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## **Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1**

### **Sudan\* \*\***

The present report is a summary of 22 stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

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\* The present document was not edited before being sent to United Nations translation services.

\*\* Late submission.

## **I. Background and framework**

### **A. Scope of international obligations**

1. Amnesty International (AI) recommended that the Sudan ratify the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its Optional Protocol; the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa; the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR-OP2); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); and the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee under articles 31 and 32.<sup>2</sup>

2. The Centre on Housing Rights and Evictions (COHRE) recommended that the Sudan ratify international human rights instruments to which it was not a party, and which included the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; the Optional Protocol to the International Covenant on Civil and Political Rights; the ICCPR-OP2; the CEDAW; and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.<sup>3</sup>

3. Joint submission 7 (JS7) recommended that the Sudan sign and ratify the CEDAW and ratify the CAT.<sup>4</sup> Joint submission 9 (JS9) made a similar recommendation.<sup>5</sup> Joint submission 3 (JS3) also recommended the signing and ratification of the CEDAW with reservations to articles of this instrument that were incompatible with Sudanese ethics and principles.<sup>6</sup>

### **B. Constitutional and legislative framework**

4. Stating that the 2005 Interim National Constitution of the Republic of the Sudan (INC) includes a comprehensive Bill of Rights,<sup>7</sup> the Darfur Relief and Document Centre (DRDC) called for the conformity of all laws with the Bill of Rights.<sup>8</sup> JS7 and JS9 recommended that all laws be revised in accordance with the INC<sup>9</sup> and the treaties to which the Sudan is a party.<sup>10</sup> Joint submission 2 (JS2) recommended a comprehensive review of the law making and reform process.<sup>11</sup>

5. JS2 called for public debate and consultation with civil society and experts with a view to identifying areas and mechanisms for the effective protection of human rights in the future Constitution.<sup>12</sup>

6. Human Rights Watch (HRW) recommended, in relation to Northern Sudan, that the Government of National Unity (GoNU) urgently enact genuine reforms to the National Security Act in line with the Comprehensive Peace Agreement (CPA) and the Sudan's international obligations.<sup>13</sup>

7. JS2 stated that the legal definitions of genocide, war crimes and crimes against humanity in the Armed Forces Act of 2007 and other relevant legislation were not in line with internationally recognised definitions.<sup>14</sup> It recommended legislative changes providing for effective accountability.<sup>15</sup>

8. COHRE stated that the Sudan should be urged to consolidate and finalise pending Peace Agreements.<sup>16</sup> The Society Studies Centre (SSC) stated that peace talks in Doha were relatively slow.<sup>17</sup> It recommended that parties bring an end to the violence in Darfur and reach an inclusive peace agreement.<sup>18</sup> The Islamic Human Rights Commission (IHRC)

recommended that the GoNU take more positive action in dealing with the conflict in Darfur.<sup>19</sup>

9. JC called for the end to the crisis in Darfur and compliance with the Status of Forces Agreement to enforce protection and non-violence in the Darfur region. JC recommended that the Sudan attempt to resolve problems with the “rebels” in an amicable way.<sup>20</sup>

### **C. Institutional and human rights infrastructure**

10. JS7 stated that while the INC made provisions for six commissions to monitor human rights and to receive complaints of alleged violations, these commissions were yet to be established.<sup>21</sup> It recommended the establishment of these institutions, budgetary allocation for their functioning, and mandatory involvement of civil society in their work.<sup>22</sup>

11. Joint submission 8 (JS8) stated that the Southern Sudan Human Rights Commission was not in conformity with the Paris Principles.<sup>23</sup>

### **D. Policy measures**

12. Joint submission 1 (JS1) stated that the GoNU did not have specific programmes for orphans even though Government funding existed.<sup>24</sup>

13. Joint submission 6 (JS6) stated that a policy framework and guidelines for the creation and maintenance of a protective environment for the vulnerable sections of the community and a follow-up mechanism to monitor the human rights situation on the ground should be developed.<sup>25</sup>

## **II. Promotion and protection of human rights on the ground**

### **A. Cooperation with human rights mechanisms**

#### **Cooperation with special procedures**

14. AI stated that the Independent Expert on the situation of human rights in the Sudan (Independent Expert) was the only mandate that could provide a comprehensive overview of the human rights situation<sup>26</sup> and recommended that the Sudan continue to cooperate with the Independent Expert.<sup>27</sup>

15. AI stated that requests in 2008 and 2009 for a visit by the United Nations Working Group on Enforced or Involuntary Disappearances have been disregarded by the Sudan. It recommended that the Sudan accept, without delay, outstanding mission requests by the Special Procedures, in particular the Working Group on enforced or involuntary disappearances.<sup>28</sup>

### **B. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

#### **1. Equality and non-discrimination**

16. Joint submission 5 (JS5) stated that Articles 151 and 152 of the 1991 Criminal Code, which referred to public order, were inconsistent, discriminatory and publically humiliated women.<sup>29</sup> AI stated that these laws were vague and that the public order police had wide discretion to determine what constituted “indecent or immoral” dress or behaviour. AI

recommended the repealing of these laws and an investigation into allegations of human rights violations by the public order police.<sup>30</sup>

