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Committee on Economic, Social and Cultural Rights**Fifty-sixth session****Summary record of the 67th meeting**

Held at the Palais des Nations, Geneva, on Friday, 2 October 2015, at 10 a.m.

Chairperson: Mr. Sadi**Contents**Consideration of reports (*continued*)

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

Second periodic report of the Sudan (continued)

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

Consideration of reports *(continued)*

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

Second periodic report of the Sudan (continued) (E/C.12/SDN/2; 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. Abdalla** (Sudan), replying to questions posed by Committee members at the previous meeting, said that the Government had invited a panel of experts including civil society representatives to participate in a national dialogue with the aim of drafting a robust and comprehensive Constitution. The bill of rights contained in the existing 2005 interim Constitution would be amended and strengthened as part of those discussions.

3. Various training sessions had been held for law enforcement officers and judicial officials to raise awareness of the Covenant and domestic legislation had been brought into line with its provisions. The National Human Rights Commission monitored the activities of State bodies and ensured that they complied with international human rights standards. Civil society organizations also investigated any potential human rights violations.

4. The Government had recently introduced a national action plan to combat corruption at all levels of the administration and the national police force had launched investigations into alleged cases of corruption. Domestic legislation had also recently been amended to expressly prohibit unlawful expropriation of land and a specialized victim support unit had been established to provide assistance in cases of human rights violations.

5. **Ms. Mustapha** (Sudan) said that article 32 of the 2005 Interim Constitution provided that the State must take affirmative action to promote gender equality and women's rights. Pursuant to that article, the Government had increased the quota for women parliamentarians to 30 per cent in 2014 and had developed a national anti-discrimination strategy that contained initiatives to combat domestic violence. It had also established units across the country responsible for providing specialized support to women victims of violence, including post-exposure prophylaxis (PEP) kits, and had introduced an accelerated legal process for women rape victims in cooperation with various United Nations agencies and NGOs. In addition, women and child protection units composed of specially trained women police officers had been established in camps for internally displaced persons and a national 24-hour hotline had been made available for reporting cases of domestic violence.

6. As to legislative reform, the Government had amended the Criminal Code in 2009 in order to define war crimes, crimes against humanity and genocide as specific offences and subsequently in 2015 to include definitions of rape and sexual harassment. Discussions had also been held with a view to determining a minimum age for marriage and a bill combating female genital mutilation had recently been brought before parliament.

7. **Mr. Adam** (Sudan) said that around 10,000 local organizations and 97 foreign organizations provided humanitarian assistance across the country. The Government remained resolutely committed to stabilizing the humanitarian situation, particularly in areas where large numbers of internally displaced persons had settled, and had worked closely with United Nation agencies, NGOs and international donors to assess and

define the humanitarian needs in each region. There were currently around 2 million internally displaced persons living in 133 camps nationwide. The Government had adopted a national plan to address their needs and guarantee their rights. The humanitarian situation had improved greatly in recent years owing to the improved security situation and 97 villages had opted to voluntarily return to their homes.

8. Around 5 per cent and 9 per cent of territory in the Blue Nile and South Kordofan states respectively remained under the control of the rebel movements. The Government had volunteered to provide humanitarian assistance through a tripartite arrangement with the United Nations, the Arab League and the African Union in accordance with Security Council resolution 2046 (2012). However, the rebel movements had rejected that solution. The Government had also offered to run an immunization campaign in those states with the support of the World Health Organization (WHO) and it was hoped that there would be a positive response to that proposal in the near future.

9. As of 2015, over 450,000 persons had entered the Sudan from South Sudan, the majority of whom had settled in the states of Khartoum and White Nile. The Government continued to cooperate readily with United Nations agencies and the international community to provide accommodation, food, education and health care to persons who had left South Sudan and had so far issued identity papers to around 180,000 persons.

10. **Mr. Saeed** (Sudan) said that the Government had made every effort to support the flow of persons arriving from South Sudan, whose number equated to around three times that of an average city.

