ruin and distinction or illegal removal or exportation.

209. The state guarantees academic freedom in institutions of higher learning and the freedom of scientific research within the moral parameters of research.

210. Article 44(1) of the Constitution clearly spells out the right to education (education is the right of each citizen and the state guarantees access to it without discrimination on account of religion, race, ethnicity, gender or disability).

211. Article 44(2) of the Constitution makes free basic education is compulsory and provided by the state.

212. Article 6 (e) stipulates the right to education, including teaching religious subjects. The Constitution offers the right to religious education as enshrined in the Rights Charter. Article 38 stipulates that: “each person has the right to freedom of faith through worship, education, performance of religious functions and observance of religious anniversaries” in accordance with what public law and order require. No one shall be forced to embrace any religion he/she does not believe in or practices or any religious functions he/she does not accept”.

213. The 1992 General Education Act includes a set of objectives that encompass moral values, allegiance, capacity development, love for humanity and development of environmental awareness.

214. Application of free education policy in the Sudan is reflected in the statistics from 2007 – 2008.

215. When the Constitution divided authority between the various levels of governance within the context of the federal system, education and scientific research were classified as the combined area of competence between the federal and state institutions (Article 112, it being understood that national planning and training are left to the federal authority).

216. Between 2004 and 2009, the total enrolment rate stood at 1.1% but lack of data hindered measurement of the net enrolment rate due to the non-existence of birth certificates for some children at enrolment or some of them being enrolled at varying ages.

217. The literacy campaign programme targets both men and women with more women being enrolled. A plan for indicating illiteracy by 2010 was being implemented.

218. The relevant table shows the number of students enrolled in local colleges from 2007 – 2008.

219. The total number of the teaching staff in Governmental and non-Governmental Universities for the period 2008 – 2009 was as follows:

- a) Lecturer: male 3,299, female 1,915;
- b) Assistant Lecturer: male 4,773 , female 1,198;
- c) Number of teaching staff holding PhD 913, Master's Degree 708. The tables attached show details for 2006 – 2009.

Article 17 Paragraphs 2 and 3 of the Charter The Right to Participate in Cultural Life

220. The Transitional Constitution recognizes the cultural diversity of the Sudanese people in Article 4(c) and this was affirmed expressly in Article 14(14) of the Constitution which stipulates that: “the state recognizes cultural diversity in the Sudan and encourages the coherent prosperity of different cultures which express themselves through the mass media and education”.

221. The present Constitution recognizes cultural diversity by making participation in the cultural life an equal right between men and women.. Article 32(1) of the Constitution states that: “the state guarantees for men and women equal civil, political, social and cultural rights, including equal pay for equal job and for other employment benefits”.

222. The Constitution assigns to the State the task of promoting public morality and traditional values recognized by society. In this regard, Article 16 states the following:

- “the state enacts laws for the protection of society from corruption delinquency and social ills and the uplifting of the entire society through lofty social values compatible with the different religions and cultures in the Sudan;
- “the state enacts laws and establishes institutions to stamp out corruption , prevent abuse of power and ensure decency in public life;
- “Participation in cultural life is done through the mass media, using TV, and radio programmes as well as newspapers.

Chapter 4
Article 18 of the Charter
Protection of the Family and the Right of Women and Children

223. The family forms the nucleus of society and its protection provides strong guarantee for building a sound and healthy society. To that end, the Constitution makes it the responsibility of the state to support the family system, facilitate marriage, upbringing of children, care for pregnant women and children, free women from injustice and encourage her to play her role in the family and public life.

224. The constitution in Article 15(1) considers the family the natural unit of society which has the right to protection by the law; it also recognizes the right of both men and women to get married and build families in accordance with the Personal Statutes. Marriage is conditional to voluntary and mutual acceptance by the two partners.

225. In addition to the Constitution, the Sudanese law recognizes the right of adult male and female to get married and start a family. It encourages that through the 1994 Personal Statutes for Muslims (Annex 14). The only condition attached to that is reaching 18 years of age, and expression of acceptance.

The Rights of Women

226. The Constitution gives women full equal rights as men and stipulates that:

- i) “The state guarantees for men and women equal entitlements to the civil, political, social, cultural and economic rights, including the right to equal pay for equal job and other employment benefits;
- ii) The state promotes women’s rights through positive discrimination;
- iii) The state fights harmful customs and traditions that affect the dignity and status of women;
- iv) The state provides health for mothers, children and pregnant women;
- v) The state protects children’s rights as enshrined in the international and regional conventions ratified by the Sudan.

227. By virtue of Articles 27 and 28 of the Constitution, women are entitled to such fundamental rights as the right to life, liberty, nationality, movement, labour, expression, worship, political, social and trade union organizations, property, communication, fair trial, litigation, education and healthcare.

228. According to the Constitution, women have the right to hold high political positions as the Constitution does not differentiate between men and women in the

Sudan in holding such positions, including those of the President of the Republic, Minister or membership of parties.

229. In line with this advanced appreciation of the role of women at the practical level, the Sudanese women had held the post of governor of a state and now holds several federal and state ministerial positions in addition to hundreds of seats in legislative institutions at the federal and state levels as shown by the 2010 statistics where the number of female judges of different ranks has reached 57.

230. Since independence in 1956, the Sudanese woman has been enjoying the right to participate in elections both as voter and candidate. In 1964, women occupied seats in parliament in a number of constituencies and still continue to occupy seats in the National Assembly and state assemblies. She even chairs some National Assembly Committees, such as the Family and Child Protection Committee and Legislation and Justice Committee. Women also occupy a large number of seats in state legislative councils.

231. Regarding the right of women to work, the 2007 Civil Service Act recognizes the principle of equal pay for equal job as detailed in paragraphs 186, 185 and 187 of the second report.

