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Compilation on the Sudan

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies^{1, 2}

2. The Independent Expert on the situation of human rights in the Sudan recommended that the Government ratify the international human rights conventions that the Sudan had not yet ratified, including the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol.³

3. The Human Rights Committee urged the Sudan to consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and acceding to the International Convention for the Protection of All Persons from Enforced Disappearance.⁴

4. The United Nations country team recommended that the Sudan consider signing and ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.⁵

5. The Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that the Government accede to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness, and that it lift its reservation to article 26 of the Convention relating to the Status of Refugees.⁶

6. The Independent Expert on the situation of human rights in the Sudan recommended that the Government consider ratifying the Rome Statute of the International Criminal Court.⁷ He also urged the Government to cooperate with the International Criminal Court.⁸

7. The Human Rights Committee recommended that the Sudan accept the pending visit of the Working Group on Enforced or Involuntary Disappearances.⁹



III. National human rights framework¹⁰

8. The Independent Expert on the situation of human rights in the Sudan welcomed the reports on the endorsement of the Miscellaneous Amendments Act by the Joint Council in July 2020, which provided for amendments to the Criminal Code of 1991. The amendments included the abolishment of the crime of apostasy, removal of the death penalty for murders committed by children, and removal of the death penalty and flogging for sodomy. The Act also criminalized actions that included gender-based discrimination and provided for better protection for women's rights.¹¹

9. The Independent Expert encouraged the Government to enact further law reforms to ensure the country's conformity with international human rights standards. In particular, he encouraged the Government to repeal provisions that imposed the death penalty for crimes other than the most serious crimes, including abolishing the death penalty, as prescribed in the Criminal Act of 1991, for the offences of undermining the constitutional order, espionage and adultery.¹²

10. He called upon the Government to swiftly establish the 12 independent commissions provided for in the constitutional document, in particular those pertaining to peace, legal reform, transitional justice, human rights, women's rights and gender equality, and in that context, ensure a consultative approach to reform the existing National Human Rights Commission with a broad mandate to protect and promote human rights, including economic, social and cultural rights, in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).¹³

11. The United Nations Educational, Scientific and Cultural Organization (UNESCO) indicated that it was recommended that the Government establish a transitional commission for media and information reform, composed of independent experts from the media, the law, civil society and academia with powers to advise on new media laws and to consider proposals and recommend licensing of new broadcasting services.¹⁴

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination¹⁵

12. The Human Rights Committee was concerned about the persistence of entrenched discriminatory provisions in legislation, in particular in the areas of family law and personal status, and regarding sexual orientation. The Committee noted that article 31 of the Interim Constitution did not define discrimination, nor did it provide for a list of prohibited grounds of discrimination. The Committee recommended that the Sudan enact comprehensive legislation providing full and effective protection against discrimination in all spheres and containing a non-exhaustive list of prohibited grounds of discrimination, including sexual orientation and gender identity.¹⁶

13. The United Nations country team recommended that the Sudan amend its discriminatory laws and consider adopting a comprehensive anti-discrimination law to promote equality and fight against discrimination based on gender, ethnicity, religion, region, disabilities, sexual orientation or other social status.¹⁷

14. The Committee on the Rights of Persons with Disabilities recommended that the Sudan review article 3 of the Persons with Disabilities Act of 2017 to explicitly prohibit discrimination on the basis of disability and to ensure that denial of reasonable accommodation was recognized as a form of disability-based discrimination. It also recommended including those provisions in the forthcoming draft Constitution, so as to provide the highest legal protection against disability-based discrimination and multiple and intersectional forms of discrimination faced by persons with disabilities.¹⁸

15. UNHCR recommended that the Government remove all sex discrimination in the domestic nationality law to ensure that women had equal rights to those of men to confer their nationality on their children, retain and change their nationality, and confer their nationality on their spouse.¹⁹

2. Development, the environment, and business and human rights²⁰

16. The United Nations country team recommended that the Sudan create an independent monitoring body for the environmental, social and human rights impacts of natural resource-related and other large infrastructure projects, including for people subject to involuntary resettlement and loss of land.²¹

