

# Child Notice Sudan

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## Child Notice Sudan 2016

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The project “Better information for durable solutions and protection,” generates child-specific country of origin information analysis (Child Notices) on countries of origin of children on the move to Europe. The Child Notices describe the situation of children in the countries of origin providing legal and practical information on education, health care, child protection, armed conflict, juvenile justice, trafficking etc. The Child Notices have been developed based on this Methodology Guidance on Child Notice.

The countries of origin have been chosen based on migration flows of children (with and without families), return figures, EU and national priorities.

The project benefits from an advisory board of international experts in the field of migration, Country of Origin information and children on the move:

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# LIST OF ACRONYMS

ACHPR	African Commission on Human and Political Rights
ACRWC	African Charter on the Rights and Welfare of the Child
CAAFG	Children Associated with Armed Forces and Groups
CBCPN	Community based child protection committees and networks
CBWG	Community based working group
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CFS	Child Friendly Spaces
CMR	Child mortality rate
COR	Commission on Refugees
CPA	Comprehensive Peace Agreement
CRC	Convention on the Rights of the Child
CRGD	Civil Registration General Directorate
CWD	Children with disabilities
DDRC	Disarmament, Demobilisation and Reintegration Commission
FCPU	Family and Child Protection Unit
FGM/C	Female genital mutilation/cutting
FTR	Family tracing and reunification
GDP	Gross domestic product
GS	Government of Sudan
iBES	Interim Basic Education Strategy
IDLO	International Development Law Organisation
IDP	Internally displaced people
IMF	International Monetary Fund
INC	Interim National Constitution
LGBT	Lesbian, gay, bisexual, transgender
MDG	Millennium Development Goal
MICS	Multiple Indicator Cluster Surveys
MGE	Ministry of General Education
MH	Ministry of Health
MJ	Ministry of Justice
ML	Ministry of Labour and Administrative Reform
MWSS	Ministry of Welfare and Social Security
NAR	Net attendance rate
NGO	Non-governmental organisation
NCCT	National Committee for Combating Trafficking
NCCW	National Council for Child Welfare
Para	Paragraph
SAM	Severe acute malnutrition
SDDR	Sudan Disarmament, Demobilisation and Reintegration Commission
SCCW	State Council for Child Welfare
SDG	Sudanese pounds
SIGI	Social Institutions and Gender Index
SHHS	Sudan Household Health Survey
SMSW	State Ministry of Social Welfare
SPLM/ASudan	People's Liberation Movement/Army
TIP	Trafficking in persons
UASC	Unaccompanied and separated children
UN	United Nations

UNCERD	UN Committee on the Elimination of Racial Discrimination
UNCCPR	UN Covenant on Civil and Political Rights
UNCRC	UN Committee on the Rights of the Child
UNDP	UN Development Programme
UNFPA	UN Population Fund
UNHCR	UN High Commission for Refugees
UNOCHA	UN Office for the Coordination of Humanitarian Affairs
UNOHCR	UN Office of the High Commissioner for Human Rights
UPR	Universal Periodic Review
USD	United States dollars
WHO	World Health Organisation

# DISCLAIMER

The information in the Child Notice is structured according to the provisions of the UN Convention on the Rights of the Child (CRC – 1989). The research has been done according to the *Guidelines for the development of a Child Notice* (December 2014). The Child Notice has been researched and presented taking into account the quality standards and principles formulated in the ACCORD Manual Researching Country of Origin Information (2013 edition)<sup>1</sup> and the EASO COI Report Methodology<sup>2</sup>.

The main text of the Child Notice contains the most up to date publicly available information as at January 2016. Any other events taken place after this date, are not included in the Child Notice.

The information in this Child Notice is limited to that which could be identified from publicly available source documents and persons. If a certain event, person or organisation is not mentioned in the report, this does not mean that the event has not taken place or that the person or organization does not exist.

Different types of sources have been used (NGOs, IO's, government, media, academics). Information was also obtained from interviews with different stakeholders in the countries of origin who have given information based on their expertise and experience. All sources have been checked and cross-checked and are mentioned in the report. The Child Notice Sudan was developed in close cooperation with the National Council for Child Welfare to be able to have access to as many (governmental and non-governmental) reports as possible.

UNICEF The Netherlands, UNICEF Belgium and UNICEF Sweden have sought to provide relevant, accurate, up to date, balanced and impartial information on the position of children in countries of origin. The necessity to keep the Child Notice a concise report that is useable for the target group, means that choices have been made in the amount of information that is given. Though the intention is there, UNICEF does acknowledge that it is not possible to be exhaustive in the information that is presented.

The Child Notice provides useful information for immigration/asylum officials, border staff, law enforcement staff, social workers, case managers, guardians, service providers (educators, health staff), interpreters, lawyers, judges in assessing the situation and position of children in asylum and migration procedures.

UNICEF does acknowledge the fact that the information in this Child Notice is time-bound. Regular updates are important but have not been feasible in the duration of the project "Better information for durable solutions and protection".

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<sup>1</sup> The training manual is developed by the Austrian red cross/ACCORD and can be downloaded here: <http://www.ecoi.net/blog/2013/10/new-accord-training-manual-on-researching-country-of-origin-information-published/?lang=en>.

<sup>2</sup> EASO Country of Origin Information report methodology (July 2012).



# INTRODUCTION

Child migration occurs everywhere in the world and for different reasons. Migration might be forced through natural disasters or war. It might be the result of exploitation, in the case of victims of trafficking. It might be induced because children and/or their parents fear for their lives in their countries of origin because of persecution. Also, children might migrate because they are looking for a better future life. Migrant children may be accompanied by their parents or guardians, by other adults (separated children) or alone (unaccompanied children), and children may migrate in regular or irregular ways. Whatever the reason for children to migrate and whatever the way children migrate, the best interest of the child should be a primary consideration during all stages of the migration process. Article 3 of the UN Convention on the Rights of the Child states that:

‘In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.’

Decisions on status, care and residency and on return should be informed by a documented best interest of the child assessment and determination.

Whatever the way and reasons for children to migrate and to arrive in Europe, a durable solution should be sought, taking the best interest of the child into account. Careful and thorough procedures to determine the best interest of the child and a durable solution are necessary. Information on the situation of the involved child, be it separated, unaccompanied or travelling with his or her family, is paramount. This involves both specific information on the situation of the particular child involved, as well as information about the local situation of children in countries of origin.

The European Commission calls in its Action Plan on Unaccompanied Minors (2010-2014)<sup>3</sup> to collect data and develop country of origin information and analysis relevant for assessing the protection needs of unaccompanied minors, with a view to better supporting quality decisions.

Authorities in most countries of destination use Country of Origin Information reports (COI). These reports are used to assess the situation in the country of origin and help to determine whether a person has the right to international protection through a refugee status or a subsidiary protection status. COI reports also give valuable information for decisions in which the possibilities for a safe return have to be weighed. Objective country of origin information increases the opportunity of safe return and decreases the chances of re-trafficking. It should inform risk-assessments and reintegration programs.

Some Country of Origin Information reports do contain information on, for instance, the position of unaccompanied minors, the existence of female genital mutilation or the recruitment or involvement of children in armed conflicts. However, the information provided often lacks detail, focuses solely on the position of children outside the family and does not provide, in general, enough information to assess child-specific forms of persecution, the best interest of a child or safe conditions for return.

The Child Notice foresees in the need for more information on child-specific circumstances in the country of origin. The Child Notice gives elaborate information on the local living conditions of children, including information on the existing or non-existing child protection services in the country involved. It also gives information on the access to education and health care, on the occurrence of gender- and

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<sup>3</sup> European Commission *Action Plan on Unaccompanied Minors (2010-2014)* COM (2010) 2313/3.

children-related violence such as FGM, forced marriages, honour killings, exploitation and human trafficking.

This information is paramount in a best interest of the child assessment which is the basis for decisions on the granting or non-granting of international protection and in considering conditions for a safe return.

# READER'S GUIDE

## How to read the Child Notice?

This Child Notice report is a Country of Origin Information Report providing information on the living conditions of children in Sudan. The Child Notice contains valuable background information for policy-makers as well as case workers, lawyers and other professionals in Europe who work with children coming from and/or going to Sudan, primarily in the fields of asylum and migration. The Child Notice has been developed and published by UNICEF The Netherlands, UNICEF Belgium and UNICEF Sweden as part of the project 'Better information for durable solutions and protection' financially supported by the European Return Fund of the European Commission.

The Child Notice on Sudan has been developed in the following period: July 2015 – January 2016.

The Child Notice starts with a *summary* which gives an overview of the most important findings of the research on circumstances in which children live, trends, actual events, the difficulties children face in the country, the political context and political responsibility towards children.

The *child right's information* in the Child Notice is structured according to the provisions of the UN Convention on the Rights of the Child (CRC – 1989). As the UN Convention is a comprehensive document, with rights being interlinked, so is this report. This means that each section of the report should be read in the context of the other sections. For instance, a failing education system and a weak child protection system encourages child labour and child exploitation. Where appropriate, references have been made between the different sections.

In general the Child Notice has the following structure:

1. Demographic information/statistical data on children
2. Basic legal information
3. General principles
  - a. Non-discrimination
  - b. Best interests of the child
  - c. Right to life and development
4. Civil rights and freedom
5. Basic rights (health/water/food/education)
6. Family environment and alternative care
7. Special protection measures
  - a. Children in conflict with the law
  - b. Orphans, unaccompanied and separated children
  - c. Victims of child trafficking
  - d. Children in armed conflict
  - e. FGM/C
  - f. Forced and underage/child marriage
  - g. Domestic violence
  - h. Child labour and other forms of exploitation
  - i. Street children
  - j. Refugee children and internally displaced persons
8. Returning separated or unaccompanied children and families

## **How to use the Child Notice?**

The information in the Child Notice can be used:

1. To obtain background information on the situation of children in the country of origin.
2. To identify potential (child and gender-specific) forms and manifestations of persecution.
3. To identify other factors relevant to decisions as to whether remaining in the host country or return is in the best interests of the child, including local responses to returnees.
4. As input for a Best Interest of the Child Determination; to make sure decisions concerning children have been given due consideration to the best interest of the child.

## **Child-specific asylum and migration policy**

With many children applying for an international protection status, the need for child-specific asylum- and migration legislation and policies, guided by the principles and provisions of the UN Convention on the Rights of the Child, is clear.

At the heart of the protection of children who apply for asylum is article 22 of the UN Convention which states:

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.
2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

These rights are intertwined with the right to special protection for children who live outside the family (article 20), the right to health care (article 24) and the right to education (article 28).

The basis for the child protection of each minor asylum seeker are formed by the following articles:

Article 2: non-discrimination

Article 3: the best interest of the child

Article 6: the development of the child needs to be promoted

Article 12: the rights of children to be heard

## Child-specific grounds for persecution

Each child has the right to make an independent refugee claim, regardless of whether he or she is accompanied or unaccompanied. Even being part of a family and at a young age, a child might be considered the principal asylum applicant. A child can derive a refugee status from the recognition of his or her parents as a refugee. At the same time, parent(s) can derive status from their child's refugee status.

In order to assess children's claims to asylum and make decisions, one needs to have an up-to-date analysis and knowledge of the child-specific circumstances in the country of origin, including of existing child protection services. Children themselves might not be the perfect source of information. This information can be derived from the Child Notice.

Just as adults, child applicants for a refugee status must establish that he or she has a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion conform the 1951 Refugee Convention.

As the UN Committee on the Rights of the Child<sup>4</sup> and the UNHCR<sup>5</sup> have pointed out age and factors such as rights specific to children, a child's stage of development, knowledge and/or memory of conditions in the country of origin, and vulnerability, also need to be considered to ensure an appropriate and child-friendly application of the eligibility criteria for refugee status. The 2011/95 EU Qualification Directive states in article 9.2 that 'Acts of persecution can take the form of... (f) acts of a gender-specific or child-specific nature'<sup>6</sup>.

UNHCR's Executive Committee has recognized that children may be subjected to specific forms of persecution that are influenced by their age, lack of maturity or their vulnerability. The sole fact that the claimant is a child might be principal in the harm inflicted or feared. The UNHCR Guidelines on international protection<sup>7</sup> highlight child-specific forms of persecution as under-age recruitment, child trafficking and female genital mutilation, as well as family and domestic violence, forced or underage marriage, bonded or hazardous child labour, forced labour, forced prostitution and child pornography, and violations of economic, social and cultural rights.

## Best Interests Determination

In all decisions taken in procedures concerning children the best interests of the child should be a primary consideration.

In a migration procedure a durable solution should be sought for the child involved. A durable solution will be long-term and sustainable and ensures that the child is able to develop into adulthood in an environment which will meet his or her needs as well as fulfil her/his rights as defined by the UN Convention and will not put the child at risk of persecution or harm. The durable solution will be informed by the Best Interest Determination (BID).

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<sup>4</sup> UN Committee on the Rights of the Child *General Comment No.6: Treatment of Unaccompanied and Separated Children Outside Their Country of Origin* CRC/GC/2005/6 (September 2005).

<sup>5</sup> UNHCR *Guidelines on international protection; Child Asylum Claims under Article 1 (A)2 and 1 (F) of the 1951 Convention and/or 1967 Protocol relating to Status of Refugees* HCR/GIP/09/08 (22 December 2009).

<sup>6</sup> Directive 2011/95/EU of the European Parliament and the Council of 13 December 2011 on Standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted (recast).

<sup>7</sup> UNHCR *Guidelines on international protection; Child Asylum Claims under Article 1 (A)2 and 1 (F) of the 1951 Convention and/or 1967 Protocol relating to Status of Refugees* HCR/GIP/09/08 (22 December 2009).

According to General Comment No 14, the specific, factual circumstance of the child is the point of departure for assessing the best interests of the child. Elements, which among other aspects relevant to the specific child, may be taken into account when assessing and determining a child's best interests include:

**A. Child's identity**

Age, gender, sexual orientation national origin, religion and beliefs, cultural identity, personality, current needs and evolving capacities (including level of education).

**B. Child's view**

The child's view on his/her identity and on the options available. Include also the view of (foster) parents or (current) caregiver's views.

**C. Preservation of the family environment, maintaining relationships**

Significant relationships (location), quality and duration of child's close relationships, effect of separation from significant relationships, capacity of parents or other care-givers, possibilities of family reunification, preference of care within family environment in order to ensure the full and harmonious development of a child's personality.

**D. Care, protection and safety of the child**

Safety from harm, well being in broad sense (basic material, physical, educational and emotional needs, needs for affection and safety, recognizing that socio-economic circumstances may be quite diverse in in country of origin, possibility of future risk and harm and other consequences of the decision for the child's safety).

