



Convention on the Rights of the Child

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Committee on the Rights of the Child

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Summary record of the 1559th (Chamber B) meeting

Held at the Palais Wilson, Geneva, on Monday, 20 September 2010, at 10 a.m.

Chairperson: Mr. Zermatten

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The meeting was called to order at 10 a.m.

Consideration of reports of States parties (*continued*)

Third and fourth periodic reports of Sudan (CRC/C/SDN/3-4; CRC/C/SDM/Q/3-4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Sudan took places at the Committee table.*

2. **Ms. Habani** (Sudan) emphasized that the protection of children's rights was a joint legal and moral responsibility of the international community, which was reflected in the many partnerships existing between United Nations bodies, non-governmental organizations (NGOs) and civil society. Sudan, despite the numerous challenges posed by its considerable demographic diversity and the fact that it bordered nine other countries, had made considerable progress with regard to institutional development since its independence in 1956. The current Sudanese Government's general policy was to promote the rights of the child in all areas, in line with its international commitments.

3. The establishment of the federal regime had facilitated the promotion and protection of children's rights, particularly in respect of health care and education. The protection of children's rights was an important element in the national action plans for the periods 2007–2011 and 2009–2012, the national strategy for the elimination of female circumcision for the period 2008–2018 and a wide range of other federal and state programmes for the protection of orphans, the empowerment of women, education and health care. A free telephone helpline for children had been established in 2010 and a children's information centre had been created. All of those programmes had been implemented as a result of strengthened partnerships with NGOs and international organizations dealing with child protection issues. Through its efforts to raise awareness, the media had also helped to establish a favourable environment for the defence of children's rights.

4. The Sudanese Government firmly believed that the family was the most favourable environment for child development and that it was primarily responsible for children's education and protection. A system of non-institutional protection for orphans had therefore been established. The Government was also endeavouring to prevent and solve problems relating to vagrancy, and to reintegrate the children into society.

5. With regard to legislation, the National Transitional Constitution provided that all international agreements entered into by Sudan, including the Convention on the Rights of the Child and its two Optional Protocols, formed an integral part of the Constitution. The Child Act, adopted in 2010, constituted a major step forward, particularly in respect of raising the different ages of legal majority, ensuring protection under criminal law, punishing violence against children and providing social services and civil protection. Some states had also adopted legislation affording extra protection for children under the Transitional Constitution. Several legislative reforms had resulted in the establishment of a holistic legal framework for the protection of children.

6. National Institutions had been created, including the National Council for Child Welfare and a consultative council for child welfare, in order to ensure respect for commitments that ensued from the regional and international instruments that Sudan had ratified, in particular the Convention on the Rights of the Child and its Optional Protocols.

7. The situation of children in armed conflicts was also the subject of targeted efforts, including those to prevent violations of children's rights and the enrolment of child soldiers; disarmament and demobilization; and the granting of amnesty to the children involved. In that regard, the Sudanese Government was cooperating actively with the United Nations Security Council Working Group on Children and Armed Conflict and the

Special Representative of the Secretary-General for Children and Armed Conflict. The Government wished to thank the Special Representative for the report she had presented to the United Nations Human Rights Council in September 2009 (A/HRC/12/49), in which she welcomed the progress made by Sudan.

8. **Mr. Filali** (Country Rapporteur), recalling that Sudan had been through several conflicts, which had affected its development, emphasized that the Independent Expert on the situation of human rights in Sudan had pointed out, in his report presented to the Human Rights Council in September 2010 (A/HRC/14/41), that women and children remained the target of violence and that banditry, criminal acts and attacks against civilians were on the rise.

9. He emphasized that the Sudanese Government had made efforts to improve the promotion and protection of children's rights. In particular, during the reporting period, Sudan had ratified a number of international instruments that had a direct effect on the specific implementation of the Convention on the Rights of the Child. A number of legislative measures had been taken, and new institutions had been set up.

10. The above notwithstanding, gaps remained and were impeding the full realization of the rights enshrined in the Convention on the Rights of the Child. For example, Sudan had still not ratified the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment or its Optional Protocol; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; or the Hague Convention No. 28 on the Civil Aspects of International Child Abduction. Nor had Sudan satisfactorily implemented the recommendations made by the Committee on the Rights of the Child in paragraphs 12, 16, 22, 24, 26, 33, 35 and 47 of its previous concluding observations (CRC/C/15/Add.190).

