



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Fifty-fifth session

13 September–1 October 2010

## Consideration of reports submitted by States parties under article 44 of the Convention

### Concluding observations: Sudan

1. The Committee considered the third and fourth periodic report of Sudan (CRC/C/SDN/3-4) at its 1560th and 1561st meetings (see CRC/C/SR.1560 and CRC/C/SR.1561), held on 20 September 2010, and adopted, at its 1583rd meeting, held on 1 October 2010, the following concluding observations.

#### A. Introduction

2. The Committee welcomes the submission of the third and fourth periodic report as well as the written replies to its list of issues (CRC/C/SDN/Q/3-4/Add.1), and appreciates the constructive dialogue with the State party's multi-sectoral delegation.

3. The Committee reminds the State party that these concluding observations should be read in conjunction with the concluding observations on the initial report of the State party under the Optional Protocol on the sale of children, child prostitution and pornography (CRC/C/OPSC/SDN/CO/1), adopted on 8 June 2007, and under the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/SDN/CO/1), adopted on 1 October 2010.

#### B. Follow-up measures undertaken and progress achieved by the State party

4. The Committee welcomes the enactment of the Child Act (2010), the Southern Sudan Child Act (2008) and the Southern Kordofan Female Genital Mutilation Act (2008).

5. The Committee also welcomes the ratification of the African Charter on the Rights and Welfare of the Child on 30 July 2005.

## **C. Factors and difficulties impeding the implementation of the Convention**

6. The Committee recognizes the severe economic difficulties facing both the State party and the general population, including children, as a consequence of the many years of armed conflict in the eastern, northern and southern regions of the country.

## **D. Main areas of concern and recommendations**

### **1. General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention)**

#### **The Committee's previous recommendations**

7. The Committee welcomes efforts by the State party to implement the concluding observations of the Committee adopted in October 2002 (CRC/C/15/Add.190) following the consideration of the second periodic report of the State party. Nevertheless, the Committee regrets that many of its concerns and recommendations have been insufficiently or only partly addressed.

8. **The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations on its second report which have not yet been implemented or sufficiently implemented, including those related to dissemination and training (para. 22), resource allocation (para. 12), monitoring structures (para. 16), the definition of the child (para. 24), non-discrimination (para. 26), name and nationality (para. 33), ill-treatment and violence (para. 35) and harmful traditional practices (para. 47). The Committee also recommends that the State party provide adequate follow-up to the recommendations contained in the present concluding observations.**

#### **Legislation**

9. The Committee welcomes the promulgation of the Child Act (2010). It is concerned, however, that the State party has yet to establish a regulatory and policy framework to effect its implementation. The Committee notes with particular concern the absence of a comprehensive body of subsidiary legislation and that many government agencies have not been able to implement the Child Act as they have yet to receive the necessary instructions from the National Council for Child Welfare.

10. **The Committee recommends that the State party:**

(a) **Adopt a comprehensive regulatory and policy framework, including the appropriate enabling legislation, to facilitate the implementation of the Child Act (2010);**

(b) **Urgently issue the necessary instructions to all relevant government agencies to enable them to implement the Child Act; and**

(c) **Take effective steps to monitor the implementation of the Child Act (2010), including through the establishment of a national, multi-sectoral monitoring mechanism.**

### Coordination

11. The Committee is concerned that the National Council for the Protection of Children, established in 1990 to coordinate the implementation of the Convention, has not taken any effective measures to fulfil its role, partly due to inadequate human and financial resources and to a lack of political support.

**12. The Committee recommends that the State party strengthen the National Council for the Protection of Children and develop coordination at all levels of government, including regional and local levels. The Committee also recommends that the State party provide all coordination mechanisms with adequate human, financial and technical resources to perform their functions.**

### National plan of action

13. The Committee takes note of the State party's information that two national plans of action have been adopted to combat violence against children (2007-2011) and to end female genital mutilation (2007-2018). It is concerned, however, at the lack of a comprehensive, rights-based plan of action for the full and effective implementation of the Convention.

**14. The Committee recommends that the State party develop a national plan of action for the implementation of children's rights and adopt a holistic child rights approach to implementing the Convention. The State party should consider seeking technical assistance from the United Nations Children's Fund (UNICEF) in this area.**

### Independent monitoring

15. While welcoming the adoption of the National Human Rights Commission Act in April 2009, the Committee expresses concern that the Human Rights Commission has yet to be established and that there is currently no independent national mechanism to monitor the implementation of the Convention, receive complaints of child rights violations and take appropriate remedial action.

**16. The Committee urges the State party to proceed with the establishment of the Human Rights Commission, with representation at the national, regional and local levels, and ensure that it is in conformity with the Paris Principles relating to the Status of National Institutions (General Assembly resolution 48/134). In particular, the State party should ensure that the Human Rights Commission is vested with the competence to receive and follow up complaints of violations of child rights and is provided with sufficient human and financial resources to ensure its independence and efficacy.**

### Allocation of resources

17. The Committee is concerned that financial resources allocated to the protection and promotion of children's rights are far from adequate and notes with concern the State party's information that no specific budget allocations have been made for the implementation of child rights. The Committee expresses its concern over the marginalization of social sector spending, as indicated by the considerable military expenditure in contrast to allocations for health and education.