232. In accordance with the 1993 Civil Service Pension Act, the family of a pensioner who dies are entitled to a pension divided among male minors and unmarried female minors irrespective of age (Article 38).

233. To apply the principle of equality between men and women through positive discrimination according to Article 32(2), the 1991 Personal Statutes were enacted to regulate marriage by women, inheritance and other conditions related to family. For example, for the consummation of marriage, the consent of the wife must be sought and the dowry paid. In the event of divorce, the wife shall be entitled, during the period of waiting before she could re-marry, to food, clothing and accommodation allowances in addition to payment for feeding her baby, if any, for two years until the time of weaning (Articles 12 and 73).

234. For non-Muslim women, the provisions of Personal Statutes apply in their case in addition to other non-religious groups personal statutes.

235. The Sudan has acceded to the ILO Agreement and ratified all labour conventions regarding women, including the 1959 Convention on Equal Pay, the 1958 Conventions on the Scope of Employment and Occupation as well as the 1962 Social Security Convention, all of which seek to put a stop to discrimination against women.

236. Despite granting women constitutional and legal rights, women in the Sudan are for reasons of their level of education and social traditions, still suffer from certain harmful traditions, chief among which is female circumcision which is rampant in the Horn of Africa as a whole and some West African countries for some historical and

traditional reasons. Due to the serious physical and psychological damages caused by this, the state and women organizations have been exerting great efforts to eliminate such conditions. They are now in steady decline and the national campaign to eradicate the is done through education and sensitization on their negative repercussions.

237. The Sudanese Government issued in 2004 through the Sudanese Medical Board, a decision that prevents doctors from carrying out female circumcision operations. The state also financed a number of sensitization campaigns on the negative impact of female circumcision and in the framework of cooperation between the National Council for Child Welfare and UNICEF, a programme for the elimination of female circumcision was developed in 2004 to coordinate with the various sectors, Government authorities and the civil society. This programme is implemented in various phases. Through that, national strategies are revamped with a view to integrating them into a single plan for the eradication of female circumcision (2008 – 2018) at both the federal states levels on the health, education, media, law, religion, information and social nexuses in tandem with ministries, government institutions, states and official partners among civil society organizations, social sectors and legislative bodies. At the religious level, the Sharia Edict Council has issued an edict prohibiting what is called the Pharonic circumcision as the worst form of female circumcision.

238. The 2009 Criminal Act was amended to include a provision on the protection of women during armed conflicts (Article 186) and war crimes (Article 188).

239. The state has enhanced its organizational structures for responding to violence against women and children. It established a unit for combating violence against women and children within the Ministry of Justice by decision No. 537 of 1/11/2005 issued recently by the Council of Ministers and a plan developed for combating violence against women in consultation with UN Mission in the Sudan and its implementation started since December 2005. The objective of the plan is to raise women's awareness of their rights and means of protecting those rights in addition to legislations enacted by the state to facilitate and simplify measures of protecting women's rights. Government has adopted a national policy of empowering women and the education of girls.

240. Committees have been established at the states level to combat violence against women in all states of Darfur. Membership of these committees include official state bodies, the police and health authorities in addition to civil society organizations and a representative of the UN Mission in the Sudan as well as a representative of the AU troops. The committees have successfully embarked on their work immediately.

241. Concerning the efforts being deployed in the development of women at the official level at the Ministry of Social Welfare and Children's Affairs, a specialized department has been created and directives have been issued to all ministries to establish a department of women's affairs. At the level of states, a Ministry of Social

Affair and Culture has been established in all the six states charged with matters relating to the youth, women, the family and children.

242. At the people's level, there are ten voluntary women organizations working in the area of women and the work of these organizations will be coordinated by the Federation of the Sudanese Women's Association which is a national voluntary organization found in all parts of the country.

243. The stats guarantees women's right to participate in political activities at the legislative level. The Government has adopted a quota system in the 2008 Elections Act by which 25% of the total seats are reserved for women and their rate of representation in the 2010 elections reached 28.3%. Presently, women occupy 28% of seats in Parliament and their number in the National Legislature Council has risen from 7% in 2004 to 25% in the 2010 elections. Women parliamentarians in the legislative bodies in the various parts of the Sudan are more than 300, which is the largest number in the contemporary history of the Sudan.

244. The working women have made significant gains within the context of the Civil Service Act which gave them special leaves taking into account their special cases such as maternity pregnancy leave and leave during the waiting period after the death of the husband.

245. In the field of education, Sudanese Women have made great strides as reflected in the table which shows development of the education of girls during the past three decades from the seventies to the beginning of the third millennium.

246. Perhaps the greatest achievement in the seventies occurred with the revolution in the field of higher learning education, marking a quantum leap for women where their absorption rate increased from 36% to 55%.

Deployment of Women's Capacity Women and the Economy

247. The General Department of Development and Regulation of the Banking System has developed economic programmes that are responsive to the needs of women by decree of the Central Bank of the Sudan in 2007. The Bank allows by virtue of a decree issued by the financial portfolio for financing small businesses, a minimum of 12% credit.

248. Out of 70% of business financing in the rural areas, 30% is for projects run by women.

Women and the Labour Market

249. The Labour pattern for women in the Sudan concentrates on the non-formal and agricultural sectors. Expansion of education and other social services in the Sudan has

also resulted in some changes in the labour market for women. Women have been particularly encouraged to enter the non-formal sector where the number of women in lower and medium positions has increased whilst holding a very few number of higher positions. Reasons for this phenomenon relates to cultural and social factors that limit women's aspirations for high posts. That notwithstanding, women hold positions in Parliament, the Judiciary and the diplomatic field as per the table showing the number of Judges in each state and the ratio of male judges to the female ones.