11. Acknowledging the progress made through the adoption of the Child Act in 2010 and the integration of the Convention on the Rights of the Child into the Transitional Constitution, he wished to know more about the practical application of such legislation. He was particularly interested in whether the Convention now formed an integral part of Sudanese law since 2005. He also invited the delegation to give more specific information on coordination of enforcement of the 2010 Child Act, not only among ministries, but also between the authorities at the federal, state and provincial levels. He would like to know whether the Act was automatically applicable throughout the country or whether it needed to be incorporated in constitutive and legislative enactments at the various levels.

12. He would appreciate information on the activities conducted by the Child Unit, created in 2007 within the Human Rights Advisory Council, to monitor implementation of the Convention, and particularly wished to know whether the Unit had published any activity reports.

13. He observed that, despite the adoption in 2009 of an Act on the establishment of a national human rights commission, that body had still not been established and there was no independent mechanism in place for monitoring implementation of the Convention and receiving complaints from children.

14. He wished to know whether the State party considered the realization of children's rights as a priority, whether it allocated sufficient funding to that sector and whether any relevant data was available. While noting the progress made in data collection, described in paragraph 38 of the State party report, he was concerned at the lack of a centralized information system and the dearth of available information on the implementation of the Convention.

15. He was also concerned by discrimination against children born out of wedlock.
16. The delegation might explain whether children's parliaments had been established in all states, whether there were any children's libraries or cultural centres and whether the media paid attention to child protection issues, participated in awareness-raising campaigns about the Convention and addressed issues such as the involvement of children in armed conflict, sexual violence, and harmful traditional practices.
17. It would be interesting to know what measures had been taken to eradicate corporal punishment in the home, at school, in care institutions and in places of detention.
18. **Ms. El-Ashmawy** expressed surprise by the gap that existed between resources allocated to social services and those granted for military activities, and requested further information in that regard.
19. She would like to know what measures had been taken to strengthen the gathering of information for obtaining disaggregated data to assist in policy-making and monitoring the situation of children, particularly HIV-positive children and street children. She also wished to know how the State party evaluated progress made in reducing infant mortality and on the measures taken to overcome the exploitation and trafficking.
20. It would be interesting to have information on programmes in place to inform children and give them means to express their opinions.
21. **Mr. Pollar** asked what measures the State party had adopted to prevent discrimination between children from the north and those from the south, and between Muslim and Christian children. He would appreciate clarification on discrimination against children who looked older than their age and were treated like adults, and against children born out of wedlock and their mothers. In that regard, he asked whether *kafala* affected only children born out of wedlock.
22. He wished to know what measures had been taken to overcome social attitudes and traditional practices that attributed a lower social status in the family and the community to women and girls.
23. Turning to paragraph 59 of the State party report, he asked how the State ensured the rights to life, survival and development and health of children born out of wedlock, given their particularly high mortality rate.
24. Surprised at the lack of information on suicide rates, he wished to know whether suicide was a problem in Sudan, and what measures were being taken. The delegation could perhaps confirm that the death penalty was prohibited for persons under the age of 18 years. Also, could children of different religions attend the same school and express their beliefs?
25. **Ms. Varmah** asked whether the State party intended to revise the legislation in order to give a more precise definition of the child and to establish an age of majority and an age of criminal responsibility in line with the provisions of the Convention.
26. She would like further information on the drafting and, if relevant, the implementation of a national plan for promoting birth registration. The delegation could perhaps indicate whether the Government had eliminated or reduced birth certificate fees. Additional information on the birth registration services in remote areas would be useful.
27. **The Chairperson** noted with concern that the Convention was not systematically disseminated, had not been translated into the different local languages and was not accessible to children. He wished to know what measures had been taken to raise awareness of the Convention among professionals working with children, in particular teachers.
28. He also wished to know whether NGOs had been involved in the drafting of the 2010 Child Act, and whether, in decisions issued by judicial and administrative bodies, the

best interests of the child were taken into account. Similarly, he wondered whether children could exercise their right to be heard before the courts, in schools, or on issues relating to family life, migration and health. The delegation might state whether a children's parliament had been established in the capital and whether that institution had been decentralized to the states.