B. Civil and political rights

1. Right to life, liberty and security of person²²

17. The Independent Expert on the situation of human rights in the Sudan noted that the events in early April 2019 had marked an apex of reported excessive use of force against protesters by security forces, particularly by members of the National Intelligence and Security Services. According to multiple reports, security forces had stormed and raided hospitals, mosques, university campuses and houses. On 8 April 2019, the Government had stated that 46 people had been killed since the beginning of the protests in December 2018. However, human rights groups and the Central Committee of Sudanese Doctors, which was affiliated with the Sudanese Professionals Association, had later suggested that the death toll had exceeded 100 between December 2018 and April 2019. Reports also suggested that an enormous number of protesters had been arbitrarily arrested, including opposition leaders, political activists, journalists, members of civil society, doctors, university professors, engineers and students.²³

18. The Special Rapporteur on the human rights of internally displaced persons and the Special Rapporteur on extrajudicial, summary or arbitrary executions noted that, on 16 and 17 January 2021, intercommunal violence leading to clashes between Arab nomads and the non-Arab ethnic Masalit in West Darfur affecting the Krinding and Abu Zar camps for internally displaced persons had reportedly killed 163 people, injured 217 and displaced 50,000 people. Civilian property had been damaged and looted. On 18 January, clashes between the Rizeigat and Fallata communities in Graida, in South Darfur, had reportedly resulted in the killing of 72 people. More than 70 had been injured and about 100 families displaced. The Special Rapporteurs urged the Government of the Sudan to step up its efforts to protect civilians, including those who had been internally displaced, to prevent further displacements and to advance solutions to internal displacement by promptly and fully implementing its National Plan for the Protection of Civilians.²⁴

19. The Independent Expert on the situation of human rights in the Sudan called upon the Government to accelerate efforts, especially in relation to Darfur, to take rapid, tangible and applicable measures to translate the national protection strategy through the deployment of professional, equipped and trusted security in protection hotspots, and reinforce the protective environment, building on the dividends of the State liaison functions model, ensuring the expansion of human rights and rule-of-law institutions and the extension of State authority. He also called upon the Government to facilitate and support the establishment of community reconciliation mechanisms in the regions affected by the conflict in order to prevent and resolve the resurgence of intercommunal conflicts, including by incorporating human rights and accountability principles into local resolution mechanisms.²⁵

20. The Human Rights Committee was concerned that the death penalty remained imposed for crimes other than the most serious crimes, within the meaning of article 6 (2) of the International Covenant on Civil and Political Rights, meaning crimes involving intentional killing. It urged the Sudan to amend article 27 of the Criminal Code so as to revoke stoning and crucifixion as an officially sanctioned punishment under the national law of the State. It also urged the Sudan to consider imposing a moratorium on the death penalty and in the meantime, revising the Criminal Code and the Prevention of Human Trafficking Act, so as to make them strictly compliant with article 6 (2) of the Covenant, and restricting the

crimes for which the death penalty could be imposed to the most serious ones, understood to be crimes involving intentional killing.²⁶

21. The same Committee recommended that the Sudan resolve all cases of enforced disappearance and conduct investigations without delay; ensure that the victims of enforced disappearance and their relatives were informed of the progress and results of the investigation; identify those responsible, and ensure that they were prosecuted and punished with appropriate penalties that were commensurate with the gravity of their crimes; and ensure that victims of enforced disappearance and their families were provided with full reparation, including rehabilitation, satisfaction and guarantees of non-repetition.²⁷

2. Administration of justice, including impunity, and the rule of law²⁸

22. The Independent Expert on the situation of human rights in the Sudan noted that, following the fall of the former regime, in April 2019, the new authorities had issued warrants for the arrest of 23 leaders of the former regime, in accordance with the Emergency and Protection of the Public Safety Act of 1997. Those leaders included ousted President Al-Bashir and two of his high-ranking assistants, who accounted for three of the five Sudanese nationals indicted by the International Criminal Court for war crimes and crimes against humanity in Darfur.²⁹

23. The Independent Expert had received information that leaders of the former regime had been detained in Kober Central Prison in Khartoum and that their files had been referred in November 2019 to the Attorney General. Since then, investigations had been initiated against them with regard to several cases, and monthly renewals of their pretrial detentions had been handled by the Criminal Court of Khartoum on the basis of requests from the prosecutors, in accordance with the Criminal Procedures Act of 1991. As at the Independent Expert's time of writing, in July 2020, 4 of the 23 detainees had been released on bail.³⁰