18. In the light of articles 2, 3 and 6 of the Convention, the Committee recommends that the State party:

- (a) Prioritize, as a matter of urgency, specific budgetary allocations in order to ensure the implementation of the rights of children to the maximum extent of available resources;
- (b) Ensure a balanced distribution of resources throughout the country, ensuring that priority is given to the alleviation of poverty among children; and
- (c) Introduce resource tracking from a child rights perspective with a view to monitoring resource allocations for children.

#### **Data collection**

19. While noting the State party's information that it is in the process of establishing a national centre for child information within the National Council for Child Welfare, the Committee expresses concern at the absence of a centralized data collection system in the State party. It notes that this is reflected in the lack of up-to-date, disaggregated data on many of the areas covered by the Convention, including children with disabilities, children in street situations, children infected with HIV/AIDS, child mortality and trafficking in children.

20. The Committee recommends that the State party:

- (a) Establish a comprehensive data collection system in order to ensure that data, disaggregated, inter alia by age, sex, geographical area and socio-economic background, are systematically collected and analyzed;
- (b) Use the data collected as a basis for designing policies to implement the Convention and assessing progress achieved towards this objective; and
- (c) Seek the assistance of relevant United Nations agencies and programmes, including UNICEF, in this regard.

#### **Dissemination and awareness-raising**

21. While noting the State party's information regarding meetings, seminars and other activities to promote the Convention, the Committee is concerned that efforts to disseminate the Convention have not been systematic, as a consequence of which awareness of its provisions remains low among the general public.

22. The Committee urges the State party to:

- (a) Broadly disseminate the Convention in all the local languages so as to ensure that the provisions of the Convention are widely known and understood, particularly by children, parents and caregivers;
- (b) Include human rights and child rights in the curricula of schools at all levels;
- (c) Encourage the participation of the media in the dissemination of the principles and provisions of the Convention; and
- (d) Seek the active support of local leaders, including religious and community leaders, in its awareness-raising initiatives.

#### **Training**

23. The Committee notes with concern that the training on the principles and the provisions of the Convention provided to magistrates, lawyers, police and other

professionals working in the field of child rights remains insufficient and that many professionals in this area do not receive such training.

**24. The Committee urges the State party to step up its efforts to provide training to groups of professionals working for and with children, with a focus on mainstreaming child rights training among such groups.**

#### **Cooperation with civil society**

25. The Committee is seriously concerned over the limitations placed on certain civil society organizations and regrets, in particular, the severe restrictions imposed on the operations of international and national non-governmental organizations (NGOs), especially those working in the area of human rights and humanitarian assistance for children. The Committee is also concerned that civil society organizations were not involved in the follow-up to the Committee's previous concluding observations or afforded adequate opportunities to present their views during the preparation of the State party's third and fourth periodic report.

**26. The Committee strongly recommends that the State party respect the indispensable role played by civil society in furthering the implementation of the Convention. To this end, the Committee urges the State party to:**

(a) **Remove the restrictions imposed on civil society organizations and NGOs working in the area of human rights and humanitarian assistance; and**

(b) **Step up its cooperation with civil society organizations and involve them systematically throughout all stages of the implementation of the Convention, including during the preparation of its periodic reports.**

## **2. Definition of the child (art. 1 of the Convention)**

27. While welcoming the definition of a child as any person under the age of 18 years under the Child Act (2010), the Committee is concerned at the lack of consistency in the State party's legislation and practice with regard to the definition of the child. In particular, the Committee is concerned that adulthood is, in practice, determined by reference, inter alia, to the attainment of puberty in conformity with sharia law in the northern part of the State party, and according to custom in other parts of the country. The Committee emphasizes that the incorrect determination of childhood has serious implications for the protection of children's rights, particularly in relation to juvenile justice and early marriage.

**28. The Committee recommends that the State party implement the Child Act (2010) in all parts of its territory. It also recommends that the State party harmonize its legislation and practice with the Convention in this area.**

## **3. General principles (arts. 2, 3, 6 and 12 of the Convention)**

#### **Non-discrimination**

29. The Committee is concerned at the pronounced inequality in economic conditions between the northern and southern regions of the State party and at the discrimination experienced by Southern and non-Muslim Sudanese in all areas, including the social and political spheres, as well as ethnic discrimination. The Committee is particularly concerned at the impact of this situation on the realization of the rights set out in the Convention by children belonging to these groups.

30. **The Committee recommends that the State party take all appropriate measures to eliminate inequality in economic conditions and disparities between regions and to ensure that all children are protected from discrimination on any grounds, including religious, ethnic and racial.**

31. The Committee expresses its concern that unmarried mothers and children born out of wedlock continue to suffer societal discrimination.