The National Fund for the Welfare of Students

250. The state established a fund known as the National Fund for the Welfare of Students. This fund renders services to students in relation to higher education at the national level. The services include accommodation, social and health care for students. The relevant table shows the number of housing units in the Khartoum state and the rest of the states and the number of male and female students benefiting from them for the period 2007 and 2008.

Benefiting from the Services of the Fund

251. The Fund provides poor students with a grant through its Committee. The number of beneficiaries from this grant in 2005 reached 90,309 male and female students and 96,131 male and female students in 2006.

252. The Health Care Fund contributes through the employment of higher education students, to the health insurance scheme and the number of beneficiaries has reached 5,203. The management of the Fund also supports medical treatment units in addition to contributing to the medical expenses of students.

253. Regarding the transportation of students, 68 buses have been allocated for transporting them to and from their residences and places of study in the capital and the states.

254. The Fund gives students in the context of social welfare, direct sums of money in emergency cases (theft, travel, etc.) over and above the monthly stipends.

255. The Fund also provides help for the disabled students to meet their needs.

The National Pension Fund

256. The state has established for pensioners, a pensioner service through a strategy designed to better their living and social conditions through the following axes:

257. The social welfare and support and poverty alleviation axis: for improving the income and social status of pensioners. In this regard, a social development institute has also been established for pensioners as one of the arms of the National Pensions Fund in 2001 which was approved in 2008 by the Central Bank of the Sudan as a micro-

financing institution under the supervision of the Micro-Financing Unit of the Bank run by a number of Government institutions such as the National Pensions Fund, Ministry of Social Welfare, Ministry of Finance and National Economy, Ministry of Labour, Central Bank of the Sudan, and the Association of Pensioners. The Institution provides for pensioners income generating services in the form of financing their small businesses and service activities. The average financing of a single project is three thousand Sudanese Pounds and the employers guarantee is the monthly pension without asking for any advance installments or any other guarantees.

258. The second axis is that of health care where pensioners were among the first groups to be covered by the health insurance scheme from 1997. The Fund started to implement special measures for expanding social insurance cover for pensioners and their families. The coverage figure was 349,355 between 2007 – 2009 in all the states of the Sudan.

Children's Rights

Protection of Children

Child Labour

259. The laws of the Sudan prohibits economic exploitation and child labour under Article 36 of the 2010 Children's Act which stipulates that child labour for those below 14 years of age is forbidden except for pasture and non-hazardous agricultural work that does not affect their health. The 1997 Labour Act forbids under its Article 37 all types of work that affect children.

260. The 2010 Children's Act defines the conditions of child labour in Articles 38 and 44. The working child can also benefit from the comprehensive social services according to his/her age and training before being assigned any work.

261. The list of worst forms of child labour prohibited by law includes 42 types.

The Camel Race Boys

262. A social survey was carried to address the problems of these children in collaboration with UNICEF, the Qatari Philanthropic Society - and the Centre for Community Studies. Work on the rehabilitation of these children and development of the local communities have started and a joint committee between the Ministry of the Interior, the National Child Welfare Council and the Ministry of the Interior of the State of Qatar was established to look into compensations for victims among the camel race attendants. Many International quarters have welcomed the measures taken by the Sudan to address this phenomenon and minimize its ramifications.

Street Children

263. In September 1991, the President of the Republic issued a decision for the establishment of a National Child Welfare Council under his chairmanship and

membership of governors of the states and the Federal Ministers concerned with children's issues. The Council coordinates the work of Government and voluntary institutions, collects statistics, holds seminars, organizes training for cadres and prepares periodic reports for submission to the relevant committees of the international and regional organizations.

264. The National Strategy for Combating Displacement was developed and embarked upon at the various levels and a case study and analysis of the situation of street children in the Khartoum State, were undertaken in 2008.

265. The General Secretariat of the Child Welfare Council developed a national project for addressing this phenomenon with a view to protecting street children and rehabilitating them socially, psychologically and professionally and to integrate them into their families and society.

Female Circumcision

266. Female circumcision is one of the harmful traditions and is known internationally to be a violation of human rights of women and girls. Article 32 of the Constitution enjoins the state to endeavor to eradicate it as it affects the dignity and status of women. The state should provide health care for mothers, infants and pregnant women and protect the rights of children as enshrined in the international and regional conventions ratified by the Sudan.

267. A national strategy for the eradication of female circumcision for the period 2008 – 2018 was developed with the aim of ushering in positive social transformation whereby female circumcision will be abandoned in the interest of the welfare and health of the family. The legal axis of the strategy is the need to enact a legislation that will ban female circumcision with emphasis on the role of the law in eradicating female circumcision. The strategy was an objective response to all the formal and voluntary efforts being deployed in the Sudan for time immemorial and the result of persistent action buttressed by the political will and support of the Government as well as efforts of civil society organizations and international organizations in concert with the National Child Welfare Council. Compared to the results of research carried out in the past ten years, a huge change has taken place with regard to female circumcision in the Sudan as a result of increased awareness among families and local communities. In a survey done by the Ministry of Health in tandem with UNICEF in 2006, it has become obvious that the rate has come down to 70%. It is even considered by the criminal law as an assault to privacy.

Children Without Parental Care

268. Work on the project for families in the Khartoum states initiated by the Ministry of Social Development has started in coordination with different partners of the Federal Government and UNICEF. Due to the high mortality rate among children in shelter institutions, this project was embarked upon to provide safe environment for children

through its implementation. 55 children were returned to their mothers in 2007 and 83 were protected from separation from their biological mothers. Follow up in this respect is done by a team of 67 trained researchers and 396 children were taken care of in 2009.

