

**Republic of Sudan**  
**Advisory Council on Human Rights**

**Periodic Report of Sudan**  
**Pursuant to Article 62 of the African Charter on Human and**  
**Peoples' Rights**  
**It comprises the required reports up to April 2003**

**April 2003**

**Second Periodic Report of Sudan, pursuant to Article 62 of the African Charter on Human and Peoples' Rights. It comprises the required reports up to April 2003.**

**Introduction**

Since its ratification of the African Charter on Human and Peoples' Rights, Sudan has spared no effort to honour its commitments under the Charter. Likewise, it has continued to take interest in the efforts and activities of the African Commission on Human and Peoples' Rights by attending regularly its sessions, particularly over these last years, cooperating with it, replying to all its mails and questions, providing it with all the information and documents, and hosting the missions of the Special Rapporteurs. This has been dictated by its conviction about the mission of the Commission and its role in the promotion and protection of Human and African Peoples' Rights, as well as the benefits of the objective and constructive dialogue between the Commission and the States.

It is in this spirit that Sudan presented its initial report to the Commission which discussed it during its 21<sup>st</sup> session held in Nouakchott, Mauritania, in April 1997. The Commission then made observations and raised questions on certain aspects of the contents of the report.

For the second time and in conformity with Article 62 of the Charter, we are pleased to present this report which we would like to introduce by explaining the methodology used in its preparation as summarised below:

- a) Considering that this report is a follow-up of the initial report, we have avoided reporting again on what is contained in the first report, except where necessary in order to clear up any ambiguity or to report on new issues.
- b) In reporting on Fundamental Rights, we have followed the order of the articles of the African Charter on Human and Peoples' Rights, indicating the number of the article in the title.
- c) We have used the style of short paragraphs for each new idea, numbering them in order to facilitate reference to these same paragraphs.
- d) At the time of presenting the previous report, Sudan did not have a Constitution yet but scattered constitutional decrees; we have thus been compelled to mention the relevant articles of the Constitution.

At the end of the report, we have attached the answers to the questions raised under the initial report.

- e) We thought it useful to include an introduction to the discussion of the subject matter by giving an idea of the legal framework which guarantees the implementation, the application, the protection and the promotion of Human Rights in Sudan, and of the State institutions under the Constitution.
- f) The preparation of this report involved a wide participation of different official institutions and associations of civil society through the national mechanism of drafting reports intended for contractual institutions which was set up by the decree of the Minister of Justice. The membership of this mechanism comprises the Advisory Council on Human Rights and some civil society associations such as the Union of Lawyers of Sudan, the Union of Counsels of Sudan, the Union of Women and the International People's Friendship Council.

## **Part I**

### **General legal framework**

#### **Historical overview**

The year 1956 was a milestone in the history of Sudan. It was the year when the will of national forces in the country was unified and their struggle crowned with the independence of Sudan, thus marking the end of the colonial rule which had lasted 58 years. The accession to independence brought the nation of Sudan directly face to face with considerable challenges: this involved safeguarding national unity, solving definitively the question of Sudan's national identity, bringing about overall development and overcoming the reality of underdevelopment inherited from foreign powers.

From the outset, the period under the national government was characterised by genuine efforts to meet the aspirations of the nation. Unfortunately, the political forces that had the reins of power quickly slipped into a whirlwind of an all out fight for power and partisan quarrels. The country then plunged into a series of political crises and economic difficulties which were worsened by military coups d'etat and popular wars.

In the years that preceded the war of national salvation, the political, economic and security situation of the country had reached a dangerous edge. This situation forced the armed forces to take over power on 30<sup>th</sup> June 1989. Right from its first communiqué, the revolution undertook to work to save the country, to return quickly to the democratic process and hand back the power to the civilians as soon as the exceptional conditions will have ceased to exist, by preparing and adopting a lasting Constitution and working to end the long lasting civil war.

## **Sudan's 1998 Constitution**

In 1997, a National Commission was set up to prepare the Constitution. The Commission comprised more than 500 members representing geographical regions, social forces, political and ideological trends and professional bodies.

After continuous and hard work which lasted eight months, the Commission finished its work. At that time, the draft Constitution was presented to the National Council (Union Parliament); after its adoption by the people's deputies, the draft Constitution was put to a referendum which adopted it by 96.7% of the votes (10 833 161 votes) against 3.3% (360 273 votes). The turnout at the referendum was 11 193 434 voters inside Sudan, and more than 130 000 voters residing abroad.

### **Contents of the Constitution**

The Constitution has 140 articles divided in nine parts and twenty one chapters covering the guidelines of the State, freedoms, rights and duties (Part I), the Executive, the Legislature and the Judiciary and other constitutional organs (see annex 1), the main outlines of which are as follows :

#### **Nature of the State**

The Constitution defines the core features of the role of the State, underlining that the Republic of Sudan is a unifying fatherland where races and cultures coexist and where there is religious tolerance. Islam is the religion of the majority, but Christianity and local beliefs have many followers (article 1 of the Constitution).

#### **Fundamental freedoms and rights**

The Constitution guarantees fundamental rights and freedoms, including the right to life, the freedom of belief, expression, association and assembly. It requires the State organs to safeguard them and makes the judiciary responsible for their surveillance and their protection. With a view to their increased protection, the Constitution prohibits their suspension even during states of emergency. It also includes them among the abiding features that legislative institutions may not touch or modify without people's consultation through a referendum.

#### **Judiciary**

The Constitution has laid a solid foundation for a judiciary based on the supremacy of the law and the independence of the judiciary. It states the rights of every individual to have his cause heard and the right to equality before the law (article 31 of the Constitution).

It guarantees the right of every individual to a fair trial (article 32 of the Constitution), the right to refer to national courts and the right of appeal. It has also created the constitutional court for the protection of the rights and freedoms and for redressing injustice (article 34 of the Constitution). It finally requires State institutions to execute court judgments.

### **Establishment of the Civil Servants Applications Office**

Pursuant to Article 90 (1) of the 1998 Constitution of Sudan, the law relating to the Union civil servants applications Office was promulgated in 1999, sanctioning the establishment of the Office in conformity with Article 127 of the Constitution which stipulates as follows:

- (1) The Applications office for civil servants shall be created by a Union or wilaya law. Its mission shall be to consider applications from civil servants and take decisions. The law defines the responsibilities and powers of the Office which falls directly under the President of the Republic or the wali, as appropriate. The President of the Republic or the wali appoints its chairperson.
- (2) The final decisions of the Office cannot be reviewed by the courts.
  - the Office is answerable to the President of the Republic
  - the Office has a chairperson appointed by the President of the Republic
  - the Office has several departments established by the President of the Republic and put in place by its chairperson; these departments, which carry out the responsibilities of the Office, comprise a chairperson and two members.

In its present form, the Office replaces the following structures:

- a) Civil Service Commission
- b) Civil Service Body
- c) Transitional Commission for Civil Servants Appeal
- d) Civil Servants Appeals Office.

### **Objectives of the Office**

The objective of the Office is to establish an independent institution responsible for considering appeals from civil servants against any administrative measure relating to the application of civil service laws and regulations. On the other hand, the existence of an institution such as the Office may contribute, in its capacity as a control body, to improved delivery of public services, besides the confidence and the stability that it brings among civil servants. This will certainly lead to stable, disciplined and productive public services. It will also create a climate of justice among civil servants without discrimination.

## **Responsibilities of the Office**

The exclusive responsibilities of the Office are as follows:

- (a) The Office takes decisions exclusively relating to :

First : applications and appeals from those who hold responsible duties in the departments of the Union and wilayas and other functions of the Union relating to the wrong application of the laws and regulations which govern and regulate work in the civil service.

Secondly : appeals submitted by civil servants who hold responsible duties within the Union and wilayas, as well as other Union civil servants, relating to the decisions of higher review commissions and departmental review commissions.

Thirdly: appeals submitted by the competent authorities against decisions of higher review commissions and departmental review commissions and takes decisions accordingly.

- (b) It determines the basis and the rules which regulate and govern its own work
- (c) It gives opinion and advice to the President of the Republic and to the departments on relevant issues when it is so required.

From the above mentioned responsibilities of the Office, its role in the civil service reform is clearly seen. This includes:

- (a) considering and taking decisions on civil servants' applications.
- (b) monitoring the strict application of laws relating to civil service in order to resolve conflicts among different civil servants.
- (c) detecting aspects of weakness and dysfunction in the laws and regulations and take action to correct them, in collaboration with all interested sectors.
- (d) exposing errors and excesses in the application of laws and regulations by concerned departments and sectors, take action to redress them and take the necessary preventive measures.

The Office exercises its powers and responsibilities as spelt out by the law through departments designated by the President of the Republic and put in place by the chairperson of the Office. Each department has a chairperson and two members.

## **Powers of the Office**

The Office has the following powers:

- a) With regard to higher review commissions and departmental review commissions :
  1. dismissal of applications or appeals and confirmation of decisions or sanctions
  2. declaring void decisions and sanctions
  3. review of decisions or sanctions without prejudice to the applicant
  4. confirmation, amendment or declaring void any order
  5. referral of dossiers for the review of decisions or sanctions
- b) Concerning decisions taken in application of laws and regulations which govern work in the civil service
  1. dismissal of applications or appeals
  2. confirmation of decisions
  3. declaring decisions void
  4. amendment of decisions
- c) Summoning any person whom the Office deems necessary to hear on any questions referred to it for consideration, under the summons signed by the chairperson of the Office or his representative.
- d) Asking for supporting documents relating to the question under consideration and take cognisance of their contents, even if they are of a confidential nature.
- e) Issuing a warrant to the police, signed by the chairperson, to produce the person concerned when that person refuses to respond to the summons referred to in paragraph (c) above without an acceptable reason.
- f) Examining any person whom the investigator feels has information on the application or appeal under consideration by the competent department. The Office is also authorised to make contact with the concerned sectors and administrative units for obtaining the necessary information and to instruct them to provide it with any documents and supplementary notes within a specified time.

## **Finality of the decisions of the Office**

The decisions of the Office are final and binding and cannot be subjected to the judgment of the courts.

## **Review of decisions**

The department that has taken the decision may review it upon the request of the applicant or the appellant in the following cases:

- (a) in case of falsifications affecting the decision taken
- (b) if the applicant obtains important pieces of evidence or facts that may directly influence the decision and that it was not possible for him to have or know before the decision was taken
- (c) in case of apparent errors in the facts presented which could have led to the decision

## **Timeframe for submission of the application for the review of the decision**

A timeframe of two weeks from the date of the decision is available to the applicant or the department to submit application for the review of the decision.

