



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues in relation to the fourth periodic report of the Sudan*

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. Please describe the constitutional review process that has been initiated with a view to promulgating a permanent Constitution, including public consultations envisaged, and indicate the status of the said process and when it is expected that the new Constitution can be approved and enter into force. In this respect, please also indicate the measures undertaken to ensure that the text of the new Constitution is fully compatible with the Covenant. With regard to the present constitutional system, please indicate what mechanisms are used to prevent Sharia law from being applied in a manner that would be incompatible with the Covenant.
2. Please provide information about the National Action Plan for the Protection of Human Rights launched in June 2013, including its content, objectives, and the human and financial resources allocated for its implementation. Please also elaborate on the information provided with regard to the National Human Rights Commission in paragraph 234 of the report (CCPR/C/SDN/4), in particular its mandate; describe its procedure for consideration of complaints and include examples if available; and provide information on the measures taken to provide it with adequate human and financial resources. Please indicate whether the Commission has sought, or intends to seek, accreditation with the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.
3. Please provide updated statistics on complaints lodged, proceedings initiated and sentences passed, indicating whether they resulted in acquittal or conviction, in relation to alleged human rights violations committed by law enforcement, military or security agents. In doing so, please indicate the forces against which the complaint was lodged, the crime for which the complaint was lodged, and the region where the alleged offence occurred, and include information with regard to violations occurring in South Sudan prior to the date of its secession in 2011. Please also indicate whether there are any cases under consideration, either under military or civilian jurisdiction, involving charges of crimes against humanity,

* Adopted by the Committee at its 109th session (14 October - 1 November 2013).

war crimes and the crime of genocide (para. 15 of the report) and, if so, please provide information about them. Please provide updated information on the laws granting immunity to law enforcement, military and security agents and the cases in which such immunities apply; the procedures to be followed in order for immunities to be lifted; and statistics covering the reporting period on the number of cases concerning which immunity of any such agent was lifted or confirmed, and the reasons for such decisions.

4. Please provide information on (a) the measures taken to implement the strategy for Darfur mentioned in paragraphs 58-60 of the report and the results achieved; (b) the mandate of the Truth, Justice and Reconciliation Commission established in the Doha Document for Peace in Darfur and indicate whether it has started to work and, if so, please report about the activities it has carried out so far; and (c) the progress made in regard to criminal prosecution of human rights violations in Darfur, by the Public Prosecutor of the Special Court for Darfur or in relation to other forums.

Refugees, asylum seekers and internally displaced persons (arts. 2, 7 and 12)

5. Please provide updated information on the extent of forced displacement in the Sudan, indicating the places of origin and destination; the causes of the displacement; and whether the persons displaced are in a camp or non-camp situation. Please also provide more information on the National Policy on Displaced Persons mentioned in paragraph 17 of the report, including the results of its implementation, and updated information on any voluntary return programmes that have been implemented after the submission of the report. According to reports, during the period under review, displaced persons, in particular women and girls have experienced abuse and violence, especially in Darfur, and humanitarian workers assisting them have been subjected to attacks. In this respect, please provide updated information on the measures taken to ensure adequate protection for displaced persons and humanitarian workers.

6. Please provide updated information on measures taken to address the challenges regarding refugees mentioned in paragraph 125 of the report and in particular, please indicate whether a census of refugees has been carried out and, if so, please provide information on its results. In addition, please comment on allegations that the principle of non-refoulement has not always been observed, in particular with regard to Eritrean asylum seekers and refugees despite the risks to which they could have been subjected. In this respect, please also provide information on incidents of alleged forced return of asylum seekers and refugees to Eritrea, in July 2011, October 2011, and July 2012, after having been convicted of unlawfully entering or moving within the Sudan.

