

SUDAN

CRC A/49/41 (1994)

113. The Committee began consideration of the initial report of the Sudan (CRC/C/3/Add.3) at its 69th, 70th and 71st meetings (CRC/C/SR.69-71), held on 26 and 27 January 1993. Due to the complexity of the situation and the problems facing children in the Sudan, the Committee decided to continue consideration of the initial report of the Sudan at its fourth session, scheduled to be held from 20 September to 8 October 1993. In this connection, the Committee requested the State party to provide it with written answers to questions which, due to time constraints, remained unanswered. Equally, the Committee requested the State party to provide it with additional information, in accordance with rule 69 of its provisional rules of procedure and article 44, paragraph 4, of the Convention, on particular areas of concern identified by the Committee and on the results of any recent surveys undertaken. The Committee recommended that the information requested be submitted to the Committee by 15 May 1993. At its 73rd meeting, held on 28 January 1993, the Committee adopted the following preliminary observations.*

(a) Introduction

114. The Committee expresses satisfaction at the State party's early ratification of the Convention without any reservations and for the timely submission of its initial report. However, the Committee feels that in the light of the adopted guidelines further information would be required, inter alia, on special protection measures and on the policies and strategies required to realize health care and education goals.

(b) Positive aspects

115. The Committee welcomes the comments made by the State party on the merits of establishing a constructive and useful dialogue with the Committee and on the positive role the Committee should fulfil, in this regard, in providing advice and assistance to the State party on how to implement the Convention.

116. The Committee takes note of the statement made by the delegation of the Sudan that the Convention has been incorporated into national legislation. The Committee also notes the willingness shown by the Government of the Sudan to take into account the recommendations made by the Committee with a view to reviewing existing legislation in order to bring it into conformity with the Convention and to changing attitudes to traditional practices prejudicial to the health of children, including female genital mutilation.

* See also section 10 below, Concluding observations: Sudan.

117. In addition, the Committee takes note of the decision of the Government of the Sudan to make available for public distribution in one document both the report of Sudan to the Committee on the Rights of the Child and the results of the dialogue with this Committee.

(c) Factors and difficulties impeding the implementation of the Convention

118. The Committee takes note of the problems which have hampered the implementation of the Convention in the State party. They include: civil war, structural readjustment measures, infrastructural inadequacies, desertification, drought and famine.

(d) Principal subjects of concern

119. The Committee notes the non-compatibility of certain areas of national legislation with the provisions and principles of the Convention, including the punishment of flogging.

120. The Committee notes with concern the problems of putting into effect article 4 of the Convention as it relates to matters of international cooperation to facilitate the implementation of the Convention.

121. The Committee expresses concern as to the effects of armed conflict on children, including the provision of humanitarian assistance and relief and protection of children in situations of armed conflict. In emergency situations, all parties involved should do their utmost to facilitate humanitarian assistance to protect the lives of children.

122. The Committee is concerned at the situation of internally displaced children and refugee and neglected children.

123. In addition, the Committee expresses its concern as to the issues of criminal responsibility and the administration of juvenile justice.

124. The Committee also expresses its concern regarding the issues of forced labour and slavery.

125. The Committee requests additional information on these and other concerns raised during its dialogue with the delegation and requests clarification as to the definition of the child, the situation of disabled children and children's access to education.

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Concluding observations

185. The additional information submitted by the State party in response to the request by the Committee (see para. 113 above) is contained in document CRC/C/3/Add.20. The Committee, having continued its consideration of the initial report of the Sudan and having examined the additional information at its 89th and 90th meetings (CRC/C/SR.89-90), held on 29 September 1993, adopted at the 103rd meeting, held on 8 October 1993, the following concluding observations.

(a) Introduction

186. The Committee welcomes the continuation of the dialogue with the representative of the Government of the Sudan. It notes the efforts undertaken thus far by the Government to follow up on the concerns raised previously by the Committee as regards the seriousness of the situation of children in that country.

(b) Positive aspects

187. The Committee notes the willingness shown by the Government of the Sudan to take into account the recommendations made by the Committee with a view to reviewing existing legislation in order to bring it into conformity with the Convention. In this regard, the Committee welcomes the State party's decision to establish a committee to review national laws pertaining to children and that its preliminary observation in the area of the abolition of the punishment of flogging (see para. 119 above) has been taken into account by the reviewing committee.

188. Additionally, the Committee notes with satisfaction the initial steps taken by the State party to develop monitoring and follow-up mechanisms for the implementation of the Convention.

