



# Convention on the Rights of the Child

Distr.: General  
31 August 2010  
English  
Original: Arabic/English

---

## Committee on the Rights of the Child

### Fifty-fifth session

13 September–1 October 2010

## Written replies by the Government of the Sudan to the list of issues (CRC/C/SDN/Q/3-4) related to the consideration of the third and fourth periodic reports of the Sudan (CRC/C/SDN/3-4)\*

[25 August 2010]

---

\* In accordance with the information transmitted to State parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

## Contents

	<i>Paragraphs</i>	<i>Page</i>
Section 1		
Information on Northern Sudan .....	1–69	3
Section 2		
Information received from the Government of the Southern Sudan .....	70–101	19

## Section 1

### Information on Northern Sudan

#### Reply to the issues raised in paragraph 1 of the list of issues (CRCC/C/SDN/Q/3-4)

1. Pursuant to the legislative framework in the Sudan, any convention ratified by the Sudan shall be considered part of the legal framework in the country, and any article in any law that contradicts it should be amended or eliminated, as the Interim National Constitution of the Sudan, 2005, stipulates in article 27, the Bill of Rights, the following:

- “The Bill of Rights is a covenant among the Sudanese people and between them and their governments at every level and a commitment to respect and promote human rights and fundamental freedoms enshrined in this Constitution; it is the cornerstone of social justice, equality and democracy in the Sudan
- The State shall protect, promote, guarantee and implement this Bill
- All rights and freedoms enshrined in international human rights treaties, covenants and instruments ratified by the Republic of the Sudan shall be an integral part of this Bill
- Legislation shall regulate the rights and freedoms enshrined in this Bill and shall not detract from or derogate any of these rights”

Children have a special status in the Islamic legislation which calls, through its guidance and provisions, for subsistence, development and protection of children; it makes incumbent upon parents to provide good care and alimony, to choose a good mother and a good name; it prohibits the abandonment of offspring, and guarantees their right to inheritance while they are still in their mother’s womb, to nutrition and a disease-free healthy life; to education and skills’ acquirement, to a safe and peaceful life, and to protection from violence, mistreatment, and physical and sexual abuse; it also guarantees the protection of children deprived of parental care, and children in armed conflict, emergencies and crises.

2. We note that a study has been conducted in 2005 with a view to comparing the concordance of child-related national legislation with ratified international instruments, in particular the Convention on the Rights of the Child. The study focused on some juristic topics which are often regulated by Sharia rules, such as the age of criminal responsibility, criterion of puberty, majority age, and entrustment in civil issues. The study deduced clear recommendations on the need to harmonize those national legislations with international instruments without contradicting the provisions of the Islamic Sharia. That was clearly presented in the provisions of the Child Act 2010, which is in full harmony with international instruments and the provisions of the Islamic Sharia and which even surpassed the Convention on the Rights of the Child with regard to the child definition, for it adopted the age and not the puberty criterion that brought some ambiguities upon implementation, in particular the way of determining symptoms of puberty and the relation between puberty and majority age.

### **Reply to the issues raised in paragraph 2 of the list of issues**

3. The Child Act 2010, which was enacted in February 2010, granted the National Council for Child Welfare the authority to issue the rules and regulations necessary for the implementation of the Act. Accordingly, and since the provisions of the Act cover several sectors in all child-related areas, the Council's Committee on the Legislation examined the provisions of the Act and discussed the issuance of those rules and regulations for the establishment of an operational framework for the Act, in coordination with all parties concerned, namely the Ministries of Health, General Education, Justice, Welfare and Social Development, Interior, and Defence. The process of issuing those rules and regulations is still ongoing.

4. On the other hand, the Council adopted a plan to disseminate the Act and shed light on its provisions and articles. Workshops on the subject were held in the states of Al-Jazeera, Khartoum, Kassala, and Al-Qadarif. Other workshops were also held for such sectors as police and justice, and for prosecutors and some civil society organizations. Arabic and English copies of the Child Act 2010, authenticated by the Ministry of Justice, were circulated to judges, prosecutors, police, the Lawyers Union, and Government ministries at the federal and states levels. The plan is still being implemented.

### **Reply to the issues raised in paragraph 3 of the list of issues**

5. Work is still under way for the establishment of the National Centre for Information on Children at the National Council for Child Welfare, through networking, effective participation, persistence, research, studies and documentation, in order to achieve the Centre's main objective which encompasses four goals for the period 2008-2011:

- (a) Setting up a children database system;
- (b) Establishing the National Network for Information on Children;
- (c) Founding a system of information service;
- (d) Developing a system of information technology.

6. In addition, the Family and Child Protection Unit which is managed by the police conducted scientific research in the area of child protection and identified child-related indicators. An office for registry and statistics was established in the Unit to collect information. The information system of the Ministry of Interior monitors cases of child smuggling through the various outlets of the country. Information systems are also in place in the Committee for the Eradication of Abduction of Women and Children, the Civil Registry for Newborn Children, and the Registry System for Children of Unknown Parentage. An information centre is in place at the Ministry of Health and the Department of Educational Planning of the Ministry of General Education. Work is ongoing to link all those systems to the Centre for Information on Children of the National Council for Child Welfare through an electronic network at the national and states levels.

## Reply to the issues raised in paragraph 4 of the list of issues

7. The child definition in the Sudanese laws was subject to continuous and long debates and to conceptual development,\* until the passage and enactment of the Child Act 2010, in which article 4 stipulates that the child “means every person, who is not above the age of eighteen years”. Therefore it can be said that the Child Act 2010 adopted only the age criterion in its child definition, decisively excluding all other criteria. Thereby, the aforementioned child definition based on the age criterion represents a great legislative development in the area of child’s rights. Moreover, article 3 of the Act stipulates: “The provisions of this Act shall prevail over any other provision in any other law, upon inconsistency thereof, to the extent of removing such inconsistency.”

8. Article 3 of the Criminal Act 1991 defines the adult as “a person whose puberty has been established by definite natural features and has completed fifteen years of age. Whoever attains eighteen years of age shall be deemed an adult even if the features of puberty do not appear”. Article 9 of the Criminal Act stipulates that “a child who has not attained puberty shall not be deemed to have committed an offence; provided that care and reform measures set out in this Act may be applied to a child who has completed seven years of age, as the court may deem fit”. It appears that the Criminal Act and the Child Act differ in their child definition as referred to above; however the difference could be surpassed by applying the Interpretation of Laws and General Clauses Act 1974 which stipulates: “The provisions of a subsequent law shall prevail over those of a preceding law to the extent of any inconsistency” (article 6.3); and “any special law or any special provision in any law in respect of any matter shall be deemed an exception to any general law or general provision in any law governing such matter” (article 6.4).

*(Verdict issued by the Child Court in Khartoum according to Notice 479/2009 under article 130 of the Criminal Act 1991, Murder, in the case of the child named A.M.M, 17 years, who murdered a college student)*

9. The verdict sentenced the child to reformatory until he reaches 18 years, on the condition that his family pays the wergild. This verdict shows that the court adopted the age and not the puberty criterion to define a child. If it were to adopt the puberty it would have found the puberty features on that child.