17. JS1 stated that unlike male children, female children were not entitled to inherit from their deceased father's estate.<sup>31</sup> JS8 stated that widows were prevented from inheriting the property of their deceased husbands.<sup>32</sup>

18. Minority Rights Group International (MRG) expressed concern at a statement by the Minister for Information of the GoNU, broadcasted by State media, that Sudanese originating from the South of the country would have no citizenship rights in the North if the South voted for independence in a referendum.<sup>33</sup> MRG asserted that an estimated 1.5 million Southerners were living in Northern Sudan, many of whom had no affective or practical connection to the South.<sup>34</sup> MRG recommended that the GoNU refrain from any steps to deny citizenship to Southerners, in case of a vote in favour of independence by the South.<sup>35</sup>

## **2. Right to life, liberty and security of the person**

19. JS5 noted that although Article 36 of the INC restricted the use of the death penalty for those under the age of 18, it did not exempt children from the death penalty in the event of "hudud" crimes, including armed robbery.<sup>36</sup>

20. AI referred to documented cases of executions of death sentences and recommended an immediate moratorium on executions;<sup>37</sup> a commutation of all death sentences to terms of imprisonment;<sup>38</sup> and a clear prohibition of the death penalty for juveniles.<sup>39</sup>

21. DRDC stated that torture was widely used by the Sudan's security forces within the context of the armed conflict in Darfur, and was intensively used in the aftermath of the attack on Khartoum in May 2008 by the Darfur insurgent group Justice and Equality Movement (JEM).<sup>40</sup>

22. HRW stated that in Darfur, in 2010, civilians were attacked, in violation of international humanitarian law.<sup>41</sup> It recommended an end to all deliberate and indiscriminate attacks against civilians in Darfur and other violations of international humanitarian law; and that those responsible be held to account.<sup>42</sup>

23. AI stated that the National Intelligence and Security Service (NISS) has extensive powers to arrest and detain, as well as to search and seize, pursuant to the 2010 National Security Act (NSA).<sup>43</sup> NISS agents were allowed to detain people for up to four and a half months without judicial oversight which enabled them to commit human rights violations such as torture and other ill-treatment and to extract "confessions" under duress.<sup>44</sup> AI noted that the NSA also maintained immunity for NISS agents from prosecution and disciplinary action for all acts committed in the course of their work.<sup>45</sup> AI recommended that the NSA be repealed; that there be institutional and legislative reform of the NISS to reduce its powers of arrest and detention and to establish a judicial oversight mechanism; and the lifting of all immunities to members of the NISS and their collaborators.<sup>46</sup> Joint submission 4 (JS4) recommended inter alia adequate reparation for the victims.<sup>47</sup>

24. AI stated that in Darfur the NISS had continued to carry out arbitrary arrests and to hold people in incommunicado detention. Those in detention have been subjected to torture and ill-treatment, particularly those suspected to be members of armed opposition groups and internally displace persons.<sup>48</sup>

25. JS4 stated that NISS have systematically intimidated and ill-treated human rights defenders and civil society activists.<sup>49</sup> It recommended that reprisals against these persons be put to an end.<sup>50</sup>

26. HRW stated, in relation to Southern Sudan, that throughout the elections process in 2010, security forces engaged in widespread intimidation, arbitrary arrest, detention, and mistreatment of opponents of the Sudan People's Liberation Movement (SPLM) as well as of election observers and voters. HRW recommended that soldiers receive instructions on human rights standards, and information on their accountability for human rights violations.<sup>51</sup>

27. The Society for Threatened Persons (STP) stated that in Southern Sudan increasing inter-tribal violence threatened stability and that the Sudan People's Liberation Army (SPLA) has failed to provide sufficient protection to the civilian population.<sup>52</sup> JS3 stated that these tribal clashes targeted women and children and resulted in a number of people being killed or displaced.<sup>53</sup> It recommended that the root causes of inter-tribal conflicts be addressed; the allocation of more funds and increased support for the disarmament, demobilization and reintegration of ex-combatants; that special attention be given to the study of the increasingly spreading xenophobia phenomena in Southern and Western Sudan and its damaging effects on peace and security;<sup>54</sup> and a peace conference with the objective of solving tribal conflicts.<sup>55</sup>

28. JS2 stated that Article 149 of the 1991 Criminal Code defined rape with reference to adultery, noting that this created confusion over evidentiary requirements for a prosecution, and that women are put at risk of facing prosecution for adultery where rape cannot be proved.<sup>56</sup> JS2 also noted that "domestic rape", "forms of sexual harassment" and "certain types of female genital cutting/mutilation" do not constitute criminal offences in the Sudan.<sup>57</sup> It recommended legislative changes which should include changing the definition of rape, criminalising marital rape, and making all forms of sexual violence a criminal offence.<sup>58</sup> The Christian Solidarity Worldwide (CSW) also recommended a review of the legislation along similar lines, in particular Articles 145 and 149 of the Criminal Code.<sup>59</sup>