189. The Committee welcomes the positive steps taken recently by the Government to improve its cooperation with international intergovernmental and non-governmental organizations. The Committee notes with satisfaction the recent agreements concluded between the parties concerned with a view to improving the provision of humanitarian assistance.

190. The Committee acknowledges the contribution made by the Sudanese people in accepting and offering refuge to persons, including children, coming from neighboring countries.

(c) Factors and difficulties impeding the implementation of the Convention

191. The Committee recognizes that natural and man-made disasters have had a negative impact on efforts by the State party to ensure full implementation of the Convention. In this regard, the Committee notes the problems caused by civil war in the south of the Sudan and that the different groups involved in this conflict have often disregarded the best interests of the child.

192. The Committee takes note of the seriousness of the economic situation facing the Sudan and the debilitating effect this has had on the situation of children.

(d) Principal subjects of concern

193. The Committee considers that several of the concerns it raised previously with regard to the implementation of the Convention in the State party (see CRC/C/15/Add.6) still remain to be addressed effectively. In this regard, the Committee emphasizes that it remains very much concerned about the non-compatibility of Sudanese legislation relating to the rights of the child with the principles and provisions of the Convention.

194. The Committee is concerned at the lack of training on the rights of the child given to personnel working with children.

195. The Committee expresses its deep concern at the insufficient attention paid to the implementation of the general principles of the Convention, namely its articles 2, 3, 6 and 12 and their relationship to the implementation of all the articles in the Convention, including those relating to the civil and political rights of children.

196. The Committee notes the seriousness of the general health conditions prevailing in the Sudan and their detrimental effect on children. It expresses its serious concern at the continuance of traditional practices harmful to the health of women and children, particularly the practice of female genital mutilation. In addition, the Committee draws attention to the plight of disabled children, in view of their particular vulnerability, and the need for effective measures to improve their situation.

197. The Committee continues to be seriously alarmed at the effects of emergency situations on children, as well as at the problems faced by homeless and internally displaced children. Reports on the forced labour and slavery of children give cause for the Committee's deepest concern.

198. The Committee is of the opinion that the system of administration of juvenile justice in the Sudan is not fully compatible with articles 37, 39 and 40 of the Convention and other relevant United Nations standards.

(e) Suggestions and recommendations

199. The Committee encourages the development of mechanisms to monitor and follow up the implementation of the Convention.

200. The Committee expresses the hope that the review of child-related laws will result in the total abolition of flogging.

201. The Committee recommends that the review of national legislation continues to take into account concerns expressed by the Committee with regard to the definition of the child and the age

of criminal responsibility. In addition, the Committee suggests that the State party consider introducing enforcement measures to ensure that officials responsible for the implementation of the Convention fulfil their duties effectively.

202. The Committee also recommends that training about child rights should be provided to relevant professional groups such as judges, teachers and social workers.

203. The Committee encourages the Government to continue its cooperation with intergovernmental and non-governmental organizations with a view to improving the effectiveness of measures to alleviate the suffering of children.

204. The Committee recommends that the general principles of the Convention as expressed in its articles 2, 3, 6 and 12 guide the review of national legislation and the development of policies and strategies for ensuring the effective enjoyment by children of all their rights.

205. The Committee also recommends that further efforts be undertaken to raise awareness in order to eradicate traditional practices harmful to the health of women and children. The Committee suggests that the Government and religious and community leaders take an active role in supporting efforts to eliminate the practice of female genital mutilation.

206. The Committee further recommends that attention be given to extending the provision of primary health care and primary education in order to improve the general health and nutritional and educational status of children. In addition, the Committee recommends that future development plans should accord priority to the situation of disabled children.

207. The Committee emphasizes the need for further urgent efforts to improve the protection and promotion of the rights of internally displaced children.

208. The Committee also emphasizes the need to pay urgent and due regard to the reports of forced labour and slavery of children. The Committee believes that international cooperation, particularly technical assistance and advice, could be used to that end.

209. The Committee recommends that the system of administration of juvenile justice be reviewed in order to ensure its compatibility with articles 37, 39 and 40 of the Convention and other relevant United Nations standards.

210. The Committee expresses the hope that improvements in the implementation of the Convention will be forthcoming and appreciates the willingness of the State party to keep it regularly informed of relevant developments.

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220. The Committee considered the second periodic report of the Sudan (CRC/C/65/Add.17) at its 817th and 818th meetings (see CRC/C/SR.817 and 818), held on 24 September 2002, and adopted at its 833rd meeting (CRC/C/SR.833), held on 4 October 2002, the following concluding observations.