**E. Situation of vulnerability**

Individual physical or emotional needs, specific protection needs including for victims of trafficking and trauma, role of continuity of feelings of security and stability.

**F. Child's right to health**

Actions required to provide for his/her health condition, including mental health.

**G. Access to education**

Educational needs and opportunities for development.

These elements need to be balanced in an assessment of best interests. The content of each element will necessarily vary from child to child and from case to case, depending on such things as the concrete circumstances. Child-specific information on the country of origin, as provided in the Child Notice, will give valuable input for an assessment of above-mentioned elements but cannot provide information on a particular situation of a particular child.

A Best Interests of the Child Determination (BID) results in a recommendation for the child's future based on his or her best interests. A BID procedure is a holistic assessment of all possible long-term solutions that could meet the best interests of the child and address his or her individual rights and needs, particularly any need for international protection and adequate care arrangements. This assessment is holistic in considering many factors and goes beyond an assessment of international protection needs based on existing legal instruments. A BID should be a formal process with strict procedural safeguards.

## **Child protection systems**

The Child Notice includes information about the provision of child protection services by state and non-state actors. Thorough knowledge of the existing child protection system in a country of origin or the lack of it, is vital while making a decision on international protection, possible return and assessing return conditions or designing reintegration programs in the country of origin.





A child protection system (CP system) consist of ‘certain formal and informal structures, functions and capacities that have been assembled to prevent and respond to violence, abuse, neglect and exploitation of children’<sup>8</sup>. The importance of a CP system is to create a protective environment where laws and policies, services, behaviors and practices minimize children’s vulnerability and strengthens children’s own resilience<sup>9</sup>. There is however not one template for a child protection system that could be copied to every country around the world.

A child protection system should consist of a few basic elements:

- Child protection laws and policies should be compliant with the UNCRC and other international and regional standards.
- Governments have an oversights function and the ultimate responsibility over the child protection system, which involves coordination and engagement of multiple CP actors, including civil society.
- There is a centralized data collection system on both prevalence and knowledge of child protection issues and good practices.
- There are preventive and responsive services that are focused on supporting the families in protecting and caring for their child. Prevention should, besides the child at risk, focus on all the risks that play a factor.
- Children will be involved and will have the opportunity to express their views in responses and interventions deployed to protect them and in the development of child protection policies.

A protective environment encourages the development of a child, improves their health, education and well-being. Besides, it improves their capacities to be parents and productive members of their societies. The main importance of a child protection system is that it provides protection against the risks and vulnerabilities underlying many forms of harm and abuse: ‘Sexual abuse and exploitation, trafficking,

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<sup>8</sup> UNICEF, UNHCR, Save the Children, World Vision *A Better Way to Protect All Children* (2012) Conference report p. 1.

<sup>9</sup> UNICEF *UNICEF Child Protection System* UN-Document E/ICEF/2008/5 (2008).

hazardous labor, violence, living and/or working on the streets; the impact of armed conflict, including children's use of armed forces and groups; harmful practices such as female genital mutilation/cutting (FGM/C) and child marriage; lack of access to justice; and unnecessary institutionalization among others'<sup>10</sup>.

The EU Action Plan for Unaccompanied Minors<sup>11</sup> states the importance of a functional child protection system as follows:

'Finally, the EU will continue promoting the development of child protection systems, which link the services needed across all social sectors to prevent and respond to risks of violence, abuse, exploitation and neglect of children, to support children who are not in the care of their families and to provide protection to children in institutions. The EU will also continue supporting birth registration systems which, through ensuring that all children have a legal identity and thus access to their legal rights, play an important role in child protection.'

## **Return**

The durable solutions that are often considered are geographically shaped:

1. Voluntary or forced return to the country of origin.
2. Local integration in the country of destination, or
3. Resettlement to a third country in situations where it is impossible for a person to go back home or remain in the country of destination.

In order for return to take place in a safe manner, there are many considerations, including child protection needs, to be taken into account.

UNICEF published in 2014 a discussion document<sup>12</sup> on children's rights in return policy and practice in Europe. This document enumerates the following considerations for government practice in the return process for children:

1. Assess the security situation carefully, on a country and local basis and specifically for children.
2. Carry out a Best Interest Determination (BID) to identify a durable solution for every separated child.
3. Develop and use child rights-based procedures for tracing and contacting families.
4. Respect the best interest of children in returning to families.
5. Work on possibilities for long-term development and durable solutions.
6. Conduct public consultations now on policy provisions needed to accompany emerging practices.
7. Do not return children to institutional reception unless the recommended safeguards are in place.

Although the discussion document has been written with separated and unaccompanied children in mind, some of these considerations are also valid while considering return of children and their families.

In order to assess the security situation and to consider and develop specific reintegration programs, child-specific country of origin information which can be found in the Child Notice is paramount.

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<sup>10</sup> UNICEF *UNICEF Child Protection System* UN-Document E/ICEF/2008/5 (2008).

<sup>11</sup> European Commission *Action Plan on Unaccompanied Minors (2010-2014)* COM (2010) 2313/3.

<sup>12</sup> UNICEF *Children's rights in return policy and practice in Europe; a discussion paper on the return of unaccompanied and separated children in institutional reception or family* (2014) Voorburg.



## SUMMARY

Sudan is a multi-ethnic presidential republic with a predominantly Muslim population. The 2008 census estimated its population at 39,154,990 which included the now independent country of South Sudan. The northern Sudan (officially the Republic of the Sudan, hereafter called 'Sudan') population was estimated at 30,894,000 with a 2015 projected population of 38,435,252<sup>13</sup>. The territorial changes, refugee and internally displaced people (IDP) flows, and other major factors mean that population estimates vary considerably. The majority of people – about two thirds – live rurally.

The 2008 census estimated that children (below 18 years old) comprised 48.5 per cent (15 million) of the population. This proportion appears not to have changed since South Sudan's independence. Sudan MICS (multiple indicator cluster survey) data for 2014 suggests that 50.6 per cent of the population is under 18 years old, with 15.2 per cent below five years old.

Sudan hosts large, growing numbers of refugees and IDP, due to internal conflicts and fighting in neighbouring countries (e.g. Eritrea, Chad and South Sudan). UNHCR estimates that by the end of 2015 nearly half a million refugees and two million IDPs will live in Sudan. In mid-2014, it observed that nearly 70 per cent of the 100,000 refugees who had so far crossed from South Sudan were women and children<sup>14</sup>.

The president has executive powers under Sudan's chief legislative instrument, the 2005 Interim National Constitution (INC). The INC – the latest of several since independence in 1956 - followed the 2005 Comprehensive Peace Agreement (CPA) with South Sudan. A new, permanent constitution is being prepared. Sudan's local government system gives each of 18 federated states legislative powers.

A Child Act, to support children's rights, was passed in 2010. It also effectively brought several previous laws mentioning child rights together (e.g. the 2007 Armed Forces Act that bans child recruitment) and paved the way for further relevant legislation and policy (e.g. the 2011 Civil Registry Law).

The most recent UN Committee on the Rights of the Child (UNCRC) Sudan review in 2010 (the next is due in 2016) welcomed the Child Act but observed that other Sudanese legislation conflicted with it in crucial respects. For example, the 1991 Criminal Act has a much lower age of criminal responsibility. The UNCRC was critical of the gaps between legislation favouring children and actual implementation.

The impact on children of inadequate implementation is great. A part of Sudan's population – thus including children – is vulnerable because they live in very low-income agricultural communities, in poverty in towns and cities, in conflict areas, or as refugees and IDP.

These children's need for basic services and other support is high, but is often poorly provided for. The laws that should entitle and protect them are not put into practice because resources are badly lacking. Sometimes, the will to do so is not there, as in the case of unenforced laws meant to prohibit female genital mutilation and cutting (FGM/C).

Accelerated by the passing of the Child Act, notable models of good practice by government and authorities (some in collaboration with other national and international agencies), and in the best interests of children, do exist. One such is in the growing number of Family and Child Protection Units (FCPU) that

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<sup>13</sup> Ministry of Cabinet Central Bureau of Statistics *The Final Population Projections 2008-2038* (2010) pp. 5 & 78.

<sup>14</sup> UNHCR Sudan Factsheet September 2014 available at <http://www.unhcr.org/524d87ac9.html> (accessed 12 July 2015).

now operate in every state. They work out of police stations to offer real, practical support to any child (victims, witnesses or accused) arriving there.

Yet, the *status quo* in respect of legislative implementation leaves many children especially vulnerable. This Child Notice points out their main groups, such as those facing domestic (or institutional) violence, in conflict with the law, in street situations, involved with armed groups or fleeing conflict, working and trafficked children, children with disabilities and in alternative care, and the many girls who marry early (from as early as 10 years old) and/or undergo FGM/C practices.

For refugee, internally displaced, and returning, separated and unaccompanied children, there are some inter-country agreements (with Kenya, Ethiopia, Somalia and South Sudan) and in-country provisions. Returnee families may settle where they wish, and many choose the safety of Khartoum. Basic services (eg. health, education and welfare) and family tracing and reintegration are available.

For children, these services are concentrated on those children living in camps, and are provided by government, civil society and international organisations. Records of children and families, especially IDP, who live outside camps (and nearly always in urban areas) are largely absent, so service providers cannot easily offer support in such cases.

Quality statistical data and other information on children in Sudan are frequently unavailable. This serious problem appears not only to affect analysis of child rights but other key social and economic development areas. One important dimension is the lack of current population census data.

In writing this Child Notice, the authors were concerned about how often they were unable to fully substantiate information about children's situations with numerical evidence. There is little disaggregated child data in general, and for children from ethnic and other specific groups, including refugee and IDP children, the picture is even less complete.

# 1 Demographic and statistical data on children

## 1.1 General background

1. Sudan is a multi-ethnic country with a predominantly Muslim population. The country is decentralised and is divided into 18 federated states each with its own governor, legislature, and executive administration. States are represented in the National Assembly (parliament) and also have their own legislature, the Council of the States. Each state is divided into localities, then into small administrative units that serve the population at village and community levels responsible for addressing the direct needs and services of families and children.

**Figure 1: Sudan's federated states<sup>15</sup>**



2. Civil war between north and south Sudan affected the country since independence in 1956, apart from a peaceful 10 year period between 1972 and 1982. Afterwards, civil war continued until 2005 when the Comprehensive Peace Agreement (CPA) was signed between the Government of Sudan (GS) and the Sudan People's Liberation Movement/Army (SPLM/A) in the south. There are ongoing armed conflicts in Darfur, South Kordofan and Blue Nile States, and also in the Abyei area.
3. The economy of Sudan is mainly agricultural with 86 per cent of export revenues derived from this sector. Economic growth declined from 10 to five per cent between 2008 and 2010<sup>16</sup>. Economic difficulties followed the separation of South Sudan, due to the loss of oil revenues, resulting in increased inflation from 20 per cent in 2011 to 41.9 per cent in 2013<sup>17</sup>, but dropping back to 25.7 per cent by the end of 2014 and to 16.91 per cent in February 2016<sup>18</sup>. The gross domestic product (GDP) growth rate decreased from 5.2 per cent in 2010 to 3.6 per cent in 2014<sup>19</sup>.
4. According to the National Baseline Household Survey 2010 46.5 per cent of the population were living below the poverty line. Poverty is largely rural with a rate of 57.6 per cent compared to 26.5 per cent in urban areas<sup>20</sup>. Poverty rates are also high in areas affected by conflict, drought and low

<sup>15</sup> UNICEF Sudan Advocacy Brief, April 2016.

<sup>16</sup> National Council for Child Welfare & UNICEF *State of Sudanese Children Report* (2011) p. 6 (hereafter *State of Sudanese Children*).

<sup>17</sup> African Development Bank available at [www.afdb.org](http://www.afdb.org) East Africa, Sudan (accessed 9 September 2015).

<sup>18</sup> Central Bank of Sudan *54th Annual Report 2014* (2015) p. 121 and personal communication with the representative of CBS (March 2016).

<sup>19</sup> Central Bank of Sudan *54th Annual Report 2014* (2015) p. 121.

<sup>20</sup> Ministry of Finance and National Economy & Central Bureau of Statistics *National Baseline Household Survey*, Khartoum, (2010) pp. 14 & 37.

productivity. Poverty prevalence varies considerably geographically (highest North Darfur, 69.4%; lowest Khartoum state, 26%), because of uneven economic growth and the social and economic devastation caused by conflict in some states. These factors have heavily impacted upon child malnutrition: in 2011 about one third of all Sudanese children were chronically underweight or stunting<sup>21</sup>.

5. The potential for economic recovery is constrained by external debt, estimated at 78 per cent of GDP (US\$45 billion) in 2013<sup>22</sup>. The unresolved arrears, together with United States sanctions for the last two decades, restricted access to international sources of external financing and borrowing.
6. Economic constraints faced by Sudan are reflected in limited government budgets for health, education and social services (including child protection interventions). The government allocation for health, from the total budget, fell from 3.5 per cent in 2011 to 1.9 per cent in 2014; the education budget was 3.3 per cent of the national budget in 2011 and 2.7 per cent in 2014 (figures rounded)<sup>23</sup>. However, the Ministry of General Education (MGE) reported that the government expenditure on education increased from 9.7 per cent in 2003 to 12.9 percent in 2013<sup>24</sup>.

## 1.2 Demographic information and statistical data on children

7. The last census, the Sudan Population and Housing Census, was completed in 2008. It remains the major national source of certified information on population dynamics and trends. According to the 2008 census Sudan's estimated population was 39,154,990, and about half were children<sup>25</sup>. After the separation of South Sudan, Sudan's population was projected to be 30,894,000 (49.4% female, 50.6% male)<sup>26</sup>.

**Table 1: Sudan's population by state (2008)**<sup>27</sup>

State	Total Population	Females %	Males %	Under 18 years	Under five years
Northern	699,065	49.4	50.6	41.4	11.5
River Nile	1,120,441	49	51	42.4	13
Red Sea	1,396,110	42.9	57.1	43.9	11.1
Kassala	1,789,806	44.8	55.2	52.9	47.1
Gedarfif	1,348,378	50.4	49.6	52.9	17.1
Khartoum	5,247,321	47	53	40.2	12.4
Gezira	3,575,280	51.8	48.2	47.1	12.4

<sup>21</sup> The National Council For Child Welfare and UNICEF *State of Sudanese Children* (2011) p. 10.

<sup>22</sup> Ministry of Finance and National Economy *Annual Report 2014* (2015) p. 13.

<sup>23</sup> National Council for Child Welfare *Mapping/Assessment of Child Protection System in Sudan* (2015), p. 31 (hereafter *Mapping/Assessment*).