11. **Mr. Ahmed** (Sudan) said that the Sudan had welcomed over 600,000 refugees with support from various United Nations agencies and NGOs. The Government endeavoured, wherever possible, to repatriate refugees to their home countries once it was deemed safe enough to do so. Where that was not an option, efforts were made to resettle refugees in third countries. However, that was a costly and complex process and only 2,000 refugees had so far benefited from that solution. Domestic legislation made no provision for the local integration of refugees and additional international assistance was urgently required to resolve the crisis. As for stateless persons, mechanisms had been established to determine their status and ensure that they obtained the relevant identity documentation in accordance with the recommendations made by the Office of the United Nations High Commissioner for Refugees (UNHCR).

12. **Mr. Saeed** (Sudan) said that his Government was working with international organizations, including the United Nations, to relieve the plight of stateless persons, in keeping with international law.

13. **Mr. Elimam** (Sudan) said that, as part of health-care reform, the Ministry of Health had, after conducting several countrywide surveys, implemented a programme in 2012 to expand primary health services. The programme was based on criteria established by WHO and international health regulations and emphasized the provision of care regardless of recipients' financial means. It took into consideration the needs of members of marginalized and vulnerable groups, especially women and children. While the programme was largely funded by the Government, additional sources of financing were being sought. Achievements to date included the setting up of 83 family health-care units, the training of 230 new doctors and 5,861 midwives, the establishment of 380 birthing facilities, and the provision of folic acid and other nutritional supplements to some 4.5 million children.

14. International trade sanctions against the Sudan had made it difficult to secure essential medical supplies, as many firms currently refused to accept orders from the

Sudan. Examples of such supplies included replacement parts for medical equipment as well as dozens of medications produced abroad. Despite donations from some countries, the Sudan found itself in a difficult situation, particularly in its efforts to combat AIDS.

15. **Mr. Saeed** (Sudan) said that depriving people of medical care would not help resolve political issues. He urged the Committee to speak out against such practices.

16. **Ms. Abdelwahab** (Sudan) said that important aspects of the Covenant, especially article 5, were reflected in the Children's Act of 2010. Articles 14 and 15 of the Constitution stressed the importance of ensuring children's well-being and safeguarding their interests. The National Council for Child Welfare had the power to issue regulations on topics such as child labour. The Government had taken various measures to boost awareness of children's rights among educators and academics. Child mortality had fallen sharply between 1990 and 2010. In addition, the proportion of children older than 15 who worked had decreased significantly in recent years, as had the incidence of child labour as a whole. The Ministry of Labour had recently uncovered nearly 9,000 cases of illegal employment of street children in nine provinces. A 2015 survey by the Ministry in the state of Khartoum had indicated the presence there of some 2,500 street children, who might be working. The situation of children was also being examined by the committee overseeing the outcome of the Doha Peace Agreement.

17. **Ms. Abul Gasim** (Sudan), replying to questions posed at the previous meeting, said that the social security scheme covered 40 per cent of the working population. The Government was creating a database and conducting inspections to ensure that those eligible for pensions were receiving them. Sudanese law accorded men and women equal rights, including in the informal sector of the labour market. Employers were obliged to make payments to the social protection and pension schemes. Pension funds were guaranteed by the Government. The distribution of pension benefits to heirs in the case of a beneficiary's death was determined by inheritance law.

18. **Mr. Saeed** (Sudan) said that his Government was working to bring all marginalized and vulnerable groups into the social security system but was facing various challenges in doing so. He stressed that his delegation would provide the Committee with written information on various points and would be glad to provide any additional information that the Committee might require.

19. **Mr. Abashidze** (Country Rapporteur) said that the Committee was concerned by the frequent occurrence of communal violence, especially between nomadic and farming communities in the Darfur region over the scarcity of resources such as land and water.

20. He requested information on the impact of projects stipulated in the Peace Agreement for the settlement of nomads and the regulation of relations between farmers and herders, including the maintenance of their traditional lifestyles. Referring to the recent poor harvests, he asked what was being done to reduce chronic malnutrition, which remained a serious public health problem, particularly among children under the age of 5. He requested information about full immunization rates among children. He asked what steps were being taken to improve comparatively low schooling rates among women, girls and rural children, noting that around a million children did not attend school at all.

21. The Committee on the Elimination of Racial Discrimination, in its concluding observations on the combined twelfth to sixteenth periodic reports of the Sudan (CERD/C/SDN/CO/12-16), had noted with concern the persistence of old and the emergence of new conflicts with strong ethnic dimensions in different parts of the country. Thus the questions in paragraph 25 of the list of issues relating to the State

party's second periodic report to the Committee on Economic, Social and Cultural Rights remained relevant.