## **Confidentiality of the work of the Office**

All the operations of the Office, particularly departmental deliberations and decisions taken on the appeals and applications, are very confidential until their official publication.

## **Modalities for the submission of applications and appeals**

- (1) The Office considers applications and appeals on the basis of the request submitted by the applicant, giving in detail the facts and grounds of the appeal and accompanied with supporting documents.
- (2) The application or appeal must be submitted in its original copy and five photocopies within the specified time for each case, in accordance with the civil service laws and regulations and the status of the Office
- (3) The official stamp must be affixed to the original copy of the application.
- (4) The application or appeal must be accompanied with a copy of the decision in question.
- (5) The application or appeal must be submitted in the form of a dossier.
- (6) The application or appeal must include the correct address of the applicant.
- (7) The grounds of appeal are:
  - (a) lack of jurisdiction
  - (b) technicality
  - (c) violation of laws and regulations and their interpretation



(d) abuse of authority and its perversion

(8) The application or appeal can be accepted only when channels of complaint and remedies prescribed by the law have been exhausted in the following way:

(a) **Promotion**

With regard to promotion, the application must be submitted to the competent authority within sixty (60) days after the decision, and the authority in question must give a reply within thirty (30) days, otherwise its silence will be considered as a refusal of the application. The applicant may then address himself to the Office within ninety (90) days after the authority's refusal of the complaint or its dismissal and a decision must be taken within thirty (30) days as indicated above.

**Complaints against the decisions of the review commissions**

Complaints against the decisions of the higher review commission or departmental review commission are allowed in the following cases:

- (1) if the applicant receives no reply after twenty-one (21) days from the date of the submission of the complaint to the competent authority against a decision of the departmental review commission.
- (2) if the applicant is not satisfied with the decision of the departmental review commission created by the competent authority to review the disputed decisions.

The chairperson of the department may also lodge an appeal to the Office in the following cases:

- (3) against the decisions of the higher review commission
- (4) against the decisions of the departmental review commission of which he himself is a member
- (5) against the decisions of the higher review commission and the department created by order of the competent authority for reviews.

(9) The appeal against the decisions of the higher review commissions and the departmental review commissions is submitted to the Office in the following manner:

- (a) in the case of the chairperson of the service unit, within fifteen (15) days.
- (b) in the case of the accused civil servant, within thirty (30) days after exhausting all administrative remedies provided for by the law.

(10) The appeal or application does not imply the suspension of the execution of the decision, except when the competent department orders such a suspension.

(11) The competent authority is officially seized through a copy of the application or appeal for its reply within a period of thirty (30) days; if no reply is received after this period, the proceedings may continue through the submission of the necessary documents.

(12) After providing the application or appeal documents and the completion of the investigation, the investigator submits to the chairperson of the Office through the principal investigator a report on the facts and statutory issues which the application or the appeal gives rise to and offers his opinion on the qualification he gives to the application.

(13) Following the presentation of the report of the investigator, the chairperson of the Office designates the competent department to consider the application or appeal in the presence of experts from this department and the principal investigator.

(14) The competent department reaches its decision by simple majority after research and deliberations.

### **General provisions**

(1) A person shall be considered guilty of an offence if he refuses, prevents or impedes, without reasonable grounds, the application of the decisions of the Office; in such a situation, the case shall be submitted to the President of the Republic who shall take the necessary measures to ensure the application of the decision in question, without prejudice to any other provision of other laws.

(2) Without prejudice to any other sanction provided for by the present law or any other law, a person shall be expelled from:

(a) the session, if he breaks its regulations or deliberately shows disrespect to any of the members of the Office.

(b) the buildings of the Office, if he deliberately shows disrespect to the investigator or any other employee of the Office.

### **Democratic parliamentary representation**

Among the abiding features underlined by the Constitution are free elections, fair competition and people's mandate, as exclusive references of the legitimacy of the institutions of governance, starting from the President of the Republic and the walis up to the legislative institutions of the Union and wilayas and government

local councils. The Constitution entrusts the responsibility of managing the elections to an independent institution, the members of which must be persons of integrity, honest and unbiased.

Hereafter is a general indication of the turn out of voters in the Presidential and Parliamentary elections of 2000.

### **First: 2000 Presidential elections**

Turnout: 8 153 273 voters, representing 65.1%

### **Secondly: Number of registered voters in the Presidential and National Council elections: 12.519.975**

(1) The number of geographical constituencies where elections were held was 108, from a total of 270 constituencies, in addition to 138 without contest and the rest (28 constituencies) by designation.

- Number of voters in constituencies where seats were contested (108): 4 794 102 voters.
- Turn out in the elections: 2 106 813, representing 43.9%.

(2) Specific constituencies for special categories and their voters who are members of general unions of farmers, workers, shepherds and employers

- number of registered voters : 982
- turn out in the elections : 594, representing 60.5%

(3) Scientific constituencies (graduates from universities and colleges)

- number of registered voters : 20.834
- turn out in the elections : 18.576, representing 89.2 %

(4) Women constituencies

- number of registered voters : 2.229.142 (for 8 constituencies with competing candidates)
- turn out in the elections : 1.063.869 representing 47.7 %

Overall turn out in the elections: 60.3 %

### **Thirdly: Political parties that participated in the elections and the number of seats obtained**

- National Congress Party comprising the Northern and Southern parties: 320 seats, representing 96.5%. The remaining parties obtained 3.5% of the seats shared out as follows:
  - Independent candidates : 7 seats

- United Democratic Salvation Front Party (one of the Southern parties) : 3 seats
- Muslim Brotherhood Party : 2 seats

**Fourthly: Candidates elected to the National Council were divided as follows:**

- Men : 323 MPs
- Women : 35 MPs
- The 2<sup>nd</sup> geographical constituency is vacant (due insecurity)

**All registered voters in 2000**

- (a) Registered voters for Presidential elections : 12,519,975, including 202,632 emigrants
- (b) Registered voters for Parliamentary elections : 1,237,343 (less Sudanese living abroad)
- (c) Turn out for both genders in the Presidential and Parliamentary elections was as follows :
  - 7,494,739 men
  - 4,822,604 women

See Annex 2.

**Sources of legislation**

The Constitution enshrines the practice followed by all the institutions in Sudan which considers Islamic *Shariaa* and customs as the sources of legislation, in addition to anything that obtains the consensus of the people through a free and direct referendum.

**Presidential system**

Considering that Sudan is a country of different races, cultures and religions, and due to its vast geographical size and its poor means of communication, the Presidential system was adopted for a better management of the country, the protection of its national unity, its popular symbiosis and the achievement of its desired political stability, by relying on one Head of State directly mandated by the people and exercising real power.

**Union Governance**

The Constitution adopted the union governance so as to ensure a fair share of power and wealth among the different parts of the country, in order to enable

cultural groups to protect their specificity and develop their cultures and traditions, and widen the people's participatory base, while at the same time limiting the hegemony of the Centre. This allows the management of a huge country like Sudan with ease and competence. This has led to the need of organising the country in 26 wilaya, each with its own government and its National Assembly. The Sudanese legislators have borrowed the unionist method for sharing out power between the central government and the wilayas. In addition, and given that the sharing out of wealth involves a similar approach, resources were shared out among the different levels of the Union Government, wilayas and local authorities, such that each level has the competence over some kind of taxes. A national support fund for poor wilayas was set up in sight of achieving national solidarity.

### **Transitional measures concerning Southern Sudan**

In order to confer upon the 14<sup>th</sup> constitutional decree of 1997 (Khartoum Peace Accord) the necessary force of law, it was explicitly stipulated that it should be considered as part of the Constitution and remain in force during the entire transitional period which will come to an end with the organisation of a referendum in the South on the choice between unity and separation and the right to self-determination.

### **Government organs**

#### **First : Executive Power**

##### **(1) Office of the President of the Republic**

It is represented by the President of the Republic who is elected by the people and must obtain more than 50% of the votes. Article 41 of the Constitution specifies that the term of office of the President of the Republic is five years from the date of his inauguration which can be renewed once.

In accordance with the presidential system, the President embodies the highest sovereignty of the country. He is the supreme chief of the regular armed forces. He is also the guarantor of the constitutional institutions, chairs the Cabinet, appoints ministers and senior executives holding constitutional positions of the State, and endorses the laws passed by the National Council. The President is assisted by vice-presidents and advisors whom he chooses and to whom he assigns well defined responsibilities.

##### **(2) Union Government**

It is composed of a certain number of ministers who are jointly and severally accountable before the Legislative Council of the Union. The Union Government, represented by the Cabinet, is responsible for the general planning of the

development of the country, the conduct of executive responsibilities and for proposing parliamentary bills, including the draft budget act.

**(3) Wilaya governments:**

Each government consists of several ministers in addition to commissioners. It is chaired by the wali. The Wilaya Cabinet has the same responsibilities as those conferred upon the Union Cabinet which are applicable within the borders of the concerned wilaya, in conformity with the powers specified in the Constitution.

**Secondly : Legislative Power**

**(1) National Council (Union Parliament)**

The National Council is the legislative institution of the Union. It is composed of members of parliament elected directly by the geographical constituencies representing up to 75% of the seats. For the remaining 25% representing different social categories such as women, men of learning, farmers, employees, shepherds and employers, they are elected indirectly. The term of office of the National Council is four (4) years. It adopts plans, general policies and laws, and controls the Executive. The Cabinet is answerable to it, and it takes decisions on general issues of a national character.

**(2) Wilaya legislative councils**

In accordance with Article 97 of the Constitution, each wilaya has an elected legislative council. The composition of the council varies depending on the size of the population. Its term of office is four (4) years. It has the same legislative and supervisory responsibilities within the borders of the wilaya as the National Council.

**Thirdly : Other constitutional institutions**

**(1) Coordination Council of Southern Wilayas**

This Council was established pursuant to the Khartoum peace accord. It comprises a chairperson and 14 ministers, in addition to the walis of the ten southern wilayas. It is chaired by one of the most famous leaders of the South. The Council is responsible for coordination of general policies and legislation among the southern wilayas.

The Council works for the restoration of peace and confidence, the reconstruction of all that was destroyed by the war, channelling international aid and preparing the best conditions for the organisation of the referendum for self-determination. The seat of the Council is in Juba, the biggest town of the South. The term of office of the Council depends on the transitional period.