<sup>24</sup> Ministry of General Education *National Report on Evaluating the Objectives of Education for All Between 2000-2015* (2014) p. 13 (hereafter *National Report on Evaluating the Objectives of Education for All*).

<sup>25</sup> Ministry of Cabinet Central Bureau of Statistics *Population Size, Growth, Distribution and Structure* (2010) p. 2.

<sup>26</sup> The National Council For Child Welfare & UNICEF *State of Sudanese Children* p. 6.

<sup>27</sup> The National Council For Child Welfare & UNICEF *State of Sudanese Children* p. 6. Table source is 2008 Sudan Population and Housing Census.

State	Total Population	Females %	Males %	Under 18 years	Under five years
White Nile	1,730,588	51	49	49.2	15.5
Sinnar	1,285,058	51.3	48.7	50.1	48.9
Blue Nile	832,112	49.4	50.6	53.2	18.8
North Kordofan	2,920,992	51.9	48.1	51.9	16.9
South Kordofan	1,406,404	50.7	49.3	54.3	18.5
North Darfur	2,113,626	49	51	51.8	14.9
West Darfur	1,308,225	51.4	48.6	54.6	16.9
South Darfur	4,093,000	47.7	52.3	54	15.3
<b>Total</b>	<b>30,894,000</b>	<b>49</b>	<b>51</b>	<b>48.5</b>	<b>14.7</b>

Note: At the time of the 2011 State of Sudanese Children report Sudan was composed of 15 states.

8. The population is unevenly distributed. Khartoum state hosts one sixth of the country population (5.25 million) followed by South Darfur (4.09 million) and Gezira (3.58 million) states. The least populated are Blue Nile (832,000) and Northern (699,000) states. The 2008 census found that over two thirds of the population lives in rural areas (69.2%, with 30.8% in urban settings). These figures coincide with UN Population Fund (UNFPA) and UNICEF estimates.
9. Population estimates since the 2008 census have varied greatly (largely because they stem from projections after South Sudan's separation). For example, in 2015 the UN Development Programme (UNDP) quoted a total population of approximately 34 million<sup>28</sup> but in 2014 the UNFPA estimated it at 38.8 million with 12.5 million (32%) between the ages of 10 and 24 years old<sup>29</sup>.
10. UNICEF's 2015 population estimate is also at the higher end: 37,964,000<sup>30</sup>. According to multiple indicator cluster survey (MICS) data (i.e. based on the survey sample) 15.2 per cent of the population is younger than five years old and 50.6 per cent is below 18 years old<sup>31</sup>. An annual population growth rate of around 2.5 per cent has been widely estimated. According to UNFPA Sudan, if this rate continues, the country's population will double in around 30 years<sup>32</sup>.
11. Sudan has large numbers of both refugees and internally displaced people (IDP). Traditionally, Sudan has welcomed refugees and asylum seekers; UN High Commission for Refugees (UNHCR) 2014 figures showed 167,000 of them living in Eastern Sudan, Darfur and Khartoum. Refugees in Sudan originate from border countries, particularly Eritrea, Ethiopia, and Chad and, recently, from South Sudan.
12. UNHCR has estimated that, by the end of 2015, some 460,000 refugees will live in Sudan. With the conflict in South Sudan continuing, the number of refugees is expected to further increase.

<sup>28</sup> UNDP Sudan available at <http://www.sd.undp.org/content/sudan/en/home/countryinfo/> (accessed 12 July 2015).

<sup>29</sup> UN Population Fund *State of World Population 2014: the Power of 1.8 Billion Adolescents, Youth and the Transformation of the Future* (2014) p. 113.

<sup>30</sup> UNICEF *State of the World's Children 2015: Re-imagine the Future Innovation for Every Child* (2014) p. 75. UN data quoted in this report places Sudan among the world's 48 least developed countries.

<sup>31</sup> Ministry of Cabinet Central Bureau of Statistics (CBS) *Sudan Multiple Indicator Cluster Survey 2014 Key Findings* (2015) p. 1 (hereafter MICS Key Findings 2014).

<sup>32</sup> UN Population Fund *Population Dynamics of Sudan* (2014) p. 2.

Out of 100,000 South Sudanese refugees who had crossed into Sudan by mid October 2014, almost 70 per cent were women and children<sup>33</sup>. Data from the GS's Commission of Refugees and the Humanitarian Aid Commission from December 2015 shows that there were 545,697 refugees and asylum seekers in Sudan (see Table 24).

13. There are many IDP in Sudan, their numbers increased by recent intensified violence in Darfur, South Kordofan and Blue Nile. The UN Office for the Co-ordination of Humanitarian Affairs (UNOCHA) statistics showed that their numbers reached 3.1 million as of December 2014<sup>34</sup>. There is no information about the numbers of IDP children, but they were counted within this overall total.
14. There is insufficient information from Sudan government sources on specific populations and ethnic groups. Sudan's size and its ongoing conflicts have made the collection of official statistics difficult. The 2008 census contains no detailed breakdown of ethnic, religious or indigenous groups or about children within them. It does report that 9.1 per cent of the Sudan population were nomadic<sup>35</sup>.
15. Census information distinguishes three main racial groups: Nilotic, Nilo-Hamitic/Sudanese and Arab, with more than 115 local dialects among them. Arabic is the main language of the country and forms the pivotal means of communication between the different tribes. English is the second language and is widely used as a medium of instruction, especially at the post-graduate education level<sup>36</sup>.
16. Another source describes 100 diverse dialects of Nilo-Hamitic, Sudanic languages, especially among the northern Nubians, and in Darfur, Nuba Mountains, Blue Nile and Eastern Sudan regions<sup>37</sup>. The main religions are Islam and indigenous beliefs (mainly in Blue Nile and South Kordofan states).
17. In its 2010 observations on Sudan, the UN Committee on the Rights of the Child (UNCRC) expressed concern about the lack of disaggregated information about children, including from minority groups<sup>38</sup>. The 2015 session of the UN Committee on the Elimination of Racial Discrimination (UNCERD) also encouraged the Government of Sudan in its efforts to provide better information of this kind requesting that it:

'Collect and publicize reliable statistical data on the ethnic composition of its population as well as on the social and economic situation of the different ethnic groups, disaggregated by areas where minority groups live in substantial numbers and covering the whole territory of the State party, in order to provide an adequate basis for policies to ensure the equal enjoyment of rights under the Convention in the State party'<sup>39</sup>.

<sup>33</sup> UNHCR Sudan Factsheet September 2014 available at <http://www.unhcr.org/524d87ac9.html> (accessed 12 July 2015).

<sup>34</sup> UN Office the Coordination of Humanitarian Affairs *Sudan Humanitarian Bulletin* (2015) Issue 45, p. 1.

<sup>35</sup> Extracted from 2008 census data.

<sup>36</sup> Ministry of Cabinet Central Bureau of Statistics (2010) *Statistical Year Book for the Year 2009* (2010) p. X-XI.

<sup>37</sup> Minority Rights Group International World Directory of Minorities and Indigenous People Sudan Overview available at <http://www.minorityrights.org/4010/sudan/sudan-overview.html> (accessed 14 July 2015).

<sup>38</sup> UN Committee on the Rights of the Child *Concluding Observations: Sudan* (2010) para 20 (hereafter *Concluding Observations*).

<sup>39</sup> UN Committee on the Elimination of Racial Discrimination *Concluding Observations on the Combined Twelfth to Sixteenth Periodic Reports of Sudan* (2015) para. 1 (hereafter *Concluding Observations*).





## 2 Basic Legal Information

### 2.1 International children's and human rights treaties

18. Sudan was one of the first countries to sign the UN Convention on the Rights of the Child (CRC) in 1990. Sudan has formed a technical committee to prepare its fifth and sixth periodic combined report on the implementation of the CRC, with submission planned for March 2016<sup>40</sup>. It has also signed and/or ratified other international instruments concerning children's rights and protection (see Table 2).

**Table 2: International/regional rights treaties ratified by Sudan**

Treaty	Ratification/ Accession
ILO Convention on Forced or Compulsory Labour (29)	1957
ILO Convention on the Right to Organising and Collective Bargaining (98)	1957
ILO Convention on Abolition of Forced Labour (105)	1970
ILO Convention on Equal Remuneration (100)	1970
ILO Convention on Discrimination (Employment and Occupation) (111)	1970
ILO Minimum Age Convention 138	1973
Convention on the Elimination of All Forms of Racial Discrimination	1977
African Charter on Human and Peoples' Rights	1986

<sup>40</sup> National Council for Child Welfare, Director of International and Regional Reports, Personal Communication, 17 December 2015.

Treaty	Ratification/ Accession
International Covenant on Civil and Political Rights, 1986	1986
International Covenant on Economic, Social and Cultural Rights	1986
International Convention on the Rights of the Child in 1989	1990
Cairo Declaration on Human Rights in Islam (a guiding document not requiring ratification)	1990
ILO Convention on the Worst Forms of Child Labour (182)	1999
Optional Protocols to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts	2000
Optional Protocols on the Sale and Use of Children in Prostitution and Child Pornography.	2004
African Charter on the Rights and Welfare of the Child	2008
Convention on the Rights of Persons with Disabilities	2009
Arab Charter on Human Rights	2013
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Supplementing the UN Convention to Combat Transnational Organised Crime)	2014

19. On the African Charter on the Rights and Welfare of the Child (ACRWC), Sudan raised the reservations that it, 'Does not consider itself bound by Article 10 regarding the protection of privacy, Article 11 (6) regarding the education of children who become pregnant before completing their education or Article 21 (2) regarding child marriage'<sup>41</sup>. Sudan signed and ratified the 2004 Arab Charter of Human Rights in 2013<sup>42</sup>. Conventions and protocols that Sudan has not upheld to date are shown in the following table.

**Table 3: Conventions and protocols not upheld by Sudan**

Treaty
Optional Protocol of the Convention against Torture (CAT-OP)
Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty (CCPR-OP2-DP)
Convention for the Protection of All Persons from Enforced Disappearance (CED)
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW)
Hague Conventions concerning children

20. Sudan did not join the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) but, based on the recommendation of the Human Rights Council in the UPR, the Advisory Council for Human Rights within the Ministry of Justice (*see section 2.5*), has reviewed it and, in 2013, started preparing a study on CEDAW to be submitted to the Council of Ministers<sup>43</sup>.

<sup>41</sup> African Committee of Experts on the Rights and Welfare of the Child available at <http://acerwc.org/reservations/> (accessed 16 July 2015).

<sup>42</sup> UNDP Arab Human Rights Index Sudan Human Rights Profile available at <http://www.arabhumanrights.org/en/countries/country.aspx?cid=18> (accessed 15 July 2015).

<sup>43</sup> National Council for Child Welfare, Director of Legislation and Justice for Children, Personal Communication, 12 October 2015.



21. The 3rd Optional Protocol to the CRC on Means of Communication is currently being considered by the Sudanese Government through a review committee led by the National Council for Child Welfare (NCCW).

## 2.2 National legislation on children

22. The Government of Sudan (GS) has made efforts to improve the legislative framework, to harmonise it with international standards, and to develop child protection mechanisms to create a protective environment for children. Sudan's Interim National Constitution 2005 (INC) was the first national legislation in Sudan to recognise children's basic rights. Following the separation of South Sudan, the GS initiated the drafting of a new constitution.
23. This process started in 2011 as a joint programme between the Ministry of Justice and UNDP. Public education activities on constitution-making were developed across all 18 states, with other initiatives also underway by academic institutions and non-governmental organisations NGOs (e.g. the University of Khartoum, the Ahfad University for Women, the Al-Ayyam Centre and the Constitution Making Initiative). The on-going National Dialogue is a forum that offers the chance for political and civil society organisations to present their views on issues for inclusion in the new constitution.
24. Sudan achieved a milestone through the enactment of the Child Act in 2010, preceded by a comprehensive participatory process to determine the Child Act's scope. The INC and other legislation supports it, while the Act supports the implementation of international treaties at national level, and ensures that national child-related legislation conforms to the CRC. It defines a child as every person who is not above 18 years old, criminalises child exploitation and abuse, raises the age of criminal responsibility from seven to 12 years, and establishes a comprehensive Justice for Children System.
25. The Child Act's achievements were recognized by the UNCRC in 2010<sup>44</sup>, but the Committee pointed to discrepancies over the definition of the child:

'While welcoming the definition of a child as every any person under the age of 18 years under the Child Act (2010), the Committee is concerned at the lack of consistency in the State party's legislation and practice with regard to the definition of the child. In particular, the Committee is concerned that adulthood is, in practice, determined by reference, inter alia, to the attainment of puberty in conformity with *sharia* law. The Committee emphasizes that the incorrect determination of childhood has serious implications for the protection of children's rights, particularly in relation to juvenile justice and child marriage'<sup>45</sup>.

26. In 2013, the Constitutional Court resolved the important legal inconsistency between the Child Act 2010 and the Criminal Law 1991 in relation to death penalty and age of the child. Its ruling affirmed that in any case concerning children the Child Act should be applied, not the Criminal Law<sup>46</sup>. The Child Act 2010 has not criminalised female genital mutilation/cutting (FGM/C).

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<sup>44</sup> UN Committee on the Rights of the Child *Concluding Observations* para. 9.

<sup>45</sup> UN Committee on the Rights of the Child *Concluding Observations* paras. 27-28.

<sup>46</sup> Constitutional Court Decision no 51/2013.

27. The 2013 GS mid-term review of the 2011 Universal Periodic Review (UPR) process of the UN Human Rights Council referred to an implementation plan under development to facilitate implementation of the Child Act<sup>47</sup>. The GS has started to develop the bye-laws needed to ensure that this happens in a coordinated and timely way<sup>48</sup>.
28. National laws directly relevant to children and their rights include:
- Domestic Servant Act 1955
  - Child Care Act 1971
  - Refugee Act 1974
  - Criminal Law 1991
  - Personal Status Law of Muslims 1991
  - Nationality Law 1994 (amended 2005 & 2010)
  - Labour Law 1997
  - General Education Planning Regulation Act 2001
  - The Republic of Sudan Interim National Constitution 2005
  - Armed Forces Act 2007 (amended 2014)
  - Public Health Law 2008
  - Disability Act 2009
  - Child Act 2010
  - Civil Registry Law 2011
  - Asylum Regulation Act 2014
  - Combating Human Trafficking Act 2014

**Table 4: States with own Child Acts prohibiting FGM/C**

State	Child Act passed
South Kordofan	2008
Gedarif	2009
Red Sea	2011
South Darfur	2011

29. The same four states have also prohibited FGM/C. In Gedarif and South Darfur the prohibition is a provision within the state Child Act, in Red Sea the legislative instrument is a ministerial decree and in South Kordofan it is through a state law. These laws are still not fully implemented<sup>49</sup>.
30. Sudan's *sharia* laws are fully incorporated in the national legislation. As in several other Islamic countries, *zina* (sexual intercourse outside marriage) accusations of *zina*, and other 'moral crimes' (including homosexuality) are criminalized. In the case of Sudan, the above offences are criminalised under the Criminal Act 1991 (article 145). Punishment is typically severe and can

<sup>47</sup> (Government of Sudan) *Universal Periodic Review of the United Nations Human Rights Council Sudan's National Mid-Term Report* (2013) p.6.