22. He noted that the issue of the recognition and protection of traditional tribal land ownership had not been resolved. Finally, the Committee was concerned that adequate measures were not being taken to preserve archeologically and culturally relevant sites in the context of development projects.

23. **Mr. Mancisidor** asked the delegation to confirm that the State party had a road map for eliminating female genital mutilation by 2018.

24. **Ms. Bras Gomes** said that she did not recall hearing a reply to her earlier question about whether the State party would consider adopting a framework law encompassing all the grounds for discrimination prohibited by the Covenant. She would also appreciate a more precise answer to her question, posed at the previous meeting, about women's access to markets and basic services. People who could not contribute to the social security fund nevertheless needed social protection. Did the State party envisage establishing an inclusive scheme as recommended in the Committee's general comment No. 19?

25. **Mr. Uprimny** said that clearly women in the Sudan suffered legal and de facto gender-based discrimination. For example, family law required women to submit to men's authority. Referring to Ms. Bras Gomes's question about discrimination in the labour market, he said that according to the State party's Central Bureau of Statistics only 23 per cent of women worked, while 73 per cent of men did. Lack of gender balance in the labour market led to discrimination in other areas of life. He had not yet received an answer to his earlier question about disparities between women's and men's enjoyment of their social rights. According to a study by the International Labour Organization, there were large discrepancies in that respect between the state of Khartoum and the Darfur region. He asked whether there was any reason why the latter, which was poorer than the former, received less public social funding.

26. **Ms. Shin** asked whether efforts were being made to reform laws, including the Personal Status Act, which contained discriminatory provisions, and enquired what had already been achieved in that regard. It would also be useful to know whether the Government was taking any steps to ratify the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

27. **The Chairperson** said that since the Government was currently working on a new Constitution, it should make sure that the latter incorporated the provisions of the Covenant. He also stressed the need to criminalize the practice of female genital mutilation immediately by amending the relevant laws, instead of waiting till 2018 to do so.

28. **Ms. Attiat** (Sudan) said that the Government had adopted its first strategy to combat the practice of female genital mutilation in 2004. The most recent strategy, which covered the period 2008-2018, focused on establishing the appropriate legal framework for eradicating the practice, encouraging the community to oppose it, monitoring the implementation of the measures adopted and strengthening the capacity of those involved in implementing those measures. The Council of Ministers was currently considering a draft law criminalizing female genital mutilation, which had been prepared by a special committee made up of representatives of the relevant ministries and United Nations agencies, as well as female parliamentarians. In addition, the Sudanese Medical Council had prohibited all medical professionals from carrying out female genital mutilation. She reminded the Committee that Sudan was made up of a number of states, each of which had a legislative council in charge of issuing laws. The Government did its best to encourage the legislative councils to

criminalize the practice of female genital mutilation and four states had already passed laws to that effect.

29. **Mr. Saeed** (Sudan) said that the practice of female genital mutilation was a very old tradition, so that there were many people who opposed its criminalization. Such opposition often resulted in conflicts. Nevertheless, the Government had recently adopted a new approach to the problem, which was based on raising public awareness of the dire consequences of the practice. He reaffirmed that the Government condemned it and was committed to eradicating it by 2018.

30. **Mr. Elmurtada Mubarak** (Sudan) said that the Government allocated additional resources to the least developed areas and to regions which were most affected by war. For example, a special fund had been established for the development of Darfur, another for the eastern region of Sudan, as well as funds for other regions. The total budget of those funds accounted for over 20 per cent of the country's overall development budget.

31. He pointed out that the Government always sought to reach an agreement with communities affected by dam construction and other major projects and to ensure compensation and adequate living conditions, infrastructure, services and housing for the people concerned. For example, more than 31,000 families affected by the construction of dams had been compensated and measures had been taken to ensure that their living conditions were adequate. The Government also took steps to ensure food security and keep prices stable through a special strategic national reserve mechanism.

32. **Mr. Saeed** (Sudan) said that his country produced around 7 million tons of grain, 3 to 4 million of which it consumed and the rest of which it exported. On the other hand, Sudan imported almost 2.5 million tons of wheat, which constituted a heavy burden on the State budget. Efforts were being made to increase national wheat production.