## **(2) Judiciary**

The Constitution provides for the establishment of an independent judiciary in charge of jurisdiction. This institution is exclusively answerable to the President of the Republic and must be of a national character. In accordance with Articles 99-101, this institution is totally independent of the executive and legislative organs. It is led by a High Judicial Council chaired by the Chief Magistrate and composed of senior judges and other leading legal experts. The High Judicial Council proposes the appointment of judges, their promotions and their transfers. They are accountable before it, and it can dismiss them. The law of the judiciary of the year 1406 of Islamic calendar guarantees the financial autonomy of the judiciary. The number of judges and their salaries are determined by the law. Judges enjoy immunity and must not be put under pressure. The Constitution requires them to comply with the law and to apply the principle of the supremacy of the law. The Constitution requires also all public institutions to enforce the decisions of the judiciary.

The judiciary consists of a supreme court which operates under the system of chambers, each chamber consisting of three judges. There are criminal chambers, civil chambers, chambers for personal affairs and others for administrative remedies. After the Supreme Court, there are appeal courts at the level of wilayas, commissions' courts, and town and rural courts. Judges are protected against arbitrary dismissals and can be interrogated only after the chief justice has established a supervisory council, and on condition that the sanctions imposed on them are validated by the Judicial Service Commission.

## **(3) Constitutional Court**

In accordance with the provisions of the 1998 Constitution (Article 105), a Constitutional Court shall be established. The President of the Republic shall appoint its President and its members, with the consent of the National Council, from persons who have a long experience in the judiciary. The Court shall consist of a president, a vice-president and five members. It shall have its own status (see attachment).

## **(4) General elections body**

The Constitution provides for the establishment of an independent electoral body. Its chairman and members are designated by the National Council and appointed by the President of the Republic. They must meet the criteria of honesty, impartiality and competence.

The current electoral body is chaired by a former judge who was the assistant to the Chief Magistrate. The body must have an administrative officer of good

reputation and a member from Southern Sudan. It supervises presidential, National Council and wilaya councils elections.

#### **(5) General complaints organ**

The 1989 Constitution distinguished itself by putting in place an independent body for settling general complaints. It has the responsibility of ending injustice, making employees feel secure, cleaning up the action of the State and instituting justice. With regard to its responsibilities, it is closer to the system of administrative supervisor or “ombudsman”. Its importance lies in its mission of ending injustice after final judgments, without prejudice to court judgments themselves.

#### **(6) Registrar of organisations and political parties**

The Registrar is appointed by the President of the Republic with the consent of the National Council, from the most competent and most experienced executives, in accordance with Article 7(1) of the law (1998) governing the organisation of political parties. His tenure of office is five years from the date of his appointment.

### **Guarantees for the protection and implementation of Human Rights in Sudan**

The importance attached to the respect and protection of human rights in Sudan lies essentially in the fact that these rights are, on the whole, consistent with the moral heritage and social behaviour of the people of Sudan, renown for their tolerance and instinctive refusal of injustice and violence.

Despite that, there are legal and regulatory guarantees which constitute a preventive barrier for the protection of human rights as summarised below:

- (1) The adoption of a comprehensive Constitution – in force since 30/06/1998 – which guarantees liberties and fundamental rights, has conferred upon these rights a sacred legal character such that it prohibits any amendment without going back to the people through a referendum (Article 139 of the Constitution).
- (2) The existence of an independent judiciary, a competent constitutional court and an institution to fight injustice as efficient instruments for the defence, strengthening, application and implementation of human rights.
- (3) The ratification of a number of conventions and regional and international instruments which are considered as part of national legislation.



- (4) The statement of several provisions of these conventions in the very body of the laws of Sudan.
- (5) The establishment of constitutional supervisory institutions which monitor the action of the Executive at the level of the Union and wilayas, through human rights parliamentary commissions which receive the applications of citizens and non governmental associations, carry out investigations and visit prisons.
- (6) The existence of national laws which guarantee legal protection of freedoms and fundamental rights and comprise of the 1991 criminal code and the code of criminal procedures of the same year (see annexes).
- (7) The 1991 code of criminal procedures adopted a system of prosecution and gave it wide prerogatives during the phase of investigation carried out under its supervision, the institution of criminal proceedings until judgment by the representation of the prosecution before the courts.
- (8) The establishment of the following coordination mechanisms in the field of human rights:

**A – Advisory Council established by the republican decree No. 97 of 1994 (Annex 3) and whose responsibilities are defined as follows:**

- a – to provide the State with technical and legal opinions and advice in the field of human rights.
- b - to promote human rights in Sudan and take action to guarantee and protect them and remove all confusions and doubts around these rights.
- c - to carry out necessary researches and studies in the field of human rights
- d - to request information and clarifications from all State organs and any other institution.
- e – to take part in conferences, symposia and local, regional and international institutions relating to human rights.
- f - to organise and prepare visits for persons and organisations linked to Sudan
- g - to adopt internal resolutions for the organisation of its activities

## **B. National Council for the protection of the child, established by decree No. 900 of the General Secretariat of Cabinet**

In accordance with Article 4 of the law of the National Council for the protection of the child, the Council shall have the following membership:

- The President of the Republic, Chairman
- Walis, the Minister of Home Affairs, the Minister of Finance, the Minister of Health, the Minister of Youth and Sports, the Minister of Policies, the Minister of Education, the Minister for protection and social development and the Secretary General of the National Council for the Protection of the Child, who is a member and rapporteur.

With regard to Wilaya councils for the protection of the child, they are found in 20 wilayas

## **C. Human rights and general duties commission**

It is among general human rights institutions established under Article 61/11 of the 2001 Resolution relating to the organisation of the activities of the National Council, based on Article 78 of the Constitution of the Republic of Sudan. It is responsible for the following:

- 1 - plans, policies and laws relating to the promotion and protection of human rights in Sudan, in conformity with religious and racial heritage, and within the framework of the application of national laws and international commitments.
- 2 - plans and systems of awareness raising about duties which correspond to the rights in the public life of an individual, and invitation to the citizens to fulfil their duties and spread general consciousness in the society.
- 3 - coordination and communication with organisations actively involved in the field of human rights and duties within and without.
- 4 - plans, policies, laws and measures relating to the political system, public life, domestic political issues and positions.

## **D – Commission against the abduction of women and children**

It was established in May 1999 by the order of the Minister of Justice, in his capacity as chairperson of the Human Rights Advisory Council (Annex 32). It is responsible for handling the phenomenon of abduction of women and children. It has carried out several activities in the wilayas, particularly in the contact areas.

The Commission has sub-structures organised in the following hierarchy:

- the federal commission – the wilaya commission – the police stations commissions and the common tribal commission.

There are communication officials' commissions in the six wilayas affected by this phenomenon.

The main financing partners: UNICEF, British Child Protection, Swedish Child Protection, in addition to other national organisations.

**Donors** : European Union

Number of documented cases of women and children during phase I: 1681

Number of children and women with their families:

600 cases in Dinka  
123 cases in Zerkat.

**Achievements of the Commission against women and children abduction from 1/1/2002 to 10/2/2002 (Annex 33)**

1. The judge of the Commission in South Darfur documented 117 cases as follows :

Niala Police Station: 38 cases  
Yerram Police Station: 24 cases  
Cheiiria Police Station : 9 cases  
Daine Police Station : 30 cases  
Adila Police Station: 16 cases  
**Total: 117 cases**

2. Number of cases in centres :

Niala centre, boys: 30 cases  
= = = girls: 24 cases  
Daine centre, boys: 8 cases  
= = = girls: 22 cases  
Adila centre, boys: 9 cases  
= = = girls: 7 cases  
**Total : 117 cases**

3. Number of cases put together :

- (9) The existence of an independent and free press which monitors, criticises and denounces all excesses.

## **Part II Civil and political rights**

### **Right to equality and prohibition of discrimination in the enjoyment of the rights (Article 2 of the Charter)**

(1) Article 21 of the Constitution guarantees the right to equality by stipulating that all Sudanese are equal in rights and duties, without discrimination of race, sex, religion or fortune.

(2) It also stipulates in Article (3) (5) of the 14<sup>th</sup> constitutional decree of 1997 (Khartoum peace accord), which is part of the Constitution, that citizenship is the basis of rights and duties and that, under this article, the right to participate in government is guaranteed to all the Sudanese.

(3) Foreign nationals shall enjoy the majority of rights, except certain political rights which, in conformity with international practice, are linked to citizenship: among the rights which are guaranteed to foreigners are: the right to life and freedom, prohibition of slavery and torture (article 20 of the Constitution), equality before the law (article 21), freedom of conscience and free practice of religion (article 24), right to property (article 28), right of respect to specificity (article 29/2), protection against illegal arrest (article 30), right to sue and be sued (article 31) and right to presumption of innocence and fair trial (article 32).

(4) This right (right to non discrimination) is among the rights that cannot be suspended even under the state of emergency (article 132/1(a)).

### **Right to equality before the law (Article 3 of the Charter)**

(5) The Constitution recognises the principle of equality before the law for all persons established in the country, be they Sudanese or foreigners (article 21). It stipulates also that the right to sue and be sued is guaranteed to all individuals and that nobody may be deprived of the right to legal proceedings and nobody may be convicted in criminal and civil proceedings, except under the law and its procedures (article 31).

(6) Among the significant indicators of the assertion of the right to equality before the law, one can mention the obligation imposed by the Constitution to all State organs to submit to the supremacy of the law and to execute court decisions (article 101/3).

(7) Article 20 of the code of the constitutional and administrative jurisdiction stipulates as follows:

- (1) An application for review shall be filed before the competent judge against an administrative decision issued by the President of the Republic, the Union Cabinet or the government of any wilaya or any Union or wilaya Minister.
- (2) An application for review shall be filed before the competent court of appeal against administrative decisions issued by any public authority other than those referred to in paragraph (1).
- (3) The application referred to in paragraphs (1) and (2) shall include, in addition to the general information contained in any suit, information relating to the decision in question and the grounds of appeal.
- (4) If the disputed decision is of the kind of complaints that are addressed to competent administrative authorities, the application for review shall indicate the date of the complaint and its outcome.
- (5) The application shall be accompanied with a copy of the disputed decision.

#### **Right to life and physical and moral integrity (Article 4 of the Charter)**

(8) The Constitution underlines the right of every individual to life and freedom, the right to the security of his person and dignity, except for reasons stipulated by the law (article 20). The Constitution prohibits also capital punishment, except in case of reprisals or sanction for extremely serious crimes as determined by the law

(9) The Constitution exempts certain categories of persons from capital punishment such as under 18 children and old people aged more than seventy (70) years. It also orders to defer the execution of capital punishment for pregnant women and breast-feeding mothers until they deliver or have breast-fed their children for two years.