Children in Armed Conflicts

269. The programme of disarmament, demobilization and rehabilitation of children aims at re-connecting them with their families and societies. It also aims at preventing the recruitment of children as soldiers, and their re-integration socially and economically. The programme started in 2003 between the Government of the Sudan and the Sudan People's Liberation Movement. The Committee was re-constituted to become a Commission in March 2006 within the Office of the President of the Republic. The programme was implemented in collaboration with UNICEF and a unit of the rights of the child was established in the Ministry of Defence in March 2007.

Scope of Implementation of the Rights of the Child

270. Sudan was among the first countries to accede to the 1989 Convention on the Rights of the Child which it ratified by Act No 80 of 1990. By that, it became in accordance with the Sudanese legal system, an integral part of the national legislation binding on an all and applied through the courts. In this connection, a special children's act was issued in 2010.

271. The Sudan acceded to the Optional Protocol to the Convention on the Rights of the Child that prohibits child trafficking and exploitation for prostitution, and ratified the Protocol on 11/12/2004. The Convention has now become by virtue of Article 27(3) of the Constitution, part of the Rights Charter and therefore part of the Sudanese laws.

272. The Children's Act was issued to fill the gap in the 2004 Act. The main feature of this Act is that it came as a response to the needs of children for protection, care and equity in line with the national legislations, customs, traditions and values upheld by the Sudanese people as well as the relevant international conventions, protocols and laws relating to children. It expressly stipulated that implementation mechanisms be put in place and perpetrators of child abuse be severely punished. It defines who is a child and the age of criminal responsibility in the best interest of children.

273. The Act gave children wide-ranging legal protection. Article 60 of the said Act provides for the establishment of a special child's prosecution at the level of each state. The Minister of Justice also issued an order for the establishment of specialized child prosecution offices in the two states of South and West Darfur and El-Gadarif state. These offices supervise investigations by the authorities concerned under the 1991 Criminal Proceedings Act and the 2010 Children's Act.

274. Article 62 provides for the establishment of a special children's court in each state composed of a first instance judge and two other members with experience in

children's issues. In addition, the law provides for special measures concerning the trial of Children, their defence and punishment. In this regard, the law prohibits signing of a death sentence in the case of any child below 18 (Articles 65, 67, 76 and 86 of Children's Act).

275. As part of the State's concern with children, Article 13(1) (b) of the Constitution makes basic education free and compulsory from the age of six in accordance with the 2001 General Education Planning Act.

276. In accordance with the Sudanese laws, legal attention is accorded to the child from birth by registration which is compulsory in the Sudan under the 2001 Civil Registration Act (Article 28(1)). A coordinating mechanism for the registration of the newly born children was created in 2009 to raise awareness of families and review special legislations for the free extraction of birth certificates, provision of technical support and rehabilitation of administrative structures for birth registration at the federal and states levels.

Statistics of Registration of Birth.

277. In enforcement of the rights of the Child, Article 7(2) of the Constitution stipulates that: "Each child born to a Sudanese mother or father has the right to have Sudanese nationality". The Sudanese Nationality Law was amended in 2005 (Annex 22) where women have been given the right to grant their nationality to their children in accordance with Article 4, paragraph 13. In Article 7, Sudanese nationality can be acquired by naturalization after living in the Sudan for five years.

278. Under Article 14 of the Constitution on Youth and Sports, deals with policies aimed at ensuring proper upbringing of children both physically and morally and their protection from material and moral exploitation and neglect. The state should support the sports institutions and ensure their independence.

279. The Constitution guarantees in the Chapter One, paragraph 2 of the Rights Charter, the basic rights and freedoms like the right to life, human dignity, liberty, nationality, movement, faith, protection from exploitation, litigation, presumption of innocence, defence, fair trial, etc. These provisions apply to children as well.

280. The Constitution prohibits discrimination based on race, sex, religion or social status. This means that children's rights are guaranteed and can be exercised without discrimination in line with Article 2 of the Convention on the Rights of the Child (Article 31 of the Constitution).

281. The legislator guarantees in the Constitution the right of the various cultural groups to maintain their languages and religions and bring up their children within the framework of these peculiarities. No group should be forced to abandon its culture (Article 6).

282. The 1991 Children's Act defines the age of criminal responsibility to be 12 years in Articles 4 and 5 and totally prohibits the imposition of death a sentence on anyone before reaching the age of 18.

283. Care and reform measures vary according to the courts estimation. Among the punishments mentioned in the 2010 Children's Act are admonition and surrender of a delinquent child to his/her father or any other person that can be trusted after this latter promises to take good care of him/her. He/she may also be attached to one of the reform and social welfare institutions for purposes of reform and training.

284. The 1997 Labour Act prohibits the employment of children below 16 in dangerous and strenuous work such as weight lifting, mining etc. (Article 21(1) and defines laws for children's work (Article 23) and makes regular medical check-up a condition whilst making it obligatory for the employer to notify the authorities about any signs of pervasiveness (Article 25).

285. The Personal Statutes Act for Muslims gives children priority in deciding which of the couple has the right of custody of the child in the event of separation (Chapter 4) whilst allowing either parent to visit the child (Article 123). The father has the obligation to spend on the child until he/she reaches the age of earning his/her living for the male child or marriage for the female child (Article 87).

286. The 2009 Act for the Disabled deals with the employment of the disabled children and Article 2(K) made reference to early examination being conducted on the disabled children and pregnant women to minimize disability and prevent it from worsening further.

287. The State also show concern for the health of pupils and as a result issued in this respect the Health at School Act and the 1975 Public Health Act in accordance with Article 24.

288. Military laws prohibit the recruitment of children as soldiers and the 1992 Public Service Act exempts children below 18 from military service (Article 7). The 1986 People's Armed Forces Act prohibits the conscription of the children below 18.

289. The Sudan acceded to the 1989 Arab Charter on the Rights of the Child and the Council of Ministers is looking into the ratification of the African Charter on the Rights and Welfare of the Child.