A. Introduction

221. The Committee welcomes the submission of the State party's second periodic report and the written replies to its list of issues (CRC/C/Q/SUD/2). The Committee appreciates the informative written replies to the list of issues which were submitted and notes the constructive dialogue held with the State party's delegation.

B. Follow-up measures undertaken and progress achieved by the State party

222. The Committee notes the progress made by the State party in assisting the hundreds of thousands of persons displaced from their homes during the armed conflict and in addressing the problem of landmines.

223. The Committee takes note of the adoption of the Constitution of the Sudan, providing for human rights and freedoms, and which entered into force on 1 July 1998.

224. The Committee welcomes the establishment of children's and women's rights services within several ministries and bodies; the establishment of a Commission on Human Rights and Public Obligations in the National Assembly; the establishment of the Sudan National Committee for the Eradication of Harmful Practices; and the State party's various measures to improve respect for the rights of women, including the campaigns against female genital mutilation and early marriage, and the encouragement of child spacing.

C. Factors and difficulties impeding the implementation of the Convention

225. The Committee notes the extremely negative impact of the armed conflict on children and that it has created conditions in which even a minimal implementation of the Convention is difficult. While noting the de facto control by non-State actors of areas of the State party's territory, notably in southern Sudan, the Committee emphasizes the full responsibility of the State party; it invites all other parties to respect child rights within the area under their control.

226. The Committee further notes the current and long-standing economic difficulties, including a high level of foreign debt and dependency on declining foreign assistance.

D. Principal subjects of concern, suggestions and recommendations

1. General measures of implementation

227. The Committee expresses its concern that the large majority of the concerns and recommendations contained in the concluding observations (CRC/C/15/Add.6) adopted following consideration of the State party's initial report (CRC/C/3/Add.3) in 1993 have been insufficiently addressed. Many of the same concerns and recommendations are made in the present document.

228. The Committee recommends that the State party make every effort to address those recommendations contained in its concluding observations on the initial report that have not yet been implemented and the concerns contained in the present concluding observations.

Legislation

229. While noting that consideration of a draft children's code is continuing, the Committee, in light of Commission on Human Rights resolution 2001/18, expresses its concern that:

- (a) Domestic legislation across the whole of the country, including in southern Sudan, is not in full conformity with the Convention;
- (b) The State party has yet to ratify a number of core international human rights treaties.

230. The Committee recommends that the Sudanese authorities:

- (a) Make every effort to bring all domestic legislation, including with regard to southern Sudan, into line with the Convention through, among other things, advocacy targeting the various bodies within the country responsible for adopting legislation;
- (b) Implement fully existing legislation that safeguards children's rights;
- (c) Sign and ratify the African Charter on the Rights and Welfare of the Child, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Elimination of All Forms of Discrimination against Women and proceed with ratification of the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict, and on the sale of children, child prostitution and child pornography, and the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction.

Resource allocation

231. The Committee is concerned that insufficient attention has been paid to article 4 of the Convention regarding the implementation to the "maximum extent of ... available resources" of the economic, social and cultural rights of children. Moreover, while appreciating that decentralization of services, particularly in the areas of health and education, allows authorities to respond better to local needs, the Committee is concerned that this delegation of responsibility without adequate resource allocation would result in serious deficiencies in the provision of these services for children, especially in the poorer areas. It emphasizes that the State party is responsible for ensuring that resources reach the most vulnerable groups during the period of

economic reform and structural adjustment.

232. The Committee recommends that the State party:

- (a) Prioritize allocation of resources to the maximum extent for the economic, social and cultural rights of children at the national and local levels for the implementation of the Convention;
- (b) Identify the amount and proportion of the national and local budgets spent on children through public and private services, non-governmental organizations and international development aid, and evaluate the impact and effects of the expenditures and of privatization;
- (c) Study the impact of structural adjustment on the cost, quality, accessibility and effectiveness of services for children in order to prevent a decline in services.

Coordination

233. Noting the largely advisory role of the National Council for Child Welfare, the Committee is nevertheless concerned at the lack of administrative coordination and cooperation at the national and local government levels and civil society, which makes it difficult to achieve a comprehensive and coherent child-rights policy.

234. The Committee recommends that the State party:

- (a) Ensure that a central and permanent mechanism, which is adequately resourced, coordinates the implementation of the Convention, intersectorally as well as between national and local levels of government and civil society;
- (b) Prepare and implement a national policy and a plan of action for children that would include the implementation of the Convention that is comprehensive and human rights based, and that is undertaken through an open, consultative and participatory process at the national and local levels.