<sup>48</sup> National Council for Child Welfare, Director of Legislation and Justice for Children, Personal Communication, 12 October 2015.

<sup>49</sup> National Council for Child Welfare *Mapping/Assessment*, pp. 9 & 11.

include stoning to death in the case of adultery for those who are married and 100 lashes for the unmarried<sup>50</sup>. Before the recent amendment (January 2015) of the definition of rape under the Criminal Law 1991, false accusation of *zina* was often the countercharge for rape survivors who failed to prove rape<sup>51</sup>.

### 2.3 National strategies/plans for children

31. Sudan has developed a number of child-related policies and plans, some of them at state level by extrapolation from national legislation. These plans are the official yardsticks to guide the organisation and management of child protection interventions. The Ministry of Welfare and Social Security (MWSS) or the National Council for Child Welfare (NCCW) have the coordinating roles for many of them.

**National Strategy for the Reintegration of Children Associated with Armed Forces and Groups 2008:**

Led by the Disarmament, Demobilisation and Reintegration Commission (DDRC), and offering a framework to crystallize interventions and reintegration programs throughout Sudan (based on 2007 Paris Principles to protect children from recruitment by armed forces/groups).

**Sudan National Nutrition Policy 2008:**

Developed by the Federal Ministry of Health (MH) this policy and its accompanying strategy helps to eradicate poverty by promoting nutritional wellbeing for all people in Sudan. It aims to ensure that standardised, high quality nutrition services can be delivered, backed up by investments in technical capacity to ensure that health professionals have the required skills to implement and monitor nutrition-related activities.

**National Strategy for Abolition of Female Genital Mutilation During the 2008-2018 Generation:**

The implementation is NCCW responsibility, its priorities are to formulate laws to criminalise FGM/C and raise professional and community awareness about the issue.

**National Policy for Care and Protection of Deprived Children 2011:**

MWSS responsibility. Among its directives is, 'to encourage child care within the family as the bearer of the first responsibility in the upbringing of the child and to fulfill his requirements.' Its several axes including prevention of separation, reintegration, training and capacity building, institutional care, advocacy and legislation support to foster families.

**National Immunisation Policy 2007, updated 2012:**

The Extended Programme of Immunization (EPI) national policy formula aims to protect children from many diseases that can be effectively treated through vaccination. The policy has been developed in the wider international immunisation context and aims to promote vaccination as a human right.

**The Second Five Year Plan for Childhood 2012-2016:**

Under NCCW responsibility. To address the institutional gaps obstructing better child protection

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<sup>50</sup> Criminal Law 1991, Article 145.

<sup>51</sup> Save the Children *Unspeakable Crimes: Changing the Law* (2013) p. 10.

interventions, especially by increasing financial resources available, and by introducing holistic approaches<sup>52</sup>.

**The Sudan Civil Registration and Vital Statistics Strategy 2014-2016:**

Responsibility of the Civil Registration Directorate with key goals of increasing birth registration of under five-year-olds to 90 per cent (from under 60%), and mortality registration to 65 per cent (from under 10%).

**National Strategy for the Family (2008, being updated):**

MWSS responsibility. Developed with federal and state ministries and civil society organisations, and with a five-year plan and a national committee for the family including official and voluntary representatives.

**National Policy for Orphan's Sponsorship (2009, being updated):**

MWSS led and focused on securing sponsorship for all orphans and community mobilisation. Priorities are to activate decrees and directives to support orphans and to provide health insurance to foster families.

**National Policy to Address the Problem of Begging or Vagrancy (2009, being updated):**

MWSS responsibility. To limit (and ultimately eliminate) begging, build family and social awareness about the problem, and co-ordinate national monitoring at federal and state levels.

**Strategies of the Ministry of General Education:**

To improve access to education among excluded groups (*see section 5.3*).

**Interim Strategy for Poverty Alleviation (proposed):**

Associated with the Third Programme of Economic Rescue (2011 -2013) and the Five-Year Development Plan (2012-2016), MWSS has intensified efforts to reduce poverty levels and is developing a national poverty definition that is multi-dimensional and requires comprehensive measures in response.

## **2.4 Budgeting for children to implement national strategy**

32. The 2010 UNCRC observations expressed concern about the absence of a specific budget for children and inadequate financial allocations to protect children and support their rights<sup>53</sup>.
33. The International Monetary Fund (IMF) pointed out in 2013 that there is an absence of policy driven budgeting by the government and recommended that Sudan adopt multi-year budgeting to enable stronger links between policy and budgeted resources. The recommendation did not mention children's (or any specific) budgeting targets but the recommendation would apply to this key population group. The IMF saw the development of its poverty reduction strategy as a key

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<sup>52</sup> African Network for the Prevention and Protection Against Child Abuse and Neglect *Roles and Functions of National Child Protection Institutions and Definition of Human Resource in Eastern Africa Region* (2015) p14 (hereafter *Roles and Functions of National Child Protection Institutions*).

<sup>53</sup> UN Committee on the Rights of the Child *Concluding Observations* para. 17.

opportunity for Sudan to develop such a budget<sup>54</sup>.

34. The African Child Policy Forum developed comparative indices for African countries on public investment for children. In 2013, Sudan ranked 32 of 52 countries for budgetary commitment for children, 39/52 for child well-being based on the effectiveness of child protection and other related measures, and 37/52 for basic needs investment, an index which combines the previous two. Compared with 2008 rankings, Sudan rose by four places in the combined score<sup>55</sup>.
35. Analyses by the World Bank, World Health Organisation (WHO) and others have also highlighted Sudan's limited, and decreasing budgets for health and, particularly, education (*see sections 1.1, 5.2 and 5.3*). Although there are services for children implied within the relevant health, education and other budget lines, the outstanding need remains to assess the actual budget allocated for children.

## **2.5 Coordinating governmental body on children's issues and rights**

36. The Government of Sudan has established many institutions to promote child rights and protection issues. Key to Sudan's child protection system is the NCCW (established 1991) as a specialised body to coordinate child protection issues at national and state levels, and to institutionalise and promote child rights as integral components of national policy and planning (*see section 2.3*). The NCCW is also responsible for following up implementation of international child rights conventions. It is represented in the 18 states by State Councils for Child Welfare (SCCWs), each headed by the wali (or State Governor). SCCWs coordinate child protection activities in their own states and with the NCCW.
37. The Advisory Council for Human Rights, established by Presidential Decree in 1994 within the Ministry of Justice and headed by the Minister, is also concerned with child protection. In 2007, an independent department was established within it responsible for international child rights' agreements and to ensure that national legislation is issued and approved. It is also promotes awareness about human rights and international humanitarian law.
38. The Ministry of Defence established the Armed Forces Child Rights Unit in 2008 following proposals by NCCW and UNICEF. It was established under the provisions of the Armed Forces Act 2007 and in accordance with international conventions on child protection in armed conflicts to protect children from being used and recruited. Under the Unit's umbrella, officers, non-commissioners officers and soldiers have been trained. The Unit has also disseminated child protection standards to be observed during active conflicts (*see section 7.3*).
39. Also involved in governmental child rights interventions is the Ministry of General Education. It has scaled up education opportunities for the most vulnerable children, including girls, children with disabilities, nomadic and IDP children.

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<sup>54</sup> International Monetary Fund *Sudan Interim Poverty Reduction Strategy Paper* (2013) p. 27.

<sup>55</sup> African Child Policy Forum *African Report on Child Wellbeing 2013: Towards Greater Accountability to Africa's Children*. (2013), pp. 108-110 (hereafter *African Report on Child Wellbeing*).

40. Despite these child protection achievements, it is clear that there is a need for a consolidated and systematic child rights and protection framework in Sudan.

## **2.6 Independent national human rights institutions for children**

41. According to the 2010 UNCRC review, there was no fully independent and operational rights' institution for children in Sudan (i.e. beyond the bodies described above: *see section 2.5*). The UNCRC observed that, 'There is currently no independent national mechanism to monitor the implementation of the Convention, receive complaints of child rights violations and take appropriate remedial action'<sup>56</sup>.
42. The National Human Rights Commission, established in 2012, is the most recent institution for human rights in Sudan, reporting and investigating all such violations, and including a child rights committee. A recent comment by the Independent Expert to the UN Human Rights Council was that the Commission's 2014–2018 plan held promise. Nonetheless, human rights processes were too protracted<sup>57</sup>. There is no functioning Sudanese Ombudsman.

## **2.7 Relevant non-government organisations**

43. A number of non-governmental organisations (NGOs) concerned with child rights work raise awareness on child rights' and protection issues and provide technical and financial support and services for children, especially in conflict-affected areas. Five national child rights' NGOs are also members of the NCCW executive board (*see Figure 6*). The only NGO coalition focussed on child rights is the Child Rights Institute (also a NCCW board member). It does not have an accessible website, but main international agencies and NGOs (e.g. UNICEF and Save the Children) work with it. The UNCRC report in expressed concerns about the wider climate in which some national and international NGOs faced restrictions over their activities<sup>58</sup>.

## **2.8 Legislation and policy protecting children in the legal system**

44. In support of child protection efforts, and in accordance with the 2010 Child Act, the NCCW, the Ministry of the Interior, Ministries of Social Affairs (both federal and state) and UNICEF have established Family and Child Protection Units (FCPU: *see sections 4.3 and 7.1*)<sup>59</sup>. These provide a package of services to children, whether accused, witnesses or victims of crimes, and are run by police officers and social workers to provide psychosocial support to children in all legal procedures. FCPU are established in every state, including all those affected by armed conflict.
45. Separately, the Ministry of Justice, with Sudan's judiciary, has built capacities to support the provision of children's legal aid services. Child courts are established in most states. Prosecutor General Offices for children have also been created in all states, to offer child-friendly

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<sup>56</sup> UN Committee on the Rights of the Child *Concluding Observations* para. 15.

<sup>57</sup> UN Human Rights Council *Report of the Independent Expert on the Situation of Human Rights in the Sudan* (2014) para. 19.

<sup>58</sup> UN Committee on the Rights of the Child *Concluding Observations* para. 25.

<sup>59</sup> Child Act 2010, Articles 54-56.





procedures to child victims, witnesses or those accused. Children of any age can bring actions before national courts to sue violations of their rights, through a parent or guardian. Children who are defendants or witnesses are entitled to legal representation at the state's expense<sup>60</sup>.

## 2.9 Birth registration

46. Article 5(2i) of the Child Act gives a child the mandatory right to a free birth certificate delivered to the parents or guardian. The Civil Registry Law 2001, article 28, provides the legal guarantee for the immediate registration of a newborn child. Article 29 makes reporting a birth mandatory and lists the individuals responsible for this, while Article 42 prescribes penalties for violations.
47. The Civil Registry General Directorate (CRGD) is a unit of the Ministry of Interior. Its decentralised birth registration system is organised at locality, state and national levels. National regulations define that registration from birth to the age of three months is the responsibility of local health institutions. The CRGD is responsible for issuing birth certificates at any age after three months. Each state maintains its own civil registration database and regularly reports to the CRGD, which maintains the national civil registration records<sup>61</sup>.
48. Registration has significantly improved in the past 10 years but recent reliable figures are difficult to obtain. Birth registration completeness (children under five years old whose registration was completed at the time of survey) was 33.0 per cent in 2006 and 59.3 per cent in 2010. Rural rates

<sup>60</sup> CRIN (Child Rights Information Network) Access to Justice For Children: Sudan available at <https://www.crin.org/en/library/publications/sudan-access-justice-children> (accessed 23 July 2015) (Original report by White & Case LLP (2015) part of this CRIN project, p. 3).

<sup>61</sup> Frah, E. 'Reasons for low birth registration in Sudan' (2015) 7 *Journal of African Studies and Development* p. 65.

(49.7%) were much lower than urban ones (84.5%)<sup>62</sup>. MICS data from 2014 estimated the national birth registration rate at 67.3 per cent (urban 89.0%; rural 59.2%)<sup>63</sup>.

49. The 2014 UN Committee on Civil and Political Rights review noted the efforts taken to promote free birth registration but remained concerned at the large numbers of unregistered children reports of fees and fines for late registration in some parts of the country<sup>64</sup>.

## 2.10 Legal ages

50. The Child Act 2010 defines a person of 18 years old or younger as a child, in line with the CRC definition. Article 5(2i) defines the age of criminal responsibility at 12 years. The Constitutional Court has confirmed that no death penalty can be inflicted on anyone younger than 18 years old (*see section 2.2*). The applicable law is the Child Act, not the 1991 Criminal Act<sup>65</sup>. The National Election Act 2008 determines the voting age at 18 years and above<sup>66</sup>. According to CRGD regulations every Sudanese person is entitled to independent travel documents (a passport and nationality certificate), regardless of age. Minimum legal ages with, sometimes conflicting, definitions are summarised below.

**Table 5: Minimum legal ages: Child Act 2010 versus other legislation**

Description	Child Act 2010 age (years)	Other legislation	Age (years)
Majority	18	Criminal Act 1991	15 with signs of Puberty
		Labour Act 1997	16
Marriage	No mention	Personal Law 1991	10 <sup>67</sup>
Military service	18	Armed Forces Act 2007	18
Working age	14	Labour Act 1997	16
Criminal responsibility	12	Criminal Act 1991	7 <sup>68</sup>
Birth registration	0	Constitution (INC)	0

<sup>62</sup> The National Council For Child Welfare & UNICEF *State of Sudanese Children* p. 17.

<sup>63</sup> Ministry of Cabinet Central Bureau of Statistics *MICS Key Findings 2014* p. 1.

<sup>64</sup> UN International Covenant on Civil and Political Rights Human Rights Committee *Concluding Observations on the Fourth Periodic Report of the Sudan* (2014) para. 25 (hereafter *Concluding Observations*).

<sup>65</sup> National Council for Child Welfare *Mapping/Assessment* p. 1.

<sup>66</sup> National Election Act 2008, Article 21.

<sup>67</sup> In Sudan there are two personal laws: the Muslim Personal Law 1991, only addressing Muslims, and the Personal Law 1991, for non-Muslims. The Muslim Personal Law 1991 did not set a minimum age of marriage. According to its Article 40 (3), 'The guardian of a minor girl (10 years) cannot conclude her marriage contract unless there is permission from the judge. The guardian has to prove that the marriage will benefit the minor girl that the husband is suitable and the husband pays the dowry usually paid to women of her status'. (Author's emphasis.)

