



Convention on the Rights of the Child

Distr.

GENERAL

CRC/C/OPSC/SDN/Q/1/Add.1

10 April 2007

ENGLISHOriginal: ARABIC

COMMITTEE ON THE RIGHTS OF THE CHILDForty-fifth session21 May-8 June 2007

written replies by the government of the republic of sudan to the list of issues (CRC/C/OPSC/SDN/Q/1) to be taken up in connection with the consideration of the initial report of the republic of sudan submitted under article 12, paragraph 1, of 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/1)*

[Replies received on 2 April 2007]

In the name of God, the Merciful, the Compassionate

National Council for Child Welfare

New and additional information requested by the Committee on the Rights of the Child during its consideration of the initial report of the Sudan on the Optional Protocol on the sale of children, child prostitution and child pornography

March 2007

1. Please provide statistical data (including by sex, age, urban/rural areas) for the years 2003, 2004, and 2005 on:

(a) The number of reported cases of the sale of children, child prostitution and child pornography, with additional information on the type of follow-up provided on the outcome of the cases, including prosecution, withdrawals and sanctions for perpetrators

No cases of the sale of children, child prostitution and child pornography were reported in 2004 and 2005. However, in 2006, according to a crime report issued by the Ministry of the Interior, 215 cases of sexual assault of children were reported. The sanctions for these offences were terms of from 2 to 18 years' imprisonment.

(b) The number of children trafficked to and from the Sudan, as well as trafficked within the country

The number of children involved in camel racing who have been returned from the Gulf States amounts to 157 (the United Arab Emirates) and 212 (Qatar) respectively. These children have been reintegrated into their families and communities under programmes set up for this purpose (see question 12).

The efforts made, especially in the period from 2000 to 2006, in terms of decrees, regulations and circulars, and the follow-up measures taken by the Sudanese authorities and some Gulf States have reduced (if not completely eliminated) the phenomenon of children travelling and being taken on abroad for work, so that any others who manage to enter the Gulf States do so through illegal crossing points.

There have been no reports of children being trafficked to or through the Sudan. There have been some cases of children leaving the country through illegal crossing points for the Gulf States and being returned via Khartoum Airport. A total of eight such cases have been reported and remain under investigation.

In six out of seven cases, individuals were caught at Khartoum Airport attempting to leave the country for the Emirates, purportedly for the purposes of tourism. After inquiries were made and medical diagnoses repeated, the passports of the individuals were revoked.

(c) The number of child victims provided with recovery assistance and compensation

The Office of Psychosocial Support within the Family and Child Protection Unit of the Khartoum state police provides psychological and social assistance to victims of abuse and accused persons. The Office employs a group of officers with skills in this domain. The management of the unit has taken on 20 cadres with different academic qualifications, ranging from doctorates to undergraduate degrees in psychology and sociology. An intensive training programme has been devised for this group to ensure that they provide the best possible treatment and awareness services.

The basic functions of the unit include:

1. Providing one-to-one psychological care for victims of abuse and helping victims and their families to come to terms with the situation in which they find themselves;
2. Providing psychotherapy and counselling to victims and their families and regular follow-up through therapy sessions and home visits;
3. Making psychological assessments of, and treating, accused persons by conducting in-depth case studies and follow-up of individuals in rehabilitation institutions, and then using the personal, psychological and social profile of subjects to carry out research and studies with a view to designing future treatment and prevention plans;
4. Raising society's awareness, through direct mass communication (lectures, symposia, workshops, seminars), of the importance of mental health and the dangers confronting children;
5. Running specialized psychotherapy training courses.

A total of 105 cases have been reported to the Family and Child Protection Unit since its inception in January 2007. An analysis of the data and information on perpetrators and victims paints the following picture:

- 90 per cent of all assaults were sexual assaults;
- 5 per cent were cases of neglect;
- 2 per cent were cases of sexual abuse;
- 3 per cent were other kinds of abuse, including psychological abuse;
- 90 per cent of perpetrators were either a relative or a neighbour of the victim;
- 6 per cent of victims suffered from different degrees of mental incapacity.

The treatment plans for these cases include one-to-one psychotherapy and family counselling. Some arrangements were made with school managers to reintegrate students who had dropped out of school and had been referred to the unit because they had virtually become street children. School visits and family counselling are carried out to ensure that the children attend school regularly.

In six cases, children were placed in the care of relatives after the latter had given a written undertaking to look after them and not to leave them unsupervised.

The aims of treatment for victims of general violence are:

- To reduce trauma symptoms through reintegration;
- To allow children to resume their normal activities;
- To ensure that children are not subjected to violence in future;
- To address the behavioural impacts of abuse, in addition to family counselling.

The level of social awareness of the dangers which children face and the importance of psychological health and the unit's work of defending the rights of children and women call for concerted efforts on the part of all civil society organizations and their branches to jointly support, resolve and address children's problems, including sexual abuse.

The state of Khartoum and the police's Women's and Children's Protection Unit have launched an initiative which will be rolled out to other states in the coming months. This unit aims to achieve the following goals:

To monitor, safeguard, protect and treat children and women affected by all forms of violence, violations, abuse and exploitation through the adoption of school programmes and activities based on community values and culture, applicable legislation, and the State's obligations under international, regional and national treaties, especially as voluntary organizations want to establish a safe community in the state of Khartoum.

For the sake of a family and a community that meets its obligations, exercises its rights and respects the rights of others, it is necessary to establish coordination with relevant institutions to ensure complementarity of roles in the domains of law, education, health and information, to raise society's awareness of the dangers of physical, mental and structural violence, to improve the skills of professionals, and to allocate resources.

The unit's operating principles are based on the Interim Constitution of the Sudan of 2005, the Comprehensive Peace Agreement (CPA) and the child protection norms embodied in the international treaties on children which the Sudan has signed and ratified, in particular the Convention on the Rights of the Child and the two Optional Protocols.

Coordination is effected with agencies that work on children's issues (the National Council for Child Welfare, domestic voluntary organizations and international voluntary organizations) in order to realize the best interests of the child in all domains.

With a view to ensuring the accuracy of the information that it uses in its work, the unit:

Facilitates the conduct of scientific and applied research and studies;

Provides legal protection;

Exchanges information with partners;

Follows up, monitors and analyses cases;

Provides donors with statistics and reports on its caseload in order to guarantee transparency;

Encourages and helps academics to conduct specialized research in this area among all sectors of society.

