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Committee on Economic, Social and Cultural Rights**Fifty-sixth session****Summary record of the 66th meeting**

Held at the Palais des Nations, Geneva, on Thursday, 1 October 2015, at 3 p.m.

Chairperson: Mr. Sadi**Contents**

Consideration of reports

- (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Second periodic report of the Sudan

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The meeting was called to order at 3.05 p.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant *(continued)*

Second periodic report of the Sudan (E/C.12/SDN/2 and E/C.12/SDN/Q/2 and Add.1)

1. *At the invitation of the Chairperson, the delegation of the Sudan took places at the Committee table.*
2. **Mr. Saeed** (Sudan) said that his country, the second-largest in Africa, had only recently begun to emerge from a conflict which had lasted for 50 years. That conflict had finally ended with the signing of the Comprehensive Peace Agreement, which had led to the separation of South Sudan from the Sudan. Problems persisted in Darfur and other areas but the Government was doing everything it could to improve the standard of living of its people. The Sudan was rich in natural resources but, as one of the world's least developed countries, lacked the means to develop them. After oil had been discovered in 1998, the country had managed to achieve a 9 per cent growth rate for the following six years. However, with the separation of South Sudan in 2005, the Sudan had gone from being an oil exporter to an oil importer, with reductions of 70 per cent in its oil production, 80 in its exports and 70 per cent in its budget revenue. That severe blow to the national economy had been only partly offset by the discovery of gold in 2006.
3. The Sudan was thus seeking to defend itself in the remaining conflict areas, while at the same time trying to develop its resources and distribute the benefits derived from them equitably among all the country's regions. A national budget committee had assigned an additional allocation to Darfur to be used in addressing the problems in that area by promoting small-scale economic projects, creating jobs and helping to stabilize the situation in that region.
4. Wide-ranging legislative reforms had been introduced and a new and more equitable system of taxation had been established. Steps had been taken to address the specific problems faced by certain vulnerable groups in society such as women, young people, persons with special needs and older adults. Microcredits were being extended to those groups in order to help them participate in economic life.
5. The country was made up of more than 300 distinct ethnic groups who spoke some 52 local languages and had different religions. The Government was well aware that the country could not achieve economic development without a balanced, cohesive society. Policies had therefore been designed to accommodate that social diversity, embracing it as an asset rather than allowing it to become a source of conflict. The vast majority of groups lived together within the mainstream culture while maintaining their own local customs, traditions and forms of cultural expression.
6. The international community had pledged to provide debt relief and other forms of international assistance if the Sudan successfully negotiated the Comprehensive Peace Agreement. That Agreement had been concluded, but the international community had failed to live up to its promises. Moreover, certain countries continued to support rebel groups whose activities were damaging the Sudanese economy. The Sudan remained a heavily indebted poor country but was doing everything in its power to fulfil its obligations under the Covenant.
7. **Mr. Abashidze** (Country Rapporteur) said that he was pleased to note that the delegation included representatives from key ministries and experts in sectors relevant to the exercise of economic, social and cultural rights. The periodic report was long

overdue, but he was aware of the difficulties that the State party was facing, particularly as concerned the loss of more than half its fiscal revenues after the separation of South Sudan. Certain legislative advances had been achieved and human rights structures created, but a number of challenges persisted, including the lack of security, insufficient conflict-resolution mechanisms and inadequate enforcement of existing legislation.

8. He would like to know when the new Constitution would be adopted and whether it would guarantee all the rights enshrined in the Covenant, some of which did not figure in the Bill of Rights. He would also be interested to know whether any mechanisms were in place to ensure that the different states' legislation was consistent with the Constitution and international obligations of the Sudan.

9. The fact that the National Human Rights Commission was under-resourced raised questions about the viability of other human rights structures as well. Moreover, there was no indication that the Commission fully complied with the Paris Principles, and he wondered what obstacles there were to its accreditation with the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC). Did the Government intend to amend its National Action Plan for the Promotion and Protection of Human Rights for 2013-2023 to incorporate the new Sustainable Development Goals?

10. He would appreciate it if the delegation could inform the Committee about any specific laws that governed the activities of civil society organizations. He also wished to know whether all NGOs in Sudan had to be registered and what the consequences of non-registration were. How many civil society organizations were working in areas relating to economic, social and cultural rights and how many of them had participated in drafting the current report?

11. Despite the existence of an anti-corruption committee, only 30 anti-corruption cases had apparently been initiated over a four-year period. The Committee would welcome further information to help it form a clear picture of the degree of independence and impartiality of that committee, especially in relation to cases involving senior officials.