24. The Independent Expert noted that, on 14 December 2019, the ousted President had been convicted of money-laundering and corruption and had been sentenced to two years' detention in a State-run reform centre; however, he remained detained in Kober Central Prison in Khartoum. The Independent Expert had received information that, on 31 March 2020 the Attorney General, in his capacity as the head of the committee investigating the coup d'état of 1989, had issued warrants for the arrest of 36 other suspects, among them, 16 out of the 19 detained leaders of the former regime. Overall, 30 suspects had been arrested and 6 remained at large. Subsequently, the Attorney General had released 11 of the 30 on bail after the investigation had been finalized.³¹

25. The Independent Expert acknowledged that the establishment of the National Independent Investigation Committee, mandated to conduct a transparent, meticulous investigation into violations committed on 3 June 2019 and other related incidents, was a crucial step towards justice and accountability for the criminal acts committed during the events that had taken place in Khartoum on 3 June 2019 and the following days. However, he remained concerned at the delays in delivering justice and providing effective remedies to the victims who had fought for the revolution. He urged the Government to extend its support to the Committee to enable the effective implementation of its mandate. He also urged the Committee to do its utmost to secure justice and reparation for victims, and to hold all those responsible to account, without exception, in accordance with the due process rules established by international standards.³²

26. The Independent Expert called upon the Government to establish a comprehensive, consultative and holistic victim-centred transitional justice process led by the transitional justice commission to redress past abuses, including gender-related crimes, and to prevent their recurrence.³³ The United Nations country team noted that parties to the Juba Agreement for Peace in the Sudan had agreed to establish transitional justice mechanisms, including specific mechanisms for Darfur and the two areas (Blue Nile and South Kordofan) and had granted the International Criminal Court unhindered access to the Sudan. In December 2020, a draft law on the transitional justice commission had been adopted by the Ministry of Justice for wider consultations with civil society.³⁴

3. Fundamental freedoms³⁵

27. The Human Rights Committee recommended that the Sudan repeal article 126 of the Criminal Code and amend legislative provisions that violated freedom of thought, conscience, religion and expression; refrain from interfering in worship by persons who did not follow the official religion, for example by destroying places of worship, if the interference was not based strictly on the requirements of necessity and proportionality; and ensure that all persons, including atheists and those who had renounced the Muslim faith, were able to fully exercise their freedom of thought, conscience and religion.³⁶

28. The Independent Expert on the situation of human rights in the Sudan was concerned by new legal developments that restricted freedom of expression and imposed harsh penalties. On 31 May 2020, the Joint Council had passed the Law for Protecting Doctors, Medical Personnel and Health Facilities, with a view to deterring the repeated assaults on doctors and health workers in the Sudan amid the coronavirus disease (COVID-19) pandemic. While noting the Government's intention to protect medical personnel, the law also restricted freedom of expression. Under the heading of "crimes and punishments", the law stipulated that publishing misleading or incorrect information that affected the performance of medical personnel could be punishable with imprisonment for up to 10 years.³⁷

29. The Human Rights Committee was concerned at allegations that police and security officers used excessive force to disperse demonstrations. That had reportedly happened, for example, during crackdowns on anti-austerity protests in January 2018, when live ammunition, rubber bullets and tear gas had allegedly been used against demonstrators, resulting in the death and injury of several protesters. The Committee indicated that the Sudan must: (a) refrain from prosecuting demonstrators and meeting organizers for exercising their right of assembly; and (b) ensure that the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials were implemented, through measures to ensure that law enforcement personnel did not use excessive force during demonstrations.³⁸

30. The same Committee recommended that the Sudan review its legislation and practice to: (a) ensure that any restrictions on the exercise of freedom of expression, assembly and association complied strictly with the requirements set out in the Covenant; and (b) release from prison all persons whose convictions had stemmed from their having exercised their rights to freedom of expression, association and peaceful assembly, and grant those persons full compensation for the harm suffered.³⁹

4. Prohibition of all forms of slavery⁴⁰

31. The Committee of Experts on the Application of Conventions and Recommendations of the International Labour Organization requested the Government to indicate the measures taken to implement the objectives of the National Action Plan to combat human trafficking, as well as the results achieved in that regard, and whether a new anti-trafficking plan had been developed. The Committee also requested the Government to provide information on the cases of trafficking of persons that had been identified, investigated and prosecuted, as well as on the number of convictions handed down by the courts specially established for the implementation of the Combating of Human Trafficking Act of 2014, and the specific penalties imposed on perpetrators. Lastly, the Committee requested the Government to provide information on any measures taken to ensure protection and assistance to victims of trafficking, as well as the number of victims who had benefited from such assistance.⁴¹