32. **The Committee recommends that the State party take effective steps, including legislation, to address discrimination against children born out of wedlock and against unmarried mothers. The Committee encourages the State party to conduct awareness-raising programmes in this area, in collaboration with civil society organizations and community and religious leaders.**

#### **Respect for the views of the child**

33. In light of the predominance of traditional views on the rights of children, the Committee is concerned that children's opinions are not given sufficient consideration and that respect for the views of the child within the family, at school, in the courts, before administrative authorities and in wider society remains limited.

34. **Taking into account its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party promote the full implementation of the right of the child to participate actively in decisions concerning his or her welfare in the family, at school, in the courts, before administrative authorities and in wider society. The State party should also incorporate this right into all policies and programmes relating to children and prioritize awareness-raising among the public and among professionals working in the area of child rights.**

#### **Right to life, survival and development**

35. The Committee is seriously concerned that, despite the adoption of the Child Act (2010), which prohibits the passing of the death sentence on children, under article 36 of the Sudan Interim Constitution, the death penalty may be imposed on persons below the age of 18 years in cases of retribution, or *hudud*. The Committee is also concerned at recent reports that the death penalty continues to be carried out on children. The Committee reminds the State party that the application of the death penalty to children is a grave violation of articles 6 and 37 (a) of the Convention.

36. **The Committee urges the State party to ensure that the death penalty is not carried out on children, including in cases of retribution, or *hudud*, and to replace any death sentences already passed on persons under 18 with an appropriate alternative sanction.**

### **4. Civil rights and freedoms (arts. 7, 8, 13-17, 19 and 37 (a) of the Convention)**

#### **Birth registration**

37. The Committee notes with concern that, although the Child Act (2010) and the South Sudan Child Act (2008) provide for free birth registration, in practice, the cost of the service is beyond the means of most families. The Committee also expresses its concern at the inadequacy of birth registration facilities and at the general lack of awareness among the public of the importance of birth registration, as a consequence of which many children are not registered at birth. It regrets the lack of information on the implementation and

impact of the State party's plan, referred to in paragraph 72 of its report, to improve birth registration.

**38. The Committee recommends that, with a view to improving birth registration rates, the State party:**

- (a) **Ensure that birth registration is free and compulsory in practice;**
- (b) **Establish birth registration facilities, including mobile birth registration units, at the local, community and village levels;**
- (c) **Conduct awareness-raising campaigns, with the active support of community leaders, to promote birth registration; and**
- (d) **Provide information, in its next periodic report, on the implementation and impact of its plan to improve birth registration rates.**

#### **Corporal punishment**

39. The Committee notes that the Child Act (2010) prohibits corporal punishment in schools. It also notes the adoption of the national plan to combat violence entitled "A Sudan Worthy of Children". The Committee, however, is seriously concerned that corporal punishment, particularly caning and flogging, is widely practised in schools, in homes, in courts and in prisons.

**40. Taking into account its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee urges the State party to take all the necessary measures to end the practice of corporal punishment, and in particular, to:**

- (a) **Explicitly prohibit corporal punishment by law in all settings, ensure effective implementation of the law and prosecute offenders;**
- (b) **Ensure that school discipline is administered in a manner which is consistent with the child's dignity as set out in article 28(2) of the Convention; and**
- (c) **Introduce public education, awareness-raising and social mobilization campaigns on the harmful effects of corporal punishment with a view to changing societal attitudes towards this practice, and promote positive, non-violent, participatory forms of child-rearing and education.**

#### **Follow-up to the United Nations Study on Violence against Children**

**41. With reference to the United Nations study on violence against children (A/61/299), the Committee recommends that the State party:**

(a) **Take all necessary measures to implement the recommendations of the Study, taking into account the outcome and recommendations of the regional consultations for west and central Africa (held in Bamako, from 23-25 May 2005). In particular, the Committee recommends that the State party pay special attention to the following recommendations:**

- **prohibit all forms of violence against children;**
- **strengthen national and local commitment and action;**
- **promote non-violent values and awareness-raising;**
- **enhance the capacity of all who work with and for children; and**
- **ensure accountability and end impunity;**

(b) Use the recommendations of the Study as a tool for action in partnership with civil society and, in particular, with the involvement of children to ensure that all children are protected from all forms of physical, sexual and psychological violence and to gain momentum for concrete and time-bound actions to prevent and respond to such violence and abuse; and

(c) Seek technical cooperation in this respect from the Special Representative of the Secretary-General on violence against children, OHCHR, UNICEF, the World Health Organization (WHO) and other relevant agencies, inter alia, the International Labour Organization (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Office of the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Office on Drugs and Crime (UNODC), as well as NGO partners.

**5. Family environment and alternative care (arts. 5; 18, paras. 1-2; 9-11; 19-21; 25; 27, (para. 4; and 39 of the Convention)**

**Family environment**

42. The Committee notes with concern the lack of detailed information on the financial support and services available for single-parent families.

