



**Convention on the
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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-fifth session

SUMMARY RECORD OF THE 1237th MEETING

Held at the Palais Wilson, Geneva,
on Friday, 25 May 2007, at 10 a.m.

Chairperson: Ms. LEE

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 6) (continued)

Initial report of the Sudan under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/SDN/1; CRC/C/OPSC/SDN/Q/1 and Add.1; HRI/CORE/1/Add.99/Rev.1)

1. At the invitation of the Chairperson, the members of the delegation of the Sudan took places at the Committee table.
2. Mr. YASSIN (Sudan), introducing his country's initial report under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/SDN/1), said that the Sudan had ratified all relevant international and regional human rights treaties, including the Convention on the Rights of the Child and its two optional protocols. The provisions of all those treaties had been incorporated into domestic law and the Sudanese Government had been making every effort to ensure that all federal laws met international standards.
3. The Government had set up a technical committee, whose members included representatives of government bodies, civil society and the United Nations Children's Fund (UNICEF), to remedy shortcomings in the 2004 Children's Act and to bring Sudanese legislation into line with the two optional protocols. The Committee's recommendations had been incorporated into draft legislation that would be considered by the federal Parliament. One of the Committee's recommendations had been to define the child as any person under the age of 18. The Committee had also recommended the amendment of the Criminal Code to reflect the provisions of both optional protocols.
4. The National Council for Child Welfare had been conducting awareness-raising campaigns with regard to the Optional Protocol on the sale of children, child prostitution and child pornography. In particular, it had encouraged State parliaments to adopt legislation in keeping with the Optional Protocol. The parliament of southern Sudan had already done so.
5. The peace agreements concerning the Sudan had called on the Government to guarantee protection of children's rights in accordance with international instruments. Accordingly, the 2005 Transitional Constitution of the Republic of the Sudan, and the constitutions of each State referred explicitly to the protection of children's rights. The federal Parliament would soon consider draft legislation on the protection of all civilians, particularly women and children, from criminal acts committed by members of the armed forces.
6. The report contained very little statistical data, owing to the inadequacy of the national monitoring and information-gathering mechanisms. Since the Sudan had ratified the Optional Protocol, the authorities had made plans to set up a children's information centre in cooperation with the national information centre, UNICEF and Save the Children Sweden. The new centre would create a database of child-related information and indicators, which would be continually updated.

7. The Ministry of Social Welfare and Women's and Children's Affairs had replaced the Ministry of Social Welfare. The National Council for Child Welfare, along with the children's councils on child protection set up in each State, had the mandate of coordinating and monitoring implementation of the Convention and its two optional protocols. The national and State councils ensured that all ministerial measures to protect and promote children's rights were properly followed up. In early 2006, the Ministry of Social Welfare and Children's Affairs had established the concept of the child protection unit, which would focus on implementing the provisions of both optional protocols to the Convention. Two such units were currently established in Khartoum and southern Sudan. The Ministry had instructed all States to create child protection units, and UNICEF was providing assistance for that purpose.

8. The Committee for the Eradication of Abduction of Women and Children, whose members represented government bodies and civil society, had recently published a report on its activities. With UNICEF support, regional groups of representatives of international organizations and national voluntary organizations had been meeting twice a month to discuss all child-related issues in the Sudan; the groups had met in Darfur and southern Sudan. The Government had recently approved the creation of a unit to protect children in the armed forces; the unit would be set up in cooperation with Save the Children Sweden.

9. The authorities had established a special unit in Khartoum to provide unidentified children with immediate medical care and help them to find their biological families or place them with foster families. In Khartoum alone, 1,600 children were in foster care. Over 40,000 orphans in the Sudan had received financial assistance from voluntary organizations and government bodies. UNICEF had helped the Government to launch a programme for the protection and voluntary return of displaced children, and a special unit had recently been set up in the National Council for Child Welfare to address the problem. As part of the national programme for the rehabilitation and reintegration of children participating in camel racing in other countries, travel restrictions had been imposed on the children concerned.