29. CSW stated that rape continued to be a problem in camps for internally displaced persons (IDPs) in Darfur with incidents most often occurring when women left the camps to collect firewood for cooking.<sup>60</sup> Referral mechanisms for victims of sexual assault have largely disappeared and all organisations that had significant medical response capability in this area were amongst those expelled.<sup>61</sup> CSW recommended that Sudan end impunity by taking robust action to punish perpetrators of rape.<sup>62</sup>

30. CSW stated, in relation to Northern Sudan, that the Sudanese Parliament, on August 2010, called for the punishment of Zina<sup>63</sup> including the stoning to death of adulterers or those accused of having extra-marital affairs, and the promotion of early marriages and polygamy.<sup>64</sup> CSW stated that flogging and Zina punishments were in violations of Article 7 of the ICCPR, and that the encouragement of early marriages could amount to a violation of Sudan's obligations arising from the CRC.<sup>65</sup> CSW recommended that practice and legislation that impacted on women and children reflect Sudan's obligations under international law.<sup>66</sup>

31. JS5 stated that Article 13 of the "draft Child Act" which prohibited and criminalized female genital mutilation (FGM) was withdrawn prior to adoption, despite Sudan's strategy and its national, regional and international obligations to eliminate FGM.<sup>67</sup> Jubilee Campaign (JC) stated that in February 2009, "Sunna", one of three kinds of FGM that removed "the hood and part of the clitoris", was legalised<sup>68</sup> and recommended the abolition of this law and the eradication of this practice, by raising awareness of their effects and educating communities.<sup>69</sup> JS3 made a similar recommendation.<sup>70</sup>

32. Noting an escalation of gender-based violence in Southern Sudan and a reported increase of physical abuse of women and children in the home,<sup>71</sup> CSW recommended increased efforts to raise awareness and education of the police and general public about gender-based violence.<sup>72</sup>

33. JS3 stated that 89 children were involved in the JEM attack in 2008 and indicated that all warring parties should abandon the military conscription of children and refrain from using child soldiers.<sup>73</sup>

34. The Global Initiative to End All Corporal Punishment of Children (GIEACPC) stated that corporal punishment was explicitly prohibited in Southern Sudan<sup>74</sup> while it was lawful in Northern Sudan both in the home and in penal institutions.<sup>75</sup> While the Child Act prohibits “cruel penalties” in schools in Northern Sudan, it did not explicitly prohibit all forms of corporal punishment.<sup>76</sup>

35. JS8 stated that in Southern Sudan there were many orphaned children living on the streets and who were beaten by the police whenever there were complaints of robbery or burglary.<sup>77</sup> Most of these children were victims of abuse and rape and did not receive any medical care.<sup>78</sup>

### **3. Administration of justice, including impunity, and the rule of law**

36. AI stated that in Darfur, civilians regularly came under attack as a result of inter alia aerial bombing by Government forces.<sup>79</sup> DRDC stated that the police, security and armed forces were granted amnesty from criminal liability for crimes committed in Darfur, through two Presidential Decrees issued on 10 April 2005 and 11 June 2006, which amended the 1991 Criminal Procedure Act and the 1986 People's Armed Forces Act. DRDC indicated that as a consequence of these provisions, human rights violations in Darfur were committed with full impunity.<sup>80</sup>

37. AI stated that the three persons under warrant of arrest by the International Criminal Court (ICC) remain in the Sudan.<sup>81</sup> AI and HRW recommended that the Sudan cooperate with the ICC and enforce the warrants of arrests issued by the Court.<sup>82</sup>

38. DRDC indicated that since 1989 Darfur had been under State of Emergency Regulations which exonerate military and security forces from any accountability for violations of human rights.<sup>83</sup>

39. JS8 stated that although the Interim Constitution of Southern Sudan provides for an independent judiciary, the latter lacks independence and the Government continues to influence court verdicts and sentences.<sup>84</sup> JS1 stated that the independence of the Judiciary was further compromised by corruption among its members and nepotism in the appointment of judges.<sup>85</sup>

40. DRDC referred to Article 10 of the 1993 Evidence Act, and stated that evidence obtained by unlawful means is not rejected by the court.<sup>86</sup> It furthermore mentioned Article 206 of the 1991 Criminal Procedure Act, which allows the admission of evidence and confessions extracted through torture, noting that this was also encouraged by the NSA and the 1997 Emergency and Public Safety Protection Act (Emergency Act).<sup>87</sup>

41. DRDC stated, in relation to Northern Sudan, that four Anti-Terrorism Special Courts (ATSCs) were established to try those accused of participating in the JEM attack on Khartoum. DRDC noted that the rules of procedure used by these courts were inconsistent with the universal human rights standards and fell short of satisfying minimum standards of justice in customary and international law. Accused were prevented from bringing habeas corpus petitions. The Judges systematically rejected requests from accused to consult in private with lawyers of their choice or to investigate allegations of torture and ill-treatment.<sup>88</sup> STP expressed similar concerns.<sup>89</sup>