12. He would also like to know whether the absence of statistics on the percentage of the State budget allocated to sectors relevant to economic, social and cultural rights pointed to a more general lack of official information on socioeconomic variables. Despite the ethnic tensions within Sudan, apparently no statistics were available on the country's ethnic and tribal composition, and information relating to internally displaced persons was also insufficient.

13. He wished to know why the Sudan was not a party to the Convention on the Elimination of All Forms of Discrimination against Women and why it had no comprehensive anti-discrimination law. He would be interested to hear about the results of policies aimed at improving living conditions for widows, divorced women and women with disabilities. Internally displaced women faced a greater risk of sexual harassment and rape, and measures had to be taken to provide them with greater security. The Committee would welcome more information about the remedies available to victims of gender-based violence and about the exact role of the Zakat Office in helping poor families. Could the delegation provide statistics on reductions in infant and maternal mortality? He was concerned by some of the amendments to the Sudanese Nationality Act, which left the status of South Sudanese citizens in the Sudan unclear and seemed to impose an additional administrative burden on women.

14. **Mr. Atangana** said that, although a number of international instruments, including the Covenant, were part of Sudanese law and could be invoked before the courts, the Committee was concerned about the fact that some of the provisions in the

country's existing traditional laws were in conflict with the commitments assumed by the State party under those international instruments. He would appreciate some clarification on that issue and also wished to know whether the State party intended to ratify the Optional Protocol to the Covenant.

15. He would also like to know whether financial disclosure statements had been issued by all high-level government officials, whether there had been any difficulties with the issuance of those statements and what the impact of that exercise had been in terms of any reduction in corruption. How many persons had been prosecuted in corruption cases?

16. **Ms. Bras Gomes** asked whether a broad range of NGOs had been consulted during the drafting of the report or whether the invitation to participate in the report's preparation had been extended to only a select few. In the light of reports of intimidation, arrests and restrictions on the access of some members of NGOs to certain areas in the country, she wished to hear the delegation's comments on the relationship between the State and those organizations.

17. An update on the situation of the country's many refugees, which apparently numbered over 300,000, would be welcome, as well as information on the refugee policy that the Government intended to draw up. She would appreciate clarification regarding the status of persons living in the country who were entitled to South Sudanese nationality; the fact that they could no longer claim Sudanese nationality seemed somewhat discriminatory. It would be interesting to hear the delegation's views as to whether an anti-discrimination framework law would help to address the issues surrounding certain discriminatory provisions in the nation's laws that could have a negative impact on people who had differing interpretations of certain aspects of Islam.

18. **Mr. De Schutter** asked whether whistle-blowers who reported corruption were afforded protection, whether members of the public were informed of their right to lodge a complaint if they found that they had to pay bribes in order to gain access to public services, and whether a standard procedure was in place for that purpose.

19. While the question of land tenure had not been discussed in the report, it was clearly an important issue. It appeared that, under the Unregistered Land Act of 1970, unoccupied land could be sold by government officials and that, under the Land Allocation Law of 1990, any land could be confiscated by the President for the public good. Those provisions had apparently made it possible for foreign investors to come in and develop large scale agro-industrial projects at the expense of access to land for small-scale farmers and traditional communities. Had there been an assessment of land tenure laws' impact on the concentration of landownership? He would also like to know whether the customary land tenure regime was protected under Sudanese law in line with the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security.

20. He wished to know whether the provisions allowing for the expropriation of land in the national interest were used to cede land to private investors and whether the courts had ever overruled a government decision to sell land. He wondered how corrupt officials were prevented from turning those provisions to their own advantage, what impact assessments had been undertaken prior to ceding land to foreign investors and whether the free, prior, informed consent of communities that depended on the land for their livelihoods had been obtained before it was sold. Lastly, he would be grateful if the delegation would explain what impact the National Investment Promotion Act had had on the Government's ability to regulate the activities of investors and impose export restrictions and whether investors were properly regulated given the privileges that they enjoyed under the above-mentioned law.

21. **Mr. Kedzia** asked how the Government addressed the root causes of corruption and promoted transparent, participatory and accountable governance. Did anti-corruption institutions work closely with human rights institutions? He would like more information about the legal guarantees that were in place regarding compensation for victims and the protection measures available to victims, their lawyers, anti-corruption activists, whistle-blowers and witnesses. He wished to know what steps had been taken to improve access to justice and to enhance the presence of law enforcement and rule-of-law institutions, including mobile courts, outside urban areas. He wondered whether legal aid services for victims were readily available and truly effective and what steps were taken to ensure that the persons responsible for dispensing traditional and customary justice were familiar with the various provisions of the Covenant. How was the shortage of legal professionals being addressed?