290. The Ministry of Education has issued the Schools Statutes of 1992 for basic education which provides for morning activities so as to give children the opportunity to express their views and develop their creativity. It also accepts teaching of the different religions according to the religion of the pupil and encourages the formation of different associations (Articles 17 and 18).

291. In the area of administrative measures and future plans, the Ministry of Social Planning has set up a National Council for taking care of orphans and meeting their humanitarian needs (under ministerial Resolution 18).

292. In accordance with the legislation establishing the Zakal Fund, the Takeful Fund and the Savings and Social Development Bank, these institutions have been assigned the task of providing assistance and support to poor families for meeting their basic needs.

293. The Office of the President of the Republic has created a National Committee for providing clothing for the needy, especially children of the displaced persons as a result of war and refugees (Republican Resolution 26 of 1994).

294. The Council prepared an ambitious plan for carrying out its functions and meeting its objectives and was able to implement most of its programmes and actions, including the establishment of other state councils. The Council also organized in collaboration with UNICEF more than 24 workshops to explain the agreement and train cadres.

295. Regarding the education of the children, and in response to the 1990 Universal Declaration of the Rights of the Child and in implementation of the Comprehensive National Strategy for the Education Sector, the Government has endeavoured to achieve the objectives of education for all since 2000. The implementation process has faced some difficulties among which is the weak funding and dearth of infrastructure.

296. In 2004, the Convention on the Rights of the Child was for the first time integrated into the teacher training programmes and in implementation of state policies in the area of eradication of illiteracy, a national campaign was launched for 8 million illiterates among the productive youth of the age group of 10 – 45 years. This has helped the self-development efforts of the people.

297. A child protection network was put in place in partnership with UNICEF and other voluntary organizations in the displaced persons camps to monitor child protection issues and enroll children in schools, and 2,265 returnee children were given support.

298. Children's education in the Sudan faces numerous problems among which is the problem of absorption and its attendant repercussions of dropouts, illiteracy, shortage of premises and scientific equipment as well as the problem of curriculum development, teacher training, the gap between men and women which has been narrowed in 1996 so that the ratio of female to male enrollment in basic and secondary education became 82% and 89%, respectively.

299. Despite its difficult circumstances, the Sudan has provided shelter for more than million refugees, 55 % of whom are children. Schools have been built for these children with the help of UNHCR, and Government has allowed foreign communities to build their own schools as well. The Federal Minister of Education issued a decision on

16/5/1993 on the treatment of refugee children in the Sudan in terms of absorption and tuition fees in accordance with the 1951 Geneva Convention and its 1967 Protocol. Medical and educational services are given to these children free of charge.

300. The Constitution has given attention to the disabled, those with special needs, and the aged who are considered an important segment of society that need necessary care to be able to perform their duties. Article 12(2) of the Constitution stipulates that no one should be deprived of the right to engage in any profession or work because of disability and all those with special needs and the aged have the right to participate in social professional, creative and recreation activities.

301. To underscore the principle, that these people are entitled to all rights and freedoms just as the rest of the citizens, Article 45(1) of the Constitution stipulates that: “the State guarantees the rights and freedoms of those with special needs as embodied in the Constitution, particularly respect for their human dignity and giving them the opportunity to have proper education and work as well as to participate in the community activities. Paragraph 2 of the same Article guarantees for the aged their rights as human beings to be respected and to have access to the requisite medical care and services in accordance with the law.

Protection the Disabled Persons

302. In the framework of Sudan’s commitment to the disabled, it ratified the UN Convention on the Disabled on 25 February 2009. It also ratified the Optional Protocol and issued the 2009 Disable Persons Act, particularly in relation to public and private institutions for the right of the Disabled. Government distributes identification documents to the disable free of charge and has granted them free education in the higher learning institutions. The National Board for the Artificial Limbs Act was issued in 2002 and the Public Institution for the Youth Act gives the disabled the right to have their own sports associations. The 2006 Voluntary Work Act, deals in its Article 17(2) with the right of the disabled to establish their own entities. Act 24(7) of the 2007 Civil Service Act, fixed 2% is the minimum percentage for people with special needs for whom a Supreme Council was created in 2010.

303. In implementation of these constitutional rights, a section was created within the Ministry of Justice for monitoring the implementation of human rights and international humanitarian law for the protection of these groups at both the domestic and international law levels in accordance with the relevant international conventions.

Articles 19, 20, 21 and 22 of the Charter The Right to Self-determination and Economic Welfare

304. The right to self-determination is a constitutional right that was exercised by the people of South Sudan in a referendum in accordance with the Comprehensive Peace Accord, the 2005 Transitional Constitution and the 2009 Referendum Act in South Sudan which stipulates that the referendum in South Sudan and other areas would be

held on 9 January 2011 under international and local observation. The people of South Sudan have exercised this right which led to the birth of the State of South Sudan.

305. The Darfur Region also witnessed positive transformation in the normalization of the situation there, restoring to the Region its vitality which was affected by the war and tribal conflicts of the past years fueled by the spread of arms and dispute over limited resources. The Sudanese Government made several efforts to establish peace and stability in the Region.

306. A number of initiatives and agreements among which are Abacha One and Two Agreements and the Ndjamena Agreement culminating in the Abuja Accord for Peace in Darfur concluded in 2006 with the major armed movements in Darfur, were all part of such endeavours. With the continued presence of scores of movements that have not signed the Abuja Accord and the split in other movements, the Sudanese Government endeavoured to create a negotiation forum bringing together all these movements. Agreement was reached with the Joint UN/AU mediator to adopt Doha as the venue for negotiations.

307. The Doha Peace Agreement between the Government of the Sudan and the Movement for Liberation and Justice was reached and organs of regional governance for the Darfur Transitional Authority were put in place in implementation of some provisions of the Doha Peace Agreement in addition to the signing of a number of field agreements with some combatants, which contributed in turn, to the restoration of peace and security in Darfur.