10. In June 2007, a year-long national media campaign to raise awareness of the protection of the children's rights would be launched in the State of South Darfur. With UNICEF assistance, the campaign would target all federal and State media agencies. Workshops had been held in all State parliaments to improve the legal framework for protecting children from abuse. A consultative human rights council, chaired by the Minister of Justice and composed of representatives of government bodies and civil society, had been established to receive complaints concerning human rights violations. In 2005, the National Council for Child Welfare had issued a document entitled "The Sudan for its children", which set out goals for improving the protection of children's rights by 2015.

11. The regional councils on child protection had recently held a meeting with representatives of State legislative bodies with a view to improving the legal and administrative framework for protecting children. The Government had adopted a national action plan to combat violence against children, and the Ministry of Justice had set up a working group to combat violence against women and children. In cooperation with the United Nations Mission in the Sudan, UNICEF, the African Union and civil society, the Committee to Combat Sexual Violence against Children had been established to protect children living in conflict areas.

12. Natural disasters and civil conflicts in the Sudan had resulted in massive population displacements in which children had suffered the most. Since the signing of the peace agreements, the Government of the Sudan had created a community base for the promotion and protection of children's rights, and it hoped to continue to make progress.

13. Ms. ALUOCH (Country Rapporteur) said that the Sudan was a huge, multi-ethnic federation with high levels of poverty. While the Government had improved the economic situation in 2006, the country still faced formidable problems. Many regions had been affected by a long civil war, which had had a negative impact on human rights, particularly children's rights. Although the conclusion of the peace agreements had been a positive development, serious challenges to internal peace remained. During her previous visit to the Sudan in 2004, she had noted a number of problems, including the lack of respect for children's right to privacy and the fact that pregnant girls were not allowed to complete their education. She asked whether any progress had been made in those areas.

14. With regard to the technical committee set up to prepare the Sudan's initial report on the Optional Protocol, she noted that no NGOs had been members of the committee, and she wished to know whether civil society had been involved in the preparation, drafting and dissemination of the report. She asked whether the Government had received the revised guidelines regarding initial reports adopted by the Committee at its forty-third session.

15. In his introductory statement, the head of the Sudanese delegation had repeatedly referred to measures taken to incorporate the Optional Protocol into domestic law. The State party's report and written replies contained similar references. However, the Sudan would not be able to implement the Optional Protocol until the relevant legislation had been adopted by the federal and State parliaments. She wished to know when that legislation would be adopted and how it would be enforced.

16. She asked whether the Women's and Children's Protection Unit, set up at Khartoum police station, had been replicated in the rest of the country. She requested the delegation to clarify the age of criminal responsibility in the Sudan.

17. In his introductory statement, the head of the delegation had said that the Sudan had ratified all relevant international and regional human rights treaties. She enquired whether the Sudan had 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, the African Charter on Human and Peoples' Rights, and the African Charter on the Rights and Welfare of the Child.

18. Ms. VUCKOVIC-SAHOVIC (Alternate Country Rapporteur) asked why the Sudanese Government had not provided any statistical information on child prostitution and child pornography in its report and written replies. She wished to know how the Government believed preventive action could be taken if the extent of child prostitution and child pornography was not known. She wondered how the Government was able to monitor the situation of children in Darfur and southern Sudan in view of the difficult political situation there.

19. Mr. SIDDIQUI asked what measures the Government intended to take to address the scarcity of data on the sale of children, child prostitution and child pornography in the Sudan. In particular, he wished to know what data-collection mechanisms and time frames the Government planned to establish to remedy that situation. He wondered whether the Government would consider launching an independent, in-depth study to improve understanding of children's issues in the Sudan and to guide subsequent action. He wished to know whether the Government planned to involve local authorities and NGOs in data collection since, without their support, it might be difficult to collect sensitive data.