43. **The Committee recommends that the State party take effective measures to provide financial support and services for single-parent families and include information on the impact of such measures in its next periodic report.**

**Children deprived of a family environment**

44. The Committee notes with concern the large number of babies that are abandoned in the State party. The Committee is also concerned at the inadequacy of alternative care facilities in the State party, the poor standards of care in these institutions and at the small number of “emergency alternative families” available. The Committee is seriously concerned that due, inter alia, to a lack of professional health staff and inadequate equipment and supplies, the child mortality rates at Maygoma orphanage in Khartoum are extremely high.

45. **The Committee recommends that the State party:**

(a) **Step up its efforts, including through legislative measures, to protect children from abandonment;**

(b) **Expand the alternative care system and provide foster families with adequate financial and other support in order to encourage more families to provide homes for children without parental care;**

(c) **Establish monitoring, inspection and evaluation mechanisms to ensure that alternative care facilities are of an adequate standard;**

(d) **Take effective steps to reduce the child mortality rates at Maygoma and to improve the standards of care by providing a full complement of qualified staff as well as adequate equipment and supplies; and**

(e) **Take into account the Guidelines for the Alternative Care of Children contained in United Nations General Assembly Resolution A/RES/64/142 adopted on 20 November 2009.**

**Adoption and *kafala***

46. The Committee is concerned over the practice of placing abandoned babies first into institutions and then into emergency alternative family homes (temporary) before their integration into *kafala* families (permanent). The Committee is seriously concerned that the assessment, training and supervision of residential staff and families are not clearly defined and managed. The Committee is, further, concerned that young children need permanency, stable placement and attachment to their caregivers, which are not assured under the current system.

47. **The Committee recommends that the State party:**

(a) **Take all feasible measures to enable babies born out of wedlock or abandoned for other reasons to be placed with their biological families;**

(b) **Establish a clear framework and programme to ensure that abandoned babies are placed as soon as possible into the family where they will grow up, providing them with stability and permanency;**

(c) **Minimize placements into residential homes and orphanages and place children directly into family-based care, preferably into *kafala* adoptive families; and**

(d) **Ensure, wherever possible, that the cultural identity of the child is respected.**

## **6. Basic health and welfare (arts. 6; 18, para. 3; 23; 24; 26; 27, paras. 1-3, of the Convention)**

**Children with disabilities**

48. The Committee takes note of the State party's information that various measures to implement the rights of persons with disabilities, including the adoption of a national policy for disability, have been taken. Nevertheless, the Committee notes with concern the absence of a comprehensive regulatory framework for mainstreaming disability in town planning, in the social services sector and in the overall protection of child rights. It is also concerned at the exclusion suffered by children with disabilities in social, educational and other settings and at the limited access to basic services.

49. **The Committee recommends that the State party:**

(a) **Ensure that the rights of children with disabilities are mainstreamed in both legislation and policy across all areas of child rights;**

(b) **Take effective steps to combat isolation, social stigmatization and other forms of discrimination in all areas, including schools, by implementing a comprehensive integration policy;**

(c) **Ensure that children with disabilities have equitable access to basic services, including health and education; and**

(d) **Conduct programmes, implemented with the assistance of the media, civil society organizations and community leaders, to raise awareness of the rights of children with disabilities and to combat discrimination against them.**

**Health and health services**

50. The Committee expresses its concern at the limited access to health care in the State party and that, particularly, primary health care facilities and rural hospitals are poorly staffed, lack essential medical equipment and have extremely high population to medical

doctor ratios. In this regard, the Committee notes with concern that the situation in West Darfur State and in Southern Sudan is particularly severe due to the destruction of medical facilities and hospitals in the course of the armed conflicts in those areas.

51. **The Committee recommends that the State party:**

(a) **Take effective measures to improve access to health care, particularly in remote and rural areas, and to rebuild health infrastructure in Darfur and Southern Sudan;**

(b) **Ensure that health services are of an adequate standard by allocating sufficient financial resources to the health sector and ensuring the availability of qualified medical staff, including in remote and rural areas; and**

(c) **Consider establishing a network of mobile health care facilities in conflict-affected areas as an interim measure.**

52. The Committee is seriously concerned at the high infant and child mortality rates, especially in Southern Sudan and Darfur due, inter alia, to waterborne diseases, malaria and acute respiratory infections. It notes that the situation is exacerbated by weak human resource and institutional capacity and the insufficient allocation of funds to the social sectors.

53. **The Committee recommends that the State party:**

(a) **Ensure that all children, especially those in the most severely affected regions of Southern Sudan and Darfur, have access to primary health care;**

(b) **Focus its efforts on developing and implementing a national policy to ensure an integrated and multidimensional approach to early childhood development, paying particular attention to the treatment of preventable diseases, malnutrition and the provision of potable water;**

(c) **Strengthen human resource and institutional capacity for early childhood development and allocate sufficient funds for this purpose; and**

(d) **Seek technical assistance from UNDP, UNICEF and other relevant partners.**

#### **Adolescent health**

54. The Committee is concerned that insufficient attention has been given to adolescent reproductive health issues and the mental health of adolescents by the State party, and concerned at the lack of information on adolescent health in the State party's report. The Committee is also concerned at the prevalence of early pregnancy in the State party.