308. Free and fair elections were held in all parts of Darfur in 2010 and democratic legality was consecrated, productive institution established creating a new dispensation on the ground. These new developments have encouraged the Government to draft a new strategy for Darfur that was the subject of extensive debate among the people of Darfur individually and collectively as well as among institutions and all national political forces. The Government was also keen to hold consultations on the same issues with its partners in the peace process, including particularly the UN/AU Joint Mission in Darfur and the AU High Level Team. The strategy also enjoys the support and encouragement of many partners in the peace process within the international community.

309. The new strategy was based on five main components: establishment of security, consolidation of development, re-settlement of the displaced persons affected by the war for them to lead a decent life, and internal reconciliation which promotes the climate of social peace.

310. We would like to mention that the strategy has adopted a practical approach to the implementation process based on two pillars; first creation of the notion of partnership with states and organizations and second, the deployment of special efforts to involve the people of Darfur at the grassroots level and at the level of the elected members of the legislative bodies, the non-governmental organizations and the

displaced persons. It should be noted that the new strategy for Darfur was not intended to replace the negotiations as the Doha platform remained the mechanism agreed to by the parties in addition to achieving peace from within through which a just and enduring peace agreement would be reached among all negotiating parties.

**In the Field of Economic Prosperity:
The Right to Economic Development**

311. The Sudan is an example of a country coming out of armed international conflict. Therefore, any objective evaluation of progress made towards the attainment of the objectives of socio-economic development globally agreed upon must not lose sight of the negative impact of these conflicts in the past two decades, and in the present and future perspectives. Sudan has continued to face persistent challenges in its modern history and it has just come out of one of the most protracted wars on the African continent. No sooner as the war ended in the South than another conflict erupted in Darfur in the West as a result of natural circumstances that have hit the region in the form of draught and desertification with their attendant impact on the meager resources, conflict over which took a different turn due to the proliferation of weapons coming from the neighbouring countries. The role of the conflict is clearly manifested in the following form:

312. The diversion of a huge chunk of the financial and human resources towards supporting the national endeavours to restore security and order, protect the citizens and provide humanitarian assistance to the victims of armed conflicts, which all impacted negatively on the budget earmarked for services in all parts of the country.

313. Difficulty in implementing development projects in areas affected by conflicts due to the insecurity, disintegration and vulnerability of the socio-economic fabric.

314. Even after cessation of armed conflicts, establishment and maintenance of peace required a huge amount of resources. For instance, provisions for covering the new expenses connected with the implementation of the Comprehensive Peace Accord such as transfers to be made to the governments of the States and the financing of the establishment and operationalization of the new structures and institutions. All these expenses have caused some deficit in the regular budget of the State.

In the field of Combating Poverty

315. The General Agreement in favour of the poor is being given greater priority in the financial policies of the Sudan, and in trying to alleviate poverty a lot of efforts have been deployed to develop a poverty alleviation strategy in Northern Sudan. In this context, a unit was created for combating poverty within the Ministry of Finance and National Economy in 1999. The Supreme Council for Combating Poverty was also established under the auspices of the President of the Republic in 2000 to oversee the implementation of the poverty alleviation programme in 2004, and a national strategic plan was formulated to alleviate poverty. In addition, a quarter of century strategic plan

geared towards growth (2007-2031) was developed for delivering service and support and for economic growth. In addition to increasing spending for the benefit of the poor to reach 9% of the GDP in 2009, the monetary policies put in place have addressed the concerns of the poor through the allocation of 12% of the commercial banks ceiling for micro-financing projects.

316. At the federal level, sector priorities were directed at the agricultural sector and infrastructure. In addition, the national government is concerned with primary education, health and water in the states and economic policies and national projects for raising the allocations for poverty alleviation are being developed. Federal developmental projects focus on agricultural renaissance and infrastructure such as roads and bridges and delivery of power services to the rural areas to alleviate poverty. In the Sudan, there are a number of institutions that are concerned with the eradication of poverty. Among them are:

The Zakat Bureau

317. The Zakat (alms) Bureau is a premier social protection and insurance institution in the Sudan for ensuring social justice by diverting resources from the well-to-do groups to the vulnerable ones in society. The philosophy of Zakat (alms) is to raise funds by way of deducting certain portions of the money to spend on certain categories such as the poor and the needy. Application of the obligation of Zakat in the Sudan as one of the mechanisms for social security is done by reinforcing the means of solidarity and caring for each other within the society where the rich supports the poor.

318. Zakat in the Sudan has become one of the priority features of the social fabric system for the State. It has spread into all the States, localities and areas, both urban and rural, to reach those who deserve it. In the context of promoting the Zakat experience, the Zakat Science Institute has commissioned several studies for the Bureau and disseminated its experience as a unique one.

319. Among the most important centralized programmes for the Zakat Bureau is support for health projects (supplying rural hospitals with computers, washing machines, microscope equipment, rehabilitating hospitals, providing of medical equipment, etc.) in addition support given to the poor patients through the Bureau of combined treatment in heart surgeries, lounges cleaning and hospitalization of 306,663 poor women under the medical security umbrella representing 32% of the total of the insured persons in the Sudan.

- Support for educational projects that include rehabilitation of basic schools, providing chairs for schools, stationeries, etc. for a certain number of students of basic and secondary schools, in addition to sponsoring poor university student;
- Support for water projects that include the sinking wells, installing manual pumps and rehabilitating reservoirs, building sand dams etc.;

- Support for agricultural projects that include the supply of agricultural implements, allowing poor households to have their own farmlands, and own livestock etc.;

On the Right to Work

320. The Sudan pays attention to the right to work which was embodied in successive Sudanese constitutions, including the 2005 Transitional Constitution which linked it for the first time to two indivisible principles; namely, economic rights and equality between men and women. The Sudan is also a member of the ILO and has ratified several conventions, chief among which is the Convention on Equal pay for the Equal Job so as not to discriminate against women. The constitution guarantees for all the citizens equal opportunities for jobs including public office without discrimination.