<sup>68</sup> The Constitutional court is the applicable law, not the Criminal Law. This refers to the Constitutional Court decision no 51/2013 explained in section 2.2.





### 3 General principles

#### 3.1 Non-discrimination

51. The Convention on the Rights of the Child (CRC) contains four general principles: non-discrimination (Article 2); the best interests of the child (Article 3); the right to express views and be heard (Article 12); and the right to life, survival and development (Article 6)<sup>69</sup>.
52. The most recent Constitution of the Republic of Sudan (of four since 1953) is the 2005 Interim National Constitution (INC). A 2014 conference on Sudan's constitutional reform agenda organised by the University of Khartoum and others (see section 2.2) highlighted that the INC includes general human rights applicable to children, especially by enshrining in the Constitution all international human rights treaties. This includes both the child-rights based CRC and the African Charter On The Rights And Welfare Of The Child (ACRWC), besides others<sup>70</sup>.
53. Article [31] of the INC specifies that, '[...] all persons are equal before the law and are entitled without discrimination, as to race, colour, sex, language, religious creed, political opinion, or ethnic origin, to the equal protection of the law.'
54. The INC contains specific rights relating to children and childhood, including the state provision of free, compulsory primary education (Article 44(2)). Article 36(3) of the INC provides that

<sup>69</sup> Al-Nagar S. & Tønnessen L. (2011) *Sudan Country Case Study: Child Rights* p. 10.

<sup>70</sup> University of Khartoum Faculty of Law & Sudan Human Rights Monitor *Constitutional Protection of Human Rights in Sudan: Challenges and Future Perspectives* (2014) p. 66 (hereafter *Constitutional Protection of Human Rights in Sudan*).

pregnant or (for the first two years) lactating women cannot receive the death penalty, implying that unborn children need to be protected. Chapter II of the Constitution explicitly sets out a number of children's rights in line with the CRC.

55. A number of UN and other international committees, reviewing progress by the Government of Sudan (GS) in major areas of human rights and development, have referred to general discriminatory practices. These would affect (among others) children living in Sudan, whether the entire child population or specific groups:
- The whole population, in respect of insufficient human rights protection; and the absence of disaggregated data (UPR e.g. paras. 34, 67 & 83.73, ACHPR e.g. paras. 31 & 35, UNCCPR para. 7, UNCERD para. 14).
  - Females, in relation to unequal employment; the violence they face; and who face corporal punishment particularly among marginalized groups (UPR (e.g. paras. 39, 59 & 83.83, ACHPR e.g. paras. 36 & 40, UNCCPR para. 12, UNCERD paras. 7a & 11).
  - People living in poverty in respect of socio-economic aid and opportunities (UPR e.g. paras. 49 & 83.134); affected by chronic conflict and resulting loss of rights (UNCCPR para. 8); and with disabilities (ACHPR para. 25).
  - Ethnic minorities, in respect of the lack of a legislative definition of racial discrimination; the lack of opportunity to participate politically; and the lack of an effective complaints mechanism (UNCERD paras. 12, 18 & 22).
  - Female offenders, in relation to their treatment in detention (UPR para 83.122).
  - Human rights defenders, especially from minority groups, persecuted by state law enforcement agencies (UNCERD para. 13, UNCCPR para. 22).
  - Those who wish to give up their faith (apostasy) and Christian and other non-Muslim groups who have to abide by sharia law (UPR e.g. paras. 66 & 83.31, ACHPR (para. 86, UNCCPR para. 20).
  - Southern Sudanese (and other specific refugee groups) living in Sudan in respect of their human rights (UPR para. 83.52, ACHPR paras. 52 & 81, UNCERD para. 19).
  - NGOs' restricted input to international human rights review mechanisms (ACHPR para. 20, UNCERD para. 27)<sup>71</sup> (*Keys to Committee abbreviations provided in footnote*).
56. The GS has been responding to international committee comments. In its 2012 written submission to the UN Economic and Social Council, Sudan's delegation explained that fundamental rights cannot be suspended, even in a state of emergency, under both the INC (Article 211a) and the Comprehensive Peace Agreement<sup>72</sup>. These rights include:
- The right to life.
  - The *right not to be subjected to discrimination on grounds of race, sex, religious belief* (authors' emphasis).
  - The right of legal recourse.

<sup>71</sup> UN Human Rights Council *Report of the Working Group on the Universal Periodic Review Sudan* (2011: UPR); African Commission on Human and People's Rights *Concluding Observations and Recommendations on the 4th and 5th Periodic Report of The Republic of Sudan* (2012: ACHPR); UN International Covenant on Civil and Political Rights Human Rights Committee *Concluding Observations* (2014: UNCCPR); UN Committee on the Elimination of Racial Discrimination *Concluding Observations* (2015: UNCERD).

<sup>72</sup> UN Committee on Economic, Social and Cultural Rights *Consideration of Reports Submitted by States Parties under Articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights: Second Periodic Report of States Parties Due in 2003 Sudan* (2013) para. 106.

- The right to a fair trial; and
- Protection from slavery and torture.

57. Further examples of GS replies are contained in its 2013 mid-term report on the 2011 Sudan UPR process. It stated that some of the measures that other UN member states had commented upon were already implemented, with others partially so. Specific dates and timelines are absent in the response, summarised in the table below<sup>73</sup>:

**Table 6: Human rights progress explained in Government of Sudan response to UPR process**

Implemented	Partly implemented
National Human Rights action plan adopted with human rights prioritized across government	Legal study with view to ratification of CEDAW conducted
National Human Rights Committee Chair and members nominated and functioning	Freedom of religion guaranteed constitutionally in process
Co-operation with UN Human Rights Experts developed	Development of new constitution with robust human rights measures (including introducing a Bill of Child Rights into it)
National Plan for Combating Violence Against Women developed - both federal and state mechanisms established and functioning	Development of agreements with UNDP on UPR recommendations
Consultative stakeholder workshops on introducing CEDAW into national legislation	Amendment of laws relating to women's rights and accompanying measures within government departments and elsewhere
Protection of minority rights through new constitution	Capacity building in government and awareness raising at federal and state level to promote and protect women's rights
Measures effected to protect South Sudanese living in Sudan	Training of police and others to prevent violence against women
Engagement of civil society organizations on UPR process implementation	Gender-sensitive budgeting
Council on Welfare of People with Disabilities established	Equal pay for women (already guaranteed constitutionally and under 2007 Labour Law)
	Improving treatment of women offenders
	Poverty reduction measures including take-up of health insurance (150,000 families added in 2012), social security (500,000 families) and the Rural Women Development Programme (4,000 women)
	Protecting human rights defenders including through a Vice Presidential order stopping 'acts of pre-censorship'

### ***General discrimination against children***

58. The last ten years have seen significant improvements with regards to children in Sudan, but important challenges remain in the areas of education, health, and protection and participation. In relation to services, access is secured in law without discrimination but limited access and coverage is an issue. For example, social norms in rural societies deny many girls' their right to education (see section 5.3). Successful ad hoc children's participation opportunities exist, for example:

<sup>73</sup> (Government of Sudan) *Universal Periodic Review of the United Nations Human Rights Council Sudan's National Mid-Term Report* (2013).

- Child parliament (2007 – present).
- Children as agents of change on female genital mutilation and cutting (FGM/C) e.g. primary school students in Gedarif, River Nile and Khartoum states established forums to engage in debates about the Saleema campaign (*see section 7.4*).
- Participation in child rights legal reform (2015 – ongoing).

59. A 2009 national baseline household survey shows that 57.6 per cent of rural households in the northern states live below the poverty line against 26.5 per cent in urban areas. The national average is 46.5 per cent<sup>74</sup>. Information is lacking on how this specifically affects children but it follows that increased poverty will hit rural children - the majority – amongst the hardest.

### ***Specific discrimination against girls***

60. The 2010 UNCRC report does not dwell on many cases where either girls or boys appeared subject to differential treatment through law and policy, but includes concerns over the extent of female genital mutilation, the large number of girls not in school, and their much higher vulnerability to sexual abuse<sup>75</sup>.
61. Poverty is among the reasons for child marriage, affecting girls (they are often married at younger ages than boys (*see above and section 7.5*). Current SIGI (the Social Institutions and Gender Index of the Organisation for Economic Cooperation and Development) data underscore unequal treatment of women and girls in core areas, including that Sudan has not signed CEDAW (*see section 2.1*). SIGI's 2014 ranking places Sudan in the highest level of unequal treatment for women. In relation to children, specifically, the SIGI report includes:
- The significant extent of child marriage especially in rural areas, and the lack of restrictions on this practice within the 2010 Child Act.
  - The rule of *taseeb*, under *sharia* law, by which the share of inheritance for women and daughters is under half of that to which males are entitled.
  - The discrimination facing girls (and all females) in relation to *zina*<sup>76</sup> (*see section 2.2*).

The Sudanese government argues that *taseeb* is not an issue of dispute where it is in the religious beliefs of the Muslims. It is not applicable to non-Muslims. Following the amendment of the Criminal Act 1991, effected in January 2015, the definition of rape was amended and subsequently discrimination against girls (in relation to *zina*) is no longer an issue (*see also section 2.2*).

62. The Child Act 2010 states that, 'this Act ensures the protection of a male, or female Child, against all types and forms of violence, injury, inhuman treatment, or bodily, ethical or sexual abuse, or neglect or exploitation'<sup>77</sup>.

<sup>74</sup> International Monetary Fund *Sudan Interim Poverty Reduction Strategy Paper* (2013) p. 19.

<sup>75</sup> UN Committee on the Rights of the Child *Concluding Observations* paras. 56, 66 & 83.

<sup>76</sup> Social Institutions and Gender Index available at <http://genderindex.org/country/sudan> (accessed 30 July 2015)

<sup>77</sup> Child Act 2010, Article 5 (2k).

### ***Discrimination against specific groups***

63. The 2010 UNCRC observations draws particular attention to groups of children:
- Born out of wedlock and the social discrimination facing them and their mothers (para. 31).
  - Abandoned as babies and the inadequate care conditions offered (para. 44).
  - With disabilities, who are often socially excluded (para. 48).
  - In adolescence, particularly the insufficient response to their reproductive health concerns and those facing mental health issues (para. 54).
  - Living in extreme poverty and the massive adverse impact on their developmental chances (para. 60).
  - In prisons with their convicted mothers, the poor conditions they endure and, where a mother is executed, children forced to remain in prison (para. 62).
  - Seeking asylum, the lack of procedures to protect them, and their consequent vulnerability to refoulement, trafficking, abuse, etc. (paras. 68-70).
  - In armed conflict and the violence they experience, including killing and maiming, and recruitment into armed forces (para. 71).
  - Who work, the widespread nature of this practice, and the lack of effective legislation resulting in their employment in hazardous work (para. 78).
  - On the street in large numbers, their exploitation and sexual abuse (para. 80).
  - In the juvenile justice system who suffer poor conditions and lengthy administrative delays (para. 83)<sup>78</sup>.
64. Since 2010, the GS has taken concrete actions to address these UNCRC observations by developing, approving and implementing laws and policies (*see sections 2.2 and 2.3*)<sup>79</sup>.
65. The authors of this report found no confirmation on whether discrimination has, or has not, occurred against specific groups of children at national or state levels; the lack of such data was emphasised in interview with the NCCW Director of the Legislations and Justice for Children<sup>80</sup>.

### ***Minority children's development opportunities***

66. Article 47 of the 2005 Interim National Constitution (INC) provides for the right of ethnic and cultural communities to enjoy and develop their own cultures. However, according to a Sudanese legal expert, because this is a collective definition any individual's right of participation and benefit (enshrined in the International Covenant on Economic Social and Cultural Rights that Sudan ratified) is effectively and significantly limited<sup>81</sup>.
67. The 2010 UNCRC report encourages the GS to disseminate the CRC in local languages. This has not happened because of Arabic being universally spoken throughout Sudan (*see below*). The 2015 UNCERD review regretted the lack of a definition of racial discrimination in Sudan's legal framework, and the lack of an overarching antidiscrimination law. It stressed its regret over

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<sup>78</sup> UN Committee on the Rights of the Child *Concluding Observations*.

<sup>79</sup> National Council for Child Welfare, Director of Legislation and Justice for Children, Personal Communication, 22 November 2015.

<sup>80</sup> National Council for Child Welfare, Director of Legislation and Justice for Children, Personal Communication, 27 October 2015.

<sup>81</sup> University of Khartoum Faculty of Law & Sudan Human Rights Monitor *Constitutional Protection of Human Rights in Sudan* (2014) p. 37.





insufficient data relating to all minority populations. The Committee did not address specific children's issues but was concerned, in general, about the reported limited political participation and representation of minority groups<sup>82</sup>.

### ***Minority children's education opportunities***

68. The official education language is Arabic, from basic education upwards. Among Sudan's tribes, more than 100 dialects are spoken. However, non-Arabic speaking children readily use Arabic as the primary medium for education. Some teachers working with children who also speak other languages at home use these languages in the first years of basic education<sup>83</sup>. The legal framework gives children equal access to education without discrimination. The term 'minority' is not used in law in relation to any population group. The authors of this report have found no cases of denial of minority groups' access to education services.

### ***Minority children and health access***

69. The Interim National Constitution (INC) obliges the State to: 'Promote public health and guarantee equal access and free primary health care to all citizens'; and to: 'Promote public health, establish, rehabilitate, develop basic medical and diagnostic institutions, and provide free primary health care and emergency services for all citizens'<sup>84</sup>. No instances of denial of minority children access to health services were found for this report.

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<sup>82</sup> UN Committee on the Elimination of Racial Discrimination. *Concluding Observations* paras. 12 & 18.

<sup>83</sup> Ministry of General Education *National Report for Evaluating the Objectives of Education for All* p. 83.

<sup>84</sup> Interim National Constitution, Articles 19 and 46 respectively.

### ***Minority children and legal hearings***

70. The INC recognises that, 'All persons are equal before the law and are entitled without discrimination, as to race, colour, sex, language, religious creed, political opinion, or ethnic origin, to the equal protection of the law'<sup>85</sup>. Under its Article 35, every person is guaranteed the right to litigation and no person may be denied resort to justice. This means that any child, in principle, can be heard in court. Multiple factors – affecting some children more than others – may prevent this. The conflicts in Darfur, South Kordofan, and Blue Nile states, and the resulting very large number of IDP mean that many lack access to basic facilities including legal services. Access to functioning courts is also a reported problem in remote areas of Sudan<sup>86</sup>.