29. **Mr. Filali** (Country Rapporteur) enquired whether the Government had analysed the results of its national action plans, including the five-year strategic plan for children's welfare for 2007–2011, the plan to combat violence against children for 2009–2012, and the national strategy for the elimination of female circumcision for 2008–2018; how those plans were implemented at the state level; and whether their implementation was coordinated.

30. **The Chairperson** added that it would perhaps be worthwhile to draft a comprehensive national action plan, which would provide a legal framework for all the sectoral plans established.

The meeting was suspended at 11.15 a.m. and resumed at 11.40 a.m.

31. **Ms. Habani** (Sudan) explained that in June 2010 Sudan had participated in the N'Djamena Conference, which had brought together six African countries to discuss the abolition of the recruitment and use of child soldiers. Sudan was currently presiding over the technical commission set up to oversee the implementation of the Declaration adopted during that Conference.

32. **Ms. El-Ashmawy** asked whether the State party required any technical assistance and whether it had requested any such assistance from international organizations.

33. **Mr. Filali** (Country Rapporteur) enquired whether children's issues were funded from separate budget lines or were distributed among several lines, such as education and health care.

34. **The Chairperson** asked whether the delegation could say what proportion of GDP was devoted to children's health care and education.

35. **Ms. Habani** (Sudan) said that Sudan received technical assistance for the allocation of resources. The federal budget was all-embracing and was divided among the different sectors at the state level.

36. Sudan had taken numerous measures to facilitate the implementation of the Convention, including the adoption of the 2010 Child Act, which consolidated all the legislation adopted in respect of child protection. Any law that violated the provisions of the Convention was null and void.

37. **Mr. Filali** (Country Rapporteur) asked whether, since the Convention rights' integration in the Constitution, Sudan had listed all the laws on the protection of children, whether it had repealed all Acts that were not in line with the Convention and whether, between 2005 and 2010, steps had been taken to facilitate implementation of the Convention.

38. **Ms. Habani** (Sudan) said that, since 2005, new legislative enactments had recalled the importance of the rights of the child while others had been amended. A national commission was in charge of revising all legislation in order to ensure that the legal provisions currently in place now and to be adopted in future were in line with the Convention.

39. **The Chairperson** asked whether each province was obliged to issue a decree on the enforcement of the 2010 Child Act and what judicial authority could repeal or order the amendment of a provincial law found to be contrary to the Act.

40. **Ms. Habani** (Sudan) explained that the 2010 Child Act overrode any other legislation. In case of a conflict of law, the legislation in question was referred to the judicial commission.
41. **Mr. Filali** (Country Rapporteur) asked whether there were any examples of such cases.
42. **Ms. Habani** (Sudan) said that she could submit to the Committee some examples of recent decisions on child rights issues, in which cases that had first been heard by the criminal court had been transferred to the Bahri children's court. In case of doubt regarding the age of the accused, a medical examination was conducted.
43. The National Council for Child Welfare was the executive body responsible for monitoring and assessing respect for the rights of the child. Presided over by the President of the Republic, it comprised representatives of each state.
44. **The Chairperson** said that the National Council for Child Welfare gave the impression of being a body devoted to thinking rather than acting. He wished to know which local bodies were responsible for actually ensuring child welfare.
45. **Ms. Habani** (Sudan) said that the Council, which was responsible for presenting ideas to ministries and other bodies, was piloting the setting up and coordination of strategies and their implementation. The strategies were established at the Federal level before being implemented at the provincial level through the provincial councils.
46. **Mr. Filali** (Country Rapporteur) asked what coordination difficulties had arisen.
47. **Ms. Habani** (Sudan) said that the difficulties related mainly to lack of institutional infrastructure, particularly at the level of the states. A strategy had been drawn up to strengthen state capacity to take account of children's issues, including through offers of financial and logistical support and staff training.
48. Children's parliaments existed in the 15 northern states. In line with the 2010 Child Act, states were obliged to establish children's libraries and cultural centres. Discussions had been held with the Ministry of Culture on the need to draft directives in that regard.
49. **The Chairperson** asked whether children's parliaments also existed at the local level, whether children had the possibility of expressing themselves in schools, including on the school councils, and whether they could testify before the administrative and judicial bodies.
50. **Ms. Habani** (Sudan) said that there were no parliaments at the local level. The parliaments of several states had been involved in drafting the periodic report. Owing to a lack of resources, it had not been possible for all of the parliaments to become involved. Training courses for the members of the various parliaments were being planned.
51. **Mr. Filali** (Country Rapporteur) asked whether there was gender parity in the parliaments and whether measures had been taken to combat corporal punishment.
52. **Ms. Habani** (Sudan) said that gender parity was yet to be established in some states. Domestic violence and corporal punishment were prohibited by law, but that alone was not sufficient to put an end to practices that were deeply rooted in tradition. Awareness-raising campaigns had been launched through the media in an effort to change societal attitudes.
53. Awareness-raising programmes on the negative effects of female circumcision were broadcast on the radio, and programmes funded by the United Nations Children's Fund (UNICEF), which targeted domestic and sexual violence inter alia, were being implemented. Furthermore, the child protection services were trying to raise awareness about corporal punishment among schoolteachers and to encourage them to use other, non-violent, forms of punishment.