42. HRW stated that the GoNU had not provided accountability for human rights violations and other crime in Darfur.<sup>90</sup> It indicated that recommendations of the African Union's High Level Panel on Darfur were not implemented and promises to investigate and prosecute the most serious crimes in Darfur have not yielded any meaningful

prosecutions.<sup>91</sup> STP stated that the commitment in 2004 to bring to justice the Janjaweed militias for massive human rights violations has not materialised, noting that instead, Janjaweed militias have been integrated into the officially recognized “Popular Defense Forces” (PDF) and into the “border guards”.<sup>92</sup> STP added that a warrant of arrest issued by the ICC for a Janjaweed militia leader has been ignored by the Sudan.<sup>93</sup>

43. DRDC stated that the proceedings in Special Criminal Courts in Darfur lacked the minimum standards of justice and fair trial.<sup>94</sup> AI stated that following the state of emergency in the State of North Darfur in 2006, there were numerous arbitrary arrests with detainees held incommunicado and without charge. Despite the provisions in the Emergency Act which provided for the setting-up of special courts, such courts were yet to be set up leaving those detained under the Emergency Act without access to justice.<sup>95</sup> AI recommended that all detainees be brought promptly before a judge to review the legality and conditions of their detention and have the right to challenge the lawfulness of their detention before a court; and that there was rigorous compliance with international standards of fair trial, including in cases punishable by the death penalty.<sup>96</sup>

44. STP stated that the United Nations/African Union peacekeepers were denied access to Tabarat village by Sudanese Armed Forces to investigate a massacre which had resulted in the death of about 57 civilians, on 2 September 2010.<sup>97</sup>

45. JS1 indicated that there was a lack of equality before the law as the law was applied in a manner that favoured economically powered litigants, Government officials and top military personnel.<sup>98</sup> It added that courts did not recognise the rights of women to file for divorce, and that such cases were referred to chiefs who had the tendency to rule in favour of men.<sup>99</sup>

#### **4. Right to privacy, marriage and family life**

46. JS7 stated that the 1991 Penal Code of the Sudan (Act No. 8 1991) and the Penal Code adopted in Southern Sudan imposed criminal sanctions on some forms of sexual activity between consenting adults.<sup>100</sup> It recommended that the Sudan bring its laws in conformity with its international human rights obligations, by repealing all provisions which may be applied to criminalise sexual activity between consenting adults.<sup>101</sup>

47. JS6 stated that young girls often did not have a say in whether to marry and to whom they should marry, as these decisions were made by their parents. It indicated that while marriages involving young girls were illegal for decades, they remained common in the Sudan.<sup>102</sup>

#### **5. Freedom of movement**

48. Joint submission 10 (JS10) stated, in relation to the province of the Red Sea, that freedom of movement and the practice of civil and political rights, as guaranteed by the INC, were infringed.<sup>103</sup> It indicated that while the state of emergency had been lifted, the measures imposed during the state of emergency were maintained.<sup>104</sup>

#### **6. Freedom of religion or belief, expression, association and peaceful assembly and right to participate in public and political life**

49. MRG stated that although the CPA stipulated that legislative steps would be taken to ensure that shari'a law would not apply to non-Muslims in Northern Sudan, all Sudanese in the North, including Christians and followers of traditional African religions, were subject to shari'a law.<sup>105</sup> CSW stated that there was a rapid rise in social pressures against Christians due to the application of shari'a law.<sup>106</sup> It expressed concern that apostasy remained a statutory crime under the 1991 Penal Code. CSW recommended that the GoNU uphold the exemption from shari'a law for non-Muslims; ensure the enjoyment of freedom

of religion or belief; guarantee that religious minorities do not face discrimination or repression during the post-referendum era; repeal its apostasy law; and extend a standing invitation to the Special Rapporteur on freedom of religion or belief.<sup>107</sup> MRG recommended the enactment of legislation to guarantee full religious freedom rights to all in Northern Sudan, with particular mention of exemption from shari'a law for non-Muslims.<sup>108</sup>

50. CSW stated that in Northern Sudan, the oppression of anti-Government voices had increased through actions which included strict controls over the press and media.<sup>109</sup> Between May and August 2010, NISS agents visited newspaper print houses on a daily basis and removed articles deemed to be sensitive.<sup>110</sup> CSW recommended that the Government ensure freedom of expression and the freedom to seek, receive and impart information and ideas.<sup>111</sup>

51. AI stated that the 2009 Press and Publications Act conferred on the National Press Council (NPC) broad regulatory powers over newspapers and journalists<sup>112</sup> and recommended to reform this Act in line with its international human rights obligations and commitments.<sup>113</sup>

52. HRW stated that the National Congress Party continued to dominate the NPC and use it for political purposes and that the NPC has summoned journalists for articles about Darfur, international justice, and the elections.<sup>114</sup> JS1 stated that journalists were frequently arrested and media outlets shut down by Government if they were not broadcasting programmes which were in line with the Government's policies.<sup>115</sup>