(10) Following the example of many countries, the Sudanese lawmakers thought it wise not to abolish capital punishment; nevertheless, they have confined it to the most dangerous crimes and those which jeopardize the security of society and the rights of its members such as premeditated murder, drug trafficking or extreme treason.

(11) For the sake of guaranteeing justice, the legislators have surrounded capital punishment with strict norms and grants the offender the right of application for review of the decision before the presiding judge. The Head of State is also allowed to reduce the punishment (articles 208 – 209 – 210 of the code of criminal procedures – Annex 12). Moreover, the person convicted to capital

punishment has the right to ask pardon from the Head of State (article 21 of the same code).

(12) Capital punishment for premeditated murder must not be executed if the parents of the murdered person forgive the murderer against payment of money or without payment (article 194 of the code of criminal procedures).

(13) Due to the conciliatory nature of the Sudanese society in general, murder crimes are not many in Sudan and cases of capital punishment executions have reduced significantly compared to other societies.

(14) The continuous civil war in the South of the country is one of the factors that affect negatively the enjoyment of the right to life. It is for this reason that the Government has continued to put efforts in the restoration of peace and stop the bloodshed as will be detailed in another part of this report.

### **Torture, inhuman treatment and slavery (Article 5 of the Charter)**

(15) The Sudanese lawmakers have taken interest in the issue of torture and inhuman treatment and accorded it an important place in the Sudanese legislation. The Constitution asserts that man is free, that all forms of his exploitation, particularly slavery, degradation, torture or inhuman treatment, are prohibited (article 5).

(16) The 1991 code of criminal procedures puts emphasis on proper treatment of persons in remand so as to protect their human dignity and respect their physical and moral integrity, and stipulates that they should be allowed to receive medical care (article 38).

(17) The 1999 National Police Act, as amended in 2001 (annex 5), and the regulations relating to the treatment of prisoners, contain comprehensive provisions which guarantee their proper and human treatment (annex 6).

(18) Pursuant to the law on the organisation of prisons and the treatment of prisoners (annex 7), prisoners awaiting judgment are isolated from those convicted to prison terms, and they are treated in accordance with their status of non convicted persons. For example, they are authorised to dress in their personal clothes and to receive food of their choice brought by their relatives; they may also see their lawyers and receive other visitors (part IV of the law).

(19) The standards and rules applied in the Sudanese prison system are in line with international standards for the treatment of prisoners, namely:

- (1) United Nations Minimum Standard Rules for Treatment of Prisoners
- (2) The Code of Conduct for Law Enforcement of Officials
- (3) Principals of Medical Ethics

(The prisons related law is annexed to this report)

(20) Children offenders receive specific treatment in accordance with the 1983 juvenile protection law (annex 8) and the 1991 criminal code (annex 9). The aim of this treatment is to re-educate and rehabilitate them socially in re-education and social centres under the prisons department. During judicial investigations, they are also detained in different places from those reserved to others (articles 9 and 47 of the criminal code).

(21) As punitive preventive measures, the 1991 criminal code punishes any civil servant who breaks the law and causes damage to any person (article 89). It punishes also any abuse of power during the appearance before the judge or during the waiting period (article 90 of the criminal code). The same article punishes the crime of torture by imprisonment which can go up to three years, in addition to a fine and damages. The National Police Act punishes the practice of torture in prison by an imprisonment term of up to ten years (article 49).

(22) The 1993 Evidence Act (annex 10) forbids accepting any evidence obtained through torture under confession or admission of facts (article 24/2).

(23) As a proof of the seriousness of the authorities in the handling of violations of human rights, let us mention the case of a law enforcement officer who was arraigned before the judge for exceeding his powers and misuse of force. He was sentenced to death and executed on 18/6/1995. In another case, the Government paid compensation to a citizen who was assaulted by a security officer.

(24) Even though light corporal punishment of pupils is tolerated and used sometimes at a certain level, this practice is no longer acceptable by the States or the international community. Sudan is one of those States in which education officers have conditioned the use of this practice, the aim of which is to educate the children, through total respect of strict standards. In this connection, the 1992 primary school law (annex 11) prohibits corporal punishment in general and limits it, in absolute necessity, to four whips, which are not very strong, administered exclusively to boys, away from other pupils, with the consent of the headmaster, and taking into consideration the health conditions of the child. This law prohibits collective punishment, insults, humiliation and the use of the cane, kicks and blows on the head or the face.

(25) The law on refuge of 1994 (annex 12) prohibits turning back any refugee to any country or countries where he/she would be exposed to torture. The law considers also the relevant conventions ratified by Sudan as part of its domestic laws (article 7).

(26) Sudanese laws and the Constitution prohibit slave trade of persons and consider it a crime. Since 1926, Sudan ratified the international convention which bans slave trade and acceded to the Additional Protocol to this convention in 1956.

(27) Unlike in other countries, hard labour is not used as a punishment in the legal system of Sudan, and even long term imprisonment does not include hard labour punishment. We should add that suspects awaiting judgment cannot be given work of any kind to do (article 33 of the criminal code and article 23 of the Prisons Act)

(28) Besides incorporating in its domestic legislation the international convention on the elimination of all forms of discrimination which was adopted by the UN General Assembly and entered into force on 4<sup>th</sup> November 1969 and to which Sudan acceded, and though Sudan does not practise any kind of racial discrimination, its 1991 criminal code considers as a crime any call for or encouragement of the dissemination of racist ideas, which is punished by imprisonment for a period not exceeding two years or a fine or both (article 54).

(29) In accordance with the Constitution, the prohibition of torture, inhuman treatment and slave trade is absolute and has no exception. These rights cannot be suspended in any way, even under the state of emergency (article 132 of the Constitution).

### **Right to liberty and individual security (Article 6 of the Charter**

(30) The Sudanese legislators, aware that this right is one of the fundamental rights and that its violation would inevitably lead to the violation of other rights, have stipulated clearly in the Constitution that man is free and cannot be arrested, detained or imprisoned, except for reasons established by the law. In such a case, the law requires that the prosecution be notified, that the period of custody be limited to its strict minimum, and guarantees the release of the prisoner in case of insufficient proof or payment of surety (article 30).

(31) The 1991 criminal code includes a series of guarantees relating to custody and treatment of prisoners which constitute together what should be called the rule of law.

(32) The rule of law includes the presumption of innocence, non-retroactivity of criminal laws, fair trial standards, the right to be released on presentation of sureties, the right to defence, the right to appeal, to call witnesses and to examine the prosecution witnesses, and the right to be assisted by an interpreter, according to the details given on pages 22-24 of Sudan's first report.

(33) The lawmakers did not stop at stating this right; they went further by activating measures which guarantee its protection. In actual fact, they impose a



strict court control of cases of custody by limiting them to strict cases of necessary situations and to timeframe imposed by the hearing and fair trial (articles 79-82 of the code of criminal procedures).

(34) Following the promulgation of the Constitution, the National Security Act was amended in 1999 to make it coherent and consonant with the provisions of article 30 of the Constitution.

(35) The National Security Act has opted for moderation by trying to strike a balance between liberty and security, i.e. between the right of the individual and the interest of the society.

(36) The provision which puts the competence of security services in the field of arrests and custody under judicial control is one of the most important amendments introduced in the law. In fact, the law provides for a judge, appointed by the Constitutional Court, to whom the prisoner can submit an application complaining about his arrest. This judge may take appropriate decisions after hearing the reasons of the arrest. The law also limits arrest and custody to a minimum period. Any individual, designated by security services and given the authority to arrest for interrogation and investigation, cannot detain the person concerned for more than three days, indicating the reasons of the arrest.

If the three days are not sufficient for interrogating the suspect, the law gives the director of the institution the right to extend the period of custody for a period not exceeding thirty days, with the possibility of extending it again once only if the suspect is accused of a crime against the State, and if there are circumstantial evidence and indications of his guilt. In the latter case, the competent prosecutor, who is the general counsel appointed by the Minister of Justice, must be informed. The National Security Council may also extend the duration of custody for a period not exceeding two additional months if the director of the institution has seized it with the case which requires the extension of custody for reasons of national security, subject to the condition that he must be released at the end of the two months.

(37) The treatment of suspects through preventive measures at the level of the structures of the security organ is governed by the 1996 Regulations which authorise suspects to communicate with their families and to receive visitors. The Regulations require the authorities to inform the family at the time of the suspect's arrest (article 9). Under the same Regulations, suspects are authorised to lodge a complaint to the legal advisor of the security organ for comments and forwarding to the director of the security organ (article 16). The suspect is also entitled to seize directly the competent judge who takes an appropriate decision to put the situation right (article 17)

(38) In case of the violation of this right by the authorities, the law punishes the authors of the arrest or custody (articles 89, 90, 164 and 165). The National

Security Act punishes also the official guilty of abuse of power among the officials of the security organ, particularly arbitrary custody, of up to ten years imprisonment (article 47).

(39) The Constitution authorises any individual whose constitutional rights have been violated to seize the Constitutional Court which is competent for restoring the rights of the complainant or compensate him for the prejudice suffered (article 47).

(40) In addition to criminal measures, the code of civil procedures of 1984 (annex 7) guarantees fair compensation for any prejudice suffered by the victim without legal justification ; this concerns also damages caused by civil servants (articles 158-162 and 163 of the law).

(41) Among the proofs confirming that members of security organs are subjected to judgment for the crimes committed and to severe punishment under the law, mention can be made of the case of police lieutenant, Mr. Tayeb Mohamed Abderrahim, who was sentenced to death by the Maritime East criminal court in 1998 in conformity with Article 130 of the 1991 criminal code. The Supreme Court upheld the judgment and he was executed in the prison of Kouber.

This situation was not confined to the possibility of suing the security services for criminal offence; there have been applications for compensation such as the case of Mohamed Hassen Abdelaziz against the Government of Sudan (national security services). Judgment for compensation was delivered for the applicant to be paid 15 million Sudanese pounds.

### **Right to fair trial (Article 7 of the Charter)**

(42) The Constitution guarantees to every individual the right to bring a case before the court (article 31).

(43) The Constitution stipulates that nobody can be accused or convicted except under a law already existing prior to the acts, which means non-retroactivity of criminal provisions (article 32).

(44) The Constitution of Sudan advocates the presumption of innocence of the individual until his guilt has been established by the court, as well as the right of the individual to fair trial (article 32).

(45) The Constitution guarantees the right of every suspect to defend himself or to choose a counsel for his defence (article 32).

(46) Article (105) of the Constitution provides for the establishment of a competent Constitutional Court to decide on actions for the victims of violation of

their liberties and constitutional rights, in conformity with the 1996 statute of the Constitutional Court.