The unit endeavours to protect children and women from all forms of violence and abuse by:

Creating an appropriate environment;

Addressing the adverse impact (health, psychological, social, etc.) of violence;

Providing psychological, legal and social support to young offenders and victims;

Devising alternative measures for young offenders.

1. The unit submits recommendations on domestic legislation and laws concerning the protection of children and women, and on bringing the laws into line with relevant treaties and protocols.

The unit also raises awareness through the available media.

The unit's work is founded on the following values and mechanisms:

(a) The principle of confidentiality, non-disclosure of information to persons who are not interested parties, and dealing with cases on an individual basis;

(b) Establishment of a code of conduct, penalties for wrongdoing, and accountability;

(c) Strict compliance with domestic laws or international conventions on children in order to ensure justice, impartiality and transparency;

(d) Involvement of, and cooperation with, national and international partners.

As far as capacity-building is concerned, the unit:

Organizes continuous specialized training for the development of the unit and its staff;

Recruits and appoints staff on an ongoing basis to ensure professionalism;

Attempts to deliver specialized, technical and material assistance;

Pays attention to occupational health.

2. Rehabilitation programmes have been established, in cooperation with UNICEF and Qatar Charity, for children formerly employed in camel racing. The programme elements entail:

(a) Coordination and cooperation with the authorities in Gulf States to combat the phenomenon of children employed in camel racing and full coordination with the passport control police at exit ports;

(b) Establishment of a medical committee by the Ministry of Health and private hospitals to assess the ages of children travelling to the Gulf States and conduct full medical diagnoses to ascertain the true age of these children;

(c) Control and regulation of the minimum age for employment, pursuant to the 1997 Labour Code and the regulations issued thereunder by the Ministry of Labour;

(d) Conduct of awareness and promotional campaigns on this phenomenon in rural communities and areas;

(e) Social rehabilitation of these children through family and community reintegration;

(f) Development of impoverished areas in the communities where these children grow up, through the establishment of educational, health and cultural organizations, giving children's families means of production, and involving them in education;

(g) Involving civic and community leaders in the implementation of this programme;

(h) Establishing an implementation and follow-up mechanism for this programme, including the National Council for Child Welfare, UNICEF, the Ministry of Labour, the Ministry of the Interior, the Ministry of Foreign Affairs, journalists and civil society organizations.

3. The Committee for the Eradication of the Abduction of Women and Children (CEAWC) was established to meet the obligations of the Government of the Sudan pursuant to a resolution on the situation in the Sudan which the Commission on

Human Rights adopted by consensus in April 1999. These obligations require the Sudan to investigate reports of the abduction of women and children, examine the causes of abductions, and facilitate the safe return of affected children to their families as a matter of priority. CEAWC was established pursuant to an order on the eradication of abduction of women and children issued on 15 May 1999 by the Minister of Justice and the Chairman of the Human Rights Advisory Council. It was restructured pursuant to Republican Decree No. 14, issued in January 2002. The main aim of the Decree was to provide CEAWC with additional resources and wider powers to enable it to function effectively by making it part of the Office of the President of the Republic.

The Committee is chaired by Dr. Ahmad al-Mufti, a lawyer and the Director of the Khartoum International Centre for Human Rights (KIHCR), alternating in South Darfur and West Kordofan, with ministers for social affairs. At the federal level, the membership of CEAWC includes representatives from the justice, foreign affairs and interior ministries, the armed forces, national security, the intelligence services, the National Assembly's Human Rights and Public Duties Committee, the Bar Association, some domestic human rights nongovernmental organizations, the Women's Union, the Ministry of Social Planning, the National Council for Child Welfare, tribal representatives from the Dinka, Maysiriyah and Raziqan tribes, and the Chairman of the Dinka Chiefs Committee (DCC). Governmental committees of CEAWC have been formed with representatives from the Ministry of Justice, the police, the armed forces, the security forces and the state government. CEAWC also has four executive directors working in the field. All these official mechanisms are able to provide the necessary support to CEAWC tribal bodies. They cover all the relevant regions of the country. CEAWC also has 22 joint technical committees (JTCs) serving as its operational arm. The members are equally divided between representatives of the tribes affected by the phenomenon.

CEAWC has competence for the following:

- (a) Facilitating the safe return of affected children and women to their families, as the best option, by providing full support for the efforts of the joint technical committees whether in the form of material, administrative or other types of support;
- (b) Investigating reports of the abduction of women and children and bringing to justice every individual who supports or participates in these activities and refuses to cooperate with CEAWC;
- (c) CEAWC works in consultation, cooperation and coordination with the international community. Indeed, it has such close ties with the members of the international community that they are partners, not just donors, in the fulfillment of its role and functions. The international institutions that cooperate with CEAWC are the European Union, UNICEF, Save the Children UK, Save the Children Sweden, and the Deputy Special Representative of the Secretary-General of the United Nations for the Sudan.

The Commission on Human Rights in Geneva, in its resolution 2002/16 on the human rights situation in the Sudan, affirmed the importance of a legal framework for the eradication of abduction. Paragraph 4 (k) of the resolution allows for the non-imposition of penalties when cooperation from tribes is forthcoming.

2. Please clarify whether there is any national plan of action or any other policy or programme elaborated on the areas covered by the Optional Protocol

The National Council for Child Welfare devised an implementation programme (November 2006), in the framework of the national plan of action to combat violence against children, for the Optional Protocol. The programme comprises several activities, including:

- (a) Preparation of guides and specialized programmes on the areas of child protection covered by the Protocol for social workers, prosecuting judges, the police, educators, supervisors of social institutions, social researchers, medical specialists and suppliers of tourism services;
- (b) Exchange of international expertise and promotion of international and national cooperation to eliminate all forms of exploitation and sexual abuse of children;
- (c) Training psychologists and social workers in the application of psychological assessment tools to child victims of violence and abuse;
- (d) Design of skills programmes to teach children to protect themselves from violence and sexual abuse, especially those living in circumstances that make them vulnerable to these kinds of violations (e.g. street children, children in institutions, etc.);
- (e) Training of social workers and psychologists in schools, health units and civic organizations on rehabilitating victims of violence and sexual exploitation based on international child welfare and protection standards;
- (f) Adoption of international standards on protecting children from sexual exploitation and incorporation of these standards into a code of conduct for the sectors that deal with children;
- (g) Involvement of local communities, voluntary and children's associations in monitoring pornography used by individuals or in Internet cafés;
- (h) Creation of a strong partnership with children's rights organizations to defend the rights of child victims of all forms of physical abuse and sexual harassment;
- (i) Establishment of a monitoring and follow-up system at the state and national levels;
- (j) Organization of information campaigns, with the involvement of all the media, to raise awareness among communities and families with a view to creating a supportive and protective environment for children.