32. The same Committee noted with concern the high incidence of grave violations involving children, including abductions for forced labour. It urged the Government to take immediate measures to ensure that thorough investigations and prosecutions of offenders who had abducted children aged under 18 years for forced labour were carried out and that sufficiently effective and dissuasive sanctions were imposed in practice. It requested the Government to provide information on the activities undertaken by the National Committee for Combating Trafficking in eliminating the practice of abduction of children for forced labour and the results achieved.⁴²

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work⁴³

33. The Independent Expert on the situation of human rights in the Sudan noted that physical distancing measures had severely hit the service sector, which absorbed over a million workers, mostly in low-income and casual jobs. Consequently, there was a high risk that many businesses would fail if the disruption of normal business operations continued. The informal hospitality sector, notably the work of women tea sellers, was impacted through the general reduction of the economy. If left unaddressed, rising levels of urban poverty could lead to protests again, compromising the democratic transition of the Sudan and creating political instability that could complicate its development trajectory.⁴⁴

2. Right to social security⁴⁵

34. The United Nations country team noted that, in February 2020, the Government had introduced the Sudan Family Support Programme, a two-year multi-donor project aimed at assisting poor families and households to cope with the negative impact of the COVID-19 pandemic. Under the programme, the Government aimed to distribute 1,900 Sudanese pounds (approximately US\$ 5) as a direct monthly cash transfer to poor and vulnerable families. The Programme was expected to benefit 80 per cent of Sudanese families. While it was a commendable step, the project had yet to yield results. The United Nations country team recommended that the Sudan develop the necessary legislation and policies to create an integrated social protection system so that everyone in a vulnerable situation, including those engaged in the informal sector, had access to social protection.⁴⁶

35. The Committee on the Rights of Persons with Disabilities was concerned that social protection and poverty alleviation measures for families in vulnerable circumstances did not meet the basic needs of persons with disabilities. It recommended that the Sudan: (a) review its social protection and poverty alleviation schemes with the aim of guaranteeing an adequate standard of living for persons with disabilities, including through compensation schemes in the form of allowances that would enable persons with disabilities to meet disability-related expenses; and (b) empower and promote the economic inclusion of all persons, irrespective of their disability status.⁴⁷

3. Right to an adequate standard of living⁴⁸

36. The Independent Expert on the situation of human rights in the Sudan noted that long-standing discrimination and inequality continued to plague Sudanese society, negatively impacting the enjoyment of economic, social and cultural rights. Disparities in the enjoyment of those rights remained high, with the conflict-affected regions being particularly disadvantaged, as extreme poverty remained widespread and access to food, education, health services and safe drinking water were limited. Those disparities had remained root causes of civil unrest and conflicts in the Sudan.⁴⁹ He was of the view that the realization of the economic and social rights of the Sudanese people was key to long-term stability in the Sudan. He called upon the Government to effectively implement the national poverty reduction strategy in order to address the root causes of inequalities in the country.⁵⁰

37. The United Nations country team recommended that the Sudan ensure that economic reforms protected the minimum core content of economic, social and cultural rights and did not disproportionately affect marginalized groups. It also recommended, in that regard, that the Sudan adopt a comprehensive national poverty reduction strategy using a human rights-based approach that addressed inequality in the realization of those rights.⁵¹

38. The Independent Expert on the situation of human rights in the Sudan expressed concern that the COVID-19 pandemic might compromise the chances of the Sudan to achieve the Sustainable Development Goals. Throughout the country, 58 per cent of households could not afford a basic daily food basket. Over 2.7 million children suffered from acute malnutrition. The number of people needing humanitarian assistance had risen from 5.2 million in 2015 to 9.3 million in 2020, an increase of more than 75 per cent. A total of 6.2 million people suffered from extreme poverty, evidenced by severe acute food insecurity. The Independent Expert was concerned that the pandemic would impact food availability and

accessibility, thus increasing the threat of hunger and malnutrition. Food insecure populations, including internally displaced persons, refugees, migrants, returnees, host communities and women and children, had limited coping mechanisms to buffer the impact.⁵²