### ***Legal rights of homosexual or transgender persons***

71. The 2014 UNCCPR Committee expressed concern over the lack of legislation prohibiting sexual orientation and gender identity discrimination (including people living with HIV/AIDS)<sup>87</sup>. Lesbian, gay, bisexual, and transgender (LGBT) persons are not protected under Sudan's antidiscrimination laws. Acts of homosexuality are criminalised and are punishable through fines, flogging, stoning, prison sentences, and the death penalty (*see section 2.2*).

### ***Homosexuality and social acceptance***

72. Homosexuality is religiously and socially unacceptable. Article 148 of the Criminal Act 1991 prohibits sodomy. The authors have been unable to find any reports about children and homosexuality or transgender.

## **3.2 Best interests of the child**

### ***Best interests in law***

73. The 2010 Child Act assigns the State as duty bearer for the care and protection of children. It sets out measures to protect and promote children's rights that involve all sectors, including social welfare, the police, the judiciary, the military, education and the health system<sup>88</sup>.
74. Civil society organisations working on child rights have gained more space to address the issues of children's best interests as expressed in the CRC and the laws enacted in Sudan to support these. Ongoing conflicts continue to hamper this progress and there are challenges in terms of enforcement, but the Child Act is a major step forward. A 2015 review by the National Council for Child Welfare highlighted the need for coordinating of NGO and government roles in child protection, but found that such coordination is not explicitly mentioned in national policies<sup>89</sup>.

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<sup>85</sup> Interim National Constitution, Article 31.

<sup>86</sup> CRIN Access To Justice For Children: Sudan available at <https://www.crin.org/en/library/publications/sudan-access-justice-children> (accessed 23 July 2015: Original report by White & Case LLP (2015) part of this CRIN project, p. 15).

<sup>87</sup> UN International Covenant on Civil and Political Rights Human Rights Committee *Concluding Observations* (2014) para. 11

<sup>88</sup> National Council for Child Welfare *Mapping/Assessment* p. 3.

<sup>89</sup> National Council for Child Welfare *Mapping/Assessment* pp. 2 & 16.

75. Examples of how the Child Act and related laws have supported children's best interests include the establishment of Family and Child Police Units, children's courts and training of law enforcement personnel on standard procedures (*see sections 4.3 and 7.1*). Areas such as criminalizing female genital mutilation and child marriage still need to be harmonised with international legal instruments.

### ***Best interests and decision-making***

76. A Save the Children study in 2011 concluded that: 'Children participation in Sudan is hindered by the society's perception of children as ignorant, immature, and irresponsible; and by the adults and children's ignorance of children rights.'<sup>90</sup> There are current examples of children's decision-making opportunities (*see section 3.1*) but they are not yet well institutionalised in family and community life.

## **3.3 Rights to life and development**

### ***National legislation***

77. The rights of the child to life are guaranteed by the Child Act 2010 and by the 1991 Criminal Law, as well as in other international conventions and treaties that Sudan has signed and/or ratified (*see section 2.1*). The 2005 Interim National Constitution (INC) Article 27.3 states that all ratified international, regional conventions and treaties, including the CRC are part of the national legislation.
78. The INC Article 13(1a) states that children have the right to free education<sup>91</sup>. Ministry of General Education (MGE) data showed that basic school enrolment rose from 57.5 per cent to 73 per cent during 2001/2013 and 2014/2015<sup>92</sup>. The requirements of the INC in relation to public health (Articles 19 & 46: *see section 3.1*) are lower than the ones of the International Covenant on Economic, Social and Cultural Rights that Sudan is party to. These impose an obligation to recognize the right of everyone to physical and mental health, while the INC only commits the state to promote public health<sup>93</sup>.

### ***Children's birth and death rates***

79. According to the Sudan Household Health Survey (SHHS) 2010, approximately 1.33 million children are born in Sudan each year. The number has continued to rise, with more children surviving their first years of life than in 2010. In 2011 an estimated 76,000 children died in the first year, and 104,000 died before their fifth birthday<sup>94</sup>. According to the MICS 2014 data, the infant mortality was 52 per 1,000 live births and the under-five mortality rate 68 per 1,000 live births<sup>95</sup>.

<sup>90</sup> Dafaalla N. & Yousif E. *A Study on Children's Protection Mechanisms* (2011) p. 30.

<sup>91</sup> Al-Nagar S. & Tønnessen L. (2011) *Sudan Country Case Study: Child Rights* (2011) p. 11.

<sup>92</sup> Ministry of General Education *National Report for Evaluating the Objectives of Education for All* p. 13.

<sup>93</sup> University of Khartoum Faculty of Law & Sudan Human Rights Monitor, *Constitutional Protection of Human Rights in Sudan* (2014) p. 39.

<sup>94</sup> The National Council For Child Welfare & UNICEF *State of Sudanese Children* (2011) p. 7.

<sup>95</sup> Ministry of Cabinet Central Bureau of Statistics *MICS Key Findings* 2014 p. 2.



### ***Teenage pregnancy rates***

80. This review found a lack of reports about teenage pregnancy. Within Sudanese culture teenage pregnancy is considered shameful. 11.9 per cent of the women aged 15-49 years were first married before age 15 years and 21.2 per cent of the young women age 15-19 years are currently married<sup>96</sup>. There has been an increase in prevalence of early and child marriage practices. The two SHHS for 2006 and 2010 revealed that 37.4 per cent and 37.6 per cent of girls marry before the age of 18, compared with 38 per cent according to MICS 2014 data. The same source showed that the percentage of women aged 20-24 years with a live birth before the age of 18 years was 21.2 per cent<sup>97</sup>.

### ***Teenage suicide rates***

81. Suicide is prohibited according to the Islamic beliefs of Sudanese people. Registered suicide cases are very few compared to other reported deaths among teenagers (or adults). WHO data (gathered in 2012 but from a 2014 global survey) provided the following information:

**Table 7: Sudan suicide rates among children and young people<sup>98</sup>**

Crude rates per 100,000 people		
Ages (years)	5-14	15-29
Male	3.5	21.8
Female	2.6	8.1
<b>Total</b>	<b>3.0</b>	<b>15.0</b>

### ***Severe risks facing children***

82. Despite the fact that children are highly valued with the Sudanese culture and religions, the 2015 NCCW assessment showed that there are groups of children in need of care and protection. These include children who are:
- Working and living in the street.
  - Without parental care.
  - In contact with the law.
  - In reformatories (ie. prisons designed for those below 18 years old).
  - Missing<sup>99</sup>.
  - Affected by armed conflict.
  - Victims of harmful practices.
  - Drop outs from school.
  - Orphans.

<sup>96</sup> Ministry of Cabinet Central Bureau of Statistics MICS Key Findings 2014 p. 17.

<sup>97</sup> Ministry of Cabinet Central Bureau of Statistics MICS Key Findings 2014 p. 9.

<sup>98</sup> World Health Organisation *Preventing Suicide: A Global Imperative* (2014) p. 86 WHO notes that data for Sudan is not of good quality.

<sup>99</sup> According to the Child Act 2010, Article 55d, 'missing' children refers to those who have escaped from families, instructional and charitable institutions, or other institutions concerned with children's affairs, and is not limited e.g. to conflict situations.

- With disabilities.
- With imprisoned mothers.
- Deprived of liberty.
- Subjected to violence.
- Trafficked children from neighbouring countries.
- Affected and infected by HIV/AIDS.<sup>100</sup>

#### ***Harmful traditional practices affecting children***

83. The main harmful traditional practices affecting children are female genital mutilation/cutting (FGM/C) and child marriage. Both are widely practiced in Sudan especially in rural and nomadic communities (*see sections 7.4 and 7.5*).

#### ***Gang violence and children***

84. The authors of this review were unable to find any reports of gang violence against children (or any group).

#### ***Homicide rates for children***

85. The authors of this review were unable to find any reports of homicide against children. The police authorities, for example, does not have disaggregated data concerning homicide.

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<sup>100</sup> National Council for Child Welfare *Mapping/Assessment*, p. xii.



## 4 Civil rights and freedoms

### 4.1 Availability of freedoms for children

86. The general principles of the Child Act 2010 Article 5 (2j) provide children with the right to express opinions and desires, and to take part in all matters of concern, according to the child's age and maturity.
87. The coordinating role of the National Council for Child Welfare (NCCW) as the official body on children's rights has provided opportunities to promote children's participation at national and state levels. With NCCW support, children's parliaments were established in all states in Sudan by 2014. These include representatives from children with disabilities, those previously involved in armed conflicts, survivors of abuse, and others. The outcomes of a special 2013 session of the entire parliament, held within the National Assembly, included calls to:
- Promote education, including to improve school environments and to criminalise corporal punishment in schools.
  - Establish mechanisms to protect children from all forms of violence including child marriage and FGM/C.
  - Establish clubs for children with disabilities<sup>101</sup>.
88. Cultural norms within some different Sudanese communities also provide support for children to express themselves. However research by the Child Rights Institute (CRI) and Save the Children

<sup>101</sup> National Council for Child Welfare *NCCW Annual Progress Report* (2013) p. 4.

suggested that normative practices can hinder children's participation and that their opportunities to participate in child-led groups were limited<sup>102</sup>.

89. The 2010 UNCRC's overall observation was that children's opinions were not given sufficient consideration and that respect for the views of the child within the family, at school, in courts and elsewhere was limited, including in wider society<sup>103</sup>. The previous research report quoted found that some groups face particular discrimination limiting their participation and restricting their freedom of expression. These include, especially, children with disabilities, children living and/or working on the street, and refugee children<sup>104</sup>.
90. The UN Office of the High Commissioner for Human Rights (UNOHCHR) has portrayed a persistent, general climate of restrictions on civil and political rights in Sudan. In 2015 it found that the response of government security forces to demands for democratic reform by civil society organisations, political opposition groups and others may result in arrests and detention, and that impunity of perpetrators of human rights violations is a recurrent concern. Student activists are among the victims, but UNOHCHR does not specify the ages of those students targeted<sup>105</sup>.
91. Whilst the UNOHCHR described civil and political rights' restrictions in Sudan, progress had been noted in 2014 by the Independent Expert to the UN Human Rights Council. He recognised relative improvements in civil and human rights since the previous 2013 report, and specified the need to include youth group representatives in a proposed national dialogue to improve the practical situation. His report highlighted the extent of ongoing violence against women and children, especially in conflict areas of Sudan, and how this has placed extensive restrictions on their freedoms in many aspects of their lives<sup>106</sup>.
92. The National Dialogue (*see section 2.2*) provides an opportunity to discuss issues of concern to civil society and aims to secure community consensus on these.

## 4.2 Access to information

93. Only 1.5 per cent of the children who are below five years old have three or more children's books<sup>107</sup>. The authors of this present report have found no information on the number of rural children who have access to television, the internet, and to any other source of information. Children interviewed in the 2011 Child Rights Institute/Save the Children report appreciated how some international and national NGOs provided them with information, including books, writing materials and other basic resources<sup>108</sup>. In the same study, children reported their concerns to the researchers over widespread video parlours in towns and cities.

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<sup>102</sup> Dafaalla N. & Yousif E. *A Study on Children's Protection Mechanisms Khartoum* (2011) p. 30.

<sup>103</sup> UN Committee on the Rights of the Child *Concluding Observations* para. 33.

<sup>104</sup> Dafaalla N. & Yousif E. *A Study on Children's Protection Mechanisms* (2011) p. 6.

<sup>105</sup> OHCHR available at <http://www.ohchr.org/EN/Countries/AfricaRegion/Pages/SDSummary2012.aspx> (accessed 24 September 2015).

<sup>106</sup> Human Rights Council *Report of the Independent Expert on the Situation of Human Rights in the Sudan* (2014) paras. 81(i) & 66-68.

<sup>107</sup> Ministry of Cabinet Central Bureau of Statistics *MICS Key Findings 2014* p. 11.

<sup>108</sup> Dafaalla N. & Yousif E. *A Study on Children's Protection Mechanisms* (2011) p. 31.

### 4.3 Access to legal advice

94. Children who are victims, defendants or witnesses, under the Child Act 2010, are entitled to legal representation<sup>109</sup>. Over the past 10 years, NCCW, in cooperation with UNICEF, has worked within police stations to establish child-friendly procedures for those children who come into contact with the law. A pilot Family and Child Protection Unit (FCPU) project was established in Khartoum, and now extends countrywide<sup>110</sup>. FCPUs were formally constituted under the Police Act 2008 and defined as a sort of ‘children’s police’ service under the 2010 Child Act, Article 4<sup>111</sup>.
95. Some lawyers provide services for free to FCPUs<sup>112</sup>, and the Ministry of Justice (MJ) provides legal aid to children accused of serious crimes through the legal counsel or through volunteer lawyers from the Bar Association<sup>113</sup>. Specialist legal aid services for children do not exist in Sudan and few lawyers work in this field. In 2014, a special section to provide legal assistance to children was established at the MJ. Assistance is available for all such matters, not only major offences. Among all sources consulted no data was found on whether specific groups of children are less likely to obtain access to legal advice than others.

### 4.4 Access to independent complaints procedures

96. The 2010 UNCRC review observed no progress in establishing a complaints mechanism for child rights violations under the national Human Rights Commission and recommended that children in contact with the law need access to a complaints system for violations committed by law enforcement and similar personnel<sup>114</sup>.
97. There is now a complaints mechanism established within the independent National Human Rights Commission and it receives complaints on different human rights issues, including on violations of children’s rights, but no reports have been found on its functioning<sup>115</sup>. There is also a committee for complaints at the Human Rights Consultative Council of the MJ<sup>116</sup>.

### 4.5 Legal protections against torture and degrading treatment

98. The Interim National Constitution (INC) specifies that ‘Every one has the right to liberty and security of person; no one shall be subjected to arbitrary arrest or detention nor be deprived of his/her liberty except on such grounds and in accordance with such procedures as are established by law.’<sup>117</sup> The 2010 Child Act specifically protects children, ‘[...] against all types and forms of violence,

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<sup>109</sup> UNICEF Sudan Child Protection Specialist, Personal Communication, 28 September 2015.

<sup>110</sup> UNICEF *Case Studies on UNICEF Programming in Child Protection* (2013) pp. 30-33.

<sup>111</sup> International Development Law Organisation & UNICEF *Promotion of Diversion and Alternative Measures to Detention for Children in Conflict with the Law: Mena Region Multi-Country Report Jordan, Sudan, Tunisia* (2015) p. 62.

<sup>112</sup> Extracted from November 2015 administrative data of the National Mechanism for FCPUs.

<sup>113</sup> National Council for Child Welfare, Director of Legislation and Justice for Children, Personal Communication, 12 October 2015.