10. The Child Act 2010 also stipulates a number of definitions related to the child according to his living conditions. The following table contains definitions provided in article 4:

<i>Term</i>	<i>Interpretation</i>
Child soldier	Means the child, who does attain eighteen years of age, and who is appointed, admitted or forced to join any military, or para-military force, whether disciplined, or non-disciplined
Working child	Means the child, who does attain eighteen years of age, and who is appointed, admitted or forced to join any military, or para-military force, whether disciplined, or non-disciplined

\* The Child Act 2004, which was repealed with the enactment of the Child Act 2010, contained the same child definition as the one contained in article 1 of the Convention on the Rights of the Child, which stipulates that “a child means every human being below the age of eighteen years unless under the law applicable to the child”.

<i>Term</i>	<i>Interpretation</i>
Vagrant child	Means the child, who is exposed to delinquency, by reason of his unnatural presence in the street, to the extent of endangering his moral, psychological, physical or instructional safety
Delinquent	Means every child, who completes the age of twelve years, and does not attain eighteen years of his age, upon his commission of an act in contravention of the laws
Child exposed to delinquency	Means the child who attained seven but not reaches twelve years, who is found in an environment endanger his moral, psychological, physical or instructional safety

### **Reply to the issues raised in paragraph 5 of the list of issues**

11. The Sudanese legislation asserts the principle of non-discrimination as one of the fundamental rights in order to obtain all services provided to children such as health, education, protection and social care. That principle is guaranteed by the Constitution of the Sudan, the Constitution of Southern Sudan and the constitutions of all states, in addition to other national legislations, the most important of which is the Child Act 2010. Article 7 of the Constitution stipulates: “Citizenship shall be the basis for equal rights and duties for all Sudanese. Every person born to a Sudanese mother or father shall have an inalienable right to enjoy Sudanese nationality and citizenship.”

12. The Child Act 2010 contains the principle of non-discrimination. Article 5(2)(c) stipulates: “The Child has the right of protection against all forms of discrimination”. Article 83(2) stipulates: “The Justice Organs shall guarantee to all Children, who are the victims of the offences, provided for in sections 45 and 46, availing the appropriate procedure to obtain, without discrimination, compensation for the injuries they have suffered, by the persons legally responsible for such offences”. Article 5(2)(g) stipulates: “A Child born outside the framework of marriage shall have the right to registration in the Birth Registers, affiliated to whoever of his parents admits his affiliation or any other name in case of their denial”. Article 25 stipulates the right of the child to substitute care.

13. The Child Act deems the violation of the rights of the child an infringement to public rights, as stipulated in article 84(1): “Any person, who has reasonable cause to believe that there is violation of the rights of any child, or that any one of the child parents, his guardian, or whoever may be entrusted with his care, refuses, or neglects supplying the child with adequate food, clothing, medical care or education, while he is able to provide the same, shall inform that to the nearest official authority.”

14. A set of measures has been put in place to provide protection for children born out of wedlock. They include awareness-raising programmes and the introduction of temporary and permanent Kafalah programmes whereby the government ensures that foster families are found within the community. A child born out of wedlock is registered under the Civil Record Act 2001 and issued a family card and a national number. That applies to male as well as female children born out of wedlock.

### **Reply to the issues raised in paragraph 6 of the list of issues**

15. Article 77(e) of the Child Act 2010 stipulates that “death sentence is not inflicted on the Child”. We have already referred to the child definition (18 years) in paragraph 7 of this document, whereby we have mentioned that article 3 of the Act stipulates: “The provisions

of this Act shall prevail over any other provision in any other law, upon inconsistency thereof, to the extent of removing such inconsistency". The Child Act 2010 is applied in all courts specialized in children. Even if a case opened against a child was sent to a criminal court, it would be transferred to a child court according to the Child Act 2010 (reference to this matter was made in paragraphs 7 to 10 of this document).

### Reply to the issues raised in paragraph 7 of the list of issues

16. The national Constitution, the Southern Sudan Constitution, the states Constitutions, and the Child Act 2010 guarantee the right against torture. The Child Act 2010 provides, in a number of its articles, for comprehensive remedies to deal with the mistreatment of and violence against children. It also prescribes punishment for those who perpetrate such acts against children, as indicated in the following table:

<i>Article</i>	<i>Punishment</i>
45. There shall be deemed committed an offence whoever:	Capital punishment or imprisonment for a period not exceeding 20 years with penalty.
(a) Kidnapping of , traffic in and transfer any organ or organs of any child;	
(b) Rape of children.	
46. (1) There shall be committed an offence whoever employ children in traffic in slavery, of all the forms thereof; and no child shall be enslaved, or subjected to forced labour, or compelling him to perform work by force.	Imprisonment and penalty, and seizure of property used in committing the crime.
(2) Whoever smuggles or assist in smuggling any child or children across borders for the purpose of forced labour, in traffic, compelling use, or use any form of violence.	Imprisonment for a period not exceeding 20 years and penalty.

17. Article 29(1) of the Child Act 2010 stipulates that "no one of the following sanctions shall be inflicted on Children at schools: (a) cruel penalties; (b) reprimand by expressions, which are degrading dignity; (c) deprivation of attending the class, unless attendance of the pupil causes impediment to the progress of study; (d) expulsion from the school during the progress of study". Paragraph (2) of that article stipulates: "The Ministry of Instruction and General Education shall specify such sanctions, as may be appropriate, for whoever contravenes the provisions of sub-section (1), under the regulations, to be made thereby in this respect."

18. A national plan to combat violence against children in the Sudan was developed. It contains three parts: the first part is about the environment in which children may be subjected to one or more form of violence, including streets, families, judicial institutions, areas of armed conflict and workplaces; the second part covers three major elements which determine the form of violence that may be exercised on children, namely children of unknown parentage, female genital mutilation, and sexual exploitation and mistreatment; the third part is about the media as a key partner which contributes to building and supporting an integrated system of child protection from all forms of violence. The plan took into consideration the gender dimension in the issues of violence against girls for addressing and preventing all forms of violence.

**Reply to the issues raised in paragraph 8 of the list of issues**

19. The Sudan has a long history in terms of raising awareness on the need to renounce the practice of female genital mutilation. Great efforts in that regard have been exerted by official bodies and civil society organizations, which have yielded understanding of the psychological and health risks and influencing public opinion on the harmful consequences and the inutility of the practice. This process, however, still requires a shift in approaches and methods whereby change is brought about collectively in line with the moral values of the Sudanese society. There have been successful experiences in stemming some social practices harmful to the collective agreement.

20. Female circumcision continues to be practiced reaching high levels, which requires intensive efforts in that regard. Partners in the process have agreed on the need for a national strategy under which they all work towards achieving the principal goal of eliminating the practice of female circumcision. A review of the successful experiences of other nations' attempts to eliminate similar harmful practices, and based on the Millennium Development Goals, leads to the conclusion that a positive social shift to accelerate the elimination of this tradition within one generation is possible.