55. **Taking into account the Committee's general comment No. 4 (2003) on adolescent health and development (CRC/GC/2003/4), the Committee recommends that the State party:**

(a) **Undertake a comprehensive study to assess the nature and extent of adolescent health problems, with the full participation of adolescents, and use this as a basis for formulating adolescent health policies and programmes with a particular focus on the prevention of early pregnancy and sexually transmitted infections; and**

(b) **Seek technical assistance from international agencies with expertise in health issues relating to adolescents, inter alia, WHO and UNICEF.**

### **Harmful traditional practices**

56. The Committee notes with concern that female genital mutilation remains widespread in Northern Sudan, despite the adoption of the National Plan for Child Welfare (2007-2011). It is concerned that, although the Child Act (2008) of Southern Sudan and the Southern Kordofan Female Genital Mutilation Act (2008) prohibit and criminalize female genital mutilation, the Child Act (2010) does not prohibit the practice. The Committee is also concerned at the prevalence of the early and forced marriage of girls, which frequently has a negative impact on their health, education and social development.

**57. In the light of article 24, paragraph 3 of the Convention, the Committee urges the State party to:**

- (a) Pass legislation at the federal level to expressly prohibit female genital mutilation and early marriage and ensure that such legislation is enforced in practice;**
- (b) Step up educational and awareness-raising programmes on the harmful effects of early and forced marriage and female genital mutilation; and**
- (c) Take into consideration recommendations made by NGOs specialized in these areas as well as those of moderate religious leaders.**

### **HIV/AIDS**

58. While acknowledging that HIV/AIDS prevalence rates remain low in the State party, the Committee is concerned that they are rising, particularly in Southern Sudan. Taking into account, inter alia, the high prevalence of HIV/AIDS in neighbouring countries, the high rates of migration within the region and poor literacy rates, the Committee is concerned over the limited awareness, especially among adolescents, of HIV/AIDS and its modes of transmission.

**59. The Committee recommends that the State party, taking into account the Committee's general comment No. 3 on HIV/AIDS and the rights of the child (2003) and the International Guidelines on HIV/AIDS and Human Rights (E/CN.4/1997/37):**

- (a) Take effective measures, in collaboration with civil society and religious and community leaders, to increase awareness about HIV/AIDS among adolescents, particularly among those belonging to vulnerable and high-risk groups, as well as the general population; and**
- (b) Seek technical assistance from, inter alia, the Joint United Nations Programme on HIV/AIDS (UNAIDS) and UNICEF.**

### **Standard of living**

60. The Committee expresses its concern that the vast majority of the Sudanese population, particularly in remote and rural areas, do not have ready access to potable water or adequate sanitation facilities. The Committee is particularly concerned at reports that up to 40% of primary schools in Northern Sudan lack water and sanitation facilities. The Committee is concerned that the living conditions of children and their families in situations of extreme poverty massively impede the holistic development of children's capacities, as set out in article 27, paragraph 2, of the Convention.

**61. The Committee recommends that the State party take effective measures to ensure the ready availability of safe drinking water and access to adequate sanitation facilities, particularly in remote and rural areas. The Committee also recommends that the State party establish targeted programmes to promote children's development, particularly addressing those living in impoverished circumstances, through their early years.**

**Children in prison with their mothers**

62. The Committee notes with concern that many female detainees in prisons in Southern Sudan and Khartoum have their young children with them in poor conditions, and expresses its concern at reports that the children of female prisoners executed following a sentence of death have remained in prison after the execution of their mothers.

63. **The Committee strongly recommends that the State party:**

(a) **Take effective and urgent measures to ensure that living conditions for children in prison with their mothers, including access to health and education services, are adequate for the child's physical, mental, moral and social development in accordance with article 27 of the Convention;**

(b) **Seek alternative measures to institutional confinement for pregnant women and mothers with young children, wherever possible;**

(c) **Ensure that the principle of the best interests of the child is carefully and independently considered by competent child professionals prior to and during their stays with their detained mothers;**

(d) **Ensure that all children whose mothers have been executed are released into a safe care environment; and**

(e) **Seek technical assistance from UNICEF and other relevant partners in this regard.**

**7. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)**

**Education, including vocational training and guidance**

64. The Committee expresses its deep concern that, due to the protracted armed conflict and to ongoing instability, the majority of children in Southern Sudan do not receive primary or secondary education. The Committee notes with concern the extremely low budget allocations for education, resulting in the lack of availability of trained teachers, poor school infrastructure and a chronic shortage of supplies and equipment. The Committee is, furthermore, concerned that many children are obliged to work outside the home in order to earn income for school fees. The Committee is also concerned over the limited opportunities for primary education as well as the unavailability of secondary education for children in camps accommodating internally displaced persons (IDPs) in Darfur.