20. The delegation should explain what types of resources had been allocated over the past five years to programmes and projects in areas covered by the Optional Protocol. He asked whether such resources had been increased and, if not, what measures the Government planned to take to remedy that situation. He enquired whether the Sudan had recently carried out an evaluation of the cost-effectiveness of its expenditure on child protection.

21. Mr. FILALI asked whether international treaties took precedence over domestic legislation in the case of a conflict between the two sources of law. He enquired whether international treaties could be invoked directly in Sudanese courts, since the possibility of doing so would allow for the development of jurisprudence in the areas covered by the Optional Protocol. Sudanese legislation should be brought into conformity with the Optional Protocol; in particular, the sale of children should be defined as an offence under the Criminal Code. He requested clarification of the circumstances in which the death penalty could be applied to a child in the Sudan. He enquired whether persons who had committed acts abroad that were considered offences in the State in which they had been committed but which did not constitute offences under Sudanese law, could be prosecuted in the Sudan for such acts. He wished to know what steps the State had taken to promote extradition in connection with the offences defined by the Optional Protocol.

22. Ms. KHATTAB said that there had been many positive developments in the Sudan, which made it possible to be optimistic about its future. One such development was the prospect of achieving a more equitable distribution of wealth between the northern and southern regions of the country. She wished to know the respective roles of the Ministry of Social Welfare and Women's and Children's Affairs and the National Council for Child Welfare and how they coordinated their activities.

23. She enquired whether there were any provisions in the peace agreements signed in the Sudan that specifically addressed children's issues. She requested details concerning proposed legislative amendments on the definition of the child, the minimum age of marriage for girls and the rights accorded to children born out of wedlock. She asked whether women were prosecuted for giving birth to children out of wedlock. She enquired whether any legal provisions or proposed legislative amendments addressed the issues of child abuse in the home or at school, and the sexual or commercial exploitation of children. The delegation should provide information on abandoned children and on children whose rights had been violated under the Optional Protocol. She wished to know what measures had been taken and what difficulties had been encountered in carrying out those measures. The delegation should indicate whether assistance programmes provided psychological rehabilitation for victims, as well as for criminals who exploited children.

24. Mr. KOTRANE said that amendments to the Sudan's domestic legislation were needed in order to criminalize the sale of children, child prostitution and child pornography and to punish offenders. Practices such as early marriage and the dowry should be prohibited. It was worrying that the Criminal Code did not apply to acts committed outside the Sudan which constituted offences under the law of the State in which they were committed but which were not considered offences in the Sudan. The only way to prevent such acts as the use of Sudanese children in camel racing outside the Sudan was to ensure that they were recognized as offences under the Sudan's domestic law.

25. Ms. SMITH said that, since the Optional Protocol dealt with the prohibition and prevention of grave offences, it was important to include those offences not only in the Children's Act but also in the Criminal Code. She asked whether the Sudanese judicial system worked effectively to combat impunity by prosecuting and sentencing persons found guilty of offences under the Optional Protocol.

26. Mr. CITARELLA said that the absence of statistical data on the sale of children, child prostitution and child pornography in the Sudan made it difficult to assess the efforts of the Sudanese Government to cope with those problems. He requested additional information on the abduction and sale of children for use as camel jockeys. The effective application of the Optional Protocol in the Sudan required the establishment of a uniform definition of the child that applied to all aspects of domestic law.

27. He asked whether the Government had taken steps to coordinate the activities of the various governmental bodies involved in preventing the offences defined in the Optional Protocol. He wished to know how the central Government ensured that constitutional principles and the provisions of the Optional Protocol were applied in both the northern and the southern regions of the Sudan without discrimination.