This programme is expected to be implemented this year (2007), hopefully with funding from government agencies and donor organizations.

3. Please clarify what the legal status of the Optional Protocol is in the State party's legislation

The Interim Constitution of the Republic of the Sudan of 2005 provides as follows:

“Nature of the Bill of Rights:

“The Bill of Rights is a covenant between all the Sudanese people and their governments at every level, a commitment to respect and promote the human rights and fundamental freedoms enshrined in this Constitution, and the cornerstone of social justice, equality and democracy in the Sudan.

“The State shall protect, promote, guarantee and implement this Bill.

“All rights and freedoms enshrined in international human rights treaties, covenants and instruments ratified by the Republic of the Sudan shall be an integral part of this Bill.

“Legislation shall regulate the rights and freedoms enshrined in this Bill and shall not detract or derogate from any of these rights.”

In the section on the rights of women and children, the Constitution states as follows:

“The State shall protect the rights of the child as provided in the international and regional conventions ratified by the Sudan.”

The Interim Constitution for Southern Sudan:

Article 21 refers to children's rights as follows:

(1) All children are entitled:

To life, survival and development;

To a name and a nationality;

To a family life and care by a parent or a legal guardian;

Not to be subjected to exploitation, abusive practices, military service, and dangerous or harmful practices that jeopardize their educational prospects, health or well-being;

Not to be subjected to any form of discrimination;

Not to be subjected to corporal punishment, cruelty or inhuman treatment at the hands of any party, including parents, schools and other institutions;

Not to be subjected to negative and harmful cultural practices that affect their health, welfare or dignity;

To protection against abduction and trafficking.

(2) When dealing with children, private institutions, public courts, administrative bodies and legislative entities shall give paramount consideration to the best interests of the child.

(3) Special protection shall be given to orphans and children at risk of abuse at all levels of government in Southern Sudan, and adoptions shall be carried out in accordance with the law.

(4) For the purposes of the present Constitution, a child is a person below 18 years of age.

A draft children's law for Southern Sudan was prepared pursuant to the Interim Constitution for Southern Sudan as part of the efforts to establish minimum standards for, and harmonize the concepts applied by, criminal and civil law and judicial institutions in Southern Sudan.

The draft children's law for Southern Sudan spells out the minimum standards of due process to be applied by or before any court in Southern Sudan, excluding criminal and civil proceedings which are regulated by domestic legislation.

The draft children's law for Southern Sudan is a comprehensive document on children's enforceable rights and takes precedence over any other law affording less protection.

The draft children's law contains comprehensive sections on preventing trafficking of children, child prostitution and child pornography that were taken from the Optional Protocol with a view to facilitating its implementation.

Section 22 of the text commits the Government to complying with norms to protect children against all forms of abuse and to guaranteeing the provision of appropriate treatment and care for any child victim of exploitation.

Chapter 2 of the draft children's law for Southern Sudan deals with the subject of different forms of exploitation as follows:

Any child, when in the care of a parent, legal guardian, teacher, the police or any other person entrusted with his or her care, is entitled to protection from the following forms of ill-treatment and abuse:

Any form of physical or psychological violence, injury, abuse, neglect, ill-treatment or exploitation;

Abduction and trafficking, for any purpose or by any means, as carried out by an individual, including a parent or a legal guardian;

Exploitation, abuse and sexual harassment, including rape, incest, being forced to watch or participate in any sexual activity, and employment in prostitution;

Use of children in pornographic displays or material.

Anyone who commits any of the above offences shall be subject to a penalty of up to 14 years' imprisonment without having the option of paying compensation.

International and regional conventions ratified by the State become part of the country's constitutional machinery. The judicial authorities are informed about them, and domestic laws and regulations are amended to bring them into line with these conventions.

4. Please provide additional information on measures taken to enable implementation of the Optional Protocol throughout the country and in particular in Southern Sudan

The Criminal Code for Southern Sudan prescribes penalties, in accordance with the Optional Protocol, for trafficking of children, child prostitution and child pornography.

The Criminal Code was drafted, in accordance with the powers of the government of the Southern Sudan and the Interim Constitution for Southern Sudan, to establish minimum standards and principles.

Section 3 of the Criminal Code stipulates that offences committed by any individual shall be punished with the rigour of the Code as it relates to any act or omission in Southern Sudan that breaches its provisions.

Section 4 deals with offences committed outside Southern Sudan as follows:

The following persons shall be subject to punishment in Southern Sudan:

Anyone who commits any act (outside Southern Sudan) in the capacity of the author of, an accomplice to, or the instigator of, an offence committed wholly or in part in Southern Sudan;

Anyone who commits any act (in Southern Sudan) that constitutes an offence in Southern Sudan and an offence under any law applicable in the place in which it was committed or attempted;

Any citizen of Southern Sudan who is guilty of inciting an offence outside Southern Sudan shall be liable to punishment under this Code in Southern Sudan;

The definition of Southern Sudan includes its territory, airspace and on board its ships.

According to section 310 of the Criminal Code (sale, purchase or any other transfer of persons), concerning trafficking of persons, including children:

Anyone who buys, sells, rents, leases out or otherwise obtains possession or disposes of, any person, intending or knowing that such person be employed or used for any unlawful or immoral purpose shall be deemed to have committed an offence, shall be subject to a penalty of up to 14 years' imprisonment, and may also be liable to a fine and confiscation of property.