39. The United Nations country team recommended that the Sudan take urgent steps to address food insecurity for the poorest and most marginalized segments of the population. It also recommended that measures aimed at providing immediate support to satisfy people's dietary needs should be put in place, including through the provision of food and nutrition assistance.⁵³

40. The United Nations country team also recommended that the Sudan formulate a comprehensive national housing strategy, ensuring broader participation of national stakeholders, addressing the short, medium and long-term housing needs of its population and ensuring that housing was accessible, affordable, adequate and culturally acceptable to everyone, including vulnerable groups such as internally displaced persons and refugees.⁵⁴

4. Right to health⁵⁵

41. The United Nations country team recommended that the Sudan: (a) take concrete measures to ensure access to an essential primary health package for all, the appropriate training of medical personnel and the provision of a sufficient number of personnel and health-care facilities; (b) fully integrate a human rights perspective into mental health and community services, particularly through the introduction of updated policies, legislation and appropriate action plans; (c) ensure that sufficient financial resources were allocated to health services within the national budget; and (d) ensure that sexual and reproductive health rights were respected, protected and fulfilled, on the basis of substantive equality, taking measures to address the disproportionate impact of COVID-19.⁵⁶

42. The Independent Expert on the situation of human rights in the Sudan noted that, in response to the COVID-19 pandemic, the Government had declared a public health emergency on 16 March 2020. It had closed all airports, ports and land crossings, schools and universities. The Government had also declared a full lockdown in Khartoum, beginning on 18 April, to contain further local transmission. The Independent Expert expressed concern that the COVID-19 pandemic had arisen as an imminent humanitarian threat to the Sudan and had added to the challenges of internal conflicts, political transition, economic crisis and impunity.⁵⁷

43. The Human Rights Committee was concerned about the criminalization of voluntary termination of pregnancy under article 135 of the Criminal Code, save under limited circumstances, leading women and girls to resort to unsafe abortion in conditions that put their lives and health at risk. It recommended that the Sudan amend its legislation to provide safe, legal and effective access to abortion to protect the life and health of pregnant women or girls at risk, in cases in which carrying a pregnancy to term would cause the woman substantial pain or suffering, most notably when the pregnancy was the result of rape or incest or was not viable. Furthermore, it recommended that the Sudan ensure that women and girls who had abortions, and the physicians assisting them, were not subjected to criminal sanctions, and that it also ensure access to adequate sexual and reproductive health-care services, contraception and education for men, women and adolescents throughout the country.⁵⁸

5. Right to education⁵⁹

44. UNESCO noted that the Sudan should be encouraged to: (a) fully implement the Convention against Discrimination in Education; (b) harmonize its legislation and policy with the new constitutional declaration in order to clarify the length of compulsory and free education, and take the opportunity to legally guarantee 12 years of free education, of which 9 were compulsory, to comply with international commitments; (c) amend its legislation in order to set the minimum age of marriage as 18 years old for boys and girls; (d) explicitly prohibit corporal punishment in its legislation; and (e) submit regularly comprehensive national reports for the periodic consultations on the UNESCO education-related standard-setting instruments, notably the Convention against Discrimination in Education.⁶⁰

45. The United Nations country team noted that the efforts of the Sudan to implement universal basic education had been undermined by low retention and high dropout rates as a result of early marriage, the distance children had to travel to schools and the high opportunity cost of attending school, among other reasons.⁶¹

D. Rights of specific persons or groups

1. Women⁶²

46. The Independent Expert on the situation of human rights in the Sudan noted that women in the Sudan were at the forefront of the peaceful protest. They had also been among the primary victims of violence, including human rights violations and sexual violence, during the course of the protest and the reporting period. He commended the great emphasis the constitutional document placed on women's rights. Article 7 (7) provided for assurances to guarantee and promote women's rights in the Sudan in all social, political and economic fields, and to combat all forms of discrimination against women, taking into account provisional preferential measures in both war and peace. Article 48 expanded women's rights provisions by stating that all women's rights enshrined in international and regional treaties ratified by the Sudan would be recognized and protected by the State.⁶³