33. **Ms. Mohamed** (Sudan) said that the embargo had exacerbated poverty and had led to job cuts and the displacement of many families. The Sudanese economy in general, and its aviation industry in particular, had been hard hit, experiencing massive job losses. The Government could not purchase spare parts for Airbus and Boeing aircraft, which undermined the performance of Sudan's aviation industry. The civil aviation sector, sea freight, internal waterway freight, railway transport and demining programmes were likewise disrupted, which led to a further degradation of economic infrastructure. As a result, the Sudanese economy had lost a great deal during the embargo years.

34. **Mr. Saeed** (Sudan) reiterated that the embargo had brought Sudanese airports to a halt as a result of the ban on purchasing spare aircraft parts.

35. **Ms. Elfadil** (Sudan) said that the State party's report had been prepared in consultation with various civil society organizations. For example, consultations had been held on 19 March 2012 and had been attended by numerous stakeholders from public and civil society institutions. Over 50 civil society members had taken part in the consultations, as well as members of the Faculty of Law of the University of Khartoum, representatives of a women's centre for human rights, a centre of social studies, the Sudanese Women's Union, Human Rights Watch and other human rights groups.

36. **Mr. Elhassan** (Sudan) said that a presidential decree on the reform of the Sudanese states included a legal reform of criminal laws, the Children's Act, the Press Act and many others. The newly elected Government would continue that legal reform and would submit many new laws to the new Parliament. The international treaties to

which Sudan was a party were discussed at all levels of Government and civil society. The recommendation to ratify the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was being actively discussed and would soon be tabled before the new Parliament for consideration. In conclusion, he said that the Government was preparing a new draft law on racial discrimination, in compliance with a recommendation by the Committee on the Elimination of Racial Discrimination.

37. **Ms. Mohamed** (Sudan) said that reports that 1 million children remained outside the education system were of major concern to the Government and the situation was compounded by a number of factors, including poverty and a lack of resources. The Government had taken measures to minimize the number of children not attending school, especially in the Darfur region. A new strategy had been drafted in 2012 to deal with the problem. School enrolment had risen from 18.3 per cent to 39.9 per cent for both genders and, owing to a 91 per cent increase in the number of girls enrolled in schools, 70.7 per cent of all Sudanese girls were currently attending school.

38. **Mr. Saeed** (Sudan) said that a special mechanism was in place for persons who did not contribute to social security funds. Sudan's social welfare system covered all the vulnerable groups of the population. For example, one of the measures in place was the collection for the purpose of redistribution to the needy of 2.5 per cent of all the agricultural products produced by companies. In rainy regions with non-irrigated agriculture, 10 per cent of agricultural produce was collected for that purpose.

39. **Mr. Ahmed** (Sudan) said that the status of refugees and stateless persons was governed by special laws and international conventions. He warned against confusing economic migrants with asylum seekers and pointed out that the majority of economic migrants entered Sudan illegally. Nevertheless, the Government was doing its best to legalize their situation, partly by requesting them to register and issuing them with identity cards. An agreement on the registration of and provision of identity documents to all such persons was also in place with the Government of South Sudan and the United Nations High Commissioner for Refugees (UNHCR).

40. **Mr. Elimam** (Sudan) said that the United Nations Children's Fund (UNICEF) and WHO had recommended that the Sudanese Government purchase a linear accelerator machine for diagnosing glandular problems. The machine had cost US\$ 2 million in 2012, but it had not yet been delivered. Nutritional programmes were in place to boost the nutrition of children and train nutritionists. In 2014, US\$ 10.5 million had been invested in new nutrients added to flour and other foods for tuberculosis patients. WHO had testified to the quality of the poliomyelitis immunization campaign carried out in the country, in the course of which some 90 per cent of children had been vaccinated. Despite the best efforts to immunize children in areas under rebel control, some rebel groups had opposed the campaign.