Section 313: (transferring control of a person with intent to subject him to unlawful detention or illegal forced labour)

Anyone who, in exchange for money or any other consideration, transfers or purports to transfer the possession or control of any person to another party with a view to enabling that other party illegally to detain or to force the person to carry out work against his will shall be deemed to have committed an offence that is punishable by a term of up to seven years' imprisonment, and may also be liable to a fine.

Section 314: (possession or control of a person in Southern Sudan after obtaining possession or control outside Southern Sudan)

Anyone who has possession or control of a person in Southern Sudan after obtaining such possession or control outside Southern Sudan by acts that would have constituted an offence if committed in Southern Sudan shall be deemed to have committed an offence and shall be prosecuted and punished as if these acts had been committed in Southern Sudan.

Section 315: (transfer and possession of a person in Southern Sudan)

Anyone in possession or control of a person in Southern Sudan who conveys that person outside Southern Sudan, thereby transferring, or purporting to transfer possession or control of, the person by any means whatever that constitutes an offence shall be prosecuted and punished as if these acts had been committed in Southern Sudan.

Section 315 (a): (trafficking in persons for immoral purposes outside Southern Sudan)

Anyone who procures, entices or leads away a person, even with his or her consent, for immoral purposes outside Southern Sudan shall be deemed to have committed an offence, shall be prosecuted and sentenced to up to seven years' imprisonment, and may also be liable to a fine.

The Criminal Code also prohibits pornographic displays in section 234 (obscene and indecent acts)

Anyone who disturbs others by committing an obscene or indecent act in a public place shall have committed an offence and shall be convicted and sentenced to up to two years' imprisonment and/or a fine.

Section 235 (b): (sale of obscene books, etc.)

Anyone who sells, imports, prints, makes for sale, rents or displays obscene writings, books, newspapers, films, records or similar articles, drawings, paintings, a representation or a figure, or who has these obscene books or any other item in his possession with a view to its sale, distribution or public display, shall be deemed to have committed an offence and shall be liable to a penalty of up to three years' imprisonment and/or a fine.

The draft children's law for Southern Sudan places strict conditions on employment of children, prohibiting them from working in places like bars and hotels where they could be exposed to immoral behaviour, from doing any work connected with any type of sexual activity, and from working between the hours of 6 p.m. and 6 a.m.

The draft children's law states that child witnesses and victims must be given protection where necessary, including from fear of intimidation.

Section 120 of the law deals with the subject of children who are illegally abducted and with the harm done to these children by being illegally transferred, forced to engage in immoral or unsavoury acts, taken away without legal consent, and treated cruelly or forced to engage in undesirable practices.

The law gives social workers the authority to examine a child suspected of being exposed to this kind of treatment and to have the child moved to a place of safety.

The law contains provisions on protecting a child's interests and safety during the investigation process. A child may also be moved to any safe place.

5. Please elaborate on recent activities undertaken by the National Council for Child Welfare for the implementation of the Optional Protocol and the coordination of the activities in this regard

The National Council for Child Welfare (secretariat) has organized a number of activities and events to raise awareness of, disseminate, implement, and coordinate efforts on, the Optional Protocol. For example:

(a) Workshops and awareness campaigns have been held in a number of states, namely:

Khartoum;

Jazirah;

South Kordofan;

Red Sea;

Kassala;

Qadarif;

Sinar;

Bahr al-Jabal;

South Darfur.

(b) Awareness campaigns target the following groups:

Members of the national parliament;

Members of state parliaments;

The judiciary;

The police.

(c) The draft children's law of 2006 contains provisions taken from the two Optional Protocols to the Convention on the Rights of the Child;

(d) Awareness and training workshops on violence against children have been held for children in Khartoum and for schoolteachers;

(e) Participation in regional and international conferences on violence against children (Egypt, Morocco, Sweden's hotline);

(f) Participation in a consultative meeting in Cairo, for Middle Eastern and North African States, on the United Nations study on violence against children;

(g) Child protection issues have been discussed by some newspapers, periodicals and the broadcast media and an informational booklet on violence against children has been designed;

(h) Participation in a consultative meeting, for Middle Eastern and North African States and in which two Sudanese children took part, on the United Nations study on violence against children;

(i) The National Council for Child Welfare, in cooperation with UNICEF, the Geneva Institute for Human Rights and the League of Arab States, held the first ever national seminar on protecting children from all forms of violence.

6. Please provide more information on measures taken to establish an effective system of data collection on the issues covered by the Optional Protocol

The family protection unit was set up by the Khartoum state police to work on women's and children's protection issues, combat physical, emotional and sexual abuse of women and children, and deal with the psychological and social impact of these practices.

This unit liaises with UNICEF in the areas of capacity-building, awareness campaigns, scientific research on child protection, and the identification of indicators in this domain. The unit's records and statistics office was set up to gather information on the issues covered by the Protocol, and the unit liaises with the different government units in that area. Once the remaining police units for women's and children's issues have been established in the states and linked up to the central database on the children's issues covered by the Protocol, the information system on the issues covered by the Protocol will be complete.

A children's information centre is being set up at the National Council for Child Welfare, in coordination with the national information centre (Council of Ministers), to include all indicators on different aspects of childhood. In the future, it will be linked via the electronic network to all other states.

At the same time, different bodies have information systems with the following functions:

An information system to monitor cases of child trafficking has been installed by the Department of Passports, Immigration and Nationality at the country's different ports of access;

An information system has been created for CEAWC, the committee mentioned above;

A civil registration system was created pursuant to the Civil Registration Act of 2001 to register births and national identity numbers electronically;

A system was established to register children of unknown parentage.

7. Please provide information on provisions in the criminal law or other laws regarding:

(a) Importing, exporting and possession of child pornography

The Criminal Code of 1991 provides as follows:

1. Anyone who makes, reproduces, possesses and distributes indecent material shall be subject to a penalty of up to one month in prison or a flogging with up to 40 lashes, and may also be liable to a fine.

2. Anyone who trades in indecent material or manages an exhibition facility, theatre, entertainment hall or any public premises in which the person presents or permits the presentation of indecent material shall be subject to a penalty of up to 60 lashes and/or a term of up to three years' imprisonment.

3. In all events, the court shall order the destruction of the indecent material and confiscation of the equipment and articles used to display it. It may also order closure of the premises.