53. In relation to Southern Sudan, HRW stated that before and during elections, journalists were subjected to intimidation, harassment and arrest and detention.<sup>116</sup> STP stated that on 27 May 2010, 9 Southern Sudanese journalists working for the state-run media were detained for more than a week after they refused to participate in the inauguration of South Sudan's President.<sup>117</sup> STP noted that, after the elections in April 2010, high-profile journalists were arbitrarily arrested.<sup>118</sup> HRW and CSW stated that Southern Sudan is yet to enact a legal framework for media.<sup>119</sup> HRW recommended the enactment of media laws that protect freedom of expression in line with international standards.<sup>120</sup>

54. JS10 stated that in the province of the Red Sea a group of lawyers were prevented by the intelligence services from registering a human rights centre. It recommended that the intelligence services should not be given the responsibility of registering civil society organisations.<sup>121</sup>

55. HRW stated that in Northern Sudan security forces used excessive force to suppress peaceful assembly of opposition party members in the lead up to the April 2010 elections.<sup>122</sup> Security forces also reportedly prevented free association by denying permission for meetings or by interrupting meetings.<sup>123</sup>

56. JS4 stated that there were numerous incidents of voter disenfranchisement during the presidential and parliamentary elections and observers have noted that the balloting process fell short of international standards for free and fair elections.<sup>124</sup>

57. STP stated that electoral fraud in Eastern Sudan had led to the cancellation of voting results and that independent candidates were targeted in a campaign of intimidation which was orchestrated by Northern and Southern Sudanese officials.<sup>125</sup> It also stated that due to fighting and a lack of security, many people in Darfur were unable to participate in the elections.<sup>126</sup>

58. JS1 stated that the GOSS has stepped up its efforts to increase the participation of women in decision-making, but that the implementation of the affirmative action policy, as stipulated in the CPA, has been delayed.<sup>127</sup>

59. JS4 and SSC made statements and recommendations in relation to the referendum.<sup>128</sup>

## 7. Right to work and to just and favourable conditions of work

60. JS1 stated that in the employment sector, women in similar positions to men received lower salaries than their male counterparts and were denied promotions.<sup>129</sup> It also stated that in Western Bahr el Ghazal State, the authorities marginalized educated women.<sup>130</sup>

61. JS6 stated that countless children, mostly under the age of 14, have left their families in search of work within the towns and markets. Some departed "voluntarily" or at the urging of their parents to escape severe poverty while others were ensnared by labour traffickers. Some of the children end up getting jobs in the small hotels within the markets where they were overworked and poorly paid.<sup>131</sup>

## 8. Right to social security and to an adequate standard of living

62. HRW stated that the denial of the United Nations and humanitarian agencies access to civilian populations affected by violence deprived these communities of necessary humanitarian assistance.<sup>132</sup> Humanitarian agencies were prevented from reaching civilians affected by attacks in most parts of Eastern Jebel Mara throughout 2010.<sup>133</sup> HRW recommended that the GoNU grant full access for humanitarian aid to all populations in need, and comply with existing agreements regarding the operation of aid agencies in the Sudan, including the commitment to allow aid organizations to implement human rights and protection programmes.<sup>134</sup> MRG made similar recommendations, particularly regarding the enjoyment of the right to food of war-affected communities in Darfur since the expulsion of international non-governmental relief organisations and closure of domestic relief organisations in March 2009.<sup>135</sup>

63. JS1 stated that the public health institutions do not meet the required standards.<sup>136</sup> These institutions did not provide adequate health care as they lacked good medical diagnosis and had insufficient nurses. It stated there was an increase in HIV/AIDS and recommended that diagnosis kits should be provided to clinics to ensure HIV tests could be done.<sup>137</sup>

64. JS5 stated that there was insufficient delivery of services and information for maternal and reproductive health.<sup>138</sup> JS1 stated that the only school of midwifery in the Western Bahr El Ghazal State was closed down due to lack of funds.<sup>139</sup> JS5 stated Government expenditure on health services was low,<sup>140</sup> and recommended an increase of 15 percent of the GDP.<sup>141</sup>

65. JS10 stated that in the province of the Red Sea there were insufficient medical facilities and that existing health centres lacked personnel, equipment and medication.<sup>142</sup> It recommended inter alia an increase in doctors and other medical personnel; training for mid-wives; and the establishment of new centres for the nutrition of women and children.<sup>143</sup>

66. JS10 stated that there was a shortage of water in the province of the Red Sea. There was need for new wells, as well as the repair of all broken wells.<sup>144</sup>

67. With regard to the situation in Darfur, COHRE referred to the May 2009 decision of the African Commission on Human and Peoples' Rights finding that Sudan failed to show that it refrained from forced eviction or the demolition of houses and property, and that it did not take steps to protect the victims from constant attacks and bombings, and the rampaging attacks by the Janjaweed militia.<sup>145</sup> COHRE recommended that Sudan rehabilitate economic and social infrastructure in Darfur.<sup>146</sup>

## 9. Right to education and to participate in the cultural life of the community

68. JS1 stated that Article 44 (1) and (2) of the INC guaranteed education for every citizen without discrimination, with primary education being compulsory and free.