321. Maximum pay is periodically determined according to the indicators provided by standardized figures for prices of consumer goods and inflation rates. The minimum wage adopted constitute the basis to which the pay structure for both the public and private sectors is pegged and is applied in accordance with the 1974 Minimum Pay Act. Among the pay policies adopted by the State is that salary scales should be the same in the whole of the Sudan and that there should be equal pay for equal work whereby the salary of women should be the same as men in accordance with Article 32(1) of the Constitution which guarantees equal pay for equal job for men and women alike, and entitlement to all civil, political social, cultural and economic rights, including equal pay for equal job.

322. For ensuring justice and quick resolution of labour disputes, the judiciary has established labour tribunals for the protection of public servants. Article 139(1) of the Constitution provides for the establishment of a National Justice Bureau for public servants that looks into, and redress grievances of public servants without prejudice to the right to resort to the courts.

323. The Pension and Benefits System: The Sudan has witnessed progress in the organized legal framework for the post-retirement benefits and considerable improvement in the benefits paid to retirees since the establishment of this system in 1904. The foundations are based on the inclusion of new segments (workers, members of the armed forces, and other groups such as women and public and private sector employees, lawyers etc.). Substantial amendments have also been made to the existing pension and insurance laws with a view to improving on them so that they can be in line with similar systems in the world. In this regard, the insurance system for all state employees is made uniform under the umbrella of the Government pension scheme.

324. The above notwithstanding, the Sudan has successfully implemented a number of development projects in various service areas, including the following:

Electricity and Water

Electricity Supply in the Rural Areas

325. A number of electricity projects have been implemented in major cities with particular emphasis on electricity connection to rural areas. These efforts focused on the following:

- a) Implementation of a project for the supply of the Khartoum north power Station that consists of two units with production capacity of 200 megawatt at a cost of 8.7 Million local Pounds and 167 Million Dollars, foreign component by CMEC which is a Chinese company;
- b) Implementation of power generation station in 4 villages that consist of two units with production capacity of 110 megawatt, operated through the petroleum at a cost of 149,405,000 Million Dollars. It is being implemented by CMEC;
- c) Implementation of torinat generation project in Jabal Awlia Tank for the generation of electricity with a total production capacity of 30 megawatt at a cost of one Billion Sudanese Pound and 26 Million Euro, being implemented by an Austrian company called FATEC;
- d) Implementation of the Fula power generation project in South Kordfan state that consists of three units with a capacity of 405 megawatt by using natural gas at a cost of 680 Million Dollars, being implemented by CMEC;
- e) Implementation of Kosti power generation project in the White Nile State that consists of 4 units with a production capacity of 500 megawatt at a cost of 457.5 Million Dollars, being implemented by Anjika Indian company.

Power Generation in the Various Sudanese States Outside the National Network

326. The increase in the number of power generation projects in the different cities of different states included El-Faser, North Darfur State, Nyala, El-Ginena in Darfur, El Nuhud, South Kordfan, Kadugli South Kordfar, El Dhaen, and Kasala linking the rest of cities of the states to the network in Port Sudan, Karima, Dungle and El-Gadarif:

- A number of integrated networks have been established since 2006, increasing the number of subscribers to 930 subscribers and the improving low pressure;
- Several power distribution stations have been established with a total capacity of about 900 mega volt ampere:

- Traditional meters have been replaced by more advanced meters, the service improved, the arrears phenomenon reversed and interruptions reduced.

Marwa Dam

327. It is a Sudanese hydroelectric dam along the Nile River waterway in the Northern State on the Marwa Island from where it derives its name. Building this dam completed on 3 March 2009 and it is 9.2 kilometers long and 67 meters high. It is one of the biggest national developmental projects that impacts positively on the national economy. It is a multi-purpose hydroelectric project designed basically to produce electric power for meeting the ever-increasing demand for socio-economic development and provision of a relatively cheap source of power to improve irrigation and industry. The implementation of the project was accompanied by a number of other projects as 10,000 households were relocated to alternative areas and the cost of doing so reached 40% of the total cost of the project, which reflects the importance the State attached to this particular project. Those affected by the building of the dam were compensated by the establishment of new villages with excellent services that include schools, electricity services, health centres, religious facilities, etc. An international airport was also built linking the area with countries of Arab Gulf, Africa and Europe, supplying the aircraft with fuel, in addition to a hospital and a road and bridge network:

- The main objectives of building the dam are to generate electricity to a capacity of 1.250 megawatt and contribute to the irrigation of about 300,00 hectares of agricultural projects in the Northern State and protect the area from the danger of overflow of the Nile whilst providing a lake for storing water that is 176 kilometres long. The Sudan has been growingly keen on providing water for the population in all the States of the Sudan. In this regard, the Sudan embarked on a number of projects.

The Right to Clean Water

328. Work has started on the Beryash water tank in the Beryash District, South East El-Nahud city in North Kordfan State. The storage capacity of the water tank is about 45 thousand square metres for the provision of the amount of water required for the irrigation of the agricultural land and for pasture.

329. Work started on the Sodre local water reservoir project with the aim of increasing the storage capacity to 5 - 6 fold for a long storage that will last for ten years, even when the amount of rainfall during the rainy season was low.

330. Contracts were signed for the local water reservoirs in the north Darfur State in Adwa and Kabir villages as part of the water harvest projects in the State, involving the sinking of 4 reservoirs and rehabilitation of 4 others for providing irrigation water for agricultural land and pasture, which contributed a lot to the stability of the population.