The Children's Act of 2004 states as follows:

Prohibition of the publication of printed matter and literature

It is prohibited to publish, offer, distribute, reproduce or possess any printed matter or audiovisual material that panders to children's basest instincts, projects a positive image of behaviour that offends against society's values or traditions, or encourages children to engage in delinquency. The penalty for the above-mentioned acts is one month's imprisonment and/or a fine.

It is prohibited to use children for any form of forced labour, sexual exploitation, pornography or illegal trafficking, or to exploit or use them in an armed conflict. The penalty for breaching this provision, as laid down in article 67 of the Children's Act, concerning penalties, is a term of up to 15 years' imprisonment and a fine to be set by the court.

The Literary and Artistic Works Act states as follows:

It is not permissible to import, bring in, publish, print, distribute or trade in, any artefact under any of the following circumstances:

(a) If it offends against religious values or public morals;

- (b) If it offends against beliefs, mores or religions;
- (c) If it discriminates on grounds of colour, sex, or ideas of racial superiority;
- (d) If it breaches State policy and national security;
- (e) If it was jointly produced with a hostile State or a national of a hostile State;
- (f) If it is banned from entry to the country pursuant to a decision of the National Assembly. The law specifies a penalty of two years' imprisonment and/or a fine for any breach of this provision.

Improperly inducing consent, as an intermediary, for the adoption of a child

The Child Welfare Act of 1971 established rules to protect the interests of the child as regards the competence of a carer. Carers are put on probation for a one-year period, during which time a social worker must visit the child regularly. The Act also establishes rules of care with which the carer must comply, as well as rules on the child's relationship with the carer's family and on travel by the child.

The Interim Constitution for Southern Sudan states that adoptions must be carried out in accordance with the law. In the past, there were no official adoptions in Southern Sudan and orphans were usually looked after by relatives.

The draft children's law for Southern Sudan is regarded as an alternative mechanism for protecting children, establishing effective standards for preventing abuse and exploitation in accordance with international adoption treaties.

Adoption in Southern Sudan

In light of the exceptional circumstances, persons from outside Southern Sudan can now apply to the Supreme Court to adopt a child from Southern Sudan, if they:

- (a) Have had an established place of residence in Southern Sudan for at least three years;
- (b) Have already looked after the child for at least one year;
- (c) Do not have a criminal record;
- (d) Have been recommended by a government official in their country or country of origin as being fit to adopt a child;
- (e) Have convinced the Supreme Court that the adopted child will be given a permanent entry visa or residence permit for the country concerned.

Offering, obtaining, procuring or providing a child for child prostitution

The Criminal Code (1991) states as follows:

Enticement

Anyone who entices, takes away, or assists in the taking, leading away or renting out of a person to commit the offences of fornication, sodomy, prostitution or acts of depravity or indecency shall be subject to a penalty of a flogging of up to 100 lashes or up to five years' imprisonment. If the victim of the enticement is a minor or a person with a mental impairment or if the intention was to commit any of the aforementioned acts outside the Sudan, the penalty shall be up to 100 lashes and a term of up to seven years' imprisonment.

Luring

Anyone who lures a minor or a person with a mental impairment in order to take him from, or subtract him from the care of, his legal guardian, without the guardian's consent, shall be subject to a penalty of up to seven years' imprisonment and may also be fined.

The preceding paragraph does not apply to persons entitled to claim the right of custody, guardianship, tutorship or any other lawful authority over the child.

Criminal liability of legal persons

Under the Criminal Code, the term "person" means a natural person and a legal person. The Code therefore makes no distinction between them as far as criminal liability is concerned. The justice system has the right to lift the immunity of any legal person who commits any breach of the Code.

Extraterritorial jurisdiction if the victim of one of the acts covered by the Optional Protocol is a national of Sudan

The 1991 Criminal Code deals with the question of its territorial applicability in three articles dealing, respectively, with offences committed wholly or in part in the Sudan, offences committed abroad, and offences committed by a Sudanese national.

Article 5

1.This code shall apply to any offences committed wholly or in part in the Sudan.

2.For the purposes of this code, the definition of the Sudan includes the airspace, territorial waters and all ships and aircraft of the Sudan, wherever they may be.

Article 6

1.This code applies to anyone who commits an act in the Sudan in conjunction with an act committed outside the Sudan that is deemed an offence both in the Sudan and under the law of the State in which it is committed.

2.No one shall be punished for committing an offence outside the Sudan that is punishable in the Sudan, if the person was convicted for it by a competent court outside the Sudan and served his sentence, or if he was acquitted.

Article 7

Any Sudanese national who, while abroad, commits an act that makes him the author of, or an accomplice to, an offence under this code shall be liable to punishment, if he returns to the Sudan and the act constitutes an offence under the law of the State in which it was committed, unless the person was tried before a competent court outside the Sudan and served his sentence or was acquitted.

According to the 1957 Extradition of Criminals Act, which embodies the extradition policy adopted by the national legislature, extradition is compulsory under the bilateral treaties signed between States and is permissible in the absence of a bilateral treaty. After the ratification of the Protocol, extradition became compulsory for the offences against children covered by the Protocol.

8. Please clarify whether the national plan to combat all forms of violence mentioned in paragraph 88 of the State's party report has been approved. Please also provide more information on its scope and content in particular in relation to the implementation of this Optional Protocol

The plan is due to be ratified at the forthcoming meeting of the National Council for Child Welfare scheduled for July 2007.

The general framework for the national plan on violence against children in the Sudan includes 10 spheres in which children are exposed to violations of their rights and different forms of violence:

Street children;

Female excision;

Juvenile justice;

Child soldiers;

Children in camel racing;

Child labour;

Children of unknown parentage;

Domestic violence;

School violence;

Sexual exploitation and sexual abuse.

The concept of violence used in the plan is based on the definition in the 2000 "World report on violence and health" published by the World Health Organization, the definition produced by the international NGO Advisory Group on Violence in Geneva, and article 19 of the Convention on the Rights of the Child.

The plan is based on international covenants and treaties, the two Optional Protocols to the Convention on the Rights of the Child, the "World Fit for Children" document (2002) and the principles enshrined in the 2005 Interim Constitution and some Sudanese laws.

The plan also draws on existing programmes and initiatives, whether they be implemented by the National Council for Child Welfare or by national and international voluntary associations.