Monitoring structures

235. While noting the work of the Government's advisory council for human rights, the Committee is nevertheless concerned at the absence of an independent mechanism with the mandate to regularly monitor and evaluate the progress in the implementation of the Convention, and which is empowered to receive and address complaints.

236. The Committee recommends that the State party:

- (a) Establish an independent national human rights institution, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (General Assembly resolution 48/134, annex), to monitor and evaluate progress in the implementation of the Convention at the national and local levels. This institution should be accessible to children and empowered to receive and investigate complaints of violations of

child rights in a child-sensitive manner and to address them effectively;

(b) Seek technical assistance from, among others, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations Children's Fund (UNICEF).

Data

237. Noting the very serious lack of data, the Committee welcomes information by the delegation on steps being taken to build an information system based on the UNICEF Multiple Indicator Cluster Survey.

238. The Committee recommends that the State party:

(a) Establish an effective mechanism for the systematic collection of disaggregated quantitative and qualitative data incorporating all the areas covered by the Convention and covering all children below the age of 18 years;

(b) Make use of indicators and data in the formulation of policies and programmes for the effective implementation of the Convention;

(c) Seek technical assistance from, among others, UNICEF.

Cooperation with non-governmental and intergovernmental organizations

239. The Committee recognizes the important role of civil society, as well as of international organizations, under the prevailing conditions, in the implementation of the provisions of the Convention, and is concerned at the insufficient efforts by the State party to fully cooperate with and facilitate their efforts.

240. The Committee recommends that the State party strengthen its cooperation with NGOs and international organizations and continue to ensure the safety of all NGO and intergovernmental personnel in the course of their work on behalf of children.

Training/dissemination of the Convention

241. The Committee notes with concern that awareness of the Convention amongst professionals working with and for children and the general public, including children themselves, remains low. The Committee is concerned that the State party is not undertaking adequate dissemination, awareness-raising and training activities in a systematic and targeted manner.

242. The Committee recommends that the State party:

(a) Strengthen, expand and continue its programme for the dissemination of information on the Convention and its implementation among children and parents, civil society and all sectors and

levels of government, including initiatives to reach those vulnerable groups that are illiterate or without formal education;

(b) Develop systematic and ongoing training programmes on human rights, including children's rights, for all professional groups working for and with children (e.g. judges, lawyers, law enforcement officials, civil servants, local government officials, personnel working in institutions and places of detention for children, teachers, health personnel, and religious leaders);

(c) Seek assistance from, among others, OHCHR and UNICEF.

2. Definition of the child

243. The Committee is concerned that the definition of the child is unclear under Sudanese law and is not in conformity with the principles and provisions of the Convention. For example, minimum ages may be determined by arbitrary criteria, such as puberty, and discriminate between girls and boys, and in some cases are too low (e.g. the minimum age of marriage is as low as 10 years).

244. The Committee recommends that the State party review its legislation so that the definition of the child, the age of majority, and other minimum age requirements conform to the principles and provisions of the Convention, and that they are gender neutral, and ensure that the laws are enforced.

3. General principles

Non-discrimination

245. The Committee is concerned that:

(a) There are significant inequalities regarding access to basic health and education services between children living in different parts of the country, most especially between southern Sudan and the rest of the country;

(b) There is discrimination with regard to children born out of wedlock, children with disabilities and refugee children, and discrimination on religious and ethnic grounds;

(c) Throughout the State party traditional patterns of discrimination limit the opportunities available to girls and women.

246. The Committee recommends that the State party:

(a) Ensure that all children, regardless of the region of the country in which they live, enjoy equal respect for their rights, including with regard to basic services;

(b) End all discrimination against children, giving particular attention to discrimination based on religious beliefs;

(c) Conduct a study to assess the scope and causes of discrimination between boys and girls and take steps to address such discrimination, giving particular attention to the impact of traditional and cultural practices upon girls and women with a view to adopting a proactive and comprehensive strategy for the elimination of discrimination against them.

247. The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Durban Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and taking account of the Committee's General Comment No. 1 on article 29, paragraph 1, of the Convention (aims of education).

Best interests of the child

248. The Committee is concerned that in actions concerning children, the general principle of the best interests of the child contained in article 3 of the Convention is not always a primary consideration, such as in matters relating to family law.

249. The Committee recommends that the State party review its legislation and administrative measures to ensure that article 3 of the Convention is duly reflected therein and that this principle is taken into account when administrative, policy, court or other decisions are made.