Although there were programmes to implement this guarantee, the GoNU was unable to meet all the needs and students were therefore charged administrative costs.<sup>147</sup>

69. JS1 stated that parents preferred to send their sons to school and kept girls at home for household chores.<sup>148</sup> JS6 stated that girls were deprived of education because of the belief by parents that if girls were educated they will be driven from their traditions.<sup>149</sup> JS1 stated that girls were removed from school when they reached puberty.<sup>150</sup>

70. JS10 stated that in the province of the Red Sea, there was a shortage of schools and also insufficient teachers. It recommended better infrastructure for education, including vocational schools.<sup>151</sup>

71. JS1 stated that the right to education was compromised through the profiling of students considered to be supporters of groups that were in opposition to the GoNU. It stated that 90 percent of the students of southern origin who sat for their school certificate in 2010 were not admitted to universities in the national intake.<sup>152</sup>

72. JS1 stated that there were insufficient teachers in schools in the rural areas. There was also overcrowding in schools, with some classrooms having about 200 students and as a consequence, teachers found it difficult to track students' performance and their presence in school. Also, some pupils walk long distances to get to school.<sup>153</sup>

73. JS1 stated that there were two curricula in Southern Sudan, the Sudan curriculum and the East African curriculum. The East African curriculum was in English while teachers in the State of Western Bahr el Ghazal were trained to teach in Arabic, and were thus unable to teach the new curriculum.<sup>154</sup> JS1 recommended that Sudan should come up with a curriculum based on both curricula and teachers should be equipped to teach in both English and Arabic.<sup>155</sup>

## **10. Minorities and indigenous peoples**

74. MRG stated that the SPLA was accused of taking a differential approach to ethnic groups in pacification and disarmament exercises, intervening against specific ethnic groups in a more aggressive way, resulting in human rights abuses.<sup>156</sup>

75. MRG stated that it was concerned that the GoSS had leased 16,800 square kilometres of land in Jonglei State to a foreign company. It stated that this vast tract of land was in an area which was inhabited by ethnic groups who, in many cases, exercise a collective, customary form of ownership of land, without formalised legal title.<sup>157</sup> MRG recommended that the South Sudan Land Commission investigate this matter with a view to compensating communities and individuals whose land was found to have been expropriated with land of equal value.<sup>158</sup>

## **11. Internally displaced persons**

76. JS3 stated that people living in IDPs camps in Darfur were deprived of basic services such as good housing, water, schools and health facilities.<sup>159</sup> CSW expressed concern about the GoNU's "New Strategy for Darfur" which, it stated, implied that the humanitarian crisis was over and that the humanitarian capacity could be shifted to development.<sup>160</sup> CSW described this approach as dangerous as more humanitarian aid, rather than less, was required.<sup>161</sup>

77. CSW stated that the humanitarian situation in Darfur remained critical, with more than 2.7 million people internally displaced, and the relief capacity has never recovered since the expulsion of aid organisations in March 2009.<sup>162</sup>

78. CSW expressed concern at the insistence by the GoNU on the "return" of displaced persons, particularly as the Government has expelled from Darfur key officials of the

United Nations High Commission for Refugees (UNHCR), the International Committee of the Red Cross (ICRC), and the intergovernmental International Organization for Migration (IOM).<sup>163</sup> JS4 stated that the humanitarian situation of IDPs camps, particularly in Darfur have witnessed an alarming deterioration due to the expulsion of humanitarian organizations. MRG stated that the expulsion significantly impacted on the enjoyment of the right to food by IDPs.<sup>164</sup>

79. STP stated that there was no credible initiative by the Sudanese authorities to ensure the safe return of the persons living in camps in Darfur and a neighbouring country. STP called for an improvement in security and protection of the civilian population. This will allow for a voluntary and peaceful resettlement of IDPs to their villages.<sup>165</sup>

### III. Achievements, best practices, challenges and constraints

N/A

### IV. Key national priorities, initiatives and commitments

#### Specific recommendations for follow-up

80. AI stated that of the 45 recommendations made by the Group of Experts on Darfur in 2007, 11 have yet to be implemented and 30 remain in the process of implementation.<sup>166</sup> It recommended that the Sudan continue to implement the recommendations by the Group of Experts.<sup>167</sup>

81. JS4 stated that Sudan has refused to implement recommendations of various United Nations bodies, including the many recommendations compiled by the former Group of Experts on Darfur at the United Nations Human Rights Council.<sup>168</sup>

### V. Capacity-building and technical assistance

N/A

#### Notes

<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org). (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council. Two asterisks denote a national human rights institution with "A" status).