Previous studies and research on violence in the Sudan

The plan contains:

1.The overall goals of the plan;

2.The general objectives for each area;

3.The specific objectives for each area:

Objectives for the governmental sector;

Objectives for the community and family sector;

Objectives regarding the role of civil society organizations;

Objectives for the children's sector;

4. The overall goals for each part of the plan;

5. Detailed goals for each part of the plan.

The plan discusses: the need to analyse the existing situation in light of the international standards which the Sudan has adopted; to enact legislation and formulate policies to support the plan; to translate the plan's general and detailed goals into main and subsidiary programmes and projects; and then to identify operational activities, time frames and material and human resources.

This plan was submitted to the monthly meeting of the Council of Ministers, which includes senior officials and civil society organizations.

It was also discussed at a university workshop held for government institutions and national and international voluntary organizations working on children's questions.

9. Please provide information on measures to ensure that all persons involved in the adoption of a child act in conformity with applicable international legal instruments

A working group, including the Ministry of Social Affairs for the state of Khartoum, was established and a family welfare system was approved with three main components:

Prevention

Work with the different social bases involved in the problem to prevent the separation of children from the mother or extended family; work with hospital social workers, midwives, community leaders, mothers and their families to prevent separation of children.

Emergency protection

Emergency care offered by hospitals to children living on the streets.

Alternative families as a stopgap solution

Training and testing of alternative families, under the supervision of the Ministry of Social Affairs and Culture, to provide short-term care for children until a definitive solution is found;

Searching for the child's family and reintegration of the child with the extended family whenever possible.

Special alternative families

These families are for children with special needs whose families have not been found or for whom there is no alternative family.

A total of 60 social workers working with local authorities to support mothers have been selected and trained. Still more training is needed.

10. Please provide information on cases in which the Standing Order No. 15 of 2000 (paragraph 100 of the State party's report) has been applied

The staff of the Department of Passports and Immigration have received, implement and comply with the guidelines set out in Standing Order No. 15 of 2005.

In 2005, a medical committee based at Rabat Hospital was established by a decision of the Ministry of Health. The committee commenced its work of repeating medical diagnoses and assessing the ages of everyone within its remit whose age is in doubt or does not tally with the entry in the certificate of age and his or her external appearance. The committee began by performing medical diagnoses and age assessments for a number of individuals referred by the Office of the Director of the Department of Passports and Immigration or by a representative of the Department sitting on the Committee on Children in Camel Racing (subsequently renamed the Committee on Eradication of Employment of Sudanese Children in the Gulf States).

Over 300 cases were referred to the standing medical committee; some reports involved children below 18 years of age.

The Department of Passports and Immigration revoked the passports of seven children for submitting false information.

Since the Department of Passports and Immigration is convinced of the importance of imposing sanctions when children below 18 years travel abroad for work, it adopted the following recommendations by its representative on the Committee on Eradication of Employment of Sudanese Children in the Gulf States:

1. The passports of the persons concerned should be cancelled and new passports issued indicating the age as determined by a decision of the standing medical committee.

2. These children should only be allowed to travel abroad for work once they have reached 18 years of age. To avoid these children and their families resorting to deception, the phrase “not permitted to work until over 18 years of age” should be stamped on the children’s passports.

11. Please provide further information about the results of the meetings mentioned in paragraph 6 of the State’s party report - notably under points 1, 9 and 10 - in terms of legislative measures taken, e.g. amendments to the Children’s Act 2004 or the criminal law which may be relevant for the Optional Protocol

Review of domestic legislation on child protection and harmonization with international covenants and treaties;

Creation of a legal focal point at the Council;

Organization and conduct of meetings (roundtables) with religious scholars, Islamic jurists and lawmakers;

Preparation of judicial notes and publications on:

Dealing with mothers;

Children of unknown parentage;

Child victims;

A list of the worst forms of child labour in the Sudan.

The committee worked hard to review the 2004 Children’s Act and bring it into line with the Comprehensive Peace Agreement, the Constitution of the Republic of the Sudan of 2005 and the international conventions on children, endeavouring to bring the fundamental principles underpinning children’s rights together in the draft children’s law of 2006, which provides for the protection and welfare of children in accordance with the international and regional conventions on children’s rights which the Sudan has ratified, including the Optional Protocols to the Convention on the Rights of the Child.

The draft children’s law of 2006, in article 89, section 13, which is largely a translation of the Bill of Rights in the Interim Constitution, makes a practical commitment to children’s issues. To that end, its provisions are divided into two parts:

(a) The principles of children’s rights on which the positive requirements to fight for these rights are based;

(b) The practical measures that the Government must take in the legal, administrative policy and operational spheres to protect these rights.

The draft children’s law of 2006 recognizes that the State’s approach to protecting and cultivating children’s rights must be consistent with the outlook and traditions of the Sudanese people and the country’s political, economic, social and geographical circumstances.

The draft law is clearly based on four principles of the Convention on the Rights of the Child, namely, the right to life and survival; non-discrimination; participation; and the best interests of the child. In addition, the Optional Protocol on the sale of children, child prostitution and child pornography and the Optional Protocol on the involvement of children in armed conflict have been incorporated into chapters 9 and 10 of the draft law.

The text contains new provisions on child protection, such as protection from AIDS; the curtailment of traditional practices such as female excision; the aims of education; punishments that cannot be inflicted in schools; rewarding gifted children; demobilization, rehabilitation and reintegration; the rights of child victims of sexual exploitation; employment of children with special needs; the functions of social services offices; children’s homes; the role of social workers; reporting breaches of the right to welfare; children’s community service; and the machinery for reporting violations.

The 2006 draft children’s law focuses on the interpretation of certain legal terms in recognition of the importance of interpretation for those who apply the law and of the need to avoid any confusion in the future. This includes the definition of a homeless child, a child soldier, follow-up care, children’s homes, child pornography and children with special needs.

At the same time, the National Council for Child Welfare has organized promotional campaigns for this law, presenting it at a workshop attended by government agencies and civil society organizations and writing to states, senior state officials and organizations in order to get the states to establish their own children’s laws in line with this one.