22. **Mr. Schrijver**, noting that the construction of dams on the Nile river had resulted in the internal displacement of a large number of people, said that he would be interested to learn whether the Government had drawn any conclusions from those experiences and whether local residents' right to be consulted and their right to free, prior and informed consent had been recognized. He wished to know how many persons had been internally displaced in the country, what the root causes of that situation were, how those causes were being addressed and how internally displaced persons were being integrated into their new communities.

23. He invited the delegation to comment on reports of discrimination against Christians and those who did not share the State's interpretation of certain aspects of Islam. Had consideration been given to fully recognizing freedom of religion? He would like to know whether the judiciary received any training on the Covenant and wondered whether the Committee might provide assistance in that area.

24. **Mr. Uprimny Yepes** said that he would welcome examples of cases where rights protected under the Covenant had been enforced by the justice system, as well as information on the specific guarantees in place to ensure the independence of the judiciary and to afford protection for civil society organizations that defended economic, social and cultural rights. Lastly, information on the criminalization of homosexuality in the Sudan would be welcome.

25. **Ms. Shin**, noting that a number of provisions in Sudanese legislation were discriminatory against women and that stronger laws were required to promote gender equality and afford protection to women, asked which laws that had a specific impact on women were being amended, why more progress had not been made in that regard and what new laws to promote women's equality with men were scheduled for adoption. She wished to know what progress had been made towards ratifying the Convention on the Elimination of All Forms of Discrimination against Women and invited the delegation to comment on the low employment rate for women and the fact that they were barred from employment in some sectors.

26. **Mr. Abdel-Moneim** asked what was meant by the term "sovereign sector" in the table in paragraph 75 of the report and invited the delegation to comment on the impact that the unilateral economic sanctions imposed on the Sudan had had on the human rights situation.

27. **Mr. Ribeiro Leão** said that he would welcome the delegation's comments on the role of international cooperation in tackling the challenges listed in paragraph 46 of the report.

28. **The Chairperson**, referring to what the report said about the importance that the State party had placed on incorporating the Covenant into Sudanese law, asked the delegation to explain the relationship between the Children's Act and the Covenant.

29. **Mr. De Schutter** said that information would be welcome on the extent to which labour inspectorates had been equipped to monitor compliance with labour laws in the agricultural sector and whether agricultural workers were protected by those laws.

30. **Mr. Ribeiro Leão** asked whether women actually enjoyed equality with men in the workplace. He would like to learn more about the criteria used for the selection of civil servants and would appreciate receiving updated information on the country's labour laws and the minimum wage.

31. **Mr. Kedzia** said that information on the rights of women employed in the informal economy, of whom there were many in the State party, would be welcome. Was it true that all workers' organizations must be associated with the Sudan Workers' Trade Union Federation and that the authorities could refuse to register a trade union if an organization with the same objectives was already in existence? How many trade unions had been refused registration for that reason?

32. **Ms. Bras Gomes**, taking note of reports that many women in the informal economy were unable to access certain markets and basic services, said that it would be interesting to hear the delegation's thoughts on the matter and on women's economic empowerment more generally. Given that the population of the Sudan was among the youngest in the world, she wished to know whether any targeted measures were being taken to reduce youth unemployment and, if so, what specific challenges the State party was facing in that regard.

33. She would appreciate additional information on labour inspectorates. In particular, it would be helpful if the delegation could describe the training provided to labour inspectors and indicate whether they were made aware of the labour rights enshrined in the Covenant. She would also welcome details on the social security coverage, if any, that was afforded to persons other than pensioners, particularly those engaged in the informal sector. Did the Government intend to establish a social protection floor?

34. **Mr. Abashidze** said that he would appreciate detailed information on the draft policy on the reduction of unemployment that was mentioned in the State party's replies to the list of issues. He would welcome statistics on unemployment, disaggregated by year, sector, state and category, and on unemployment reduction in general and in relation to women and young persons in urban areas, in particular. He wished to know what had been achieved by the youth employment project launched in 2013, whether there were plans to widen the project's sphere of application and, if so, what new areas would be covered. Further information, including statistics, would be appreciated on the employment-related impacts of the unilateral coercive measures imposed on the Sudan and of initiatives for improving the working conditions of women in the informal economy.

35. Noting that labour inspections were governed by a number of other laws, in addition to the Labour Act of 1997, he asked whether the Labour Act was consistent with those laws and whether the fact that important labour issues were governed by a range of different laws made the work of the government agencies concerned with those issues more difficult. It would be helpful to have further information about the laws that had an impact on the enjoyment of the rights enumerated in article 7 of the Covenant and about the national bodies exercising oversight in those areas.