Child participation and respect for the views of the child

250. While welcoming efforts to establish children's parliaments, the Committee remains concerned that the views of the child, especially girls, are not often respected and may be seen as contrary to traditional concepts of the role of the family, clan and tribe.

251. The Committee recommends that the State party:

(a) Ensure full respect for the views of the child and consider ways of ensuring that a child's views are given due consideration in accordance with the age and maturity of the child within the family, clan and tribe;

(b) Give particular attention to ensuring respect for the views of girls.

4. Civil rights and freedoms

Name and nationality

252. Noting the efforts made by the State party to establish a civil registry, the Committee is nevertheless extremely concerned that large numbers of children, as high as 70 per cent in some parts of the country, are not registered.

253. The Committee recommends that ongoing efforts be continued and strengthened to improve birth registration throughout the country with a view to ensuring that all children are registered at birth, or as soon as possible afterwards, and are provided with birth certificates.

Ill-treatment and violence

254. The Committee is concerned that corporal punishment is widely practiced in the State party, including within the family, schools and other institutions; that children have been the victims of violence by, among others, the police; and that acts of torture, rape and other cruel, inhuman or degrading treatment have been committed against children in the context of the armed conflict.

255. The Committee recommends that the State party:

(a) Prohibit under law the practice of corporal punishment in the family, in schools and in all other contexts and make use of legislative and administrative measures, as well as public education initiatives, to end the use of corporal punishment, including the provision of information on alternative non-violent methods of discipline;

(b) Prevent all forms of violence against children and make sure that perpetrators of violence against children, including the police, are prosecuted;

(c) Immediately end the practice of detaining children in camps where they suffer torture and other cruel, inhuman or degrading treatment or punishment and make sure that those responsible for such acts are brought to justice;

(d) Take into consideration the other recommendations of the Committee adopted at its days of general discussion on violence against children (CRC/C/100, para. 688 and CRC/C/111, paras. 701-745);

(e) Seek assistance from, among others, UNICEF and the World Health Organization (WHO).

5. Family environment and alternative care

256. The Committee is concerned that:

(a) Widespread and severe poverty, and the disruption of family life by war, famine and related population displacement have seriously weakened the family environment of massive numbers of children within the State party;

(b) The severe legal penalties applied to women who become pregnant outside of marriage are such that many women and adolescent girls seek to conceal their pregnancies and then abandon their newborn children, and that the survival rate of these children is extremely low.

257. The Committee recommends that the State party:

(a) Assess the scope of problems faced by children in the realization of their right to a family environment and take urgent action to strengthen its support to the family;

(b) Give particular attention to the protection of children born out of wedlock and ensure that their mothers receive protection and support.

Abuse

258. The Committee is concerned that physical and psychological abuse occurs within the family, but is not adequately monitored, reported upon or addressed.

259. The Committee recommends that the State party:

(a) Establish effective child-sensitive procedures and mechanisms for the reporting, monitoring and investigation of instances of child abuse, and intervene where necessary;

(b) Provide child victims of abuse with the appropriate medical and psychological support, including recovery and social reintegration assistance for their families;

(c) Strengthen the education provided to young parents in the care they should give to their children and in the prevention of abuse and neglect;

(d) Take into consideration the recommendations of the Committee adopted at its days of general discussion on violence against children (CRC/C/100, para. 688 and CRC/C/111, paras. 701-745);

(e) Seek assistance from, among others, UNICEF and WHO.

Alternative care

260. Noting the breakdown of many families and extended family networks, the Committee is concerned that there are insufficient alternative care mechanisms to provide for children in need of such care and that existing mechanisms need to be strengthened.

261. The Committee recommends that the State party:

(a) Strengthen and extend alternative care mechanisms and take all necessary measures to provide children separated from their parents with family-type alternative care (e.g. by strengthening the capacity of extended family and increasing the availability of quality foster care);

(b) Ensure that the rights of children in need of alternative care are fully protected;

(c) Seek technical cooperation from UNICEF in this regard.

6. Basic health and welfare

262. The Committee notes the progress with regard to child immunization programmes, but remains deeply concerned at the very poor availability, accessibility and quality of basic health-care services. The Committee is concerned, among other things, at the high rates of infant, child and maternal mortality, the significant inequalities in the provision of health-care services between the north and the south of the country, the very limited access to safe drinking water responsible for 40 per cent of deaths of children under 5, and other serious health problems like malaria, acute respiratory diseases, lack of iodine and malnutrition. These and other concerns of the Committee regarding health care are reflected in the following recommendations.