21. By developing the national strategy for the elimination of female circumcision in the period 2008-2018, in cooperation and coordination with all partners in official bodies, civil society organizations and international organizations, the following measures have been adopted to eliminate female circumcision:

- A decision by the Medical Council which states  
“Doctors shall refrain from any act that may wholly or partially harm a human being including female circumcision in all its forms”
- National Assembly resolution No. 29 of 20 June 2007 to  
“Promulgate legislation banning female circumcision and other harmful practices, and mobilize the efforts of all relevant institutions to that end”
- The decision by the National Council for Child Welfare

22. The third meeting of the National Council for Child Welfare held on Thursday, 6 September 2007, adopted the recommendations on the elimination of female circumcision pursuant to the strategy. Moreover, several laws were enacted in a number of states which prohibit and criminalize female circumcision. Efforts are still ongoing to enact a law prohibiting that practice.

**Reply to the issues raised in paragraph 9 of the list of issues**

23. A media campaign for children born out of wedlock was launched in April 2010 for a period ending in March 2011. It aims at raising awareness on the need to not cast away those children with a view to keeping them with their mothers and reintegrating them in their families or in the care of substitute families. The campaign carried the theme “Children need their families” because every child has a family. It included the production of messages and ten short dramas to be aired on national TV, the TV of the state of Khartoum, the Blue Nile channel, Asshoroq TV, Sahoor TV, as well as designing and producing radio commercials to be aired 600 times in radio prime time, and producing ten short dramas to be aired on national radio and FM radios.

24. The campaign also called the public and relevant parties, through publications and newsletters (500 thousand copies), to fulfil their responsibilities towards the mothers by practical means making possible for mothers to get support; and other publications (250



thousand copies) targeting mothers with a view to raising their awareness on not abandoning their children with suggested solutions and ways to protect them through substitute families. The campaign also published leaflets containing information on the rights of children born out of wedlock, the scope of the problem, the measures taken and the level of services provided in that regard. The leaflets targeted the following:

- Police officers: 6000 copies
- Psychology and health professionals and midwives: 4000 copies
- Social workers: 1000 copies
- Religious scholars: 1000 copies
- Teachers and university professors: 3000 copies

25. The campaign also included several posters targeting the following:

(a) Mothers at risk, with the public message: “Don’t abandon your child. Help is available. Look for it” (3000 copies);

(b) Parents expected to provide Kafalah for the children, with the public message: “A child under your Kafalah will improve your life” (4000 copies);

(c) Designing 40 advertising boards (8 x 3 meters) to be placed in different locations in the state of Khartoum (intersections and bridges), in addition to 20 plasma screens for two weeks every month through the year. The campaign will make use of the free phone line 9696 provided by Zein network, will use the daily newspapers as a forum for discussions and comments on the issues in question, publish short messages and organize meetings and dialogues in neighbourhoods and houses in cooperation with civil society organizations.

### **Reply to the issues raised in paragraph 10 of the list of issues**

26. The Ministry of Social Welfare, Gender and Child Affairs developed the National Policy for Street Children 2009, with the strategic objective of improving health, economic, social and psychological conditions of targeted groups and enabling them for social and family integration. The strategy consists of addressing the preventive and remedial aspects of the problem in coordination with national official and voluntary mechanisms and institutions.

27. The states of Khartoum and South Kordofan conducted an experiment to protect street children by establishing a strong social care system which responds to the need of protecting vulnerable children in local communities and administrative zones. The state of South Kordofan started the experiment in January 2008 and the state of Khartoum followed suit in January 2010 availing of the experience of South Kordofan. A database was established with new and accurate data on children reunited with their families. The social care system is widely extendable and is formulated to respond to any emergencies such as displacement and other. The system provides direct communication between line ministries and communities and allows relevant actors to support efficiently the issues related to the protection of children.

28. Social protection mechanisms were put in place with strong emphasis on child exploitation. There are presently 25 social protection mechanisms in the state of South Kordofan and 7 mechanisms in the state of Khartoum.

29. The social care system employs very well trained staff. The social care offices and volunteers have the skills to detect real and possible situations of child exploitation. Social care employees have a high sense of commitment and responsibility. Social workers are

present evenings and nights. Effective follow-up with families is performed and registered children are reintegrated. Social care employees pay regular follow-up visits even after reintegrating children with their families. A simple but effective database provides information on most children whose data have been collected by social workers.

30. Financing from UNICEF was directed to all parties active in the protection of children, such as police, social welfare, states child welfare councils, Ministry of General Education, and Ministry of Youth. That action produced common roles and responsibilities among all parties and an effective relegation system.

31. The system functions in conflict settings as it does in normal settings (example Abyei). It responds to the needs of internally displaced from Darfour (example Kilek). The system applies an integrated approach as follows:

(a) The Zakat fund is a major element of social protection; it provides food rations to vulnerable households and free health care to children living in the street;

(b) Street children were registered in the accelerated education and technical training programmes (in their original societies) before or after their reintegration;

(c) Children above 12 years, others than street children, also benefited from the programme; UNICEF provided support for the establishment of centres for the accelerated education programme, with the Ministry of General Education which thereby owns 1126 centres across South Kordofan;

(d) The idea of founding and running children social protection networks yielded positive results; the networks encompass all active players in a given society (state, community, administrative zone), namely police, education, health, environmental sanitation, and local community administration.

### **Reply to the issues raised in paragraph 11 of the list of issues**

32. The family Kafalah care system provides social, psychological and health care and a sound upbringing for children not raised by their natural families. It determines the regulations, conditions and rules governing the role of Kafalah families and recipient entities. Care homes are established to provide shelter for children deprived of family care as a result of broken families or failure to provide such care. The role, competency and organizational procedures of those homes are defined by regulations.

33. In order to provide a secure environment for children, the project focuses on three areas: preventing the separation of a child from the mother, reintegration and temporary Kafalah. Certain conditions are required in order to approve Kafalah, including: the mother should be Sudanese aged between 30 and 50 years, reside in the state, have the approval of her guardian, undergo medical exam, have a clean criminal record, and be overseen by a social and psychological specialist. The substitute mother is contractually hired by the Ministry of Social Affairs after a social examination of the level of acceptance of the child by the substitute family. The project yielded the return of 55 children to their mothers in 2007 and prevented the separation of 83 children from their original mothers. A group of 67 trained social workers undertake the follow-up, evaluation and weekly visits. A form is used to keep track of the development of the child, his articulation, movement and reaction to sounds. Through this project a strong relationship has been developed between social workers, mothers and the line ministry. The children recovered their self-confidence and became accepted. In 2009, the number of children taken in Kafalah reached 396 children. Prevention is an important focus area and is achieved through raising social awareness by organizing seminars in neighbourhoods and universities. The work is done in cooperation

with UNICEF, Hope and Homes for Children, the Islamic Fiqh Council and civil society organizations.