28. Mr. POLLAR requested information on the reported abduction of children from villages by members of armed militias and the subsequent commercial exploitation of such children. He asked whether cases concerning such abductions had been referred to the courts and what measures had been taken to deal with the problem. In particular, he enquired whether there were any programmes that targeted both the armed militias that abducted children and the wealthy individuals who purchased them to work on their land. He wished to know whether there was any mechanism to monitor the whereabouts of abducted children. The delegation should comment on reports that some NGOs in the Sudan had bought children out of slavery. He requested information on reports that foreign children were being abducted by foreign militias and brought into the Sudan for sale.

29. Ms. AIDOO commended the successful efforts being carried out by the National Council for Child Welfare. She requested additional information on the involvement of NGOs in the implementation of the Optional Protocol. She asked what role the State-organized social services played in providing sustained protection for children, particularly with regard to the rehabilitation of child victims whose rights had been violated. Specifically, she wished to know what steps were being taken to deal with and follow up the large numbers of abandoned children and children who had been placed in so-called "emergency families" in the Khartoum area. She requested information on the situation of such children in southern Sudan. She asked whether

there were any public awareness campaigns for families and communities, not only in large urban centres but also in smaller rural areas from which many children migrated or were trafficked.

30. Ms. ORTIZ said that a stigma was often attached in the Sudan to children born out of wedlock. She wished to know whether there were cases in which children were being sold for the express purpose of national or intercountry adoption. She enquired whether, under Sudanese law, it was considered an offence to offer inducements to mothers to give up their children for adoption.

31. Mr. PURAS asked whether the Government of the Sudan was satisfied with the quality of support it had received from the international community in dealing with the many natural and man-made disasters with which it had been confronted in recent years. He wondered whether the Committee could help to improve the quality of support that the Sudan received from the international community, particularly with regard to child victims of abuse.

32. The CHAIRPERSON said that the delegation should comment on the provision of article 163 of the Criminal Code, according to which anyone who pressed a person into labour by illegally forcing him to work against his will would be subject to a penalty of up to one year in prison and/or a fine. In her opinion, the penalty for that offence was too light.

The meeting was suspended at 11.20 a.m. and resumed at 11.50 a.m.

33. Mr. YASSIN (Sudan) said that representatives of civil society had been consulted on the draft version of the initial report during a workshop held for that purpose, and their views had been reflected in the final version of the report.

34. Mr. DEGDEG (Sudan) said that, pursuant to article 27 of the Charter of Rights, all the rights and freedoms guaranteed under international instruments ratified by the Sudan formed an integral part of domestic law and could be invoked in the courts. Efforts were being made to bring Sudanese legislation into line with the provisions of the Optional Protocol, and considerable progress had been made in that regard since 2004.

35. Under Sudanese law, forced labour was a criminal offence and offenders were liable to more severe penalties when the victims were children. The Ministry of Labour had amended legislation and regulations to ensure compliance with the International Labour Organization Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

36. As far as extradition was concerned, the Sudan had signed the Riyadh Convention on Judicial Cooperation, which covered all Arab States. It had also concluded bilateral treaties with other countries. In general, extradition measures were applied for serious offences.

37. The age of criminal responsibility was 18 and the death penalty could not be applied to children under that age, except in the specific circumstances set forth in the Constitution. Sudanese law protected vulnerable categories of the population, such as women and children.

38. Mr. YASSIN (Sudan) said that the Sudan had ratified the African Charter on the Rights of the Child in July 2005. A child protection unit had been established in Khartoum and there were plans to establish similar units in other parts of the country. Staff for those units would be recruited from all Sudanese States.

39. Ms. ELFADIL (Sudan) said that the Sudan had ratified the African Charter on the Rights of the Child with a number of reservations. The Charter would shortly enter into force and become part of domestic law.

40. The reason for the paucity of statistics relating to children was the absence of a centralized data-collection system. A data-collection centre would be established in the National Council for Child Welfare. The Council cooperated with all the ministries concerned as well as with United Nations agencies and government and non-governmental bodies at the regional and local levels. One of the Council's policies was to ensure the broad participation of civil society in all aspects of its work. There was no specific time frame for the establishment of the data-collection centre.