47. The United Nations country team noted that gender-based violence remained hugely underreported and was a critical concern in the Sudan both in humanitarian and conflict settings, exacerbated by the exit of the African Union-United Nations Hybrid Operation in Darfur. The United Nations country team recommended that the Sudan continue to promote women's rights and combat discrimination against women through legal reforms, including those of the Criminal Code of 1991 and the Personal Status Law, by consulting civil society, including women's organizations. It also recommended implementing the National Action Plan to Implement Security Council resolution 1325 on women and peace and security 2020–2022 and the Framework of Cooperation of the Republic of the Sudan and the United Nations on the Prevention of and Response to Sexual Violence in Conflict, including through assisting in the provision of medical, psychosocial, legal and socioeconomic services to all survivors of sexual violence and combating impunity through investigation and prosecution of sexual and gender-based violence.⁶⁴

48. The United Nations country team noted that, despite the recent adoption by the Sudan of a law criminalizing female genital mutilation, the prevalence of that harmful practice was alarming, with over 80 per cent of women nationwide subjected to it, reaching around 90 per cent in 7 of the 18 Sudanese states.⁶⁵

2. Children⁶⁶

49. The Office of the Special Representative of the Secretary-General for Children and Armed Conflict expressed concern at the prevalence of killing and maiming of children and sexual violence against them. It urged all parties to the conflict to immediately cease all grave violations against children and to abide by their obligations and responsibilities under international humanitarian and human rights law. It called on the parties to the conflict to immediately release all children from their ranks and to hand them over to child protection actors. It also underlined the need for improved humanitarian access to conflict-affected areas, including to enable the monitoring of grave violations and to provide the necessary assistance to children, and for continued cooperation on the screening of government forces in barracks and training sites.⁶⁷

50. The same Office urged the Transitional Government of the Sudan to ensure continuous compliance with its 2016 action plan, by consolidating the gains of the action plan and engaging with the United Nations on the development of a national prevention plan on grave violations against children. It called on the Government to make increased efforts towards ensuring accountability for grave violations by bringing perpetrators to justice and providing remedies to victims. In addition, it called on the armed groups listed in the annexes of the Secretary-General's annual report on children and armed conflict to cooperate with the United Nations to ensure the swift and full implementation of their action plans and road

maps. Furthermore, it called on the Sudan Liberation Army-Abdul Wahid to engage with the United Nations on the development of an action plan.⁶⁸

3. Persons with disabilities⁶⁹

51. The Committee on the Rights of Persons with Disabilities noted that the Sudan had introduced accessibility standards, through the Construction Code for newly constructed buildings and the transport system, but it was concerned that the Code was not legally binding. The Committee was also concerned about the lack of a plan or a time frame to extend accessibility standards to all areas, with legally enforceable sanctions and monitoring mechanisms, and to remove existing barriers to both infrastructure and access to information and technology. It recommended that the Sudan: (a) review its legislation to provide for the mandatory application of accessibility standards in all areas, for monitoring mechanisms and for sanctions on those who failed to apply them; (b) develop, in consultation with organizations of persons with disabilities, a comprehensive national accessibility action plan with time frames, monitoring and evaluation benchmarks; and (c) expedite the availability of materials produced in Braille, Easy Read, audio and other accessible formats.⁷⁰

4. Migrants, refugees, asylum seekers and internally displaced persons⁷¹

52. The United Nations country team noted that the majority of migrants in the Sudan were in an irregular situation. Migrants in an irregular situation, including smuggled migrants, were subject to administrative detention, which could last weeks or even months, with little explanation for the detention or respect for their rights as detainees and without sufficient access to humanitarian, legal and consular support. The Sudan also attracted thousands of migrant workers from neighbouring countries, other African countries and Asia. However, only a fraction of them were able to obtain work permits due to the country's strict work permit policy; the majority remained as informal workers.⁷²

53. UNHCR noted that refugees, like other displaced population groups, had been severely affected by the COVID-19 pandemic since March 2020 in the face of an already weak national health system with shortages of qualified staff, equipment and medication. Refugees were highly vulnerable to COVID-19 outbreaks due to overcrowding in camps and most settlement locations. The onset of the COVID-19 crisis had further exacerbated the existing economic crisis and underresourced health services. Other refugee services, such as birth registration, had been temporarily halted until preventive measures were introduced. Additionally, prolonged lockdown measures to slow the spread of the virus had further reduced income opportunities, and other basic services, such as schools, had yet to reopen.⁷³