36. He invited the delegation to supply information on the laws governing the formation and functioning of trade unions and to explain what problems had been encountered in the implementation of trade union rights. He would also like to learn more about the regulations governing strikes and about any cases in which strikes had been prohibited or in which the judiciary had taken steps to protect trade union rights.

37. He wished to know how social insurance funds were regulated, how their financial viability was assured, how they were replenished and what percentage of their funding came from the State. Could the delegation indicate whether there was a State pension fund and, if so, what guarantees were in place for its proper management? Information on social insurance schemes and statistics on persons aged 65 and over who were receiving a pension would also be appreciated.

The meeting was suspended at 4.40 p.m. and resumed at 4.55 p.m.

38. **Mr. Saeed** (Sudan) said that efforts were ongoing to replace the interim Constitution of 2005 with a permanent constitution that would reflect all the provisions of the Covenant, many of which were already covered by domestic legislation.

39. The Sudan was not free from corruption, but the Government was doing its utmost to combat the practice, which was not socially accepted or tolerated. Several anti-corruption laws had been enacted, and civil servants, including politicians, were required to declare their assets and incomes on an annual basis. There had been 12 cases in which senior officials had been prosecuted for corruption. Anyone found guilty of corruption would be barred from politics.

40. Sudanese society was characterized by multiculturalism and religious pluralism, and religious segregation was therefore neither practised nor condoned.

41. Feasibility studies had been conducted prior to the initiation of dam construction works to ensure that the views of persons affected by the projects were taken into account. Local tribes, who had been offered plots of land that were far larger than the ones they had used to farm, had expressed satisfaction at their new living conditions. Unfortunately, the level of support provided during the resettlement process had been limited by financial constraints.

42. The unilateral coercive measures imposed on the Sudan, which were immoral, illegal and politically motivated, had deprived the country of essential medical supplies and thereby contributed to the deaths of thousands of people from cancer and other diseases. He urged the Committee and the other human rights treaty bodies to denounce the measures and call for them to be lifted.

43. Although land was abundant in the Sudan, amendments to the Land Act were necessary to ensure that land would be distributed fairly. Under new regulations, investors were required to make 30 per cent of any land that they purchased available for community use.

44. Women played a vital role in Sudanese society and enjoyed equal rights, including rights relating to wages. While it was true that a disproportionate number of women were engaged in the informal sector, support was being offered to women entrepreneurs through the provision of microloans.

45. The independence of the judiciary was sacred. Judges were expected to behave in a dignified manner and were highly respected, and the Government was careful not to interfere in their work.

46. **Ms. Elfadil** (Sudan) said that the Government was drafting a global strategy for reducing poverty, which had been exacerbated in recent years by high levels of public debt and the imposition of unilateral coercive measures. Support was provided to widows, women heads of household, women caring for orphans and other vulnerable groups through a range of initiatives, not least the Zakat Fund, 70 per cent of which was allocated to the poorest members of society. The Government had learned from the experiences of Brazil in providing social assistance and was endeavouring to give students who were orphans or from poor families a stable monthly income. Financial

aid was being offered to around 500,000 families throughout the country, and efforts were being made to guarantee health-care coverage for the most vulnerable groups. Persons with disabilities who lived in poverty were entitled to a number of benefits, including loans at highly competitive interest rates.

47. The Constitution and other laws provided guarantees for the protection of women's rights on an equal basis with men. For example, article 32 of the Constitution provided that women should enjoy the right to equal pay for equal work and that their rights should be promoted through affirmative action. Furthermore, the Labour Code established that women should have the same rights as men in terms of, for example, training opportunities, hours of work and leave. As for practical measures, the authorities had, for instance, redoubled their efforts to increase women's political participation at all levels of government. Several women currently occupied ministerial posts and two women held deputy speakerships in the National Legislative Council, while, overall, women accounted for 30 per cent of the representatives in legislative bodies. With regard to women's economic empowerment, a number of development programmes were being implemented in cooperation with civil society organizations and international partners with a view to providing women in rural areas with new skills and enhancing their access to productive resources. In addition, pilot projects were being carried out in various provinces to provide support for women heads of household.

48. **Mr. Atangana** said that, despite the steps that had been taken to combat female genital mutilation, the practice persisted. He would therefore like to know what additional efforts were envisaged to eradicate it. He would like to know whether there was any specific law that prohibited domestic violence and, if so, whether the delegation could provide statistics on the number of prosecutions that had been brought under that law and the penalties that had been imposed on offenders. Would the delegation comment on reports that, despite legislation requiring that births should be registered free of charge, many parents were charged exorbitant fees? Lastly, he wished to know what the authorities were doing to tackle the problem of street children.