54. In the new budget, the Government had endeavoured to allocate resources to child welfare at the federal and state levels. Budgetary funding differed from state to state based on needs, since different states did not all face the same problems. The state of Al-Jazeera, for example, was devoting considerable resources to providing housing for the large number of displaced persons it received. In the northern state of Nile River, resources were allocated to the prevention of harmful traditions and customs, including female circumcision.
55. There was no discrimination between Muslims and Christians. School curricula provided for compulsory religious education; Islam was taught in the north of the country, and Christianity was taught in the south.
56. **The Chairperson** asked whether Christian minorities in the north and Muslim minorities in the South had the right to be taught their religion.
57. **Ms. Habani** (Sudan) said that Christian children, including Copts, and Muslim children, were obliged, in the southern and northern states, to be taught their religion.
58. **Mr. Filali** (Country Rapporteur) asked whether children cared for under the *kafala* system could take the name of the family to whom they had been assigned, whether they were included on the family register, and whether they could inherit from the family. He also wished to know whether social services monitored the child, under which conditions the child could be removed from the family, and whether a Sudanese family living abroad had the possibility of taking care of a child under the *kafala* system.
59. He expressed concern that, according to information he had received, 40 per cent of the population did not have access to drinking water. He would like to know what was being done to overcome poverty, reduce inequalities between the different states and enable children from poor families to have access to education and not have to work.
60. According to some sources, a number of women were raising their children in prison, and children remained in prison even after their mothers had been executed. He would appreciate further information on that issue.
61. The Asylum Act did not provide for a procedure for determining refugee status, nor did it take account of the situation of vulnerable persons, such as the children of asylum-seekers. Such children were obliged to live in camps until their case had been dealt with. He wished to know whether they had access to education and health services and whether they were able to go outside the camp.
62. **Ms. El-Ashmawy**, welcoming the fact that Sudan was implementing a specific programme for diabetic children, asked whether the State party had specialized diabetes hospitals and treatments. She wished to know what specific measures were being taken to improve primary health-care structures, particularly in the south of the country and in rural areas; whether the State party had a comprehensive and sustainable plan, with a timeline and a mechanism for monitoring and evaluation, for medical staff capacity-building. She would like to know what the State party was doing to guarantee access to health services for children living in Darfur and the south of Sudan, given the destruction of hospitals and health-care facilities by rebels, and whether any plans were in place to reconstruct damaged infrastructure, send mobile medical teams to those areas or to coordinate the action of humanitarian bodies. Was there a mechanism in place for coordinating the roles of the various stakeholders in the health-care sector, namely universities, the private sector and civil society?
63. She would like to have information on Sudan's social security system and to learn whether prenuptial consultations were held; what studies had been conducted on adolescent health, including with regard to sexually transmitted infections; whether sex education was provided for in school curricula; whether there were health services for adolescents that

gave medical advice on sexual health and mental health; whether there were any communication campaigns on sexual health and what role UNICEF, the United Nations Population Fund (UNFPA) and the media played in that regard.