(47) In accordance with the Constitution, the responsibility of the jurisdiction falls under an independent court which decides pursuant to the Constitution and the law (article 99). This court is completely independent of the executive and legislative organs; it is answerable exclusively to the President of the Republic (article 100) who exercises general control over it. The effective administration of the court is under the Judicial Service Commission which is chaired by the Chief Magistrate (article 102) and makes recommendations for the appointment, promotion and dismissal of the judges (article 104).

(48) The Sudanese legal system introduced the mechanism of legal assistance a long time ago, making the State responsible for designating a counsel to defend suspects of crimes liable to a punishment exceeding ten years imprisonment and for paying his fees (article 135 of the 1991 code of criminal procedures).

The department of legal assistance was established later because the State did not have enough funds to pay all the fees claimed by counsels. Legal assistance is now provided by a counsel paid by the State or by the department of legal assistance itself.

According to the statistics for the period 1989-2001 (annex 13), legal assistance has been provided to hundreds of cases as follows:

- criminal cases : 727
- acquitted criminal cases : 60
- cases with prison sentence and blood-money paid to the parents of the killed : 470
- cases with capital punishment: 197

Legal assistance for non criminal cases:

- 35 civil cases
- 25 personal affairs cases
- 10 constitutional cases

(49) The Constitution requires the Minister of Justice and the Union of Lawyers to provide legal assistance to needy citizens (articles 106 and 107).

(50) The Defence Act of 1983 (annex 14) confirms the principle of legal assistance in civil and criminal cases by appointing a counsel for the purpose, and his fees are paid by the Union of Lawyers or the Ministry of Justice.

(51) According to the 1983 statute of the general prosecutor, the Minister of Justice shall ensure the institution of the principle of the rule of law and justice for

all, in addition to the legal services offered to the people under Fetwa and legal support.

(52) The Constitution enshrines the principle of the rule of law and requires the courts to protect it in view of instituting justice in all neutrality without fear or favour.

(53) The code of criminal procedures prohibits judging the individual twice for the same offence, and it does not oblige the individual to give evidence against himself.

(54) The code of criminal procedures guarantees the right to public trial before a court established by law. The rule stipulates that trials should be held in public to allow the public and the press to follow, except where the court decides otherwise for moral or security reasons, or for the protection of witnesses (article 133).

(55) If, during a criminal trial, it is found that the suspect has a mental problem and cannot ensure self defence, the proceedings should stop, the suspect subjected to medical consultation, and the trial can resume only when the doctors have decided that the suspect is able to defend himself (article 202 of the 1991 code of criminal procedures).

In summary, it can be said that the Constitution and the laws of Sudan contain sufficient guarantees and international standards for a fair trial.

### **Freedom of conscience and free practice of religion (Article 8 of the Charter)**

(56) It is a known fact that Sudan is multi-confessional country where Muslims form the majority; however, Christianity and customary beliefs have many followers. The Constitution asserts this reality in article 1 relating to the status of the State, stipulating that Sudan is a rallying country where races and cultures mix and religions tolerate each other.

(57) This spirit of tolerance is underlined in article (6) of the Constitution which urges the State and the society to strengthen the spirit of harmony and national unity among the Sudanese and to avoid religious fundamentalism.

(58) The Constitution guarantees very clearly the freedom of conscience and free practice of religion for any individual living in Sudan, with what this involves in terms of showing one's religion and disseminating it through practice, education or behaviour, as well as practising rites and rituals (article 24). Moreover, the Constitution prohibits imposing to anyone beliefs other than his but respects the freedom to choose one's religion and prohibits infringement of the feelings of others or law and order (article 24).

(59) This was affirmed by the 14<sup>th</sup> constitutional decree which, in article 3 of Chapter II, prohibits the promulgation of any law which violates fundamental rights, including the right of conscience, among others.

(60) Despite that Southern Sudan is inhabited by Muslims whose number is higher than that of Christians, the legislators, with a view to guaranteeing the freedom of religion, have exempted the ten wilayas of the South from applying the Islamic criminal laws (article 5 of the 1991 criminal code). These wilayas have been given authority to legislate for themselves in the framework of distribution of power between wilayas and the central government, under the aegis of the unionist government (articles 3 and 4 of the Peace Accord).

(61) Rights and freedoms in Sudan are based on citizenship and not on ethnic group or the colour of the skin. This principle is confirmed by the 14<sup>th</sup> constitutional decree of 1997 (articles 3 and 5).

(62) The fulfilment of the above principle is found in the national identity card of the citizens which contains no indication as to the religion or racial connections of the holder.

(63) With regard to personal issues like marriage, divorce, inheritance, gifts, will and others, the 1991 Muslim personal code applies to Muslims (annex 15), while for non Muslims, particularly Christians, the courts apply specific personal codes. Those identification documents and decisions issued by the church are fully recognised (non Muslim personal affairs law of 1926, articles 5 and 32), (annex 16).

(64) Unlike what happens in many countries, the Constitution of Sudan does not require one to belong to a given religion in order to obtain senior posts in Government, and this is the same for the post of the President of the Republic (article 36 of the Constitution).

(65) Non Muslims enjoy all the rights to teach the values of their culture to their children. The Constitution guarantees the right for every ethnic group or group of citizens to preserve their own culture, language or religion, and to educate their children under this specificity with respect to which it is prohibited to erase by force.

(66) The criminal code makes it an offence to instigate hatred among racial communities or religious groups and despise religious beliefs of any community (articles 125 and 127). The same law does not make conversion from Islam to another religion an offence in itself, but the publicity accompanying this conversion may constitute a crime when it provokes a social group or constitutes a threat to peace (article 126 of the criminal code).

(67) Religious tolerance in Sudan is an every day reality as proved by the existence of churches and educational and social institutions belonging to more than ten Christian communities. Official statistics released by the department of church affairs, which is chaired by a Christian, show that the number of churches of different categories in the North of Sudan is more than 1100 churches which run 240 schools, 98 medical centres, 140 social services centres and 13 farms, with about 500 foreign preachers, in addition to Sudanese preachers, who service about 786 474 Christian citizens (church statistics provided by the department of church affairs in the Ministry of Social Planning).

(68) A Higher Christians Affairs Council was created recently. It is responsible for the protection of matters relating to churches and the Christian community. It comprises fourteen representatives of churches and communities.

(69) As a proof of religious tolerance and coexistence between Islam and Christianity, Christian communities share with Muslims their religious feasts, particularly when Muslims break the Ramadan. The President of the Republic and other dignitaries have the habit of attending these feasts as they do with Christian religious feasts.

(70) Since citizenship is the exclusive basis for duties and rights and access to senior positions in government, important posts in the Government are open to all. There is thus a Vice President of the Republic and a number of Union Ministers, in addition to the walis of the ten wilayas of the South and their government, who are Christians. Many other Christians are in the legislative and executive institutions of the Union, the judiciary, the diplomatic corps, the Constitutional Court, as well as the electoral commission and the regular army.

(71) As a live example of religious non discrimination, the labour law in Sudan considers Sunday as well as religious feasts of all Christian communities as public holidays for Christians (article 48 of the Civil Service Act of 1995) (annex 17).

(72) The Government has abolished the law on proselytising associations of 1962 which contained restrictions for the registration of these associations. It was replaced by the humanitarian aid commission law (annex 18). There are thus no more restrictions on religious activities of different communities.

(73) Considering that legislation is the expression of the values and policies of a society, different successive Constitutions of Sudan since 1956, particularly the current Constitution, have all considered Islam and customs as the major sources of legislation. In this context, customs comprise continuous values and practices of the different communities of a people, particularly Christian communities and the communities of other religions.



### **Freedom of expression (Article 9 of the Charter)**

(74) Considered among the fundamental liberties and linked directly to the freedom of conscience, the freedom of expression represents a feature of the modern democratic State. The Constitution gives it special importance by affirming the right for every citizen to receive information and adhere to any doctrine or belief, without any duress whatsoever, while guaranteeing the freedom of expression, dissemination and the press, without undermining security, law and order, integrity and public morality (article 7 of the Constitution).

(75) Since there are no absolute liberties and in order to avoid chaos, the Constitution of Sudan, pursuant to the African Charter on Human and Peoples' Rights, associates the freedom of expression with compliance with the laws that govern it so as not to undermine security, law and order and public morality (article 25).

(76) Among the relevant laws, one can mention the Press and Publications Act, 2001 amendment (annex 19), which governs the activities of the press and guarantees the freedom of expression and access to information. The law confers the organisation of the press upon a council which is totally independent of the Executive. The council is responsible for granting authorisation of publishing newspapers and carries out investigation on complaints against unlawful dissemination (article 7 of the law).

(77) Among the important features of the Press Act is the fact that the Government has no authority to administratively prevent the circulation of a newspaper or to withdraw its authorisation, powers that are vested in the press council and the courts respectively (articles 31 and 33). If the Government suffers prejudice from any publication, it can only complain to the council, just like any other ordinary citizen.

(78) The fundamental focus of the Press Act as amended in 2001 lies in self-control on publications by journalists themselves, through the council composed of professionals, instead of Government intervention. It is in this way that the law adopted the code of honour for journalists which was accepted by the Union of Journalists and which constitutes a professional and legal point of reference. This law puts protection of the freedom of expression on one hand in accord with the respect of ethics, morality, religious values and private life of individuals, while ensuring accountability and justice with regard to criticism and evaluation, on the other (article 23).

(79) Pursuant to the law, the independent journalists' council is the only body authorised to control and supervise the activities of journalists. Any victim of the decisions of the council may take legal action (article 32); besides, courts have intervened several times to set aside or amend the decisions of the council.

(80) The law prohibits exerting illegal pressure on the journalist with a view to undermining his integrity. It guarantees him also the right to protect his sources of information. The journalist may not be arrested before the Union of Journalists is informed accordingly. The law requires public authorities to allow journalists to receive information, except information of a confidential nature (article 24).

(81) With a view to the removal of any Government supervision or hegemony on information institutions, the directorates of television and radio as public services institutions have been placed under national organs which do not fall under the Minister of Culture and Information (see article 6 of the Television Act of 1991) (annex 20).

With regard to newspapers and magazines, the law requires registration and authorisation before their establishment, except in case of private companies, so as to avoid Government hegemony or control on newspapers.

The number of television stations has reached 88 and radio broadcasting stations are at least 17 in number according to the attached statistics (annex 21).

(82) While emphasising the principle of equality in the use of public information media, the Constitution provides for the establishment of a body responsible for general elections which gives equal opportunity to candidates, in a fair manner, to address voters (article 128/2 of the Constitution and article 14 of the Elections Act of 1985).