65. **The Committee recommends that the State party ensure that adequate financial resources are made available for the education sector, particularly in Southern Sudan and Darfur. In particular, the State party is urged to focus its efforts on:**

(a) **Ensuring that primary education is free and that secondary education is available and accessible for all children;**

(b) **Rebuilding damaged infrastructure, including school buildings and sanitation facilities;**

(c) **Stepping up current efforts to provide additional, qualified staff and ensuring adequate supplies of materials and equipment; and**

(d) **Ensuring that primary and secondary education is available for all children in IDP camps in Darfur.**

66. The Committee notes with concern that enrolment and completion rates at both primary and secondary school levels in the State party as a whole remain extremely low. It is also concerned that, due to factors such as the low priority generally given to the education of girls, early marriage and poverty, many girls do not attend school. The Committee regrets the lack of information on the vocational education and training opportunities available to children in the State party.

**67. The Committee recommends that the State party take effective measures to ensure access to free primary and affordable secondary education for all children. Such measures should:**

- (a) **Address low enrolment as well as completion rates;**
- (b) **Take into account the effect of poverty and income disparities on the realization of the right to education;**
- (c) **Pay adequate attention to the particularly vulnerable situation of girls and to the role played by traditional views on the place of women and girls in society; and**
- (d) **Integrate long-term programmes to raise awareness of the importance of education and of the rights of all children in this regard;**
- (e) **Provide early childhood education facilities, in particular for children from disadvantaged backgrounds; and**
- (f) **Provide vocational education and training in order to better prepare children for qualified work and employment.**

## **8. Special protection measures (arts. 22, 30, 32-36, 37 (b)-(d) and 38-40, of the Convention)**

### **Asylum-seeking and refugee children**

68. The Committee expresses its concern that the 1974 Asylum Act does not include specific procedures relating to refugee status determination and does not address the special needs and vulnerabilities of asylum seeking children. In particular, the Committee notes with concern reports that the Commissioner for Refugees systematically rejects asylum claims submitted by Eritrean children aged below 14 years.

**69. The Committee recommends that the State party amend the Asylum Act in accordance with international refugee law and include specific refugee status determination procedures and measures to address the specific needs of asylum seeking children. The State party should ensure, particularly, that the principle of *non-refoulement* is respected in all decisions with respect to asylum-seeking children. The Committee encourages the State party to seek technical assistance from UNHCR in this regard.**

70. The Committee notes with concern that refugee and asylum-seeking children in the State party are especially vulnerable, inter alia, to exploitation, physical abuse, smuggling and trafficking. It is also concerned that, partly due to the State party's policy of requiring all asylum seekers and refugees, including children, to reside in camps, they have limited opportunities to integrate into Sudanese society, as well as limited access to education, frequently resulting in early marriage and child labour.

71. **The Committee recommends that the State party:**

(a) **Ensure, through measures including legislation, that refugee and asylum-seeking children are afforded effective protection from all forms of abuse, neglect and exploitation as well as access to education, health care and other essential services;**

(b) **Provide support to facilitate the integration of refugee and asylum-seeking children into Sudanese society; and**

(c) **Consider ratifying the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.**

**Children in armed conflict**

72. The Committee expresses its profound concern that civilians, including children, continue to be killed, maimed and displaced from their homes as a result of the armed conflict in Darfur. The Committee is particularly concerned over the deliberate targeting of civilians and the indiscriminate use of force against them, including through the aerial bombardment of villages and other civilian infrastructure, by Government-supported militia and Government security forces as well as armed groups. The Committee notes with grave concern the high incidence of rape and other forms of sexual violence committed against children, as well as the recruitment of children by armed groups and their use in hostilities. The Committee is, furthermore, concerned at the lack of accountability for serious human rights violations perpetrated during the course of the conflict, despite the establishment of the Darfur Special Courts for this purpose.

73. **Emphasizing the State party's primary responsibility to provide protection and relief to all children affected by armed conflict on its territory, the Committee recommends that the State party:**

(a) **Respect and ensure respect for the applicable rules of international humanitarian law, including adherence to the principles of proportionality and distinction, by all parties to the armed conflict in Darfur;**

(b) **Take effective measures to protect children from grave violations of human rights, including rape and other sexual violence, through, inter alia, the deployment of additional police personnel in Darfur, the thorough investigation of human rights violations and the robust prosecution of perpetrators;**

(c) **Step up its current efforts to address the recruitment of children into armed groups and their use in hostilities, including through the adoption of an action plan in accordance with United Nations Security Council resolutions 1539 (2004), 1612 (2005) and 1882 (2009);**

(d) **Strengthen its cooperation with the Special Representative of the Secretary-General for Children and Armed Conflict in order to effectively implement Security Council resolutions 1539 (2004), 1612 (2005) and 1882 (2009) within its jurisdiction; and**

(e) **Develop, in collaboration with civil society organizations and international organizations, a comprehensive system of psychosocial support and assistance for children affected by armed conflict, including child combatants, unaccompanied IDPs and refugees.**

74. The Committee is concerned over the rise in the incidence of localized armed conflicts and inter-tribal clashes, often characterized by the targeting of civilians, particularly women and children, in Southern Sudan. The Committee is seriously concerned that the Lord's Resistance Army continues to engage in violence in the region, including

grave human rights violations against children. The Committee notes with concern that the climate of insecurity is aggravated by the failure of the State party to ensure accountability for human rights violations, to address the proliferation of small arms and other weapons and to maintain law and order.