54. UNHCR recommended that the Government: (a) ensure access to territory and protection from refoulement to all persons who were within the jurisdiction of the Sudan and were claiming to be at risk or fearing return to their country of origin or any other country, in line with the Government's pledges; (b) reinforce the capacity of the national asylum institution to maintain access to the asylum system and set up adequate and proper referral mechanisms from all the official border points to the national asylum institution and allow UNHCR and relevant partners to continue regular border monitoring missions; (c) and ensure that all deportations were subject to judicial review and due process of law, in order to prevent refoulement, in accordance with the obligations of the Sudan under international human rights law.⁷⁴

55. The Human Rights Committee recommended that the Sudan take the steps necessary to protect the rights of asylum seekers and refugees under international standards, including by ensuring that all persons seeking asylum had the right to apply for asylum, to an individualized assessment of their asylum claims, to appeal and to effective protection against non-refoulement. The Sudan should refrain from conducting, under any circumstances, collective expulsions of migrants and asylum seekers.⁷⁵

56. UNHCR recommended that the Government: (a) develop a clear durable solutions strategy for internal displacement that covered security, justice, documentation and social services aspects in line with the Juba Peace Agreement and other relevant documents, with the assistance of UNHCR and the international community; and (b) ensure housing, land and property restitution, through removal of unlawful occupants and identification of alternative

arrangements, alongside compensation for housing, land and property damage/destruction. At the same time, the Government should explore options for the regularization of camps/sites, including through further investments in public infrastructure, provision of additional basic services and recognition of housing, land and property rights, to enable internally displaced persons to integrate locally in their areas of displacement.⁷⁶

5. Stateless persons

57. UNHCR also recommended that the Government: (a) insert a legal safeguard in the national laws to ensure attribution of Sudanese nationality at birth if at the time of the child's birth, he or she was not granted any nationality by any other State in accordance with its laws, in line with article 6 (4) of the African Charter on the Rights and Welfare of the Child; (b) incorporate an explicit legal guarantee to ensure that any deprivation or loss of Sudanese citizenship was not permitted if the person or their relatives would thereby become stateless; and (c) facilitate access to regular and late birth registration and certification for all asylum seekers, refugees and internally displaced persons born in the Sudan to prevent statelessness arising from protracted displacement, seeking the technical assistance of UNHCR.⁷⁷

Notes

- ¹ Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for the Sudan will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/SDIndex.aspx.
- ² For relevant recommendations, see A/HRC/33/8, paras. 138.1–138.13, 141.20 and 141.26.
- ³ A/HRC/45/53, para. 85.
- ⁴ CCPR/C/SDN/CO/5, paras. 30 and 44.
- ⁵ United Nations country team submission for the universal periodic review of the Sudan, p. 15.
- ⁶ UNHCR submission for the universal periodic review of the Sudan, pp. 4–5.
- ⁷ A/HRC/45/53, para. 85.
- ⁸ Ibid., paras. 73–74.
- ⁹ CCPR/C/SDN/CO/5, para. 44.
- ¹⁰ For relevant recommendations, see A/HRC/33/8, paras. 141.14–141.19.
- ¹¹ A/HRC/45/53, para. 29.
- ¹² Ibid., para. 31.
- ¹³ Ibid., para. 86.
- ¹⁴ UNESCO submission for the universal periodic review of the Sudan, p. 5.
- ¹⁵ For relevant recommendations, see A/HRC/33/8, paras. 141.17 and 141.21.
- ¹⁶ CCPR/C/SDN/CO/5, paras. 14 and 16.
- ¹⁷ United Nations country team submission, p. 4.
- ¹⁸ CRPD/C/SDN/CO/1, para. 8.
- ¹⁹ UNHCR submission, p. 5.
- ²⁰ For relevant recommendations, see A/HRC/33/8, paras. 138.33 and 138.137–138.139.
- ²¹ United Nations country team submission, p. 9.
- ²² For relevant recommendations, see A/HRC/33/8, paras. 141.3, 141.6 and 141.23–141.31.
- ²³ A/HRC/42/63, para. 15.
- ²⁴ OHCHR, “Sudan: UN experts call for enhanced protection of civilians, including internally displaced, in Darfur”, 1 February 2021.
- ²⁵ A/HRC/45/53, para. 87.
- ²⁶ CCPR/C/SDN/CO/5, paras. 29–30.
- ²⁷ Ibid., para. 44.
- ²⁸ For relevant recommendations, see A/HRC/33/8, paras. 138.80–138.82, 140.44–140.48, 141.11 141.13 and 141.32–141.37.
- ²⁹ A/HRC/45/53, para. 67.
- ³⁰ Ibid.
- ³¹ Ibid., paras. 69–70.
- ³² Ibid., paras. 76–77.
- ³³ Ibid., para. 86.
- ³⁴ United Nations country team submission, p. 5.
- ³⁵ For relevant recommendations, see A/HRC/33/8, paras. 138.20, 138.22, 138.28, 138.71, 138.89 and 138.95–138.101.
- ³⁶ CCPR/C/SDN/CO/5, para. 50.
- ³⁷ A/HRC/45/53, para. 41.