(83) Observing the daily situation of the press in Sudan today, one notices clearly the high level of the freedom of the press which does not miss the occasion to criticise severely the policies and actions of the Government in several areas; one notices also the gradually increasing number of local daily newspapers, besides the increasing number of foreign newspapers correspondents.

(84) Other information media, particularly electronic media, have also spread throughout the country. Today, there are three Internet services providers. The number of Internet subscribers was 24 867 in 2001. Today, their number is not known because the service, carried out through telephone connections, is hence free of charge and without subscription. In order to foster communication and as the contribution of the State, computers are imported duty free.

#### **Freedom to form associations and organisations and the right of assembly (Articles 10 and 11 of the Charter)**

(85) The Constitution has instituted the freedom and the right to form labour, professional, cultural, social and economic organisations, provided that this is governed by the law (article 26/1 of the Constitution).



(86) The Constitution guarantees to the citizens of Sudan the right to form organisations and political parties (article 26/2 of the Constitution).

(87) Drawing from unsuccessful past experiences with the political multiparty system and in order to protect sound democracy, the Constitution has established some standards for organising political practices. These standards require organisations to be established to undertake to respect democracy and peaceful change in power, reject violence and respect the Constitution. The objective is to guarantee the emergence of political entities which believe in democracy and reject the use of force and violence as the means to take power (article 26/2 of the Constitution).

(88) With a view to organising the practice of political set up, a law on organisations and political parties was proclaimed in 2000 (annex 22) according to which at least one hundred voting citizens may form a political party with legal capacity for political practice, electoral competition, present its political agenda to the citizens and own real assets and newspapers.

(89) The law guarantees to every citizen the right to belong to any organisation or political party, provided that he refrains from participating in more than one organisation at a time, the only exception being neutral professional categories such as judges and members of the regular armed forces.

(90) The law requires any organisation or political party to have its statute in conformity with the Constitution and the law. The statute must contain rules which govern its organic work and its administrative and financial affairs, as well as the principles and political objectives that characterise it (article 7 of the law on organisations and political parties of 2000). The objective is to have modern political parties which believe in democracy and democratic practices.

(91) The law gives the responsibility of registration of organisations and political parties to a registrar appointed by the President of the Republic, who must be competent and experienced (article 8 of the law on organisations and political parties of 2000). The current registrar is a former appeal judge who has been advisor to the Sudanese Parliament for more than 25 years. He is also a human rights activist.

(92) Article 11 of the law on organisations and political parties of 2000 prescribes the procedures for the registration of political parties and organisations by the registrar.

(93) With a view to ensuring compliance with the practice, the law requires every organisation or political party to publish an annual report containing amendments of the statute, the names of its policy organs leaders, its income and expenditure. A copy of the report must be submitted to the registrar. The law prohibits also organisations and political parties to be formed on racial, religious or regional

basis, and requires them to have a national character with a view to strengthening national unity.

(94) With a view to guaranteeing the freedom of organisation, the law does not require registration so as to be able to carry out political activities since it allows any organisation or any political party which has not yet obtained registration to carry out its political activities in Sudan after informing the registrar in writing. Nonetheless, such a party or organisation can have the right to participate in elections only after it has been registered. Annex 23 gives the number of registered organisations and political parties up to March 2002. There are 22 registered parties and as many declared organisations.

(95) It should be pointed out that the State has continued to show tolerance and flexibility to the extent that it has allowed unregistered or even undeclared parties to carry out their activities publicly, such as the Umma Party led by Sadek El Mehdi and other parties.

(96) An amendment was introduced of late in the law on political parties according to which historical parties are authorised to carry out political activities without registration, provided that they reject violence and dissolve armed military wings associated with them.

(97) According to the Union of Workers Act of 2001 (annex 24), workers have the right to form or become members of labour organisations in order to defend their rights and interests and improve their cultural and economic standards. These organisations have the right to join or work with other regional or international organisations with a view to realising common objectives (article 9). The law prohibits preventing a worker from joining the organisation concerned (article 16); it limits the cases of exclusion from the organisation and guarantees the right of appeal to the general assembly (article 22).

The same law confers the responsibility of supervising elections in labour organisations to neutral legal commissions (article 28). Statistics in the general directory of labour organisations show that there are 22 general unions in Sudan, 300 labour unions and 1500 minor unions (annex 25).

(98) Concerning volunteer organisations and associations, their establishment is possible following simplified procedures such as depositing their statute and rules of procedure, together with the lists of members to the registrar of associations and after completing certain formalities established by the 1985 humanitarian aid commission act and the 1988 law on the organisation of foreign volunteer work in Sudan.

(99) The application of the provisions of the humanitarian work commission act has led to the creation of hundreds of volunteer associations for humanitarian, social, economic, scientific or cultural objectives. Several of them are actively

involved in the field of human rights, such as, for example, the Union of Sudanese Lawyers.

- The rescue and reconstruction commission was established in 1986 as a government organ for the organisation of associations actively involved in the field of rescue.
- In August 1988, the commission was elevated and became the Ministry of Rescue, Refugees and Migrants.
- in 1988, the provisional order for the organisation of foreign volunteer work in Sudan was promulgated under the aegis of the Ministry of Solidarity and Zakat. This ministry is responsible, among other things, for the registration of all foreign organisations in Sudan and the organisation and evaluation of their activities.
- The Ministry of Rescue was abolished in 1991, and rescue activities were assigned again to the commission.
- in 1993, the Ministry of Social Planning replaced the Ministry of Social Security, the volunteer work commission was established by Presidential decree as a component of social planning responsible for volunteer work under the department of security and social development.
- the establishment of the volunteer work commission was a consolidation of the other commission which was responsible for rescue and reconstruction. The two commissions were joined in 1995 to become one, known as humanitarian aid commission.

The functions and duties of the commission include the following:

- to revitalize the volunteer social movement of charity actions
- several missions in the field of humanitarian volunteer work such as the registration of all national and foreign volunteer organisations and associations.

(100) the right to assemble is legal and authorised and may not be prohibited, except if it constitutes a danger to public security. This norm has remained in force since colonisation and throughout all national governments that followed. It is consistent with the restrictions contained in the African Charter on Human and Peoples' Rights, article 11 (see article 127 of criminal procedures).

**Right to freedom of movement, right to asylum and prohibition of collective expulsion of foreigners (Article 12 of the Charter)**

(101) The Constitution guarantees to every citizen the right to freedom of movement and establishment in the country, the right to leave and to return to the country. This right may be subject to restrictions only in accordance with the law (article 23 of the Constitution).

(102) The 1993 Act on passports and emigration guarantees to every citizen legally resident in Sudan the right to freedom of movement and choice of a place of residence in the country, and the right to leave it at any time (articles 10, 12 and 14 of the law on passports and emigration of 1993) (annex 14).

(103) The restrictions on the right to freedom of movement are not at all different from the restrictions accepted internationally which are necessary for the purposes of security, law and order, morality and national economy (article 20 of the law on passports and emigration of 1993).

(104) Every Sudanese citizen has the right to return to his country and leave it. Several Sudanese political opponents left Sudan with exit visas when the Government knew that they could carry out subversive activities abroad. Moreover, several former opponents return to Sudan every day without being subjected to any questioning.

(105) In Sudan, there is no record of the movement and travel of individuals inside the country. The legal system does not have any provision for the exile of Sudanese outside their country.

(106) In order to facilitate the movement of citizens and foreigners, the system of exit visa has been abolished and the visa is given at the port of exit; this has simplified the procedures, and the system of the lists of interdicted persons has also been abandoned.

(107) The Constitution prohibits also wilaya authorities from taking measures likely to restrict people's movement from one wilaya to another or imposing movement fees (article 118 of the Constitution).

(108) Sudan is one of the countries that signed the 1951 Geneva Convention on Refugees and the 1967 Protocol as well as the 1969 Convention of the Organisation of African Unity relating to the protection of refugees in Africa.

1. Since 1968, Sudan has established a specific refugees' commission. This commission is the official channel for the protection of refugees in Sudan, in cooperation with the United Nations High Commission for Refugees and other international and regional governmental and non governmental agencies and organisations involved in refugees' affairs.

2. Sudan protects refugees in accordance with its national policy in this area and the 1969 regional and international laws. In 1974, Sudan promulgated also a law on the organisation of refuge which is distinguished by its article 7 which advocates giving priority to conventions and international and regional charters relating to refugees. This article contains some provisions relating to the rights and duties in all fields, among them the freedom of religious practice and non discrimination in this area. In this connection, churches have been built as well as mosques in refugee camps. Administrative assistance with regard to civil status has been provided through shariaa courts for Muslims and civil courts for Christians, and the application of the same criteria of justice and equality between Christian and Muslim refugees with regard to delivery of various social services: health, education, provision of supplies, etc.

The law relating to the organisation of refuge concerns also the category of children who are unaccompanied by their parents by incorporating this in the definition of refugee.

(109) The Sudanese law of 1974 relating to the organisation of refuge contains several articles found in conventions and international charters such as, for example, the 1951 Geneva Convention, its Protocol of 1967 and the 1969 Charter of the Organisation of African Unity. This law is comprehensive and flexible; it has a paragraph relating to children unaccompanied by their parents (article 7).

(110) Due to its geographical location, Sudan has received thousands of Ethiopian and Eritrean refugees whom it has treated as if they were citizens of Sudan. In implementing the 1951 Geneva Convention, the article relating to separation was applied to them. In this way, about ten thousand Ethiopians have returned home pursuant to the convention and 282 among them remained in accordance with the decision of the review committee. As for Eritreans, 25 review and appeal committees have been put in place for them and continue to work until today.

**Right to freedom of movement :** Despite its reservations on article 26 of the Geneva Convention relating to freedom of movement, and with a view to honouring its commitments under article 3 of the 1969 Convention of the Organisation of African Unity, Sudan guarantees to the refugees the freedom of movement in order to meet their essential needs such as work, medical care, education, etc..., according to their choice, and in case they refuse the services provided to them at the place where they have been assembled.

(111) Since refugees are treated in a humanitarian manner, Sudan, with its rich civilisation heritage and its hundred-years-old beliefs, receives refugees during situations of famine and other natural disasters and comes to their rescue with

the help of the local and international community, and in collaboration with the High Commission for Refugees, during their provisional stay until steps are taken for their return to their countries.