49. **Mr. Pillay** said that he wished to call upon the State party to cease the forced evictions of internally displaced persons and squatters that were being carried out in the absence of, among other protections, procedural safeguards, in breach of international standards and the Committee's general comment No. 7 on the right to adequate housing and forced evictions. He wished to know whether the Government intended to obtain the free, prior and informed consent of the members of communities, including small farmers and indigenous peoples, that would be affected by the construction of dams and other infrastructure projects and to ensure that any persons who were resettled as a result of such projects were not deprived of a source of livelihood.

50. He would like to know whether there were any plans to enact rent control legislation in order to ensure the affordability of rented premises and security of tenure for tenants. He also wished to know whether the authorities intended to regulate the activities of land brokers and speculators to ensure the equitable management of the land and property markets and to avoid excessive increases in the cost of adequate housing. Did the Government plan to pursue a balanced approach to rural and urban development and to allocate sufficient funding for the delivery of basic services in underdeveloped parts of the country? He would also like to know whether the authorities would require military personnel, other State agents and government institutions to return land and real estate that had been acquired without the owners' consent. Lastly, he wished to know whether the Government planned to withdraw the

immunity from prosecution for human rights violations that had been granted to the police and armed forces.

51. **Mr. De Schutter** said that it was surprising that the report made no reference to food security issues despite the fact that some 4 million people in the State party had suffered from food insecurity over the past four years. He would therefore like to know what measures had been put in place to mitigate the impact of the sudden increase in the prices of staples and what role the Strategic Reserve Corporation played in that regard. He would also like to know what was being done to ensure that the provision of humanitarian food aid did not have an adverse effect on domestic agricultural production. He would appreciate information on the support that was provided to farmers who lost their harvests as a result of armed conflicts and to persons who were displaced by conflict in the Darfur, South and West Kordofan and Blue Nile regions.

52. **Ms. Ravenberg** said that she would like to know what steps were being taken to tackle the root causes of the difficulties faced by internally displaced persons in gaining access to essential services. She would also appreciate information on what was being done to improve access to health care and health services for the most vulnerable groups in society, in line with the Committee's general comment No. 14 on the right to the highest attainable standard of health. She asked the delegation why article 13 of the Children's Act, which prohibited female genital mutilation, had been repealed and whether the Government would consider reintroducing that provision. Lastly, she wished to know whether the National Acceleration Plan for Maternal and Child Health had been implemented and whether the competent authorities had carried out an evaluation of the policies of the National Health Sector Coordination Council.

53. **Mr. Ribeiro Leão**, noting that a Sudanese delegation had visited Brazil in March 2015 to study that country's experience in combating food insecurity and poverty, said that he would be interested to know what lesson the State party had been able to learn from the Brazilian authorities' experiences in relation to the development of public policies in those areas.

54. **Mr. Chen** said that he would like to know why Sudan remained a net importer of food despite an abundance of fertile land and water.

55. **Mr. Uprimny Yepes** asked whether section 91 of the 1991 Personal Status Act, which required women to obey their husbands, was still in force and, if so, whether, in the delegation's view, it was in line with the principle of equality between men and women. He would appreciate information on what was being done to narrow the large regional disparities in poverty rates and to reduce the high rates of maternal mortality.

56. **Mr. Kedzia** asked the delegation to explain the reasons for the discrepancies between the statistics on female genital mutilation provided by the Government and those produced by international organizations, including the United Nations. He would like to know whether it was correct that the minimum age for marriage was 10 years for girls and 15 years for boys. He would also welcome information on what was being done to help former child soldiers reintegrate into society. Could the delegation comment on whether information that the primary school completion rate was 60.7 per cent was correct and what steps were being taken to improve access to education?

57. **Mr. Dasgupta** said that he would like to know what progress had been made towards enacting legislation to make female genital mutilation a crime.

58. **Mr. Mancisidor** asked the delegation to comment on the accuracy of reports that copies of 19 daily newspapers had been seized and confiscated in February 2015 and that two journalists, Eiman Mustafa and Hiba Abedazeem, had been harassed by the authorities in September 2015. He would also welcome the delegation's comments on

reports that restrictions had been placed on the publication of content of a cultural and political nature on the Internet and that some civil society events had been cancelled.

59. **Mr. Schrijver** asked whether any lessons had been learned from the country's experiences with recent dam construction projects about how to improve the involvement of local populations in infrastructure development schemes.

The meeting rose at 6 p.m.