States of emergency (art. 4)

7. In relation to the states of emergency mentioned in paragraph 73 of the report, please specify the areas covered and indicate the dates on which they have been declared and their duration; the procedure followed to declare and/or renew them; and, if applicable, the rights enshrined in the Interim Constitution and/or the Covenant that have been derogated from and the steps taken to guarantee compliance with the provisions of the Covenant with regard to the rationale and the scope of the corresponding derogations, and whether the obligation of notification under article 4, paragraph 3, of the Covenant has been observed in each case. Please also indicate whether, after the submission of the fourth periodic report, other states of emergency have been declared and, if so, please provide similar information about them.

Non-discrimination and equal rights of men and women (arts. 3, 23, 25 and 26)

8. While taking note of the information provided in paragraph 214 of the report with regard to female representation in the National Assembly, the Committee would appreciate receiving updated information on (a) female employment rates and the proportion of senior posts in the private and public sectors that are held by women, both at the federal and state levels, including the Council of States of the National Legislature and state legislatures, as well as the executive and judicial branches, showing trends over the last five years; and (b) how literacy and school attendance rates for women compare with those for men. Please also provide information on (a) the impact of the national policy for women's empowerment and the national policy for girls' education referred to in paragraphs 70 and 238 of the report; and (b) the steps taken to adopt the measures mentioned in paragraph 174 of the report and the results achieved.

9. Please provide updated information on the measures taken to eliminate discrimination against women in legislation, in particular in relation to family and personal status, and the amendments that have been made in this respect. Please describe any measures taken to prevent discriminatory enforcement against women of vaguely worded provisions such as article 152 of the 1991 Criminal Code, on indecent conduct or clothing, which also imposes flogging as a punishment.

10. Please provide more information about the impact of the programmes and policies put in place to ensure that the principle of non-discrimination is applied in practice (paragraph 63 of the report). Please also indicate whether the State party plans to adopt comprehensive legislation prohibiting discrimination and containing a comprehensive list of grounds for discrimination, including age, sexual orientation, gender identity and health status, in particular people living with HIV/AIDS

Violence against women (arts. 2, 3, 7, 23 and 26)

11. In relation to the information provided in paragraph 181 of the report, please describe the measures taken to review the laws relating to violence against women; provide information about the laws that have been effectively amended and the content of the amendments; and, in particular, please indicate whether articles 145 and 149 of the 1991 Criminal Code (concerning adultery (*zina*) and rape) have been amended. Please also indicate whether domestic violence and spousal rape are criminalized in domestic law. In addition, please provide information on (a) the number of complaints received with regard to violence against women, including domestic violence, with an indication of the age of the victim (adult or minor); (b) investigations carried out; (c) penalties imposed; and (d) reparation provided to victims.

12. Please provide updated information about the measures taken to accomplish the objectives of the national strategy for the elimination of female genital mutilation in the Sudan (2008-2018) and the results achieved so far, in particular in relation to the prohibition of this practice in legislation. Please also provide up-to-date figures on cases of female genital mutilation, disaggregated by age, region, and type of mutilation carried out. In addition, please inform the Committee whether any persons suspected of perpetrating female genital mutilation have been brought to justice, and, if so, please provide statistics for the reporting period, concerning the crimes charged; the penalty imposed; and the reparation provided to the victim.

Right to life and prohibition of torture and cruel, inhuman or degrading treatment (arts. 6 and 7)

13. Please comment on allegations indicating that serious human rights violations, such as rape, sexual violence, torture, ill-treatment, arbitrary arrests and detentions, and extrajudicial killings, have been committed by Government forces, pro-government armed groups, and anti-government forces in Darfur, South Kordofan and Blue Nile states. In this respect, please also provide information on the measures taken to (a) bring perpetrators to justice, including investigations carried out and their results; and (b) provide adequate reparation for victims and/or their next of kin.

14. Please comment on allegations indicating that the State party has restricted or denied the delivery of humanitarian assistance to conflict-affected areas, especially those controlled by rebel groups. Please also provide information on the measures taken to ensure that people affected by the conflicts in Darfur, South Kordofan and Blue Nile states, even if living in rebel controlled areas, receive humanitarian assistance.