Sudan has given refuge to more than a million refugees from Ethiopia, Eritrea, Chad, Democratic Republic of Congo and Uganda. The majority have been refugees since the early sixties and have continued to share food, shelter and drugs with the Sudanese people, despite the country's paltry resources and insufficient international aid.

(112) Sudan has set up a special commission for refugees. It represents the official channel of contact and work with the High Commission for Refugees in Geneva. This commission implements Sudan's policy in matters of aid, protection of refugees, search for better means of solving their problems and implementation of voluntary repatriation, as well as facilitation of their definitive settlement in their countries by helping them to start projects that would enable them to settle in a sustainable manner after their return. It should be pointed out that Sudan honours its international and regional commitments with regard to refugees from neighbouring countries, even when Sudan is being directly attacked from those countries. This has earned Sudan the admiration and gratitude from international organisations and during United Nations sessions.

(113) Sudan is well known for its hospitality and help to those in difficulties, even before it signed international conventions and agreements. It has never shown a tendency for aggression of foreigners, and it has never turned back groups of foreigners at its borders. On the contrary, the Government of Sudan has always shown a humanitarian attitude and applied conventions and international practices, to the extent that it has had to support more than a million refugees for more than four decades, contributing more than 90% by offering its land, its meadows, its waters and all other services which the citizens shared with the refugees, in spite of lack of resources and inadequate international aid (see statistics in annex 26).

(114) The Sudanese legal system guarantees to all individuals in Sudan, including foreigners, ways and means of submitting their complaints to the executive and administrative authorities, and after exhausting these opportunities, the law guarantees them also the right to refer to the Constitutional Court for the protection of their freedoms and constitutional rights (articles 31 and 34 of the Constitution).

### **Right to participate in the government (Article 13 of the Charter)**

(115) We have already mentioned the affirmation by the Constitution of the principle of equality in terms of equal access to positions and participation in government for all Sudanese without any discrimination whatsoever, pursuant to



the principle which considers citizenship as the source of rights and duties (paragraphs 1 and 2 of this report).

(116) The Khartoum peace accord, which has been included in the Constitution, affirms the right of the citizens of Southern Sudan and other citizens to have access to all public posts in the organs and institutions of the Union and political and constitutional institutions, taking into consideration competence and equal opportunities (articles 3 and 8).

(117) Among the general duties instituted by the Constitution is the obligation for every citizen to exercise the rights and duties guaranteed by the Constitution in the sense of making work pay and choosing leaders in the society and the State (article 35/c of the Constitution).

(118) The Constitution gives to every Sudanese who meets the criteria spelt out in the Constitution or in the electoral law, the right to be candidate and to elect individuals to political and legislative posts, including the position of the President of the Republic, wali and member of parliamentary committees (articles 37 and 68 of the Constitution).

(119) The conditions for qualifying as a candidate or for voting depend on the citizenship, age and mental health; they do not contain any discrimination of race, sex, place of residence or financial capacity.

(120) With a view to neutralising the criterion of financial capacity, the electoral system has distinguished itself by making the State meet the expenses for electoral campaigns and for presenting candidates fairly and with equal opportunities to the electorate, through an independent organ (article 128/2/d of the Constitution).

(121) The Constitution decrees the establishment of an independent electoral body which is independent of the Executive. It is responsible for supervising all electoral operations at all levels: local, wilaya and Union (article 128/2).

(122) The Constitution has adopted the electoral mechanism as a way of polling the people's will and a consultative practice for knowing the wishes of the people and public opinion on all national issues (articles 65 and 66). The law gives every voter the right to participate in the referendum (article 27 of the electoral law of 1995).

(123) The Sudanese legal system is distinguished by its flexibility and its liberalism. It guarantees the right to vote to every Sudanese, men and women, who have attained the age of 18 years and reside in the geographical constituency for at least three months (article 9 of the electoral law of 1995). The Constitution guarantees the right of eligibility to every Sudanese who has attained the age of forty years for the presidency of the Republic and walis of

wilayas, and 21 years for members of parliament, subject to having no police record with conviction for crimes relating to honour or integrity for the last seven years and being of sound mind (articles 21, 37, 56 and 82/1 of the Constitution).

(124) There exists in Sudan no political isolation or deprivation of civil rights due to political posture or financial bankruptcy.

(125) With regard to the referendum, the electoral law was amended to allow Sudanese residing abroad to enjoy their democratic right (article 10/3 of the law on general elections of 1998)

(126) The Constitution requires the State to respect fairness and sound competition for public positions in the civil service, on the basis of scientific and practical competence, while respecting the balance among the different regions of the country (article 126/2 of the Constitution).

(127) Among the most important objectives aimed at by the unionist system is the expansion of the base for active participation in government. It is for this reason that the Constitution has divided the country in 26 wilayas, each with its own government and parliament (articles 64, 97 and 108 of the Constitution).

(128) Studies have shown that the people of Sudan are among the people of great love for politics and efficient participation in the electoral process. Official statistics provided by the electoral body show that 8,153,273 Sudanese voters took part in the presidential and National Council elections in March 1996, and 10,833,161 voters participated in the referendum on the Constitution in June 1998, with 96.7% yes votes.

(129) Pursuant to the civil service Act of 1985, the choice of posts is carried out through constant objective criteria and sound and fair competition, and the same applies with promotion to senior posts (article 18 of the civil service Act of 1985).

### **Right to property (Article 14 of the Charter)**

In accordance with the law, national resources are a public property (articles 9 and 11 of the Constitution).

(130) The Sudanese Constitution guarantees the right to property and the capacity of ownership to every individual. This right does not apply exclusively to money ownership but covers also intellectual rights and scientific, literary and artistic production. The Constitution prohibits requisition of property without legal justification which must be carried out for public necessity with fair compensation (article 28). The law on the protection of copyrights of 1995 guarantees also moral and financial rights of the author (articles 6, 8 and 13).

(131) The law affirms and explains in detail what the Constitution has stipulated in a general manner with regard to the inviolability of property; for example, the



1984 code of civil procedures instituted the right of the owner of property to enjoy his property and prohibits expropriation without legal reasons, and even in this latter case, the law provides for fair compensation (articles 516 and 517). In addition, the law on investment incentives of 1999 has instituted serious guarantees to investors in order to protect them against seizure and nationalisation (article 12 of the law) (annex 27).

(132) The Sudanese judicial system allows victims of administrative decisions to appeal before administrative and constitutional courts to set aside judgment or for compensation, when the decision concerned was taken arbitrarily or in contravention of the law, or in case of misuse of the power of appreciation (articles 6 and 23 of the law relating to the Constitutional and administrative law of 1996) (annex 35).

### **Part III Economic, social and cultural rights**

#### **Right to work (Article 15 of the Charter)**

(133) The initial report presented in October 1996 dealt in detail with the right to work on pages 32 to 41. In order to avoid verbosity and prolixity, we will confine ourselves in this report on new issues that occurred after the preparation of the report, i.e. the promulgation of the 1998 Constitution of Sudan and the 1997 Labour Law (annex 29).

(134) The Constitution considers work as an honour, a right and a duty. It instituted the right of every individual to earn his living (article 28/1). It requires at the same time every citizen to work in order to earn his living and for his development in general, and contribute to the improvement of national production (article 35). These rights apply to both sexes. According to the Cabinet's statistics, there are 225 women occupying senior managerial positions in the Union ministries.

(135) The 1997 labour law is seen as a comprehensive legislation of all the labour laws. It is for this reason that it repealed the 1974 labour force law, the 1976 law relating to labour relations in industry, the 1976 law on employment safety and the 1981 law on individual labour relations. The main provisions of these laws were incorporated in the new law.

(136) The labour law addresses the organisation of work in the private sector, including recruitment agencies, vocational training, conditions for the recruitment of women, minors, employment contracts and salaries, the number of hours of work for women, children and men, leave, resolution of conflicts, post-employment benefits, allowances and employment safety.

(137) The most important feature of this law lies in its wide protection of the employee as the weaker party in the labour relations compared to the employer. It is for this reason that it considers that any contract which does not respect the law is invalid, except if it is in the interest of the employee (article 31). It prohibits salary deductions in case of lawful absence (article 36) and introducing unpaid overtime (articles 44 to 49). It provides for the end and the termination of contracts, setting notice as a condition, before the end of the contract, except in case an employee has done something wrong (articles 5 and 53). It requires the employer to consult the competent authorities in case of dismissal of the employee before the end of the contract, (article 51).

This law guarantees the employee receipt of a gratuity at the end of the contract (article 60), places the property among the rights of the employee before other creditors in case of liquidation (article 72), exempts the employee from court fees in the industrial tribunal (article 73) and requires owners of plants to comply with safety standards for the protection of employees (articles 75 to 98).

(138) The judiciary has established competent industrial actions tribunals so as to guarantee justice and dispatch of judgment of labour disputes. Three industrial tribunals have been established in Khartoum, Amed Ramene and Bahri respectively. These tribunals ruled on 2259 cases in 2001, and another similar tribunal was recently set up at Port Sudan (east of Sudan).

### **Right to health (Article 16 of the Charter)**

(139) This right was dealt with on pages 54 to 56 of the initial report of Sudan.

(140) The Constitution addresses the question of physical and moral health as the essential basis for any human development. Under these principles, the State is requested to work for the promotion of the health of society, encourage sports, protect environment and its natural balance in order to guarantee the security and sustainable development of future generations (article 13 of the Constitution).

(141) Sudan has recently introduced the application of the health insurance scheme covering large sectors of civil service, private sector and retirees. The project aims at recovering fees for patient management and medical care for these employees and members of their families who are covered by the insurance. Through social solidarity, this has facilitated the provision of medical consultations and drugs to hundreds of thousands of low income and poor Sudanese against a token payment. The law relating to health insurance was promulgated in 1984 and put in place a solidarity scheme to which individuals contribute depending on their monthly income. In return, employees and their families enjoy different health services whatever the size of their family and amount of medical care fees.

The contribution of the employee is currently 6% of his basic salary. The State thus meets all medical fees of the employee and 75% of the price of prescribed drugs as well as fees for surgery. These services are not specific to civil servants; they cover all the citizens; students and middle class civil servants in respect of whom the office of Zakat pays monthly contributions

(142) In accordance with the constitutional share of powers and responsibilities between the Union Government and wilaya governments, health matters are among the common issues for which the Union and wilayas are jointly responsible (article 112/1 of the Constitution). The Union Government is responsible for general planning, appointment and training of health employees, the establishment of national health structures, importing drugs, setting up general standards and coordination of all the operations at the national level. In addition to its responsibilities of controlling epidemics such as malaria at the national level, it is in charge also of conducting vaccination campaigns (article 110/f of the Constitution).