12. Please provide further information about the results of the implementation of:

(a) The memorandum of understanding signed with Qatar on children working in camel racing in Qatar

Field surveys of these children have been carried out in cooperation with Qatar Charity in order to establish and verify the whereabouts of the children and to identify their basic needs. A working group was established with psychologists and sociologists and basic needs were defined.

From the results of the survey, it appears that the main reason why children travel abroad to work as camel jockeys is ignorance and poverty among pastoral tribes. These indicators were used to design suitable solutions for those affected and future measures to prevent this phenomenon.

In the framework of legal remedies for this phenomenon, in cooperation with UNICEF and Qatar Charity, a workshop to review Sudanese legislation on child protection and child jockeys was held in the Friendship Hall on 21-22 November 2005. At the

workshop, a number of working papers were presented on the situation of children, armed conflict, and family welfare and an experiment by Qatar Charity on reintegration of child camel jockeys was discussed. The laws, regulations and circulars on passports, immigration and nationality, the medical board and the Ministry of Labour were also discussed. The workshop also discussed international laws, the Sudanese Criminal Code and the Child Protection Act of 2004.

Government agencies and voluntary organizations were an active presence at the workshop, which was attended by the interior, labour and social affairs, justice and health ministries and representatives of the National Assembly, the Qatari Embassy in Khartoum, the Council of States, the Arab Institute for Children's Rights, and the civil administration.

The workshop produced important recommendations, including:

Strengthening coordination and cooperation with the authorities in the Gulf States to combat the phenomenon of children's participation in camel racing;

The need for coordination with security agencies (passports) and health agencies (the medical board) to guarantee the validity and accuracy of evidentiary documentation;

Regulation and control of the minimum age for employment as a cornerstone of child protection policies;

The need to review the Labour Code in accordance with the Children's Act;

Continuation of the work of the medical committee established by the Secretary of State of the Federal Ministry of Health of repeating medical diagnoses and assessing the age of children travelling to the Gulf States.

Project on reintegration of child camel jockeys

Qatar Charity designed a project blueprint in the framework of efforts to eliminate child labour. The project aims at achieving comprehensive development in two rural areas in Western Kassala and the Atbarah River, which are mostly populated by pastoral tribes. These areas lack health and educational infrastructure. The total cost of the project is US\$ 3,939,278 and the total number of beneficiaries of the project, which is due to last five years, is 250,000 persons. Qatar Charity continues to search for adequate project funding and will provide some funding itself.

Project activities

Education:

To create a suitable environment for education, including well-equipped buildings, scholarships and skills development for children over school age. The indirect beneficiaries are parents and mothers. There are also programmes designed for literacy promotion, the eradication of harmful traditional practices and the development of women's skills.

Water and structural reforms:

In areas that lack toilets and clean water, the project aims to build public toilets and provide service institutions with toilets to encourage civilized behaviour. It also aims to provide drinking water and to reduce diseases caused by contaminated water, creating water networks for different service institutions, building water collection points in residential areas, and encouraging tree planting.

Health and health care:

Establishing clinics, providing medical staff and medical equipment and delivering reproductive health and regular paediatric services.

Community awareness:

The aim is to raise awareness of the dangers of these races (camel races) - since the issue is linked to tribal culture - through the media, spectator clubs and other media, and to create reproductive health awareness programmes and awareness programmes designed to stimulate interest in education.

Economic issues:

To establish an income-generating project for the families of returning children, since the main reason why children travel to the Gulf is to earn money. This project is linked to education.

Achievements scored:

In the educational domain (projects under way)

Target village	Project type	Province
Adarhashay	2 and 1 school (4 classes) + offices Pre-school education	West Kassala
Al-Kharasab	2 and 1 school (4 classes) + officesPre-school education	West Kassala

Barakat	2 and 1 school (4 classes) + offices	Pre-school education	West Kassala
Nazlat al-Umdah	2 and 1 school (4 classes) + offices	Pre-school education	West Kassala
24 al-Mazar	2 and 1 school (4 classes) + offices	Pre-school education	Atbarah River
Hayak Allah	2 and 1 school (4 classes) + offices	Pre-school education	Atbarah River

In the health domain (projects under way)

Target village	Project type	Province
Adarhashay	Health centre	West Kassala
Al-Kharasab	Health centre	West Kassala
Barakat	Health centre	West Kassala
Nazlat al-Umdah	Health centre	West Kassala
24 al-Mazar	Health centre	Atbarah River
Hayak Allah	Health centre	Atbarah River

(b)Memorandum of understanding with UNICEF on protection and integration of children participating in camel racing in the United Arab Emirates

Different government agencies take an interest in this subject. Many activities have been carried out to combat this phenomenon, including research, information campaigns, awareness-raising workshops, planning, and legal and administrative reforms. The National Council for Child Welfare has a positive influence on all these efforts.

An agreement was reached with UNICEF to establish an integrated project for children involved in these races, and at the same time, to stop children from the communities affected by this phenomenon from travelling and to create development programmes for these communities. Rehabilitation entails the following:

Education is the main route to development of these communities;

Temporary measures have been introduced to raise the school enrolment rate;

A total of 10 classrooms have been built to accommodate 500 students and a further 20 are planned for 2007;

Educational materials have been purchased, in addition to school, sports and drawing equipment.

A survey was conducted in cooperation with UNICEF, focusing on children involved in these races. The following results were obtained:

Most children involved in camel racing come from pastoral tribes that migrated from Saudi Arabia a long time ago and still have historical and cultural links with the Arab tribes found to the south of the Sudan, even though 8 per cent of these nomadic tribes have become settled. The work of camel herding remains part of the heritage of pastoral tribes and is exhibited at traditional community festivals;

Young boys (jockeys) in the 15-16 age group take part in camel racing during community festivities;

Out of the 654 individuals surveyed, 46 per cent suffered from health problems as a result of their direct involvement in camel racing;

The research analysis points to the reasons for the involvement of these children; the reasons are social, political and economic. It also comes up with a set of recommendations on improving the protection environment for children in communities.

The Child Welfare Council, with the support of UNICEF, established a forum in the state of Kassala to coordinate child protection and welfare issues and organize community awareness campaigns to prevent children from being exploited in camel racing.