15. Please provide an updated list of the offences in relation to which the death penalty can be imposed. Please also provide information concerning the entire reporting period on (a) number of convictions involving capital sentences; (b) number of executions actually carried out and the type of execution applied; (c) nature of the crime; (d) age at the time of the commission of the crime and sex of those sentenced and of those executed; (e) number of cases for which the death sentence was commuted to another sentence or waived by the aggrieved parties; and (f) number of persons on death row. Furthermore, please comment on allegations according to which in some instances death sentences have been passed in the context of trials that have been based on confessions obtained under duress or that otherwise did not meet international human rights standards.

16. Please indicate whether a legal definition of torture in accordance with international standards has been provided for in criminal legislation providing penalties commensurate with the gravity of the act; whether the use by courts of confessions obtained in violation of article 7 of the Covenant has been explicitly proscribed by the law; and, if not, whether there are any initiatives in these regards.

17. Please provide information on the measures taken to prevent, combat and investigate cases of torture and ill-treatment, in particular during detention, and to guarantee that victims have access to effective legal recourse and adequate reparation, including rehabilitation. As requested by the Committee in its previous concluding observations (CCPR/C/SDN/CO/3, paras. 16 and 25), please also provide information relating to the reporting period on:

(a) The number of complaints filed in connection with acts of torture or ill-treatment, including to obtain a confession; the number of such cases that have been investigated; the outcomes of these investigations, including prosecutions and penalties imposed; and the reparations provided to victims, including rehabilitation; and

(b) The number of appeals for review of conviction resulting from a confession obtained under torture and the outcomes of those appeals.

18. Please provide information on the measures taken to implement the Committee's previous recommendation to abolish all forms of punishment that are in breach of articles 7 and 10 of the Covenant, including flogging and amputation, and disproportionate imprisonment (CCPR/C/SDN/CO/3, para. 10). Please also provide statistics covering the

last five years on the use of corporal punishment, disaggregated by the type of corporal punishment and the crime for which it was imposed.

Elimination of slavery and servitude (art. 8)

19. In relation to the Committee's previous concluding observations para. 18), please provide updated information on the steps taken to combat and eliminate the practice of abduction; to bring those responsible to justice; and to provide abductees with assistance in settling back into their families and communities. Please also provide updated information on the activities carried out by the Committee for the Elimination of Abduction of Women and Children and their results, and indicate whether it has sufficient human and financial resources to carry out its mandate effectively. Please comment on reports concerning kidnapping of Eritrean refugees and asylum seekers for ransom or for trafficking, and the measures taken to prevent such violations and bring the perpetrators to justice.

Right to liberty and security of person, treatment of persons deprived of their liberty and fair trial (arts. 9, 10 and 14)

20. According to reports, under the 2010 National Security Act, security agents are provided with wide powers of arrest and detention, are allowed to detain suspects for up to more than four months without judicial review and to hold people incommunicado without prompt access to a lawyer or judicial body. Please provide information about this law; comment on its compatibility with articles 9 and 14 of the Covenant; and indicate the judicial remedies available for detainees and/or their next of kin during detention under this law. Please also provide information on the measures taken to ensure that no person is held in unofficial places of detention and indicate whether a system has been established, or is envisaged, for regular and independent monitoring of places of detention.

21. Please provide updated information on the number of persons deprived of their liberty in the State party, disaggregated by sex, age (minor or adult), whether in pretrial detention or convicted, and place of detention. In doing so, please also indicate the official capacity of each prison or other place of detention.