### **Reply to the issues raised in paragraph 12 of the list of issues**

34. Pursuant to the recommendation of the First National Conference which called for the establishment of a National Registration Day, the Ministry of General Education adopted a policy aimed at increasing school intake levels, with a focus on girls in areas with the least school intake levels. The National Registration Day, which is celebrated annually in each state, aims at raising the awareness of local communities, families and leaders of the importance of education, in particular for girls. It has been celebrated in 13 states in compliance with the Strategy for the Education of Girls in the Northern States (2009-2011) adopted by the Ministry of General Education in cooperation with UNICEF. The vision of the Strategy consists of ensuring that girls are safe and secure and have appropriate opportunities to enrol in free high quality education, in order to empower them and instil in them strong positive values by 2015. The mission of the Strategy is to ensure cultural, social and economic empowerment of girls through education, to combat poverty, and to achieve social and economic development and the advancement and wellbeing of society. The Strategy endeavours to provide basic education for all, in particular for girls, with a cost not exceeding their means; to reduce the number of girls out of school by at least 1.35 million; and to increase the number of beneficiaries from the educational environment. It includes 27 activities which will be implemented during the period 2009-2011. The Strategy for the Education of Girls and the Strategy for the Education of Nomads were launched on 25 March 2009.

### **Reply to the issues raised in paragraph 13 of the list of issues**

35. Vulnerable groups of refugees in all refugee camps are provided housing, basic services, protection, and advisory services in the fields of education, health and employment. Individual cases such as orphans and mothers with AIDS and their children require transfer to relevant bodies in the state of Khartoum. Assistance to individual cases is also provided in cities affected by refugees (Al Qadarif, Kassala, Port Sudan, Wad Madani, Sennar and Geneina).

36. A special shelter is provided to unaccompanied child refugees in reception camps taking into consideration age and gender. Basic education is given to all children in refugee camps and to city refugees in the same way as to Sudanese children. The issue of youth receiving informal education is addressed with a view to enrolling them in basic education. Children under 18 years are enrolled in vocational and technical training programmes through the Advisory Services Unit in Khartoum.

37. In coordination with voluntary organizations active in refugee issues and the United Nations High Commission for Refugees, city refugees are given grants for secondary education. Individual cases of protection of asylum seekers are examined in accordance with applicable laws and regional and international commitments of the Sudan as stipulated in article 7 of the 1974 Regulation of Asylum Act. Assistance is provided by relevant protection officers in order to support refugees and asylum seekers.

### **Reply to the issues raised in paragraph 14 of the list of issues**

38. Affirming the commitment of the State to protect civilians in conflict settings, in particular women and children, the President of the Sudan instructed to form a high

commission made of all ministries and relevant bodies at the federal level headed by the Vice-President. In that context, a unit specialized in combating violence against women named Unit for Combating Violence against Women and Children was established at the Ministry of Justice. At the states level, an agreement was reached with the United Nations to form committees to combat violence in Darfur, in coordination with international organizations for the protection of women, in particular in camps, and to facilitate legal, health and social procedures for women victims of violence. Resolutions were adopted at the states level to establish units in the three states of Darfur to work and coordinate with the National Unit under the umbrella of the Governor's advisor for women and child affairs.

39. The Unit coordinates with the Federal Ministry of Health and the United Nations Population Fund in preparing a guide for clinical treatment of rape cases, training physicians and other medical staff, with a view to documenting the medical status of victims of violence (August 2006), and providing victims of violence with all medication necessary for the treatment and prevention free of charge in medical institutions (2006-2008).

40. The number of women police has increased in the states of Darfur by designating two policewomen in each camp in both Northern and Southern Darfur states and training them in international law and human rights. The objective is to protect civilians, in particular women, investigate, and encourage women to request legal procedures. The project is financed by the Swiss Government.

41. Units were established to combat violence against women and children in the states of Khartoum, Al-Jazeera, Kassala, and the three states of Darfur. A method was developed for training women police on criminal investigation in order to enhance their practice.

42. In January 2010, the Unit for Combating Violence against Women and Children at the Ministry of Justice held, in cooperation with the United Nations Mission in the Sudan, a workshop to review Security Council resolutions 1820 and 1825 on the situation of women and children in conflict areas, in order to develop a common vision on raising awareness on those resolutions in local communities. The Criminal Act 1991 was amended to involve all parties concerned, civil society organizations and the United Nations, and to include crimes against humanity and war crimes.

43. The Unit developed a plan to combat violence against women, on the basis of the national plan, for the three states of Darfur, and to establish a system to follow-up violence cases and provide legal, medical and psychological assistance, in particular in local communities and displaced camps. In coordination with states legal offices and the committees to combat violence against women, and in cooperation with the United Nations Population Fund and the Human Rights Office at the United Nations Mission in the Sudan, six workshops were held to educate local communities on the issues of violence against women and the reporting and investigation procedures. The workshops also included training for 45 civil society leaders in the three states of Darfur on psychological and social treatment for victims of violence in villages and displaced camps.

### **Reply to the issues raised in paragraph 15 of the list of issues**

44. The National Council for Child Welfare organized through its technical committees several meetings to discuss the issue of early marriage. Those meetings concluded the need to open a multilateral dialogue at the official and civil levels, organize campaigns to raise the awareness of families and parents, conduct a scientific study on early marriage in order to formulate a plan of action, and organize activities to encourage the elimination of early marriages in some societies. That was included in the Plan for Cooperation with the UNICEF for 2010 but still not implemented. It is hoped that those activities will be

implemented under the Plan for Cooperation with the UNICEF for 2011. In some remote areas of the Sudan the marriage is concluded by reading the Fatiha verse of the Koran without the presence of a “Ma’zoun” or licensed marriage clerk to register a marriage contract. That kind of marriage is celebrated in the presence of families of spouses and other families, leaders and individuals in their community who are considered witnesses. The marriage is considered valid because it meets a main condition of marriage in Islam which is the proclamation. In order to register the marriage, couples can go to the nearest Islamic court which requires witnesses presenting valid identification to issue an official marriage certificate.

### **Reply to the issues raised in paragraph 16 of the list of issues**

45. The Sudan has a historical heritage in managing juvenile justice, which helped in addressing this issue and adapting with scientific and legislative developments at the national and international levels. Articles 4 and 5(l) of the Child Act 2010 determined the age of criminal responsibility at 12 years. In addition, chapter XI of the Act entitled “Competent Justice and Judicial Organs” defined mechanisms for children in conflict with the law. Through articles 54 to 83, the Act provides for the following: the establishment and functioning of a specialized police for Children; the inquiry with the child shall be attended by his guardian, advocate of social worker; social service offices shall be established; the procedure of arrest or detention of a child shall be taken in the presence of the guardian, and the arrest warrant shall be executed by the Family and Child Protection Unit; there may not detain any child upon his precautionary detention, with adult persons and not detain the child in the Remand Homes for a term exceeding seven days; the establishment of Remand Homes; the establishment of Children Prosecution Attorneys Bureaus and child courts and their functions and competence; the procedures of precautionary remand of a child less than 12 years, and reform procedures of a delinquent child with consideration given to the age of the child; and the establishment of instruction homes and youth homes. The Act gave the court authority to exempt a child from measures, if it is proved the righteousness of the delinquent child, and required the submission of quarterly reports on the instruction homes.