263. The Committee urgently recommends that the State party:

- (a) Take immediate action to reduce infant, child and maternal mortality rates;
- (b) Strengthen the provision of health-care services, including with regard to management, staffing, equipment and medical supplies, giving particular attention to the decentralization of responsibility for services to local authorities;
- (c) Reduce inequalities in the levels of health of children in the State party through, inter alia, improving access to safe drinking water and adequate sanitation and strengthening the availability of health services in rural areas;
- (d) Establish adequate and effective services for children who have been exposed to highly traumatic events;
- (e) Take immediate action to address preventable health problems among children, including with regard to iodine deficiency, malaria, diarrhoea, acute respiratory diseases, measles, meningitis and malnutrition;
- (f) Ensure the availability and accessibility of essential drugs;
- (g) Seek technical assistance from, among others, UNICEF and WHO.

Children with disabilities

264. While encouraged by the progress indicated by the delegation, the Committee remains concerned at societal stigmatization and discrimination against disabled children, the lack of disaggregated data concerning them and the very limited services and opportunities offered to those children.

265. In the context of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex) and the results of the Committee's day of general discussion on the rights of children with disabilities, held on 6 October 1997 (see CRC/C/69, paras. 310-339) the Committee recommends that the State party:

- (a) Undertake effective collection of disaggregated data with regard to children with disabilities;

- (b) Make every effort to bring an end to traditional beliefs and stigma prejudicial to children with disabilities, including through education and information programmes;
- (c) Ensure the integration within its child-rights policy of the perspectives of the rights of children with disabilities with regard to, inter alia, non-discrimination, participation, survival and development, health, education (including vocational education for future professional employment) and integration in society;
- (d) Significantly strengthen the provision of health services for children with disabilities;
- (e) Adopt and implement, as needed, legislative and administrative provisions to ensure that children with disabilities have access to public buildings, including hospitals and schools;
- (f) Strengthen the assistance, both financial assistance and counselling, provided to the families of children with disabilities;
- (g) Seek international cooperation from, among others, UNICEF, in this regard.

Harmful traditional practices

266. While noting the efforts undertaken to end female genital mutilation, the Committee remains deeply concerned that it continues to be practised widely.

267. The Committee recommends that the State party continue and strengthen its efforts to end the practice of female genital mutilation and to seek cooperation with other countries in the region with a positive experience in combating this harmful practice. Religious and community leaders should be mobilized in this regard.

HIV/AIDS

268. The Committee is seriously concerned at reports, including the State party's report, that HIV/AIDS infection rates are likely to rise and at the lack of adequate measures in the area of prevention, care and treatment.

269. The Committee recommends that the State party integrate into its policies and practices the International Guidelines on HIV/AIDS and Human Rights (E/CN.4/1997/37, annex I) in consultation with and participation of religious leaders.

270. Noting the positive progress made by the State party in establishing a social security network in 14 States, the Committee is convinced that social security coverage needs to be extended further and strengthened.

271. The Committee recommends that the State party continue and strengthen its efforts to provide social security protection to children and their families.

7. Education, leisure and cultural activities

272. The Committee takes note of the adoption of the General Education Act 2002 and the establishment of a girls' basic education service and of an education service for nomadic children, but remains concerned:

- (a) At the very low level of public spending on education;
- (b) At the very low level of enrolment in pre-school, primary and secondary schools owing, among other things, to the fact that education is not compulsory and that a birth certificate is required for enrolment;
- (c) That the drop out rate is very high and that many children do not complete their primary education.

273. The Committee recommends that the State party:

- (a) Significantly increase public spending on education;
- (b) Ensure that primary education is free and compulsory for all children;
- (c) Continue and strengthen efforts to increase enrolment in pre-school, primary and secondary education through, inter alia, increasing the number of schools, classrooms and teachers and establishing flexible forms of school registration which do not require the presentation of a birth registration certificate;
- (d) Reduce the number of children dropping out of education by, inter alia, enforcing compulsory education requirements, providing additional financial support to cover the costs of education, and through the use of public information campaigns on the value of education;
- (e) Give particular attention to ensuring the enrolment in school of girls, children with disabilities, refugee children and children from nomadic groups, and continue and strengthen efforts to provide special education and mobile education facilities for children with disabilities and nomadic children, respectively, who are in need of them;
- (f) Strengthen education infrastructure and resources, including the provision of sufficient resources to local authorities, the construction of classrooms and schools, the provision of materials and school equipment, the revision and updating of school curricula and the improvement of teacher training;
- (g) Make particular efforts to improve access to education in southern Sudan;
- (h) Improve the opportunities for children to have access to tertiary education;

(i) Implement the recommendations and aims contained in paragraphs 235 and 292 of the State party's report;

(j) In light of the Committee's General Comment No. 1 on article 29, paragraph 1, of the Convention (The aims of education), take measures to strengthen the accessibility, quality and management of schools and take action to address the problems identified.