75. **The Committee recommends that the State party take effective measures to:**

(a) **Protect children from human rights violations committed by armed groups operating in the region and in the context of inter-tribal armed clashes, including through the deployment of additional police personnel, the thorough investigation of human rights violations and the effective prosecution of perpetrators;**

(b) **Allocate sufficient financial resources to the Government of Southern Sudan with a view to the establishment of trained and efficient police and security services, capable of responding effectively to unrest; and**

(c) **Address the proliferation of weapons, particularly small arms, in and through Southern Sudan.**

76. The Committee notes with concern the high incidence of armed attacks on humanitarian aid workers and staff of the African Union/United Nations Hybrid operation in Darfur (UNAMID) and the United Nations Mission in the Sudan. The Committee expresses its concern that such attacks have included direct attacks on UNAMID peacekeepers and the kidnapping of international aid workers. The Committee is, further, concerned that no effective action has been taken to put an end to such attacks or to prosecute those responsible.

77. **The Committee recommends that the State party take effective measures to ensure respect, in accordance with international humanitarian law and human rights law, for humanitarian aid workers and peacekeepers by all parties to the conflict in Darfur. The Committee urges the State party to ensure that all cases involving such attacks are thoroughly investigated and that perpetrators are promptly brought to justice.**

#### **Economic exploitation including child labour**

78. The Committee is concerned that child labour is widespread in the State party, with many children employed in factories, as domestic servants, in the agricultural sector and in the informal economy. The Committee is, further, concerned that, as legislation does not limit the industries, enterprises or types of work in which children may be employed, children are not adequately protected from engagement in hazardous work. The Committee expresses its concern over the abduction of children for the purpose of forced labour and the de facto impunity enjoyed by perpetrators.

79. **The Committee recommends that the State party:**

(a) **Take legislative and other measures to protect children from being subjected to forced labour, including through the effective investigation of cases of abduction and forced labour and the prosecution of offenders;**

(b) **Take effective steps to remove children from situations of forced labour;**

(c) **Address the root causes of child economic exploitation through, inter alia, the adoption and implementation of a poverty eradication strategy;**

(d) **Strengthen the financial and human resource capacity of the labour inspectorate; and**

(e) **Make every effort, including taking preventive measures, to ensure that children who do work do so in accordance with international standards, do not work**

**under conditions which are harmful to them, receive appropriate wages and other work-related benefits and continue to have access to formal education and other developmental opportunities.**

**Children in street situations**

80. The Committee notes with concern the large numbers of children in street situations in major cities, including Khartoum, who are vulnerable to sexual abuse and various forms of exploitation, as well as violence. The Committee is also concerned at reports that children in street situations are frequently arrested, imprisoned or sent to closed camps such as Tybah and Elrashad. The Committee regrets the lack of information on the impact of measures such as the Child Protection Initiative and the National Strategy for the Elimination of Homelessness, referred to in paragraphs 314 to 316 of the State party's report.

**81. The Committee strongly recommends that the State party take effective steps to:**

- (a) Address the root causes of the issue of children in street situations;**
- (b) Protect children in street situations from violence as well as sexual and other forms of exploitation;**
- (c) Ensure that children in street situations are not treated as offenders, subjected to violence by the police or detained;**
- (d) Secure the release of all children sent to closed camps or other places of detention and facilitate their reunification with their families, wherever possible;**
- (e) Ensure that all children who are arrested are treated in a manner consistent with respect for their dignity, in accordance with article 40 of the Convention; and**
- (f) Provide children in street situations with access to health care, education and other essential social services to which they are entitled under the Convention.**

**82. The Committee invites the State party to provide, in its next periodic report, information on the implementation of the measures referred to in paragraphs 314 to 316 of its periodic report.**

**Sexual exploitation and abuse**

83. The Committee commends the State party on its efforts to address and criminalize child sexual abuse through the Child Act (2010). It is concerned, however, that the sexual abuse of children remains widespread and that, within the context of the family, it is largely unacknowledged. The Committee also expresses concern that girls are particularly vulnerable to sexual abuse.

**84. The Committee recommends that the State party:**

- (a) Take effective measures to protect children from sexual abuse, including through early intervention, taking into account the particular vulnerability of girls;**
- (b) Thoroughly investigate cases of child sexual abuse and prosecute offenders;**
- (c) Ensure that professionals involved in the care of potential and actual child victims of sexual abuse receive adequate training in child protection, counselling and child rights;**

(d) **Ensure that child victims of abuse receive assistance for their physical and psychological recovery and social reintegration; and**

(e) **Conduct long-term awareness-raising programmes at the national and local levels, in consultation with community and religious leaders and civil society organizations, on the prevalence and harmful effects of child sexual abuse and on the particular vulnerability of girls in this regard.**

#### **Sale and abduction**

85. The Committee notes with concern the prevalence of the practice of child abduction, particularly in the context of inter-tribal conflict in Southern Sudan, as well the forced recruitment of children into armed groups. It is concerned that girls abducted by armed groups, particularly by the Lord's Resistance Army, are frequently abducted for the purpose of sexual slavery.