<sup>114</sup> UN Committee on the Rights of the Child *Concluding Observations* paras. 16 & 90.

<sup>115</sup> UNICEF Sudan, Child Protection Specialist Justice for Children, Personal Communication, 12 October 2015.

<sup>116</sup> UNICEF Sudan, Child Protection Specialist Justice for Children, Personal Communication, 12 October 2015.

<sup>117</sup> Interim National Constitution, Article 29.

injury, inhuman treatment, or bodily, ethical or sexual abuse, or neglect or exploitation<sup>118</sup>.

### **National law**

99. In 2010 the UNCRC expressed serious concern about the fact that children could still face the death penalty. There is conflicting legislation between the 2010 Child Act, which explicitly prohibits it, and INC Article 36 that permits it in cases of retribution (or *hudud*)<sup>119</sup>. However, with the 2013 Constitutional Court decision concerning the 1991 Criminal Law (*see section 2.2*) this source of tension should have been resolved.
100. Corporal punishment is banned in schools under the Child Act 2010 but is widely practiced in schools, homes and elsewhere, or following judicial sentencing<sup>120</sup>. The 2013 African Committee of Experts on the Rights and Welfare of the Child repeated the need to ban all corporal punishment in schools<sup>121</sup>.
101. In response to this, a regulation to prohibit corporal punishment in educational institutions has been developed by the Federal Ministry of General Education and the NCCW. It was submitted to the Minister of Education for approval in August 2015. It aims to ensure high levels of child protection in schools and to promote positive attitudes towards and among children through best educational practices and approaches<sup>122</sup>.

### **Groups of children specifically vulnerable**

102. The risks in law faced by girls of extreme punishment, following their allegations of sexual violence are described previously (*see section 3.1*).
103. The 2011 Child Rights Institute/Save the Children study included interviews with children from especially vulnerable groups (e.g. on the street, with disabilities, displaced and others). The children did not always know how to report the threats or actual incidents of abuse (such as harassment or domestic violence) that they experienced. They rarely reported these, either because they were afraid of the police or because the perpetrators were close family members<sup>123</sup>.
104. As reported in this document, children in conflict areas in Sudan have been subject to violent ill-treatment, both where the rule of law has completely broken down and where government agents have been implicated in violence against children (*see section 3.1; this section 4 above and section 7.2*). The 2010 UNCRC report described:

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<sup>118</sup> Child Act, Article 5(2k).

<sup>119</sup> UN Committee on the Rights of the Child *Concluding Observations* para. 35.

<sup>120</sup> UN Committee on the Rights of the Child *Concluding Observations* paras. 35 & 39.

<sup>121</sup> African Committee of Experts on the Rights and Welfare of the Child *Recommendations of the African Committee of Experts on the Rights and Welfare of the Child to the Government of the Republic of the Sudan on the Initial Report on Implementation of the African Charter on the Rights and Welfare of the Child* (2013) p. 5.

<sup>122</sup> National Council for Child Welfare, Director of Legislation and Justice for Children, Personal Communication, 12 October 2015.

<sup>123</sup> Dafaalla N. & Yousif E. *A Study on Children's Protection Mechanisms* (2011) p. 26.

1. Violent treatment by police to children on the street.
2. How children are imprisoned alongside their convicted mothers, with some cases of children remaining in prison after their mothers' execution<sup>124</sup>.

Since 2010, the government introduced changes and took rectifying measures (*see paragraph 105*).

105. A 2011 UNICEF project trained police to develop a more sensitive approach to children on the street<sup>125</sup>. Police officers have worked hard to develop this positive approach, although further work remains to be done<sup>126</sup>. Since October 2015, NCCW staff have visited Omdurman prison (in Khartoum state) and have identified 135 children in prison with their mothers. A national policy on the protection and welfare of children of imprisoned mothers was launched in November 2015<sup>127</sup>.

#### **4.6 Legal protection against interference with privacy**

106. The 2010 UNCRC report did not address the issue of privacy, nor does the 2010 Child Act in generic terms, but it does protect children's privacy in court hearings<sup>128</sup>. It also defines a child's 'sound upbringing' as a 'public responsibility', which could possibly be interpreted in conflict with CRC privacy principles<sup>129</sup>. The authors of this report have not found further information about the legal protection of children's privacy in Sudan.

#### **4.7 Evidence of harassment through affiliations and memberships**

107. The authors have not found evidence of particular acts such as harassment, intimidation, persecution of children as a result of their affiliations. The 2010 UNCRC report did not address this issue. However, for the consequences for children affected by armed conflict and forcibly recruited by armed groups *see section 7.3*.

<sup>124</sup> UN Committee on the Rights of the Child *Concluding Observations* paras. 81c & 62.

<sup>125</sup> UNICEF Sudan available at [http://www.unicef.org/sudan/media\\_6679.html](http://www.unicef.org/sudan/media_6679.html) (accessed 27 September 2015).

<sup>126</sup> Street Invest available at <http://www.streetinvest.org/project---sudan> (accessed 27 September 2015).

<sup>127</sup> National Council for Child Welfare, Director of Legislation and Justice for Children, Personal Communication, 21 October 2015.

<sup>128</sup> Child Act 2010, Articles 79 & 83 (1e).

<sup>129</sup> Child Act 2010, Article 5 (2b).





## 5 Basic Rights

### 5.1 Water, food and housing

#### *Denial of water, food and housing*

108. In relation to basic needs, the UNCRC 2010 review emphasizes that the great majority of the population cannot access adequate drinking water and sanitation, particularly those living rurally. It highlights how 40 per cent of primary schools (in 'northern Sudan', i.e. now Sudan) lack facilities in this respect, and concluded, 'that the living conditions of children and their families in situations of extreme poverty massively impede the holistic development of children's capacities'<sup>130</sup>.

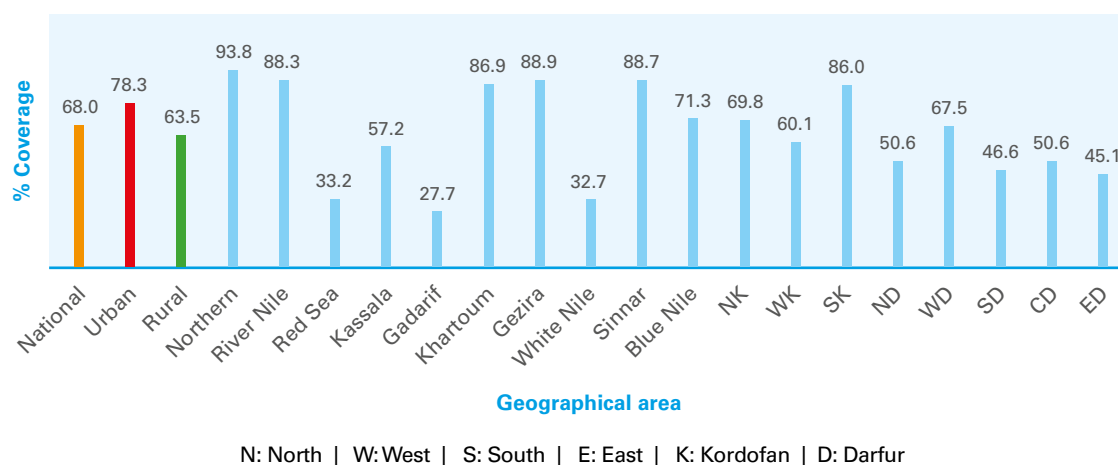
#### *Water*

109. There are wide regional access disparities between urban and rural areas and between different states (see Figure 2). A 2015 Central Bureau of Statistics survey shows that access to improved water is 78 per cent for the urban and 63 per cent for the rural population. The national average is 68 per cent<sup>131</sup>.

<sup>130</sup> UN Committee on the Rights of the Child *Concluding Observations* para. 60.

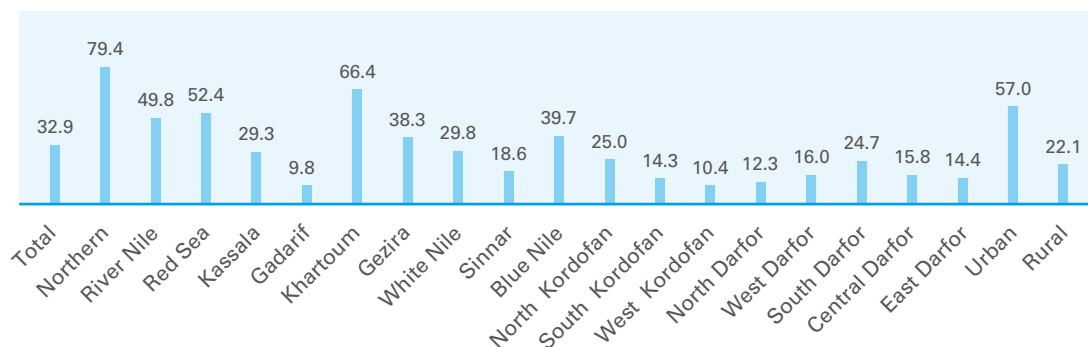
<sup>131</sup> Ministry of Cabinet Central Bureau of Statistics *MICS Key Findings 2014* p. 8.

**Figure 2: Use of improved drinking water sources (%) – MICS 2014<sup>132</sup>**



110. The same source (2014 MICS data) also shows that for the majority of all households open defecation remains the most common practice. Access to improved sanitation is 57 per cent for the urban population and 22.1 per cent for the rural population, with a national average of 33 per cent<sup>133</sup> (Figure 3).

**Figure 3: Access to improved sanitation**



111. A 2009 school health programme survey described 79.4 per cent of schools with access to water sources. Khartoum schools had the best (83%) and South Kordofan ones the worst (50%) coverage<sup>134</sup>. Recent research in 409 (of total 2335) randomly chosen Khartoum primary schools, from both the state and independent sectors, across all districts, found sanitation facilities to be 'generally inadequate' with the majority of schools using contaminated clay pots for water storage and nearly half of them lacking a solid waste collection programme<sup>135</sup>.

<sup>132</sup> UNICEF Sudan *MICS Donor Briefing Presentation* (2015) (Powerpoint slides).

<sup>133</sup> Ministry of Cabinet Central Bureau of Statistics *MICS Key Findings 2014* p. 8.

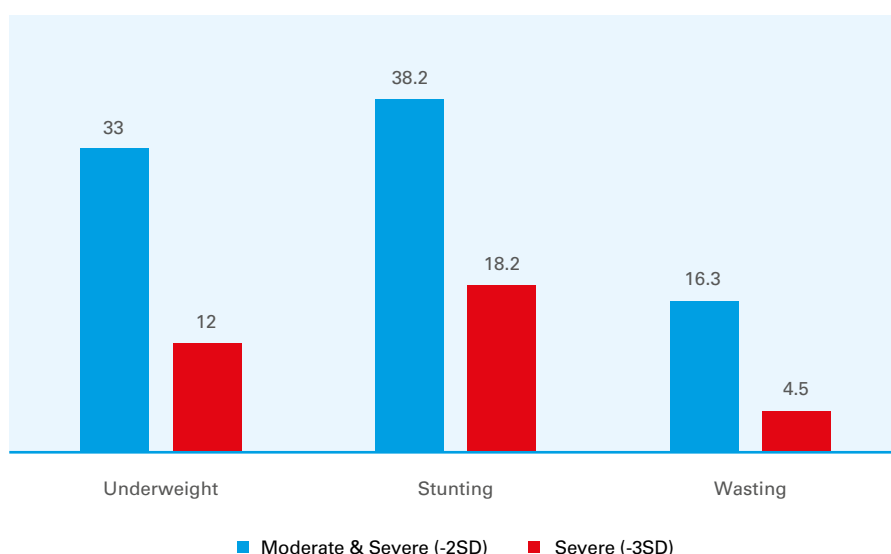
<sup>134</sup> The National Council For Child Welfare & UNICEF *State of Sudanese Children* p. 12, quoting data from the 2009 School Health Programme survey.

<sup>135</sup> Elhassan N. et al 'Water supply and basic sanitation in primary schools in Khartoum, Sudan' (2015) 2 *Indian Journal of Medical Research and Pharmaceutical Sciences*.

## Food

112. A 2011 study found high poverty rates, increasing food prices, and ongoing conflict among the core factors in slow improvements in Sudan's nutritional status. Despite some progress, over 1.5 million children under five years old (a third of all children of this age) are underweight and/or stunted, with over five per cent suffering severe acute malnutrition (SAM)<sup>136</sup>.

**Figure 4: Nutrition status of children**<sup>137</sup>



113. A 2015 UNOCHA bulletin, quoting 2013 UNICEF survey data, estimated two million under-five year-olds as chronically malnourished, with the majority of Sudan's localities (128/184) having 'high' stunting rates. Of one million children suffering from acute malnutrition, some 550,000 are severely malnourished and at risk of death. Most children with SAM are found in North and South Darfur, El Gezira, Gedarif and Khartoum<sup>138</sup>.
114. The same UNOCHA report also quotes Famine Early Warning System forecasts, from July 2015, that four million people face high levels of acute food insecurity, mostly those in conflict-affected areas. The Darfur displaced population only maintains its current high ('stressed') level of food insecurity with humanitarian assistance<sup>139</sup>.

## Housing

115. The 2014 MICS data provided the following basic housing characteristics (based on percentages of households with them): electricity 44.9 per cent; finished floor 14.0 per cent; finished roofing 25.0 per cent; finished walls 28.1 per cent. The mean number of persons per room used for sleeping was 3.23. Over half of households (51%) owned farm animals or livestock, against 39.6 per cent with a television and 25.9 per cent a refrigerator. Households with at least one member with a mobile

<sup>136</sup> The National Council For Child Welfare & UNICEF *State of Sudanese Children* (2011) p. 10.

<sup>137</sup> Ministry of Cabinet Central Bureau of Statistics *MICS Key Findings 2014* p. 4.

<sup>138</sup> UN Office for the Coordination of Humanitarian Affairs *Humanitarian Bulletin Sudan* (2015) Issue 32, p. 1.

<sup>139</sup> UN Office for the Coordination of Humanitarian Affairs *Humanitarian Bulletin Sudan* (2015) Issue 32, p. 4.

phone were 73.8 per cent but only 6.4 per cent had a car or truck. Solid fuel was the primary cooking source for 58.2 of households<sup>140</sup>.