41. Mr. YASSIN (Sudan) said that the Sudan's economic growth rate stood at 8 per cent, one of the highest among the Arab States. The growth rate had had a positive impact on the allocation of resources for children, which in 2005 had accounted for 2.5 per cent of the gross domestic product (GDP), as compared with 1.6 per cent in 2004.

42. UNICEF was the Sudan's main cooperation partner. Between 2002 and 2006, it had allocated considerable resources for children's projects. Owing to the destruction caused by conflicts in the Sudan, the main focus of such projects was to rebuild infrastructures and provide essential services in the areas of health and protection. Regrettably, the international community had not honoured its obligations under the Comprehensive Peace Agreement to provide the Sudan with funding for social development.

43. Mr. BATILY (Sudan) said that, in the preparation of the initial report, information had been collected by child protection working groups from all the States in southern Sudan. The information had been discussed with representatives of the United Nations agencies, government bodies and NGOs and had subsequently been collated by the Ministry of Gender, Social Welfare and Religious Affairs.

44. The government of southern Sudan had established a rehabilitation centre for child victims of illegal armed militia groups. In cooperation with the Government of Uganda, and with the support of UNICEF, the centre worked to ensure the rehabilitation and return of such children.

45. Christian Solidarity International had paid money to buy children out of slavery and to return them to their communities. However, he did not have any information on the reintegration of such children. Save the Children UK had also endeavoured to rescue children abducted by tribes in southern Sudan.

46. Pursuant to the provisions of the Interim Constitution, southern Sudan would have its own laws, including laws relevant to the Optional Protocol. Draft legislation relating to children's rights was currently being discussed by the Council of Ministers and should be submitted to the parliament of southern Sudan by June 2007. One of the aims of the draft legislation was to

establish minimum standards for the protection of children in civil and criminal legislation and proceedings. However, pending the entry into force of such legislation, the central Government in Khartoum had agreed that, in certain cases, the government of southern Sudan could adopt special measures to protect children.

47. The Sudanese Government was taking steps to prevent child marriage, which was a criminal offence. A team of specialists was currently conducting investigations into the abduction of children. Southern Sudan accorded priority to the protection of children, and issues such as the sale and trafficking of children and child labour would be dealt with in the new Children's Act.

48. Mr. YASSIN (Sudan) said that child marriage was not widespread in the Sudan and was practised only by a few tribes. On the other hand, female circumcision was a long-standing tradition that could not be eradicated by legislation alone. Over the past two years, a nationwide campaign had been launched to raise awareness of the physical and psychological consequences of female circumcision, and workshops had been organized to seek the views of legal and medical experts. As a result, it had been decided that female circumcision should be prohibited, and that midwives and doctors found guilty of that practice should be barred from their profession.

49. The National Council for Child Welfare was one of the departments of the Ministry of Social Welfare and Women's and Children's Affairs. There was regular contact and coordination between the two bodies, in the form of weekly and monthly meetings. In addition, as the Minister of Social Welfare and Women's and Children's Affairs, he travelled throughout the Sudan to attend meetings and deal with child welfare problems.

50. Ms. ELOBEID (Sudan) said that a family protection unit had been set up to deal with the abduction of women and children. The unit had strong ties with UNICEF, Save the Children and the British Council and focused mainly on areas in southern Sudan where children had been abducted by tribes. As part of an agreement between the Governments of Uganda and the Sudan to prevent the abduction of children, many children on the lists provided by the Ugandan Government had been returned, and both Governments were endeavouring to resolve the cross-border conflict in order to protect children.

51. The 2005 Interim Constitution of the Sudan included a bill of human rights containing a full chapter on the rights of the child, and special provisions on women and children and positive discrimination. The Constitution also contained a provision for financing child welfare activities, including free health care for children.