46. The Child Act 2010 stipulates that sentences and orders passed by the Child Court shall be subject to appeal. It requires that a specialized body be assigned to study the case of the child, and prepare the recommendation and the appropriate treatment thereof. It also stipulates the following: death sentence is not inflicted on the child; the privacy right of the child shall be respected during the sittings of trial; the Court may transfer the suit of the delinquent child to be treated by a social association, or institution, without recourse to his trial before it; the records of children cases shall be kept in full secrecy; the role of the social probation officer in case of placing a child under social probation; and the protection of the victim Children and witnesses shall be guaranteed.

47. Among the most significant measures taken in that regard, was the establishment, upon instructions of the Chief of the Judicial Authority, of several Child Courts in a number of states in the Sudan and the designation of competent judges, in addition to several Children Prosecution Attorneys Bureaus which ensure that inquiry with children are performed by specialized prosecution attorneys. The Family and Child Protection Units constitute the main mechanisms related to juvenile justice. They act as special police for children and address the issues of children victims and their reintegration. Those Units were provided with all needed working equipment and training for their internal and external staff in cooperation with the UNICEF.

48. Measures included: training judges working in the field of juvenile justice, establishing a specialized division at the High National Court to review sentences and

appeals related to children, and providing courts with judicial publications and guidance according to the standards of child protection.

49. Work is currently ongoing to complete the comprehensive legislative, judicial and administrative system of juvenile justice and establish the mechanisms stipulated in the Child Act 2010, under the continuous development of the legislative framework taking place in the Sudan in juvenile justice and all related fields.

**Reply to the issues raised in paragraph 17 of the list of issues**

50. The Family and Child Protection Units established at the state of Khartoum Police in January 2007 were able to succeed in a short period of time. They function according to scientific bases and administrative and legal procedures. It is well known that such Units have, along with the family, a distinct contribution in reducing mistreatment of children and maintaining their safety. Decision No. 48 of 2005 made by the Director General of the Police to establish a committee for the formation of a child police had a significant influence on the establishment of the Unit. Many other factors have led to the establishment of the Unit, including: the signature and ratification by the Sudan of the Convention on the Rights of the Child 1990 and its two Protocols which stipulate the establishment of a special police for family and child protection; the increase of child delinquency and children at risk; the need to harness social efforts through social police in protecting families and children from physical, emotional and sexual abuse, and neglect and remedying the psychological and social impact.

51. Homeless children are escorted by police and help patrols, people and other competent bodies to the Family and Child Protection Unit where specialized workers deal with the children to calm them and determine the cause of their fleeing the family. If it is found that the cause is related to family problems, the child is escorted by the staff to solve the problem in the family and obtain the commitment of the family to not neglect the child and leave him to the street.

52. The problem of harming children often occurs between children themselves. It is solved by mutual consent of the two parties and parents agree to protect their children. Lectures, seminars and workshops are organized by the Unit to raise awareness and understanding of the importance of safeguarding their children. Those activities contributed significantly in educating families on their role towards their children.

**Performance of the division for psychological, social and service support to children since its establishment**

	<i>Family visits</i>	<i>Reunification</i>		<i>Lectures</i>
		<i>In state</i>	<i>Out of state</i>	
	1 997	864	45	848
Beneficiaries	1 997 families			16 600 participants

53. The experience of family and child protection was extended to other states and provinces after the Sudan signed international conventions. After the success of the Family and Child Protection Unit in Khartoum, the Director General of the Police Forces issued a decision on 2 September 2008 to establish family and child protection units in the states and a coordination mechanism to follow up the implementation of that decision. In fact, 15 units were established in all states of Northern Sudan and they have started their function.

54. The achievements of the Unit include the establishment of a free phone line (9696) to help children. The idea of the phone line was brought in March 2008 through the cooperation of the National Council for Child Welfare, UNICEF and the Sudanese Communications company. The first training workshop for that line was held in December 2008 and was followed by a testing period of two months then the media campaign for the Children Help Line in March 2009.

#### **Objectives of the help line**

- Helping children by free and fast reporting
- Facilitating and encouraging reporting and advise
- Giving children the right to contact and report
- Helping children and families to talk about their problems
- Addressing children issues in full secrecy and wisdom within an integrated working group from the Office of Legal Assistance

55. The campaign for the Help Line was able to widely convey its message to all states of the Sudan through the Radio, Television, newspapers, leaflets and posters. The interaction with and response to the Help Line from families and children was manifested by the number of calls received from the capital and the states reporting family problems and all forms of violence and seeking psychological and legal advice.

56. With the presence of the Family and Child Protection Unit and Children Prosecution Attorneys Bureaus, families were encouraged to report on and preserve the rights of the child. Most callers were between the ages of 12 and 17 years who inquired about psychological issues, wrong practices, or their exposure to sexual and physical abuse, exploitation or violence, in addition to social problems. Calls also came from parents seeking advise or reporting various issues, and from children who were subjected to sexual assault or abuse or school violence. Legal advice sought by callers through the Help Line are directed to the Office of Legal Support which provides guidance on the relevant procedures.

#### **Legal representation of children in court**

57. Cases reported by children are followed up and their protection is provided. Some problems are better solved amicably without opening a case.

#### **Future plans for the line**

- (a) Expanding the service to the states in which there is a Family and Child Protection Unit;
- (b) Providing a number of attorneys to give legal support to harmfully affected children who don't have the financial means to hire attorneys to defend their rights;
- (c) Expanding the free line to all parts of the country;
- (d) Conducting studies and research on the kind of calls, targeted groups and remedies;
- (e) Providing advocacy and guidance to create confidence among children.

## **Reply to issues raised in Part II of the list of issues**

### **New bills or laws, and their respective regulations**

58. The Child Act 2010 enacted in February 2010 is a significant legislative development to protect the rights of the child in all areas (referred to in paragraphs 45 to 49 of this document).

### **New institutions and their mandates or institutional reforms**

(a) The Child Rights Unit of the armed Forces is the most recent (2008) mechanism for child protection in the Sudan. It was established at the initiative of the Ministry of Defence (Department of Military Justice), the National Council for Child Welfare, and UNICEF. It aims at protecting children in armed conflict pursuant to the provisions of the Armed Forces Act 2007, international standards for child protection from recruitment as soldiers and children affected by armed conflict. It also aims at training officers, non-commissioned officers and soldiers on the rights of children and their protection, and disseminating the standards for child protection in peace and war settings. It also oversees the activities of protecting children in armed conflict and coordinates with partners in that regard;

(b) Unit for Combating Violence against Women and Children (referred to in Paragraph 38 of this document).