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- ³⁸ CCPR/C/SDN/CO/5, paras. 47–48.
- ³⁹ Ibid., para. 46.
- ⁴⁰ For relevant recommendations, see A/HRC/33/8, paras. 138.54 and 139.6–139.9.
- ⁴¹ See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:4054202.
- ⁴² See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:4054195.
- ⁴³ For relevant recommendations, see A/HRC/33/8, paras. 138.12 and 138.105.
- ⁴⁴ A/HRC/45/53, para. 24.
- ⁴⁵ For relevant recommendations, see A/HRC/33/8, paras. 138.55 and 138.104.
- ⁴⁶ United Nations country team submission, p. 11.
- ⁴⁷ CRPD/C/SDN/CO/1, paras. 57–58.
- ⁴⁸ For relevant recommendations, see A/HRC/33/8, paras. 138.55, 138.69–138.70 and 138.104–138.105.
- ⁴⁹ A/HRC/45/53, para. 19.
- ⁵⁰ A/HRC/39/71, para. 48.
- ⁵¹ United Nations country team submission, p. 11.
- ⁵² A/HRC/45/53, para. 21.
- ⁵³ United Nations country team submission, p. 9.
- ⁵⁴ Ibid.
- ⁵⁵ For relevant recommendations, see A/HRC/33/8, paras. 138.35, 138.66, 138.102, 138.105, 138.110–138.12 and 138.120–138.122.
- ⁵⁶ United Nations country team submission, p. 8.
- ⁵⁷ A/HRC/45/53, para. 16.
- ⁵⁸ CCPR/C/SDN/CO/5, paras. 27–28.
- ⁵⁹ For relevant recommendations, see A/HRC/33/8, paras. 138.113, 138.115–138.119 and 138.21–138.25.
- ⁶⁰ UNESCO submission, pp. 4–5.
- ⁶¹ United Nations country team submission, p. 10.
- ⁶² For relevant recommendations, see A/HRC/33/8, paras. 138.64–138.70, 138.77, 138.82, 138.86, 138.89, 138.102–138.103, 139.6, 139.8, 140.3–140.4 and 140.6–140.11.
- ⁶³ A/HRC/45/53, para. 45.
- ⁶⁴ United Nations country team submission, p. 12.
- ⁶⁵ Ibid., p. 8.
- ⁶⁶ For relevant recommendations, see A/HRC/33/8, paras. 138.31–138.32, 138.34–138.36, 138.48, 138.51–138.52, 138.76, 138.78–138.79, 138.83, 138.85, 138.89, 138.93–138.94, 138.114, 138.116–138.118 and 138.123–138.125.
- ⁶⁷ Office of the Special Representative of the Secretary-General for Children and Armed Conflict, submission for the universal periodic review of the Sudan, p. 2.
- ⁶⁸ Ibid.
- ⁶⁹ For relevant recommendations, see A/HRC/33/8, paras. 138.52, 138.124 and 138.126.
- ⁷⁰ CRPD/C/SDN/CO/1, paras. 19–20.
- ⁷¹ For relevant recommendations, see A/HRC/33/8, paras. 138.11, 138.127, 138.129–138.132, 139.6, 140.17 and 140.51.
- ⁷² United Nations country team submission, pp. 14–15.
- ⁷³ UNHCR submission, p. 1.
- ⁷⁴ Ibid., p. 4.
- ⁷⁵ CCPR/C/SDN/CO/5, para. 54.
- ⁷⁶ UNHCR submission, p. 6.
- ⁷⁷ Ibid., pp. 5–6.
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