331. The building of 8 dams and 8 reservoirs in the Kasala State was considered a quantum leap the State in terms of providing water for animal resources throughout the year, thus ending the plight of the pastoral tribes living in the area whilst providing water for farming in a number of areas. More importantly, the project provides drinking water and was one of the important projects launched to resolve the problem of water in East Sudan.

332. The Chinese HUKN Company started work on El-Rusirs Dam in the Blue Nile State and Kadguli station in South Kordfan as part of designing and building 10 dams in the Darfur and Kordfan States for providing water for irrigation and pasture.

333. A contract was signed with the SUN Hydro Company for the designing and building of 30 dams in different states of the Sudan.

334. The Sudanese Government within the framework of water harvest projects, has embarked on a number of projects involving the building of dams and providing enough quantity of water for irrigation as well as portable water.

The Right to Shelter

335. Within the context of honouring its commitment to the right to shelter for all the citizens of the Sudan, the State embarked on the implementation of housing projects in the Khartoum State and the other states. In this regard, the states allocated plots of land for building houses for rent and for those working outside the country. A department was created for the management of this project. The idea is to absorb the activities of national investors as well as investors from other nationalities.

336. Residential land has been allocated to citizens at affordable prices in well developed areas with electricity and water amenities and roads. The areas allocated are appropriate to preserve the dignity and privacy of those they have been allocated to. The State continues to make efforts in the urban and rural areas to provide proper shelter for the citizens.

Communication and Internet

337. The Sudan has paid special attention to internet and communication services convinced that these media contribute a lot towards the promotion of freedom of expression and access to information as basic human rights.

338. The Sudan has increased the capacity and speed of its internet services through marine cables.

339. The number of internet users in the Sudan in 2010 has reached 4,200,000. By this figures, the Sudan has become the 57th country in the world and the 5th in Africa in terms of the number of internet users.

Article 23 of the Charter
The Rights of Peoples to Peace and Security

340. Article 17 of the Constitution state that: “ the foreign policy of the Sudan is deployed to serve national interests with transparency for the following objectives:

- a) Promotion of international cooperation, particularly within the framework of the international community and other regional and international organizations. Also, the promotion of world peace, respect for international law and the establishment of a fair global economic order;
- b) Realization of African-Arab economic integration, all within the framework of the existing regional plans and platforms and promotion of Africa-Arab Unity, Africa-Arab cooperation;
- c) Promotion of, and respect for human rights and basic freedoms at international and regional fora;
- d) Encouragement of dialogue between civilizations and the establishment of a world order based on justice and unity of the human destiny;
- e) Promotion of economic cooperation between nations of the South;
- f) Non-interference in the affairs of other states, promotion of good neighbourliness and cooperation with neighbouring countries, as well maintenance of balanced and cordial relations with other States;
- g) Combating terrorism and national and international organized crime.

Article 24 of the Charter
The Right of Peoples to Favourable Environment

341. Based on the conviction of the Republic of the Sudan that the peoples have the right to peace, security and cooperation as well as satisfactory and favourable environment, the constitution guarantees for the people of the Sudan clean and favourable environment.

342. The Sudan shows concern for the environmental dimension of development and the need to tackle the shortage of environmental resources. It has enacted legislations and rules for the preservation of the environment. The 2001 Environment Protection Act spells out the rights and duties of the citizens to live in healthy environment and the law has established the legal framework for policy interventions at the federal level. The 2005 Transitional Constitution of the Sudan is concerned with the environmental dimension and therefore called for the integration of certain environmental concerns in the Environment Protection Act.

343. In the area of institutional transformation, and in line with Article 14 of the 2010 Environment Act, 10 States Councils have been established to monitor the implementation of general policies of the Council and to collect data on the environment and natural resources.

344. The Environment Protection Act was developed and adopted by National Assembly in 2001. It contains a number of chapters that deal with policies and several guarantees on environment protection. The Act also provides for increased environmental awareness among the citizenry.

345. In the area of environmental awareness, sensitization of the various institutions and sectors of society through workshops and seminars has continued with concentration on the need for the media to play an effective role in this endeavour.

346. Environmental studies are now being integrated into curricula of some Universities. There are environment faculties in some Universities and other academic levels where environment-related subjects are taught as major subjects.

347. The Sudan has ratified a number of international conventions on the environment. The Supreme Council for the Environment is linking Sudan's accession to the International and Regional Environment Conventions including the Convention on the Dry Land and the Protocol on the Preservation of the Culture and Natural Heritage. Regarding the National Materials and the Regional Convention for the Preservation of the Red Sea and the Gulf of Eden.

Final Observations

- Promotion and protection of human rights in the Sudan represents top priority. Despite the unprecedented challenges mentioned in these reports, the National Administration remains firm in its efforts to tackle them and achieve the lofty objectives and principles of human rights;
- The Sudanese Government through these reports, seeks to highlight its efforts to honour its commitments it has always repeated, to improve the status of human rights in the country. The Government hopes that through achieving these objectives, it would move forward the national efforts aimed at the promotion and protection of human rights on the ground by evaluating developments and challenges, exchange of the best practices and expansion of areas of cooperation with the Commission. The Government further hopes that it has come up with constructive recommendations and made commitments that will impact positively on the improvement of the human rights status in the Sudan in fulfillment of what we all aspire to, when this Commission was established as an effective tool for improving the human rights status in all African countries.
- The Government of the Sudan wishes to reiterate that all the points raised by the Commission when reviewing the Sudan's Report for the period 2003 – 2008 have

been seriously addressed. The Government equally wishes to stress that the points under reference have been positively dealt with in the Report and that most of them have been either implemented or will be implemented in due course as mentioned in the Report.

- Statistics contained in these reports reflect the efforts being made by the State within the context of its various developmental processes.

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