### **Recently introduced policies, programmes and action plans and their scope**

- National policy for addressing the issue of children of unknown parentage 2009

59. The national policy for addressing the issue of children of unknown parentage 2009 was prepared by a committee comprising Government bodies and some civil society organizations. The strategic goal of the national policy on children of unknown parentage is to provide care and protection for those children and alleviate the problem. It incorporates nine elements: religion and society, legislation and law, health and education, preventing separation and achieving reintegration, Kafalah families, institutional care, studies and research and information, media, and training and capacity-building. The national policy on children of unknown parentage was presented in a consultative workshop in which all Government and voluntary parties working in the field participated, and then submitted to the Minister of Social Welfare in preparation for its adoption by the State.

- National plan to combat violence against children (referred to in paragraph 18 of this document).
- Signing a joint protocol to combat child labour through education between the National Council for Child Welfare, the Ministry of Labour and the International Labour Organization. Preliminary activities were held preceding the implementation of this project, such as training workshops and identification of areas of intervention.
- The joint mechanism for the protection of children from recruitment as soldiers in conflict areas, which was developed at the Conference on the Elimination of Child Recruitment (Ndjamena, 7–9 June 2010), with the participation of the Sudan, Chad, Central Africa, Niger, Nigeria, Cameroon, Democratic Republic of Congo, Liberia and UNICEF. Participants made a commitment to put an end to child recruitment, reform child related legal frameworks, and develop reintegration programmes in accordance with international standards in that regard.

### **Recent ratifications of human rights instruments**

- Convention on the Rights of Persons with Disabilities, ratified in 2009



- Optional Protocol to the Convention on the Rights of Persons with Disabilities, ratified in 2009
- International Convention for the Protection of the Rights of All Migrant Workers and their Families. It is not yet ratified and still under consideration

### Reply to the issues raised in paragraphs (a) to (e) of Part III of the list of issues

60. The following table presents the number of children deprived of family environment in government homes and institutions in 2010:

<i>Institution</i>	<i>Number of children</i>
Child Home (Mycoma)	108
Future Home for Girls	17
Protection Home for boys	21
Rachad Centre for Homeless Children	104
Tiba Centre for Homeless Children	60
Basha'er Centre for Homeless Girls	29
<b>Total</b>	<b>339 boys and girls</b>

61. The following table presents the number of children victims of physical and psychological crimes, including mistreatment, neglect, and sexual exploitation:

<i>State</i>	<i>Physical and psychological crimes</i>
Khartoum	1 414
Al-Shamaliya	98
Nile River	8
White Nile	92
Blue Nile	204
Al-Jazeera	3 071
Sennar	210
Al-Qadarif	67
Kassala	112
Red Sea	69
North Kordofan	475
South Kordofan	242
North Darfur	84
South Darfur	487

*Source:* General Administration of Criminal Investigation, Annual Criminal Report 2009.

62. The Committee for the Eradication of Abduction of Women and Children (CEAWC) was established pursuant to the commitments of the Government of the Sudan with regard to the resolution of the Human Rights Committee on the status of human rights in the Sudan, which was adopted by consensus in April 1999. The commitments consisted of verifying reports about abduction of women and children, investigating the causes and

facilitating their safe return to their families. CEAWC was restructured and further empowered pursuant to Presidential Decree No. 14 of 26 January 2002. The purpose of the Decree was to provide additional resources and authority to CEAWC and enable it to perform its functions effectively by attaching it to the Office of the President.

63. CEAWC has a committee at the national level and 22 joint technical committees covering all targeted regions in the Sudan. Those committees represent the executive arm of CEAWC. Its membership is evenly divided among representatives of concerned tribes (Dinka, Massiriya, Rzeikat). CEAWC has the following functions:

- Facilitating the safe return of affected children and women to their families as the best option
- Verifying the reports on women and child abduction
- Consulting, cooperating and coordinating with the international community

64. The French organization *L'Arche de Zoé* attempted, under the cover of humanitarian work, to abduct 103 children from the Sudan and Chad through the Sudanese and Chadian border. However, that attempt was aborted by the end of 2007, and was condemned as a crime and a serious violation of the rights of those children.

65. Immediate measures were taken to provide support and humanitarian aid to those children. Official delegations paid visits to them, including the Minister of Social Welfare, Gender and Child Affairs, the National Council, and voluntary organizations. It attracted wide media coverage and prompted protest demonstrations organized by people from all sectors.

66. The Sudan brought the issue to international forums and the United Nations Agencies. The National Council for Child Welfare coordinated all efforts and initiatives with the UNICEF and the Red Cross for returning the children to their families and providing them with psychological and social support. In fact, 11 children were returned to the Sudan and the rest to Chad. Perpetrators were brought to justice and were convicted by the courts in Chad. However, they were released after a short period by the French Government after they were acquitted. The National Council for Child Welfare is working to obtain compensation for the children from the perpetrators and efforts in that regard are still ongoing.

67. The efforts exerted in the period 2000-2007, including decisions, regulations and publications, followed by measures taken by the Sudanese authorities and some neighbouring countries, have led to the establishment of a system governing with more restrictions the travel of children for any purpose outside the Sudan, with the exception of cases of entry to the Gulf countries through illegal entrances.

68. The file of children which were smuggled to work as jockeys in camel racing in the Gulf countries was closed after the implementation of the project to address that phenomenon (National Council for Child Welfare, Ministry of Interior of the Sudan, Ministry of Interior of the United Arab Emirates, and Qatar Charity). The project consisted of developing the regions those children come from, providing health, education and social welfare services, and organizing campaigns to raise awareness on the dangers of that kind of child labour.

69. On the other hand, a Memorandum of Understanding between the Ministry of Interior of the United Arab Emirates, the Ministry of Interior of the Sudan and the National Council for Child Welfare was signed in April 2007, concerning the formation of a mechanism to compensate children previously involved in camel racing in the United Arab Emirates. The Memorandum stated that the children shall be compensated with a minimum of 1000 US dollars, and children who were physically harmed with up to 5000 US dollars.

All children who worked as camel jockeys were compensated through the mechanism; therefore the file was finally closed in the beginning of this year.

## Section 2

### Information received from the Government of the Southern Sudan

#### Introduction

70. The signing of the CPA in January 2005 set the stage for a new political landscape for positive development in terms of legislative, judicial and administrative measures that address basic needs and rights of the people as well as the need to improve access to coordinated basic social services in Southern Sudan. It offered a renewed and hopefully uninterrupted future for the children in the Southern Sudan. It is envisaged that conducive environment that guarantee achievement of children's rights will be provided. The Government of Southern Sudan has the political will and has, to a large extent, taken the right course to build the needed capacity to fulfil its obligation for the protection of rights of children within Southern Sudan. The legislative frame already in place is adequate and is harmonious with the provisions of the United Nations Convention on the Rights of the Child.