22. Please provide information about the recent amendments to the Armed Forces Act with regard to military jurisdiction. In doing so, please indicate whether according to these amendments military courts can prosecute civilians and, if so, please indicate in relation to which crimes, and comment on the compatibility of these amendments with article 14 of the Covenant. Please also provide detailed information about the special courts under the Counter Terrorism Act, including their competence and jurisdiction, and comment on their compatibility with article 14 of the Covenant. Please also provide information on the measures taken to guarantee that relevant procedural safeguards are observed in the context of trials before these military courts and special courts and provide statistics concerning the reporting period about the decisions adopted by these courts, specifying the crimes concerned and the penalties imposed.

Freedom of conscience and religious belief (art. 18)

23. Please indicate whether the crime of apostasy has been abolished. Please also provide information on the measures taken to ensure that Sharia law is not applied to non-Muslims and, in this respect, please indicate whether during the reporting period Sharia law has been applied to non-Muslims.

Freedom of expression, freedom of assembly and of association (arts. 19, 21 and 22)

24. Please comment on allegations that State agents, in particular National Security Service agents, have prevented the publication of articles, given instructions on news coverage, shut newspapers without court orders and confiscated entire newspaper editions, and have subjected many journalists to arrests, intimidation, harassment and prosecution for offences such as the publication of “false news”. Please also describe the provisions of the National Security Act regulating freedom of opinion and expression (paragraph 146 of the report). In addition, please provide statistical data on the number of reports of attacks against journalists; the number of such cases that have been investigated; and the outcomes of these investigations, including prosecutions and penalties imposed.

25. Please comment on allegations that State authorities have repeatedly resorted to excessive use of force to disperse demonstrations, including in relation to those which took place from June to August 2012, reportedly resulting in several people dead or wounded and many arbitrarily detained and subjected to harsh interrogations, torture, and ill-treatment and those which broke out on 23 September 2013, reportedly resulting in a significant number of people dead or wounded and hundreds detained. If applicable, please provide information on the investigations of such alleged violations carried out; their results, including prosecutions and penalties imposed; and the measures taken to provide reparation to the victims and/or their next of kin.

26. Please comment on reports according to which perceived opponents of the Government, opposition political parties’ members, human rights defenders, and other activists have been subjected to harassment, intimidation, arrest and detention, and/or ill-treatment by State agents, in particular by National Security Service agents. In addition, please comment on reports that the 2006 Act regulating Humanitarian and Voluntary Action imposes excessive restrictions on the purposes of voluntary associations and excessive discretionary powers to control their funding and activities.

Protection of children (art. 24)

27. Please provide information about the impact of the measures referred to in paragraphs 197 and 199 of the report on the number of birth registrations, particularly in remote areas. Please also clarify whether a comprehensive civil register has been effectively established and is currently functioning, and whether birth registration is free of charge and, if not, please indicate the fees charged and whether there are any exceptions for the charging of such fees. Please update the information provided about the number of child soldiers who have been demobilized and who have benefited from reintegration programmes, and the measures taken to impose sanctions on those responsible for the recruitment of child soldiers.

Minority rights (art. 27)

28. Please provide information on the legislative or other measures taken to address matters related to the status of persons of South Sudanese origin following the secession of South Sudan, including on the content and level of implementation of the Framework Agreement on the Status of Nationals of the other State signed by the Sudan and South Sudan in September 2012. Please also comment on reports that persons of South Sudanese origin are discriminated against and are vulnerable to harassment and ill-treatment.

Dissemination of information relating to the Covenant (art. 2)

29. Please provide information on the training on the Covenant that has been provided, including by the Advisory Council for Human Rights, to State agents, especially to judges, prosecutors and law enforcement officials, and on the measures taken to overcome the challenges related to the training of State agents mentioned in paragraph 252 of the report. In addition, please provide information on the steps taken to disseminate information on the Covenant, the Committee's concluding observations on the State party's third periodic report, the submission of the fourth periodic report and its forthcoming examination by the Committee. Please also provide more information on the involvement of representatives of minority groups, civil society stakeholders and the National Human Rights Institution in the preparatory process of the fourth periodic report and in the implementation of the Committee's concluding observations on the State party's third periodic report.