86. **The Committee recommends that the State party take effective steps to put an end to the practice of child abduction, including through cooperation with neighbouring countries and through the investigation of cases of child abduction and the prosecution of offenders. The Committee encourages the State party to conduct awareness-raising programmes, in consultation with affected communities and with the support of tribal leaders. The Committee also recommends that the State party ensure that victims of abduction receive assistance for their physical and psychological recovery and social reintegration.**

87. The Committee is concerned that the State party has not provided information on its follow-up to the Committee's concluding observations on the State party's initial report under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/SDN/CO/1).

88. **The Committee strongly recommends that the State party include, in its next periodic report under the Convention, detailed information on measures taken to follow up on the Committee's concluding observations on its initial report under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.**

#### **Administration of juvenile justice**

89. The Committee welcomes the recent establishment, through the Child Act (2010), of a juvenile justice system in the State party. The Committee is concerned, however, that due largely to an inadequate allocation of resources, the juvenile justice system is not yet fully functional and does not have separate courts and detention facilities for children. The Committee is also concerned, inter alia, that:

(a) The age of criminal responsibility is still determined according to apparent physical maturity (puberty), rather than actual age;

(b) Children are frequently brought before adult courts and detained with adults in prisons outside Khartoum and while in police custody;

(c) Children accused of committing offences may be detained for prolonged periods prior to trial;

(d) Children are routinely dealt with in the absence of their parents or guardians, and there is no effective oversight of the investigative and judicial processes;

(e) Juvenile justice is dispensed according to customary law in Southern Sudan, which is not in conformity with international standards in the field of juvenile justice; and

(f) Lawyers, judges, police and other professionals involved in the juvenile justice system lack training and expertise in juvenile justice and the protection of children in contact with the law.

90. **The Committee recommends that the State party bring the system of juvenile justice fully in line with the Convention, in particular articles 37, 39 and 40, and with other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (the Havana Rules) and the Vienna Guidelines for Action on Children in the Criminal Justice System, and the Committee's general comment No. 10 (2007) on children's rights in juvenile justice. In this regard, the Committee recommends that the State party in particular:**

(a) **Apply the provisions of the Child Act concerning the age of criminal responsibility consistently throughout its territory;**

(b) **Allocate and provide the necessary financial resources for the establishment of a fully functioning juvenile justice system in all regions of the State party, including separate courts and detention facilities for children;**

(c) **Guarantee all child detainees a periodic and impartial review of their detention;**

(d) **Accord all children in conflict with the law the full range of rights and judicial guarantees set out in articles 37 and 40 of the Convention, including the provision of prompt legal and other assistance at all stages of the investigative and judicial processes;**

(e) **Train all professionals involved with the juvenile justice system on relevant international standards;**

(f) **Establish an independent, child-sensitive and accessible system for the reception and processing of complaints by children and investigate, prosecute and punish cases of violations committed by law-enforcement personnel and prison guards; and**

(g) **Make use of the technical assistance tools developed by the United Nations Interagency Panel on Juvenile Justice and by its members, which include UNODC, UNICEF, OHCHR and NGOs and seek technical advice and assistance in the area of juvenile justice from members of the Panel.**

## **9. Ratification of international human rights instruments**

91. **The Committee recommends that the State party consider ratifying:**

(a) **The Optional Protocol to the International Covenant on Civil and Political Rights (1966);**

(b) **The Convention on the Elimination of All Forms of Discrimination against Women (1979);**

(c) **The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984);**

(d) **The Second Optional Protocol to the International Covenant on Civil and Political Rights (1989); and**

(e) The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2002).

## 10. Follow-up and dissemination

### Follow-up

92. The Committee recommends that the State party take all appropriate measures to ensure the full implementation of the present recommendations, inter alia, by transmitting them to the Head of State, the Supreme Court, Parliament, relevant ministries and local authorities for appropriate consideration and further action.

### Dissemination

93. The Committee further recommends that the third and fourth periodic report and written replies submitted by the State party and the related recommendations (concluding observations) it adopted be made widely available in the languages of the country, including (but not exclusively) through the Internet to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate and awareness of the Convention, its implementation and monitoring.

## 11. Next report

94. The Committee invites the State party to submit its combined fifth and sixth periodic report by 1 October 2015. The Committee draws attention to its harmonized treaty-specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2) and reminds the State party that future reports should be in compliance with the guidelines and not exceed 60 pages. The Committee urges the State party to submit its report in accordance with the reporting guidelines. In the event that a report exceeding the page limitations is submitted, the State party will be asked to review and resubmit the report in accordance with the above-mentioned guidelines. The Committee reminds the State party that if it is not in a position to review and resubmit the report, then translation of the report for purposes of examination by the treaty body cannot be guaranteed.

95. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting, approved by the fifth inter-committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3). The treaty-specific report and the common core document together constitute the harmonized reporting obligation under the Convention on the Rights of the Child.