71. The replies to the following issues are those relevant or related to Southern Sudan.

#### Part I of the list of issues

##### Reply to the issues raised in paragraph 3 of the list of issues (CRC/C/SDN/Q/3-4)

72. The Ministry of Health is currently working on an HIV protocol and means of prevention of mother-to-child transmission of AIDS. It has also developed strategies and guidelines reflecting children infected and affected by HIV/AIDS. It is also developing improved coordination and monitoring mechanisms at both GOSS and States levels. Save the Children have distributed a total of 5,924 child-friendly HIV/AIDS materials to 38 schools in some of the ten States in Southern Sudan in 2009. 5,845 (45 per cent girls) in school and 43,364 (47 per cent female) out of school people were reached with correct information on HIV. One hundred (100) schools implementing HIV/AIDS Life Skills activities and 1,000 teachers trained in Life Skills. Forty (40) Voluntary Counseling and Testing (VCT) sites have been established and supported and 5 per cent (49,390) of the young people are accessing CVT in 38 counties in Southern Sudan. Four hundred (400) children affected by HIV/AIDS have access to basic and social protection services.

73. In view of the lack of HIV data for children, Southern Sudan is in the process of introducing paediatric antiretroviral care, treatment and support programme and early infant diagnosis which will promote early HIV testing for children through various service delivery points, including PMTCT programme and under-five clinics. This will ensure that the country has data related to children in Southern Sudan. On the other hand, some children are currently getting tested through the existing VCT sites and data from the sites will also be used to assess the HIV prevalence among children which will be used to programming.

74. The Ministry of Health has in place policies, systems and human resource capacity to ensure access of children and women to minimum package of health and nutrition services with emphasis on saving health and nutrition intervention. The plan is to have 80 per cent of under-five children and 65 per cent of pregnant women have access to minimum integrated package of health and nutrition. Nutrition Sub-Sector coordination mechanisms are currently functional with increased effectiveness and accountability within the MOH at the GOSS and States levels.

75. According to the concluding observations of the CRC Committee to the initial report of the Sudan (CRC/C/OPSC/SDN/CO/1) on the implementation of the Optional Protocol to Convention on the sale of children, there is very little evidence about the prevalence of sale, trafficking child prostitution and child pornography, sexual abuse and exploitation of children in Southern Sudan. However there are reported cases of children abduction within tribal conflict area and by the LRA. Proper structures have been put in place to provide support those children rescued or released from the captives: 256 benefitted from psychosocial support, reintegration, FTR, and livelihood support. Out of these, 25 are children who managed to escape from LRA and 2 abducted children.

#### **Reply to the issues raised in paragraph 4 of the list of issues**

76. The following legislative measures have been enacted in Southern Sudan to harmonise the legal definition of the child with the definition of the child in the Convention:

- (a) The Child Act 2008;
- (b) The Penal Code of Criminal Procedure, 2008;
- (c) Interpretation of Law and General Provision, 2006.

The Southern Sudan Child Act, 2008, defines a child as a human being under the age of 18 years.

77. The Southern Sudan Code of Criminal Procedures set criminal responsibility of the child at 12 years which is consistent with the Convention on the Rights of Child.

78. In the Southern Sudan Interpretation of Law and General Provision, the child means a person less than 18 years of age.

#### **Reply to the issues raised in paragraph 5 of the list of issues**

79. Article 26 of the Child Act, 2008 guarantees the Right of the Female Child. It specifically states that “Every female child has a right to be protected from sexual abuse and exploitation and gender-based violence, including rape, incest, early and force marriage, female circumcision and female genital mutilation.”

#### **Reply to the issues raised in paragraph 7 of the list of issues**

80. The Child Act, 2008, Article 21 is clear about the right to protection from torture, degrading treatment and corporal punishment. It states that every child has the right to be protected from torture, cruel, inhuman or degrading treatment or punishment, and in particular:

81. No child shall be sentenced to capital punishment or life imprisonment;

82. No child shall be subjected to corporal punishment by chiefs, police, teachers, prison guards or any person in any place or institution, including schools, prisons and reformatories; and

83. No child shall be subjected to a group punishment by chiefs, police, teachers, prison guards or any other person in any place or institution, including schools, prisons and reformatories.

84. The draft of the Education Act states that “Every child has the right to be free from corporal punishment and cruel and inhuman treatment by any persons including parents, school administration and other institutions. No person may administer corporal punishment at a school to a learner at any educational level or setting. Any person who contravenes subsection [1] is guilty of an offence and liable on conviction to a sentence which could be imposed for assault.”

### **Reply to the issues raised in paragraph 8 of the list of issues**

85. Article 26 (1) of the Child Act 2008 stipulates the rights of the female child. It says that “every female child has the right to be protected from sexual abuse and exploitation and gender-based violence, including rape, incest, early and forced marriage, female circumcision and female genital mutilation.

### **Reply to the issues raised in paragraph 10 of the list of issues**

86. Currently there are no specific policies, guidelines and strategies that are directly focused on street children. The MoGSW&RA, through the State Ministries of Social Department, has a plan to conduct screening and establishment of drop in centres for disadvantaged children including the street children in Southern Sudan. It has also expressed willingness to work with the Ministry of Education, Science and Technology in launching programmes that cater for the needs of these children.

87. Article 22 (2) of the Child Act 2008 stated that:

“every child has the right to be protected from the following types of treatment and abuse while in the care of parents, legal guardians, teachers, police or any other person who has care of a child:

1. All forms of physical or mental violence, injury, abuse, negligent treatment, maltreatment or exploitation;
2. Abduction and trafficking, for any purpose or form, by any person including parents and guardians;
3. Sexual abuse, exploitation and harassment including but not limited to rape, incest, inducement or coercion of a child to witness or engage in a sexual activity; the use of a child in prostitution or other sexual practices; and the use of a child in pornographic performances and materials.”

88. The Southern Sudan War Disabled, Widows and Orphans Commission Policy Framework specifically addresses how to mainstream the needs of war-orphaned children who made up majority of street children. The Commission has established the Directorate for War Orphans whose responsibilities include overseeing implementation of projects, programmes and activities on vulnerable war orphans and evaluate the projects/programmes. It also collaborates with the government of Southern Sudan Ministry of Gender, Child and Social Welfare and the Southern Sudan Human Rights Commission on the social and economic welfare and rights promotions of the war orphans.