Creation of a legal framework

This pertains to the domestic laws and policies regulating child labour and trafficking, the development of legal reforms, and guaranteeing their implementation in the framework of the ratification by the Sudan of the Convention on the Rights of the Child, the two Optional Protocols and the ILO Minimum Age Convention, 1973 (No. 138) and the ILO Worst Forms of Child Labour Convention, 1999 (No. 182). The Ministry of Labour has issued a list of the worst forms of child labour in the Sudan, pursuant to the Worst Forms of Child Labour Convention, which includes the participation of children below 18 years of age in camel racing. At the same time, legal reforms include measures and procedures instituted by the Department of Passports, Immigration and Nationality to step up controls.

Awareness-raising and information

This entails the production and implementation of an information plan focused on raising awareness of the adverse impact of these practices and exploitation on children and the dangers to which children are exposed. Multiple channels and vehicles have been used, including radio, daily newspapers and community awareness campaigns.

The project continues to be implemented on the ground, with the support of the United Arab Emirates via UNICEF.

13. Please provide further information on the measures taken to protect the rights and interests of child victims of the practices prohibited under the Protocol at all stages of the criminal justice process, and in particular on the rules and practice concerning the protection of child victims who have to testify in criminal cases

16. Please elaborate on the measures available to provide appropriate assistance to victims of the offences covered by the Optional Protocol, including their full social reintegration and their full physical and psychological recovery

17. Please indicate whether special training, particularly legal and psychological, is provided to persons working in the area of recovery and social reintegration of child victims of the offences under the Optional Protocol

The Child Protection Unit (Family and Child Protection Section) began working in January 2007. A number of reports were received regarding persons who had allegedly breached the Criminal Code and the 2004 Children's Act by committing acts of sexual harassment, rape, wounding of children, child abuse and child endangerment.

The procedure begins with filing a report, followed by treatment of victims based on a medical diagnosis by a police doctor and laboratory tests.

The unit has several psychotherapists and social workers who offer child victims, young offenders and criminals psychological and social assistance with a view to rehabilitating them. These persons study crime cases and offenders in order to establish the reasons for offending.

A number of persons have been tried for offences against children such as sexual harassment and rape. The sentences have ranged from 2 to 18 years' imprisonment.

The unit has been equipped with a video interview room, in accordance with the specifications of States whose tests in this domain have been reviewed, and communications are ongoing with the judicial authority on the production of a judicial publication on the use of videotaped interviews in evidence-gathering to spare children from having to appear in court.

The community security prosecution service has been tasked with establishing a special children's prosecution office. It has commenced its work, pursuant to the 2004 Children's Act and the standards set out in the Protocol.

Psychological and social training

In this regard and in order to increase the number of staff providing psychological and social assistance and rehabilitating children and young offenders, a number of staff, especially women, specializing in psychotherapy and social assistance have been recruited. This is in addition to the unit's existing staff who have undergone training in this area and taken specialist training in Jordan, South Africa, the United States of America, Egypt, Bahrain and Ethiopia, as well as ongoing training in the Sudan and abroad. A training course was held in-house for recent recruits, and school children, as well as interested members of youth associations, boy scouts groups, university students and civil society organizations working on child protection have also received training.

Legal training

Officers and non-commissioned officers working on prevention and protection issues for the unit have been well trained in this area. They have undergone intensive human rights training, in coordination with the police and the United Nations Mission in the Sudan (UNMIS). Most of these officers are law graduates. Unit employees are also taught about the Convention on the Rights of the Child of 1990, the Optional Protocols and the 2004 Sudanese Children's Act. They are trained to deal with children, particularly child victims, street children and children at risk.

A number of volunteers provide legal assistance to child victims.

14. Please provide more information on the measures taken to protect children in refugee camps in Darfur from exploitation or being offered for sexual exploitation and forced labour, including forced military service

The Council, in cooperation with UNICEF, has prepared a detailed plan on protection of children in Darfur, based on a recommendation by the workshop on child protection in Darfur that was held in June 2006 in Niyala (South Darfur) with wide participation by senior government officials. The following actions have been taken:

Comprehensive awareness campaigns have been run on child protection in the three states of Darfur;

An agreement was signed on the establishment of a women's and children's police unit, in cooperation with UNICEF, in the state of South Darfur, and on speeding up the establishment of such a unit in West and North Darfur;

A workshop was held for 40 parliamentarians from South Darfur to raise their awareness of child protection issues; many child protection issues have been taken up by the state;

The psychological and social rehabilitation programme is being incorporated into the educational system in cooperation with the Federal Ministry of Education. The state of West Darfur was chosen as one of the states for implementation of this programme, since it has the lowest rates of enrolment in basic education, a large educational gender gap and a high dropout rate;

Work is being done to establish a mechanism to follow up on and monitor recruitment of child soldiers, based on the recommendations emanating from a study carried out by UNICEF in July-August 2006;

Work is being done to establish a programme to prevent recruitment of, demobilize, and rehabilitate, child soldiers working with armed militias in the three states of Darfur;

The Committee to Combat Sexual Violence against Children, in cooperation with UNMIS and UNICEF, is responsible for designing measures to protect children in conflict zones.

15. Please elaborate further on the measures taken to prevent the offences referred to in the Protocol, in particular with respect to children who may be especially vulnerable to such practices, such as street children and children displaced from the armed conflict. Please also elaborate on the measures, if any, aimed at promoting awareness in the public at large, including among children, about the harmful effects of the offences referred to in the Protocol

Several practical steps have been taken to establish a working panel with child refugees, in cooperation with UNICEF, the National Council for Child Welfare, the Ministry of Social Welfare and the Child Welfare Council for the state of Khartoum. As a result, a workshop was held on the situation of child refugees, at which some organizations were selected as members of the panel in preparation for counting the number of child refugees, establishing a system to protect them, and facilitating their return to their home regions.

A workshop was held in cooperation with the Women's and Children's Committee at the National Assembly (the parliament) on the role of parliamentarians in child protection.

A consultative workshop with Sudanese artists and writers was held on the production of informational materials for the protection of children (November 2006).

A workshop was held on legal protection of homeless children in the Sudan, in cooperation with the Arab Council for Children and Development.

Awareness campaigns have been run on the radio and television on protecting street children and changing society's view of them.

Child protection groups have been set up in Darfur, in cooperation with UNICEF, international and domestic voluntary organizations, and United Nations agencies.