#### *Civil society*

AI	Amnesty International, London, United Kingdom.*
COHRE	The Centre on Housing Rights and Evictions, Geneva, Switzerland.
CSW	Christian Solidarity Worldwide, Surrey, United Kingdom.
DRDC	Darfur Relief and Documentation Centre, Geneva, Switzerland.
GIEACPC	Global Initiative to End All Corporal Punishment of Children.
HRW	Human Rights Watch, New York, United States of America.*
IHRC	Islamic Human Rights Commission, Wimberley, United Kingdom.
JC	Jubilee Campaign, Surrey, United Kingdom.*
JS1	Joint Submission 1: The Human Rights Committee comprising Justice and Peace, Sudan; Commission of the Catholic Church, Sudan; Women Training and Promotion Association, Sudan; Women Development Group, Sudan; Women

- Empowerment Group, Sudan; Sawa Sawa, Sudan; Muslim Women's Association, Sudan; My Sister's Keeper, Sudan; and Alma's Centre for the Girl Child Empowerment, Sudan.
- JS2 Joint Submission 2: Redress Trust, London, United Kingdom; Sudanese Human Rights Monitor, Sudan.
- JS3 Joint Submission 3: Izza Peace Foundation, Khartoum, Sudan; African American Society for Humanitarian Aid and Development; Khartoum, Sudan;\* and Bridges International, Khartoum, Sudan.\*
- JS4 Joint Submission 4: Cairo Institute for Human Rights, Cairo, Egypt;\* Bahrain Centre for Human Rights, Bahrain; and Palestinian Organisation for Human Rights, Lebanon.
- JS5 Joint Submission 5: SABA Organization for Child/Mother best Interest Action, Sudan ; Asmaa Society for Development, Sudan; SEEMA Centre for Training and Protection of Women and child Rights, Sudan; Sudanese Organization for Research and Development, Sudan.
- JS6 Joint Submission 6: Generation in Action, Sudan; Green Star Initiatives, Sudan.
- JS7 Joint Submission 7: Mutawinat Association, Sudan; Legal Podium, Sudan; Bleeps Centre, Sudan; El-Manar Association, Sudan; El-Gandr Centre, Sudan.
- JS8 Joint Submission 8: United Nations Foundation/Better World Campaign, Washington, USA; Southern Sudan Organization for Relief and Development, Juba, Sudan; IDEA –Organization Southern Sudan, Juba, Sudan; Women Self-Help Development Organization, Juba, Sudan; Southern Sudan Deaf Development Concern, Juba, Sudan; Sudan Self-Help Foundation, Juba, Sudan; Equatoria State Association of the Physically Disabled, Juba, Sudan; South Sudan Association of the Visually Impaired, Juba, Sudan; Equatoria State Union of Visual Association, Juba, Southern Sudan; Catholic Church -Women Desk, Juba, Sudan; Kajo-Keji Human rights Community Awareness Programme, Juba, Sudan; Lokita Charitable Society, Juba, Sudan; NESI Net Work New Sudan Ingenious NGO, Juba, Sudan; South Sudan Human Right Society for Advocacy, Juba, Sudan; Community Empowerment for Progress Organization, Juba, Sudan; South Sudan Women General Association, Juba, Sudan; and Southern Sudan Law Society, Juba, Sudan.
- JS9 Joint Submission 9: Mutawint Group, Sudan; Legal Forum, Sudan; Bliss Centre, Sudan; Al Manan Society, Sudan; and Gender Center, Sudan.
- JS10 Joint Submission 10: Irsa'a Centre for Legal Aid, Sudan; Nuba Mountain Solidarity League, Sudan; Equatorial Son's League, Sudan; Activists in Voluntary Work, Sudan; Portsudan Madinaty Newspaper, Sudan; Progress Centre for Social Development, Sudan; Liaison Movement, Sudan; Assamandal Theatre Group, Sudan; Legal Forum, Sudan.
- MFPD Maarij Foundation for Peace and Development, Sudan.
- MRG Minority Rights Group International, London, United Kingdom.
- SSC Society Studies Centre, Khartoum, Sudan.\*
- STP Society for Threatened Persons, Göttingen, Germany.

<sup>2</sup> AI, p. 5.

<sup>3</sup> COHRE, p. 4, para. 9.

<sup>4</sup> CSW, p. 1; JS7, p. 4.

<sup>5</sup> JS9, p. 5.

<sup>6</sup> JS3, p. 6.

<sup>7</sup> DRDC, p. 1.

<sup>8</sup> DRDC, p. 1.

<sup>9</sup> JS7, p. 4.

<sup>10</sup> JS9, p. 5.

<sup>11</sup> JS2, p. 5.

<sup>12</sup> JS2, p. 5.

<sup>13</sup> HRW, p. 6.

<sup>14</sup> JS2, p. 3.

<sup>15</sup> JS2, p. 5.