64. She would also appreciate information on underage marriage in Sudan, and on the minimum legal age for marriage for boys and girls.

65. She would be interested to learn whether the State party had put in place a national action plan to prevent children from living on the streets and a programme to protect and rehabilitate them. She also wished to know what role civil society played in that regard; whether there were shelters for street children; and whether there were systematic training programmes for people working with street children, in particular the police and social workers, in order to protect the rights of those children.

66. She requested information on the situation of minority children, particularly in Darfur.

67. **Mr. Pollar** asked what measures were being taken, including by the Government of Southern Sudan, to assist child victims of kidnapping in the context of intertribal conflict, especially in the states of Jonglei, Juba and East Equatoria; whether abductors were paid ransoms; and what was being done to put a stop to that practice.

68. He also wished to know what measures were being taken to ensure the rehabilitation and reintegration of children who had participated in armed conflicts, whether those children were placed in education institutions and whether there was a system of coordinated follow-up in place to ensure that they continued their education. He also wished to know whether the Government had set up a plan for the elimination of mines and explosive ordnance, of which children were victims; whether it was true that many children had joined the rebellion; and what was being done to protect schools, which also felt the impact of rebel attacks.

69. He would like information on measures being taken to prevent economic exploitation of children, particularly in the informal sector. He also wished to know what the Government was doing for children who had been kidnapped in the south of the country and were working free of charge or for nominal salaries, and to put an end to the phenomenon of children who begged in the streets, spurred on by religious leaders. He would also like more information on the economic exploitation of children, who, in Juba, for example, worked at the markets or did dangerous work.

70. He wished to know whether the Sudanese Government recognized the existence of trafficking on its territory, including trafficking in unaccompanied minors living in refugee camps, who came from far and wide in Sudan or from abroad, and what measures were being taken to protect those children.

71. **Mr. Krappman** said that the Committee welcomed the fact that the Transitional Constitution guaranteed free and compulsory basic education. He wished to know whether all children in Sudan, including refugees and stateless persons, had access to education. He was surprised by the statistics presented in table 2 of paragraph 27 of the State party report, and would appreciate more information on the amounts of public assistance devoted to education. According to an article published on 21 June 2010 in the Sudan Tribune, Sudan devoted less than 1 per cent of its GDP to education. Many schools were in poor condition or unusable; school dropout rates were very high, and nearly 2 million children were not in education; social and regional disparities in that regard were considerable. The delegation might perhaps wish to comment, and to say how the State party intended to rectify the situation.

72. **Ms. Varmah**, recalling that Sudan had signed the International Convention on the Rights of All Persons with Disabilities and that the Regional Law on Children's Rights of

2009 contained provisions for the protection of disabled children, pointed out that children with disabilities were still victims of exclusion and continued to be stigmatized. She would like the delegation to provide statistical data on the number of children with disabilities and to indicate what measures were taken to end discrimination against them. She also wished to know what was being done to offer those children an education and good quality health care; whether there were any legislative or administrative provisions in place in that regard; and, if so, whether they were correctly implemented. She also wished to know whether families with a disabled child received assistance and advice.

73. Given that Sudan was surrounded by countries with a high prevalence of HIV infection and that cross-border movement was increasing, she wished to know what measures the State party was taking for the prevention and treatment of HIV/AIDS, whether the authorities organized information campaigns on HIV/AIDS for children and adolescents in school and out of school, and how they informed street children and children with disabilities. Were there any detailed data available on the number of children affected by HIV/AIDS?

74. **Mr. Koompraphant** asked what measures the State party was taking to help parents meet their responsibilities and ensure the protection and well-being of their children. He wondered whether any specific mechanisms were in place to monitor children in situations of risk and their families, whether there was any legislation in place providing for sanctions to be imposed against parents who mistreated or neglected their children, and whether any protection was provided for child victims.

75. He also wished to know how the authorities intervened when a child was subjected to sexual violence; what legal procedures were in place to facilitate inquiries, interrogations, statements and evidence given by child victims; and how children were cared for in the event that a member of their family was involved in the case.

The meeting rose at 1 p.m.