41. **Mr. Elhassan** (Sudan) said that, under federal law, international instruments ratified by the Sudan became an integral part of domestic law. Lawyers were encouraged to refer to articles of the Covenant in cases that came before the courts. Several laws had been enacted to combat corruption. One law required that all Government officials above a certain rank should declare the whole of their wealth and that of their family members. Officials who suddenly accumulated a suspiciously large amount of wealth were also required to justify its origin. Administrative inspections were sometimes conducted by competent authorities, who subsequently declared whether charges should be brought.

42. The Ministry of Justice provided legal aid through a roster of lawyers to assist persons who could not meet their legal fees, but the Government would appreciate further training on the application in that aspect of its regulations.

43. **Mr. Saeed** (Sudan) said that it was inaccurate to state that there were continuous violations in his country, based on discriminatory legal provisions. Although discrimination probably existed in his country it was certainly not enshrined in the legislation.

44. The Doha Peace Agreement was an important agreement between rebel groups and the Sudanese Government, under which US\$ 600 million had been allocated to address a variety of issues in the Darfur region. Local governments had objected that the amount allocated was excessive. With regard to land ownership, local tribes tended to claim ownership of the land on which they had resided for several hundred years and ignored the fact that land was for all and that monopolizing it was to nobody's advantage. As the tribes were reluctant to comply with regulations, the Government tended to offer concessions.

45. The discrepancy in the school enrolment statistics for Khartoum and Darfur stemmed from the fact that Khartoum was an urban area, where inhabitants tended to be more motivated to send their children to school. However, approximately 6 per cent of the population of Darfur were nomads, whom it was difficult to educate because of their itinerant lifestyle. A system of schooling had been devised to accompany the nomads but it had been implemented only to a limited extent as the nomads were spread so diffusely.

46. The education of women was improving so rapidly that currently more women were enrolled at university level than men, even in traditionally male-dominated subjects like engineering. The Constitution had been amended to allocate 30 per cent of all parliamentary seats to women, with the remaining seats open to both men and women. Women in the Sudan were entitled to 10 weeks of maternity leave. Women were not excluded from markets in the Sudan, and in rural areas, such as Darfur, women market sellers even tended to be in the majority.

47. While 2014 had been a bumper harvest year in the Sudan, the rainy season in 2015 had produced below-average yields. However, efforts had been made to store enough of the bumper 2014 crop to stave off hunger in the current year.

48. **Mr. De Schutter**, referring to the economic burden of wheat imports, asked whether the Government had considered leasing land for foreign investors to cultivate and export crops. With regard to the use of land by tribes, he wished to know how tribes gave consent for their land to be used, what criteria were applied when, under the 1970 Unregistered Lands Act, land was declared to be unused, how the notion of the public purpose of territory was interpreted when land was leased to private investors, and how a fair balance was achieved between local communities' interests and those of investors in the wake of the National Investment Encouragement Act 2013, given that the Act took precedence over any other law.

49. **Mr. Saeed** (Sudan) said that previous government attempts to enact laws to impose a government monopoly over Sudanese land had been futile. The new approach was to convince tribes to make better use of the land through dialogue and incentives. One such incentive guaranteed local inhabitants 30 per cent of the return on any project. Some projects, such as the Merowe dam and the White Nile Sugar projects, had been very successful, and the resulting funds had significantly added to local infrastructure and incomes. There was, however, no trade-off between the interests of investors and those of local communities as it was a win-win situation: investors brought in their equipment, while the livelihoods and infrastructure of the local community improved by virtue of the money invested. The Government did not apply the National Investment Encouragement Act in a way that singled out individual communities.

50. **Mr. Abashidze** said that, although the delegation's replies had not always been exhaustive, the discussion had truly enriched Committee members' understanding of the protection of economic, social and cultural rights in the Sudan. He hoped that the comments made by the Committee would be useful in terms of enhancing the country's legislative framework, its organizational structure and the management of its resources.

51. **Mr. Saeed** (Sudan) said that his delegation had been impressed by the attention paid to his country and thanked the Committee for drawing his delegation's attention to various shortcomings. His Government had every intention to deal with all the issues raised by the Committee.

52. **The Chairperson**, thanking the delegation for the fruitful dialogue, said that gaining an understanding of how to implement obligations under the Covenant was part of a learning process which the Sudan must undergo. He hoped that the Government would take the concluding observations from the current session into account when adopting numerous new strategies, constitutional amendments and programmes of work.

The meeting rose at 12.40 p.m.