274. The Committee is deeply concerned at the fact that the availability, accessibility and quality of education in the southern part of the country is much worse than in the rest of the country (e.g. only 16-18 per cent of children have access to education and not more than 20 per cent of those are girls; the drop out rate is still high; teachers are not paid salaries and most of them are not qualified; schools are often too far away and education is regularly disrupted by the armed conflict; and availability of educational material is very limited). These and other concerns lead to the following recommendations, particularly for the southern part of the country.

275. The Committee recommends that the State party:

(a) Urgently implement measures to raise the number of children enrolling in education and, as far as possible, support children so that they enrol at the correct age;

(b) Significantly strengthen teacher training through, inter alia, improving the quality of training and significantly raising the number of teachers trained, including teachers able to teach in local languages;

(c) Implement measures to improve children's access to schools through, inter alia, the provision of transport to schools over a certain distance away or the establishment of additional schools closer to children;

(d) Give particular attention to increasing the number of girls enrolling in and completing education;

(e) Ensure appropriate use of the new curriculum;

(f) Seek technical assistance from UNICEF in this regard.

8. Special protection measures

Refugee and internally displaced children

276. The Committee is concerned at the large number of Sudanese children who continue to live as refugees in neighbouring countries; that refugee children from neighbouring countries do not enjoy all their rights contained in the Convention; at the situation of internally displaced children; and at reports of forced evictions for the purposes of oil exploration.

277. The Committee recommends that the State party:

- (a) Strengthen its efforts to secure the voluntary and safe return of Sudanese refugee children and their families, in accordance with all international standards;
- (b) Continue and strengthen its efforts to provide protection to children and their families from neighbouring countries who seek shelter as refugees within the Sudan;
- (c) Make every effort to provide assistance and support to the resettlement of internally displaced persons;
- (d) Continue efforts to support family reunification;
- (e) Ensure that oil exploration activities do not lead to the forced displacement of families, including children, and that the rights of all children in regions where these activities are undertaken are respected.

Children in armed conflict

278. While noting the demobilization of some children, the Committee is deeply concerned that:

- (a) Children are still being used as soldiers by the Government and opposition forces;
- (b) Landmines continue to pose problems for the safety of children, including in regions where armed conflict is no longer taking place;
- (c) Government forces have conducted indiscriminate bombing of civilian areas, including of food stocks;
- (d) Access to needy populations by humanitarian organizations has sometimes been impeded.

279. The Committee recommends that the State party and, as far as applicable, other relevant actors:

- (a) End all recruitment and use of children as soldiers, in accordance with applicable international standards; complete demobilization and rehabilitate those children who are currently serving as soldiers; and comply with Commission on Human Rights resolution 2001/18;
- (b) End the military recruitment of professionals working with children, such as teachers;
- (c) Include respect for children's rights in any negotiated agreement to end the armed conflict;
- (d) Ratify and fully implement the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and On Their Destruction, of 1997;
- (e) Respect the provisions of article 38 of the Convention and related provisions of international humanitarian law with regard to the protection of civilians, including children, in armed conflicts;

(f) Guarantee the delivery of humanitarian assistance to the populations in need, and respect the rights of children among civilian populations to, among others, food, water, medical care and adequate housing;

(g) Fully cooperate with the United Nations verification team investigating alleged abuses against civilians, including children, during the armed conflict.

Slavery and abduction

280. The Committee welcomes the work of the Committee for the Eradication of Abduction of Women and Children. However, it remains concerned that the State party's legislation does not adequately prohibit slavery or sanction those engaged in it and that thousands of children have been abducted and enslaved in the context of the armed conflict as well as for commercial gain (i.e. sold as servants, agricultural labourers and concubines, or forcibly recruited as soldiers).