(143) From 1978 to 1990, the Government of Sudan, with substantial international aid, implemented several programmes for primary health services within the framework of the slogan "health for all". Nevertheless, the reduction of international aid and the continuous civil war, worsened by the geographical location of the country which makes it continuously prone to natural disasters such as drought, desertification and floods, have created immense difficulties for Sudan, forcing it to turn to its limited resources.

(144) Despite all these impediments, there has been marked progress in terms of the increase of the number of hospitals, health centres, dispensaries, first-aid centres and primary health units, according to the statistics of the Ministry of Health annexed to this report.

#### Health Units 1995 - 2001

<b>Health-care facilities</b>	<b>95</b>	<b>96</b>	<b>97</b>	<b>98</b>	<b>99</b>	<b>2000</b>	<b>2001</b>
Teaching hospitals with specialised services	20	20	20	20	23	23	30
Specialised teaching hospitals	16	16	23	26	31	35	35
Hospitals with specialised services (without teaching)	37	37	37	38	38	40	35
Hôpitaux généraux	173	181	186	192	200	200	203
<b>Total Hospitals</b>	<b>253</b>	<b>261</b>	<b>274</b>	<b>285</b>	<b>304</b>	<b>309</b>	<b>315</b>
Number of beds	22444	22601	22656	22724	23103	23076	23168
No. of health centres	571	667	693	821	849	915	969

No. of dispensaries	1478	1453	1468	1482	1438	1475	1489
No. of first-aid centres	1558	1412	1442	1476	1253	1236	1243
No. of primary health centres	2916	2706	2729	2646	2652	2558	2438
No. of blood banks	38	39	41	43	50	55	53
No. of X-ray units	64	67	68	72	81	83	90

### Hospitals and beds per 100 000 people

	94	95	96	97	98	99	200	2001
Bed per 100 000 people	85	85	81	79	77	76.2	74.2	73
Hospital per 100 000 people	0.9	0.9	0.9	0.9	0.9	1.0	1.0	1.0

(145) In the field of training of medical employees, a number of faculties of medicine have been established in wilaya universities, and these have contributed to the training of competent employees, in addition to those trained abroad. It should be mentioned that the country suffers from brain drain, particularly to the rich Gulf countries.

(146) Indicators of human and material medical resources for the period 1996-2001 per 100 000 people are shown in the following tables:

### Indicators of human and material resources per 100 000 people

Year	1996	1997	1998	1999	2000	2001
Specialists	2.1	2.2	2.3	2.4	2.6	3.0
General practitioners	9.1	12	15.1	15.0	16.0	17.0
Dental surgeons	0.7	0.7	0.7	0.7	0.7	1.0
Pharmacists	1.1	1.0	1.1	1.2	1.0	2.0
Technicians	7.5	7.7	8.4	8.5	9.2	9.3
Medical Assistants	22.3	22.6	22.0	22.5	22.6	22
Nurses	58.1	56.7	59.3	60.3	59.0	52
Health Inspectors	1.2	1.2	1.2	1.3	1.4	1.0

### Development of health employees between 1996 and 2001

<b>Employees</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>
Specialists	605	616	671	729	814	861
Assistants	210	253	787	343	313	393
General practitioners	953	1122	1092	1140	1405	1843
Internes	600	1227	2200	2013	2238	2234
Dentists	193	205	212	199	222	230
<b>Total doctors</b>	<b>2561</b>	<b>3423</b>	<b>4462</b>	<b>4424</b>	<b>4992</b>	<b>5561</b>
Pharmacists	322	302	324	357	306	533
Medical Assistants	5515	5742	5685	6052	6193	6610
Technicians	1852	1961	2183	2263	2433	2871
Nurses	16460	16509	17591	18292	17526	16199
Health inspectors	262	275	296	314	365	342
Health supervisors	868	938	946	924	917	870
Ass. health supervisors	870	1035	1161	1282	1473	1248
Female health inspectors	794	731	732	674	655	630
Midwives	7007	7506	7601	8047	9290	10045 *
Nutritionists	96	95	112	105	108	150
Assistant nutritionists	221	339	480	590	610	636
Female Ass. social workers	81	133	131	150	164	128

\* This number includes also experienced traditional midwives.

(147) In the field of drugs, the State adopted a national medical drugs policy which is based on essential drugs to cover the needs of the citizens at a reduced cost. In this connection, 454 essential drugs have been adopted. The 1997 law relating to pharmacology and poisons was promulgated with a view to organising production, import and distribution of drugs.

(148) There has been an increase of the price of drugs because of inflation in the economy of Sudan. This led the State to create people's pharmacies which sell drugs at a low price. The number of these pharmacies was 295 in 1997 and 3000 in 2000.

(149) In the field of drug industry and with a view to attaining self-sufficiency, there are currently 13 plants which produce 15 generic drugs used to save human lives. The State has abolished all customs duties on drugs and their basic by-products.

(150) In this connection, it is necessary to recall that the Chiffa drug plant, which was destroyed by American planes on 20/08/1998 and was Africa's pride and joy according to the Director of the Preferential Trade Organisation, was considered the biggest drug plant in Africa. It produced antibiotics, solutions, disinfectants,

penicillin, in addition to veterinary drugs. This plant produced different drugs, including 33 human drugs and 23 veterinary drugs. Its production capacity had reached half a million tablets per hour and 32,000 bottles of solutions for every quarter.

(151) This plant covered more than 40% of domestic needs and exported some of its products to neighbouring countries. Its destruction deprived millions of the poor and the needy, particularly in Southern Sudan, of low price essential drugs.

### **Right to education (Article 17, paragraph 1 of the Charter)**

(152) Sudan's initial report addressed the right to education in detail on pages 56 – 62. It described in particular the general plan, different courses, the issue of teachers, private education and literacy.

(153) The Constitution has ensured the inclusion of education and science issues among the State's guidelines. It stipulates the need for the State to mobilise official efforts, people's forces and national resources for the benefit of literacy, fight against ignorance and increased employment schemes. It also calls upon the State to develop science, research and scientific experiments (article 12).

(154) Likewise, the Constitution urges making schooling and national educational policies profitable for the benefit of the new generation and the youth (article 14). It has also instituted the right of every citizen to education and science (article 15), and guarantees the right for all the communities to disseminate their beliefs through instruction (article 24)

(155) In sharing out powers among different levels of management under the unionist system, the Constitution puts education and scientific research among the joint responsibilities between the Union and wilaya governments (article 112/f), on the grounds that the union government is responsible for national planning, training and preparation of national educational programmes, whereas wilaya authorities deal with the construction and management of educational and research institutions.

(156) In Sudan, the State strives to guarantee education for all, particularly with regard to basic education. In this connection, the Government spares no effort in mobilising technical and financial aid at the national and international level. Basic education has been integrated in Sudan's project relating to nutrition which started in 1998 under the international nutritional programme. It covers the regions that are prone to food shortages in Sudan and plans to build 1000 classrooms in five wilayas. 25% of the contributions made by Sudanese nationals residing abroad has also been allocated to education.

(157) The Cabinet adopted a scheme aimed at encouraging local cultural and tribal associations to study the possibility of integrating the teaching of their languages in local schools.

(158) There is particular interest in teaching adolescents (9-14 years) through parallel programmes to the official basic education. This aims at providing education to non schooling children, particularly the nomads. In this connection, 259 mobile schools opened in 1997 with the support of UNICEF.

(159) On the basis of the resolutions of the 1990 people's congress on education and schooling, the Government puts considerable efforts to translate into action the slogan: basic education for all from the year 2000.

(160) Plans to spread education to all face difficulties of lack of resources, poor basic structures and rural customs, in particular among the nomads, especially with regard to girl education.

(161) The State attaches particular importance to secondary education because of its efficient contribution to the development of the society and for its role in the preparation of higher education. This justifies the increased number of secondary schools from 591 in 1992 to 1361 in 1996, an increase of 770 schools.

(162) Despite these achievements, the school enrolment rate remains below expectations because only 27.9% of the children aged between 9 and 14 years attend school.

(163) The State has been trying to introduce the application of compulsory basic education through an appropriate law. Currently, it provides free basic education.

(164) In accordance with the 1992 law relating to general education, general education aims at spreading moral values, teaching younger generations through science and experiments, generalising the practice of physical education, training in thinking, strengthening cooperation and the spirit of belonging to the fatherland, the spirit of responsibility and duty, the love for humanity, self-reliance and development of skills.

#### **Right to take part in the cultural life (Article 17 paragraph 2 of the Charter)**

(165) This right was addressed in detail in the initial report of Sudan (pages 73-80), and we do not see any reason to come back to it.

#### **Part IV Protection of the family, women and children's rights Article 18 of the Charter**



(166) The family is a microcosm of society. The importance attached to the family and its protection is a guarantee of the construction of a healthy and prosperous society. And since women represent half the society, the lawmakers have ensured that their fundamental rights are guaranteed and reserved them a good place in the Constitution and in the laws.

(167) The Constitution calls upon the State to watch over the family structure by organising marriage, promoting children educational policies and policies relating to children, giving much interest to pregnant women, freeing women in general from injustice and negative discrimination in all life situations, and encouraging and supporting their role in the family and public life (article 15).

### **Women's civil and political rights**

(168) The Constitution grants to women all the rights, as it does with men, without discrimination. This includes fundamental rights such as the right to life and liberty, the right to nationality, the right to free movement, the right to work, to expression, to religious practice, the right to take part in political, social and workers organisations, the right to property, to communication and to private life, the right to fair trial, to sue and be sued, to education and to health protection (articles 20-33).

(169) The Constitution does not differentiate between men and women with regard to the criteria for competence to occupy senior political positions. Women may thus occupy the posts of President of the Republic, wali, minister or Member of Parliament (articles 37, 47, 56 and 67 of the Constitution).

(170) Since independence, Sudanese women enjoy the right to participate in elections as voters or candidates. In 1964, women occupied seats in parliament in several electoral constituencies for the first time.

(171) When it created legislative positions at the level of the Union and wilayas, the Constitution reserved 25% of the seats to women, scientific and employees representatives (article 67/2/b), a system known as the quota system. The objective was of course to guarantee a minimum of representation to women, without affecting the women's right to compete with men in the remaining 75% of the seats in traditional electoral constituencies

(172) This advanced notion of the role of women has been translated into action: Sudanese women have occupied the post of wali and, today, several women hold ministerial posts in the Union and wali governments, in addition to hundreds of posts they occupy in the Union and wilaya legislative institutions. According to the 2002 statistics (annex 30), there are 57 women judges in Sudan today.