- Short and long-term plans for children in street and their families include
  - Short-term plan is reunification to their families; long-term is education, skills training
  - Long-term rehabilitation of street boys and girls
  - Livelihood training through partners, psychosocial support training and counselling to caregivers, training to teachers dealing with street children
- Early intervention measures being put in place include
  - Establishing street outreaches – the State Ministry of Social Department and Local Government at State levels are asked to establish street outreaches through which they can monitor and prevent the entry of children into the street
  - Identification of vulnerable children – mechanisms to be put in place to identify children at risk as early as possible and to receive special support
  - Counseling – provision of adequate counselling to families as a preventive measure to curtail inflow of children into the street; employing more child guidance-counsellors and social workers at all levels of education to provide first hand counselling services to children in schools
  - UNICEF has been and continues to support the Ministry of Gender Child and Social Welfare in the in-service training of Social workers at Juba University. So far 78 social workers have been trained and 50 are under training

89. The curative measures include:

- Measures for reducing the existing figure
  - In collaboration with the different agencies to work on family tracing and reintegration, conduct reunification programme
  - Parents are to be provided, among others, with psychosocial support so that they can be relieved of feeling of guilt, desperation and disappointment and make an atmosphere of trust to prevail between the two for healthy parent-child interaction
  - Improving educational access particularly in the rural areas to quell running away of children from home in search for schooling
- Care and support for those in street
  - Encouraging community parenting for street children
  - Providing protection for children from abuse e.g. harmful employment and prostitution
  - Provision of basic needs e.g. starting evening school programmes for working children
  - Provision of psychosocial support to those children who have traumatic experience because of abuse and other problems
  - Life skills and vocational skills training for an independent, dignified healthy living
  - UN-JP for Youth Employment, which will provide skill and livelihood training

### **Reply to the issues raised in paragraph 11 of the list of issues**

90. Children without primary care givers in the Southern Sudan include orphans, street children, children in orphanages, children in prisons or detention centres, unaccompanied and separated refugee or internally displaced children. These are children who are largely deprived of their first line of protection i.e. their parents. They are more often more vulnerable and at risk of becoming victims of violence, exploitation, discrimination and abuse. Article 21 of the Child Act 2008 provides for the protection of these children from abuse, neglect and exploitation including physical and psychological abuse.

91. Some institutions for orphans have been established in Southern Sudan by the government and other charity organisations. Visits to some of these institutions, particularly those established by some charity organisations, revealed that they do not meet minimum standards of care. The Government officials do not regularly monitor and inspect them and there is no periodic review of the placement of children. However the Ministry of Gender, Child and Social Welfare, GOSS is developing clear policies and programmes to help the vulnerable children including those in orphanages to reintegrate back into their communities. The capacity of the State Ministries of Social Development is being strengthened to provide services to vulnerable children with additional 50 social workers undergoing in-service training.

92. Adoption is provided for under the Interim Constitution of the Southern Sudan and the Child Act 2008. In the Child Act, any child who cannot stay with his/her parents can be provided for alternative care in the community including foster care. Section 70 of the Child Act 2008 stipulates the duty of the government to a parentless child. A child being adopted if possible should not be separated from his/her siblings and, if possible, alternative family care should be in his/her community, including care by relatives. There are no alternative care services for children without parental care at the moment as the Government of Southern Sudan is still in the process of developing the law to regulate foster care and national and international adoption. Informal fostering takes place in accordance to Southern Sudanese customs and traditions where extended families take up the children of absent or diseased parents.

### **Reply to the issues raised in paragraph 12 of the list of issues**

93. The government of Southern Sudan has identified the right to education for all children, irrespective of gender, as a priority. The Education Bill, currently before Parliament, upholds these rights. The "Go to School Initiative", launched soon after the signing of the CPA, embraces several projects, including the construction of new schools; opening up alternative education systems; undertaking fast track teacher training; mobilizing communities to support education; providing teaching and learning materials. This initiative has seen a trebling in enrolments by 2009. An additional 300,000 children have enrolled in school this year (2010). However much more still needs to be done. The net enrolment rate is still 48 per cent and only 25 per cent of children enrol at the age of six. The primary school completion rate is 12 per cent.

94. The government and its development partners are in the process of developing an Education Sector Plan, which will consolidate sector policies and strategies into implementable outputs and a result-based framework. While allowing for future reviews, it will provide a holistic educational development that will facilitate implementation of international covenants and protocols on education. This will take into account the post conflict realities and support comprehensive capacity development strategy. The time-frame for completion of the plan is December 2010. Currently the Ministry of Education and development partners are lobbying the government to review the education budget and

to make education a top priority. Preparations are underway to seek Fast Track Initiative Catalytic funding.

95. Based upon the laws as stipulated in the Interim Constitution of Southern Sudan, 2005 and Child Act, 2008, the policy of Ministry of Education, Science and Technology, explicitly says that education in the Southern Sudan is the right of every child. Moving towards implementation of this policy, the MoEST is putting in place some measures to improve educational access, equality and equity among school-aged children in Southern Sudan. Community-based Girls primary schools are being established to provide alternative form of education for girls.

96. The educational reality of girls' situation in Southern Sudan, though gradually changing, demands greater attention and commitments from the government of Southern Sudan. The practice of forced and early marriage has been a grave obstacle to girls' education. At the lower primary classes, there is often gender parity at lower primary classes with relatively equal number of girls and boys enrolled in schools. At the higher classes, many of the girls are often forced to drop out of school so they can be married off. Culturally, girls in most Southern Sudanese cultures are perceived as family 'assets' and a source of wealth. Article 23 of the Child Act 2008 guarantees the right of every child to be protected from early and forced marriage.

#### **Reply to the issues raised in paragraph 13 of the list of issues**

97. Article 29 of the Child Act, 2008, guarantees the rights of a refugee and displaced child. It states that "a refugee and displaced child is entitled to the protection of his or her rights and the government shall ensure that he or she has access to assistance in the provision of basic services and in tracing his or her parents in a manner consistent with his or her dignity and without discrimination. Where no parents, legal guardians or close relatives can be found, every refugee and displaced child shall be accorded the same care and protection as any other child permanently or temporarily deprived of his or her family environment for any reason".

98. Southern Sudan is being guided by the internationally acceptable convention related to the rights of refugees and asylum seekers. Beside the UNHCR as the main international organization responsible for refugee affairs in the Southern Sudan, the American Refugee Committee International (ARC) do also offer support to refugee returnees, IDP and host communities to lead productive and dignified lives.

#### **Reply to the issues raised in paragraph 14 of the list of issues**

99. No information/data is currently available within the Ministry of Legal Affairs and Constitutional Development of the Government of Southern Sudan regarding measures taken to combat rape and sexual violence against girls. The registry of investigation is under the establishment.

#### **Reply to the issues raised in paragraph 16 of the list of issues**

100. The Southern Sudan Penal Code (the New Sudan Penal Code, 2003) which was in force during the reporting period has been amended and upgraded to Southern Sudan penal Code, 2008. The age of criminal responsibility of the child is 12 years now.



## Part III of the list of issues

### Statistical and other information

101. The Southern Sudan is still devoid of much needed statistical and other information in relation to the areas mentioned in part III of the list of issues of the Committee on the Rights of the Child. We can only provide UNICEF support for the following planned budget by programme for the year 2010.

<i>Programme</i>	<i>Amount US\$ Southern Sudan</i>	<i>Amount US\$ States</i>
Health and nutrition	14 137 862	5 109 516
Basic education	25 917 476	6 961 511
Child protection	3 473 000	2 107 000
HIV/AIDS	2 610 440	1 603 940
Communication & advocacy	3 072 384	
Social policy, planning, M&E	4 690 000	
Water, sanitation & hygiene	10 921 001	
<b>Total programme budget for 2010</b>	<b>64 822 163</b>	<b>24 105 908</b>