52. Ms. ELFADIL (Sudan) said that the Sudan intended to amend its legislation on the minimum age for marriage, the age of criminal responsibility and the exploitation and sexual abuse of children in order to bring it into line with the relevant international instruments.

53. The National Council for Child Welfare was chaired by the President of the Sudan and was composed of federal ministers and representatives from the country's various States. In the absence of the President, the Ministry of Social Welfare and Women's and Children's Affairs took charge of the Council.

54. The National Council for Child Welfare had signed a memorandum of understanding with UNICEF on a plan of action for the protection and reintegration of children participating in camel racing in the United Arab Emirates. With the support of UNICEF, the Council had carried out a survey in order to ascertain how many children had returned, and to provide them with the necessary social and psychological support. Under a separate agreement between the Sudan and the United Arab Emirates, a special mechanism had been created to ensure that children who had participated in camel races received financial compensation, and any child who had been physically injured in the races would receive compensation until the age of 18. The Council and Qatar had signed a memorandum of understanding concerning children employed in camel racing in Qatar. The memorandum provided for schools and health-care facilities in the affected regions of eastern Sudan. So far, six schools and complexes had been established under the project, and US\$ 4 million had been earmarked for its continuation. As part of an agreement between the United Arab Emirates, UNICEF and the Government of the Sudan regarding the States affected by the return of camel jockeys, the United Arab Emirates would provide US\$ 2 million for community support through the UNICEF office in the Sudan.

55. Mr. DEGDEG (Sudan) said that the National Council for Child Welfare, UNICEF and the Government attached great importance to the 1997 Labour Code, which harmonized domestic legislation on the welfare and protection of children and prohibited the employment of children in camel races. However, it was necessary to bring the Code into line with international labour norms.

56. Mr. BATILY (Sudan) said that, under the Interim Constitution of Southern Sudan, children were not allowed to serve in the army or perform any type of sex work or work that might be detrimental to their health, education or well-being. Children were prohibited from working in bars, hotels or any place where they might be exposed to immoral behaviour, and children were not allowed to work between the hours of 6 p.m. and 6 a.m. Although exceptions were made for children caring for their parents, children under 12 were prohibited from performing household work. Under the Interim Constitution, the minimum age for paid employment was 14.

57. Mr. YASSIN (Sudan) said that the Family and Child Protection Unit had been set up to assist child victims of abuse. Some of the civil servants responsible for providing such assistance had received special training in Jordan because of the many parallels between the situation of children in Jordan and the Sudan. While the Unit had been able to follow a number of cases of abuse, progress was often hindered by deeply rooted traditions and customs, particularly when it was necessary to gather confidential information about crimes against children. The Unit was equipped with a video interview room to spare children from having to appear in court.

58. Mr. MAJUEN (Sudan) said that, in the wake of 20 years of civil war, the Sudanese police needed to be reformed. The police was currently operating under the 1991 Code of Criminal Procedures, which provided guidelines for making arrests and conducting investigations but did not deal with the treatment of children. However, special treatment was given to child offenders under the age of 17, and the police was committed to ensuring that children were not abused and were protected during investigations.

59. The CHAIRPERSON asked whether there was a court to deal with offences covered by the Optional Protocol. She also wished to know who was responsible for collecting data on violations of the Optional Protocol.

60. Ms. ELOBEID (Sudan) said that the National Council for Child Welfare had abolished impunity for civil servants or other State employees for the crime of rape, whether it constituted a war crime or not. Military personnel accused of rape were tried by a military court.

61. Ms. ALUOCH (Country Rapporteur) thanked the delegation of the Sudan for its constructive dialogue with the Committee. She hoped that the Government of the Sudan would focus on implementing its new laws and policies and complying with agreements that it had ratified.

62. Mr. YASSIN (Sudan) said that, although the Sudan would need time to solve its problems, it would continue its efforts to promote and protect the rights of its children.

The meeting rose at 1 p.m.