- 16 COHRE, p. 3, para. 8.  
17 SSC; p. 2.  
18 SSC; p. 2.  
19 IHRC, p. 4.  
20 JC, p. 5.  
21 JS7, p. 2.  
22 JS7, p. 4.  
23 JS8, p. 1.  
24 JS1, p. 7.  
25 JS6, para. 13.  
26 AI, p. 5.  
27 AI, p. 5.  
28 AI, p. 5.  
29 JS5, p. 3.  
30 AI, p. 5.  
31 JS1, p. 8.  
32 JS8, p. 2.  
33 MRG, p. 2, referring to an article entitled “S. Sudanese risk citizen rights in vote – minister”, Reuters, 25/9/2010, <http://www.reuters.com/article/idUSTRE6800P420100925>).  
34 MRG, p. 2.  
35 MRG, p. 3.  
36 JS5, p. 5.  
37 AI, p. 5.  
38 AI, p. 5.  
39 HRW, p. 6.  
40 DRDC, p. 3.  
41 HRW, p. 3.  
42 HRW, p. 5.  
43 AI, p. 1. See also HRW, p. 5.  
44 AI, p. 1.  
45 AI, p. 1. See also STP, pp. 1–2.  
46 AI, p. 4. See also HRW, p. 5.  
47 JS4, p. 9, para. 31.  
48 AI, p.3.  
49 JS4, p. 5, para. 18.  
50 JS4, p. 9, para. 7.  
51 HRW, p. 6.  
52 STP, p. 3.  
53 JS3, p. 5.  
54 JS3, p. 8.  
55 JS3, p. 8.  
56 JS2, p. 5. See also JS5, p. 4.  
57 JS2, p. 5.  
58 JS2, p. 5.  
59 CSW, para. 17.  
60 CSW, para. 18. See also STP, p. 2.  
61 CSW, para. 18.  
62 CSW, para. 19.  
63 According to CSW, “*zina*” is the term used to describe premarital or extramarital sexual intercourse.  
64 CSW, para. 10.  
65 CSW, paras. 10–11.  
66 CSW, para. 13.  
67 JS5, p. 5.  
68 JC, p. 4.  
69 JC, p. 5.  
70 JS3, p. 8.

- 71 CSW, para. 14.
- 72 CSW, para. 17.
- 73 JS3, pp. 4 and 6.
- 74 GIEACPC, p. 2.
- 75 GIEACPC, p. 2.
- 76 GIEACPC, p. 2.
- 77 JS8, p. 7.
- 78 JS8, p. 7.
- 79 AI, p. 3.
- 80 DRDC, p. 3.
- 81 AI, p. 3.
- 82 AI, p. 5; HRW, p. 5.
- 83 DRDC, p. 2.
- 84 JS8, p. 3.
- 85 JS1, p. 5.
- 86 DRDC, p. 3.
- 87 DRDC, p. 3.
- 88 DRDC, p. 4.
- 89 STP, p. 2.
- 90 HRW, p. 4.
- 91 HRW, p. 4.
- 92 STP, p. 2.
- 93 STP, p. 3.
- 94 DRDC, p. 4.
- 95 AI, p. 2.
- 96 AI, p. 4.
- 97 STP, p. 4.
- 98 JS1, p. 5.
- 99 JS1, p. 5.
- 100 JS7, p. 1.
- 101 JS7, p. 2.
- 102 JS6, para. 15 (4).
- 103 JS10, p. 4.
- 104 JS10, p. 4.
- 105 MRG, p. 3.
- 106 CSW, para. 21.
- 107 CSW, para. 25.
- 108 MRG, p. 3.
- 109 CSW, paras. 4–5.
- 110 CSW, paras. 4–5.
- 111 CSW, para. 6.
- 112 AI, p. 1.
- 113 AI, p. 4.
- 114 HRW, p. 2.
- 115 JS1, p. 9.
- 116 HRW, p. 5.
- 117 STP, p. 1.
- 118 STP, p. 2.
- 119 HRW, p. 5; CSW, p. 6.
- 120 HRW, p. 6.
- 121 JS10, p. 9.
- 122 HRW, p. 2.
- 123 HRW, p. 2.
- 124 JS4, p. 7, para. 26.
- 125 STP, p. 1.
- 126 STP, p. 1.

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- 127 JS1, p. 8.  
128 JS4, p. 4, para. 12 and p. 6, para. 31; and SSC, p. 2.  
129 JS1, p. 8.  
130 JS1, p. 8.  
131 JS6, para. 15 (7).  
132 HRW, p. 4. See also STP, p. 3.  
133 HRW, p. 4.  
134 HRW, p. 6.  
135 MRG, p. 3.  
136 JS1, p. 3.  
137 JS1, p. 5.  
138 JS5, p. 2.  
139 JS1, p. 4.  
140 JS5, p. 2.  
141 JS5, p. 6.  
142 JS 10, p. 5.  
143 JS 10, p. 6.  
144 JS10, p. 5.  
145 COHRE, p. 2, para. 4.  
146 COHRE, p. 3, para. 8.  
147 JS1, p. 2.  
148 JS1, p. 8.  
149 JS6, para. 15 (4).  
150 JS1, p. 8.  
151 JS10, p. 7.  
152 JS1, p. 2.  
153 JS1, p. 2.  
154 JS1, p. 2.  
155 JS1, p. 3.  
156 MRG, p. 4.  
157 MRG, p. 5.  
158 MRG, p. 5.  
159 JS3, p. 4.  
160 CSW, para. 28.  
161 CSW, para. 28.  
162 CSW, para. 29.  
163 CSW, para. 28.  
164 JS4, p. 5, para. 16.  
165 STP, p. 3.  
166 AI, p. 4.  
167 AI, p. 4.  
168 JS4, p. 8, para. 30.
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