281. The Committee recommends that the State party:

(a) Ensure that child slavery is prohibited under domestic legislation and in accordance with the Convention and other relevant international standards;

(b) End all forms of slavery and abduction of children within the State party and, in this context, urgently implement the provisions of Commission on Human Rights resolution 2001/18;

(c) Prosecute those persons engaged in the abduction, sale, purchase or illegal forced recruitment of children;

(d) Continue and strengthen the work of the Committee for the Eradication of Abduction of Women and Children, including through making available greater financial resources and giving the Committee more authority at the regional and local levels;

(e) Provide assistance to children returning from slavery or abduction with reintegration in their families and communities;

(f) Seek international cooperation in this regard.

Economic exploitation

282. The Committee is concerned that:

(a) Many children, including children under 15, regularly work and bear heavy responsibilities within the family;

(b) The large scale and intensity of work demands placed upon children prevents many of them from attending school;

(c) Some child labourers are the victims of economic exploitation and work in very poor conditions, including without insurance or social security benefits, with very low wages, for long hours and in dangerous and/or abusive conditions.

283. The Committee recommends that the State party:

(a) Make greater efforts to reduce the number of children engaged in regular labour, with particular emphasis on younger children;

(b) Make every effort to ensure that children do not work under conditions which are harmful to them and receive appropriate wages and other work-related benefits;

(c) Make every effort to ensure that those children who do work continue to have access to formal education.

Sexual exploitation

284. The Committee is concerned at increasing instances of sexual exploitation of children, including through prostitution.

285. The Committee recommends that the State party strengthen its efforts to address the sexual exploitation of children.

Street children

286. While taking note of the adoption by the President of a decision on 19 June 1999 “to deal with the problem of street children”, the Committee remains concerned that:

(a) There are large numbers of children living on the street in urban areas and that these children are vulnerable to, among other things, sexual abuse, violence, exploitation and the abuse of various substances and that they lack access to education and adequate health services;

(b) Street children are classified as “vagrants” in the context of government practices.

287. The Committee recommends that the State party:

(a) Amend its definition and policies with regard to street children, ensuring that these children are seen as victims of their circumstances and are not criminalized;

(b) Make additional efforts to provide protection to children living on the street and to ensure their access to education and health services, including substance abuse counselling;

(c) Proceed with the implementation of the “national project to combat the problem of street children”, ensuring that this project is in full conformity with the Convention and addresses the concerns raised in the present concluding observations;

(d) Seek international cooperation from, among others, UNICEF.

Juvenile justice

288. Noting the reference to a juvenile court project in the State party's response to the list of issues, the Committee is concerned that the holistic approach to addressing the problem of juvenile crime advocated in the Convention, including with respect to prevention, procedures and sanctions, has not been sufficiently taken into consideration by the State party. The Committee is concerned that the age of criminal responsibility is too low as a child may be punishable by detention in a reformatory from the age of 7.

289. The Committee recommends that the State party:

(a) Raise the minimum age of criminal responsibility;

(b) Establish a system of juvenile justice that fully integrates into its legislation and practice the provisions of the Convention, in particular articles 37, 39 and 40, as well as other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System;

(c) Ensure that all children under 18 years of age benefit from the protection of juvenile justice standards;

(d) Guarantee that sentences of capital punishment are not given for acts committed when the perpetrator was a child under 18 and that sentences of life imprisonment without possibility of release are likewise not handed down;

(e) End the imposition of corporal punishment, including flogging, amputation and other forms of cruel, inhuman or degrading treatment or punishment, on persons who may have committed crimes while under 18;

(f) Ensure that children who are homeless, unaccompanied, begging and in other similar situations are not criminalized.

9. Optional Protocols

290. The Committee recommends that the State party ratify the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography.

10. Dissemination of the reports

291. The Committee is concerned that the State party's periodic report was not made widely available and did not fully reflect concerns expressed by non-governmental organizations.

292. In light of article 44, paragraph 6, of the Convention, the Committee recommends that the report and the written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within all levels of administration of the State party and the general public, including concerned non-governmental organizations.

11. Next report

293. In light of the recommendation on reporting periodicity adopted by the Committee and described in the report on its twenty-ninth session (CRC/C/114), the Committee, aware of the considerable delay in the State party's reporting, underlines the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention. An important aspect of States' responsibilities to children under the Convention is to ensure that the Committee on the Rights of the Child has regular opportunities to examine the progress made in the implementation of the Convention. In this regard, regular and timely reporting by States parties is crucial. The Committee recognizes that some States parties experience difficulties in initiating timely and regular reporting. As an exceptional measure, in order to help the State party catch up with its reporting obligations in full compliance with the Convention, the Committee invites the State party to submit its third and fourth periodic reports in one consolidated report by 1 September 2007. The Committee expects the State party to report thereafter every five years, as foreseen by the Convention.