## 5.2 Health

### *Under-five year olds' mortality*

116. There is progress in child mortality in Sudan with more children surviving their first years of life than any time over the last 10 years. The 2014 MICS data gave a child mortality rate (CMR, the probability of dying between birth and the fifth birthday per 1000 live births) of 68 live births in 2014<sup>141</sup>. A global report gave a slightly higher estimate of 70 for 2015, and demonstrated a continuous and steady 2.4 per cent annual reduction since 1990<sup>142</sup>.
117. There is also inequality in child mortality within Sudan. North Darfur especially has shown an increase, over a five-year period, to 90 in 2014. Children under five years old are most likely to die in the parts of Sudan that are poorest and are conflict-affected<sup>143</sup>.
118. The table below shows that, compared to neighbouring countries, Sudan's national CMR is in the middle of a wide range, all declining. The data also show that Sudan's percentage drop over 25 years was rather slower than the average. The 2015 CMR for sub-Saharan Africa (including Sudan) was 84 with an annual reduction of 3.1 per cent since 1990.

**Table 8: Regional comparisons in child mortality rates (extracted from source tables)**

Country	2015 CMR	Annual CMR reduction since 1990 (%)
Egypt	24	5.1
Eritrea	47	4.7
Ethiopia	59	5.0
South Sudan	93	4.0
Central African Republic	130	1.2
Chad	139	1.7
Libya	13	4.5
<b>Sudan</b>	<b>70</b>	<b>2.4</b>

<sup>140</sup> Ministry of Cabinet Central Bureau of Statistics *MICS Key Findings 2014* p. 1.

<sup>141</sup> Ministry of Cabinet Central Bureau of Statistics *MICS Key Findings 2014* p. 2.

<sup>142</sup> UN Interagency Group for Child Mortality *Estimation Levels and Trends in Child Mortality* (2015) p. 24.

<sup>143</sup> UNICEF Sudan *MICS Donor Briefing Presentation* (2015) (Powerpoint slides).

### Hospitals and health centres

119. The table below uses 2014 World Health Organisation (WHO) data to list different kinds of health facilities in Sudan. All hospitals enumerated were in the public sector<sup>144</sup>.

**Table 9: Health facilities in Sudan**

Health post	Health centre	District hospital	Provincial hospital	Regional hospital
4088	1398	242	256	13
Density per 100,000 population <sup>145</sup>				
10.768	3.682	0.637	0.674	0.034

120. Other WHO data have shown an overall number of hospitals (of all types) to population of 1.35 in 2013. The density of facilities to population has increased over time (e.g. in 2010 it was 9.39 for health posts, 3.21 for health centers and 0.56 for district hospitals). The WHO also provided comparative ratios of facility types per population unit in 2013 (e.g. for health posts: Egypt 0.38, Ethiopia 15.14, Central African Republic 12.17, Chad 5.88; for health centres: Egypt 0.25, Ethiopia 0, Central African Republic 1.99, Chad 0). Overall, Sudan had the highest density of hospitals for population compared to its neighbours<sup>146</sup>.
121. Ministry of Health (MH) data for the distribution of hospital services by state shown below<sup>147</sup> is older, from 2011. It demonstrated unequal distribution of resources, where information was available, with Northern, River Nile and Khartoum states having the highest hospital bed to population ratio.

**Table 10: Distribution of hospital services by state**

State	Hospitals	Supporting health service units					Beds/ 100,000
		ORS*	Nutrition	Immunisation	Lab	MCH**	
W. Darfur	10	0	0	0	16	N/A	44.9
Blue Nile	15	15	35	31	46	31	98.2
Gedarif	27	102	116	239	28	67	98.5
N. Darfur	17	1	19	135	72	55	54.2
S. Darfur	N/A						
Khartoum	49	N/A			80	N/A	108.6
S. Kordofan	20	14	18	10	13	145	24.6

\*ORS = Oral rehydration solution \*\* MCH = Mother and child health

<sup>144</sup> WHO List of Medical Devices available at [http://www.who.int/medical\\_devices/countries/sdn.pdf?ua=1](http://www.who.int/medical_devices/countries/sdn.pdf?ua=1) (accessed 30 September 2015).

<sup>145</sup> Density is defined as the number of health facilities per 100,000 population.

<sup>146</sup> Global Health Observatory Data available at <http://apps.who.int/gho/data/node.main.506?lang=en> (accessed 30 September 2015).

<sup>147</sup> Federal Ministry of Health *Annual Health Statistical Report* (2011) p. 20.

State	Hospitals	Supporting health service units					Beds/ 100,000
		ORS*	Nutrition	Immunisation	Lab	MCH**	
Gezira	76	156	185	976	58	125	73.6
Sinnar	27	33	42	81	32	96	97
N. Kordofan	31	0	0	0	0	0	73
White Nile	31	33	42	81	63	96	73
Red Sea	14	0	94	57	39	20	87
Kassala	16	0	145	155	169	146	56.9
River Nile	37	0	77	78	28	187	157.2
Northern		20	31	227	25	35	236.8

### **Active health workers**

122. WHO data offers global figures for numbers of health workers in Sudan. The most recent data available was from 2008. Selected information for Sudan, compared with its neighbours, is provided below. For other countries available data is for the year closest to 2008, the most recent for Sudan<sup>148</sup>. Data by geographical distribution has not been found for this report.

**Table 11: Health care personnel (per 1,000 population)**

Country (year)	Physicians	Nurses/ midwives	Dentists	Pharmacists
Egypt (2009)	2.83	3.52	0.42	1.67
Eritrea (2004)	0.05	0.583	0.004	0.025
Ethiopia (2008)	0.025	0.202	N/A	0.041
Central African Republic (2008)	0.28	0.198	0.001	0.002
Chad (2006)	0.037	0.188	N/A	N/A
Libya (2008)	1.8	5.4	0.33	0.36
<b>Sudan (2008)</b>	<b>0.28</b>	<b>0.84</b>	<b>0.02</b>	<b>0.01</b>

123. There is a large capacity gap in the number of midwives available nationally. In 2014 the MH estimated that 11,600 midwives were needed but just over one third (3,866) trained midwives were present<sup>149</sup>.

### **Accessibility and quality of basic and specialist child health care**

124. The authors found few reports specifically relating to children describing overall quality health care issues, including access. According to Knoema, Sudan's per capita health care expenditure was

<sup>148</sup> Global Health Observatory Data available at <http://apps.who.int/gho/data/node.main.A1444?lang=en> (accessed 30 September 2015).

<sup>149</sup> UNICEF Sudan Country Office Annual Report 2014 (2015) p. 32.

157 USD (United States dollars) in 2014. This ranked it globally at 60/166<sup>150</sup>. The country's budget expenditure on health was 10.6%; ranking Sudan at 26/52 among African countries<sup>151</sup>.

125. Limited government investment in health care, and the unequal distribution of healthcare professionals, infrastructure and other essential resources has limited service delivery at federal and state levels. Constraints include high staff turnover, weak health information management systems, frequent medical and supplies stock outs, and the inaccessibility of some areas due to insecurity. Currency devaluation has increased the costs of children's vaccines. In its own response, UNICEF in cooperation with the FMOH supported a decentralised health system strengthening approach resulting in increased coverage of health services in the most disadvantaged localities of Kassala, Gedarif, White Nile and Sinnar<sup>152</sup>.
126. One way of looking at service performance in relation to children's health (with direct information on this hard to find) is through relevant indicators:
  - **Maternal and newborn health.** Maternal mortality has improved markedly from 720/100,000 live births in 1990 to a projected 360 in 2015. However, the Sudan Household Health Survey (SHHS) 2010 reported that the maternal mortality rate was 216 (urban 194; rural 225; all per 100,000)<sup>153</sup>, still halfway short of Sudan's 2015 Millennium Development Goal (MDG) of 180<sup>154</sup>. There are slow improvements in newborn care. In 2014, access to health facilities providing basic emergency obstetric and newborn care services increased to 45 per cent against less than 40 per cent in 2013. Antenatal care (at least four visits) expanded to reach 861,714 (58%) of women with more than 1,277,295 (85%) of births assisted by trained staff<sup>155</sup> (MICS 2014 data: 77.7% of births attended by skilled health personnel<sup>156</sup>).
  - **Immunisation.** MICS 2014 data reported that 60.9 per cent of children aged 12-23 months were vaccinated against measles (by 12 months)<sup>157</sup>. This was less than the 2006 coverage of 63.3 per cent. Urban and wealthier households had the highest rates. However, routine immunization (pentavalent 3, rotavirus and measles 1) achieved a high coverage of over 80 per cent in 2014 for all children age 12-23 months. No cases of polio were reported, despite Sudan being surrounded by cases in Kenya, Ethiopia and Somalia<sup>158</sup>.
  - **Nutrition.** High rates of chronic and severe child malnutrition have been discussed above (see section 5.1). Other indications of poor nutrition-related policy and practice exist. The prevalence of diarrhea was 29 per cent with around two million children in Sudan affected in 2011 (relating also to poor sanitation, also discussed above). 2011 GS reports showed that nutrition programming was not among the priority areas of intervention, and that limited budget allocations were limited. Mother and child nutrition policy remained a high priority area for advocacy as evidenced, too, in relation to salt iodisation (for which a draft national law exists,

<sup>150</sup> Knoema available at <http://knoema.com/HCOI2015JAN/health-care-outcome-index-2014?regionId=SD> (accessed 30 September 2015) quoting Economist Intelligence Unit data.

<sup>151</sup> The African Child Policy Forum *The African Report on Child Wellbeing* p. 53.

<sup>152</sup> UNICEF Sudan *Country Office Annual Report 2014* (2015) pp. 29-32.

<sup>153</sup> Federal Ministry of Health & Central Bureau of Statistics *Sudan Household Health Survey 2010, Summary Report* (2011) p. 13.

<sup>154</sup> Countdown to 2015 available at [http://www.countdown2015mnch.org/documents/2014Report/Sudan\\_Country\\_Profile\\_2014.pdf](http://www.countdown2015mnch.org/documents/2014Report/Sudan_Country_Profile_2014.pdf) (accessed 1 October 2015).

<sup>155</sup> UNICEF Sudan *Country Office Annual Report 2014* (2015) p. 31.

<sup>156</sup> Ministry of Cabinet Central Bureau of Statistics *MICS Key Findings 2014* p. 10.

<sup>157</sup> Ministry of Cabinet Central Bureau of Statistics *MICS Key Findings 2014* p. 6.

<sup>158</sup> UNICEF Sudan *Country Office Annual Report 2014* (2015) p. 29.



currently approved by 11 states)<sup>159</sup>. The number of children exclusively breastfed had increased, however, to 55 per cent in 2014 (2006: 33.7%).

- **Adolescent health.** There is limited information on young people's health, including on their health status and own priorities, a concern that UNICEF Sudan has raised. Training of health workers to support friendlier responses to young people's health needs was conducted in 2013<sup>160</sup>. The adolescent birth rate (for women 15-19 years) was estimated in the 2014 MICS data at 87 per 1000<sup>161</sup>. Latest comparative data is for 2012 when the sub-Saharan Africa average was 117.8<sup>162</sup>. According to a 2014 study covering three of seven Khartoum state localities, only 17 per cent of young males and 24 per cent of young females had ever heard about reproductive health. A 2014 NCCW review indicated that 28 per cent of young males were then smoking or had ever smoked; 36.4 per cent had received health promotion information on adolescent health issues in the last six months. For young females the rates were six per cent and 18.2 per cent respectively<sup>163</sup>.

### ***Health care for children with disabilities***

127. The Child Act 2010 mentions the care for children in special need in article 48:

'...A child having a special need shall have the right to social, health and psychological care, aiming at training him to depend upon himself; and the State shall protect him against any work, as may impede his education, or prejudice his health or his physical, mental, spiritual or social growth.  
2. A child having a special need shall have the right to rehabilitation, by rendering social, psychological, medical and vocational services; and the facilitation means, which have to be provided therefore, without consideration, aiming at enabling him to overcome the effects arising out of his disability, within the limits to the amounts allocated for such purpose in the general budget of the State, as to such conditions, as the regulations may specify.'

128. The authors found scant material on children in Sudan with disabilities. One report did address the range of concerns of CWD including their health care. It found many access problems, including<sup>164</sup>:
- Travelling long distances (to Khartoum) for best medical advice.
  - Delayed diagnoses both through late discovery of a child's condition and medical misdiagnosis.
  - Delayed early intervention both because of delays and medical staff advocating their own medical treatment instead of referring to specialist rehabilitation services.
  - Insufficient rehabilitative services with poor geographic outreach.
  - Very expensive medical treatments requiring prolonged follow up.
  - Lack of other welfare and support services to support the child holistically.
129. Parents might send their children to traditional healers, the report suggested, 'not necessarily because they believed in them, but because they could afford them and they were nearby.' Noting that, 'the larger contributors to knowledge about disabilities, for parents and children, were unions and civil society organizations', it concluded that the rights of children with disabilities to health care

<sup>159</sup> The National Council For Child Welfare & UNICEF *State of Sudanese Children* pp. 8-9.

<sup>160</sup> UNICEF Sudan *Country Office Annual Report 2014* (2015) p. 57.

<sup>161</sup> Ministry of Cabinet Central Bureau of Statistics *MICS Key Findings 2014* p. 9.

<sup>162</sup> UN MDG Statistics updated March 2015 available at <http://mdgs.un.org/unsd/mdg/Resources/Static/Products/Progress2015/StatAnnex.pdf> (accessed 8 October 2015).

<sup>163</sup> National Council for Child Welfare *Multiple Indicators Adolescents Health Survey Report in 3 Localities in Khartoum* (2014) p. 12.

<sup>164</sup> Damaj, M. *Analysis of the Situation of Children with Disabilities in Sudan* (2013) pp. 26-27.



were inadequately met; in the lack of specialised services, their outreach, affordability, and poor professional understanding of the needs of children with disabilities<sup>165</sup>.

### 5.3 Education

#### *Rights to education*

130. Universal basic education is guaranteed under the 2001 Interim Constitution, the General Education Planning Regulation Act and the 2010 Child Act. The Child Act 2010 does not define legal ages for the main phases of a child's education; and pre-schooling is part of basic education. In practice, pre-schooling education is available for children aged from about three to five years inclusive, basic education (including lower secondary) is for those from six to 13 years old and secondary education age continues up to around 17 years old<sup>166</sup>.

#### *State education budget*

131. With persistent low expenditure on education, according to current available data, quality of education is a significant issue. The World Bank estimated that this amounted to only about 2.7 per cent of GDP in 2013. Poorer neighbouring countries, such as Chad and Ethiopia, which have attained, or are likely to attain, the goal of universal education before 2015, spent between three and seven per cent of their GDP on education<sup>167</sup>. The GS has increased the share of public education spending – from about eight per cent in 2000 to 12 per cent by 2013 – but levels remain low and have resulted in physical deterioration of schools and facilities and limited geographical spread<sup>168</sup>. It is evident that budget estimates for education from different sources (IMF, World Bank, NCCW, MGE) differ significantly from each other (*see section 1.1*).

<sup>165</sup> Damaj, M. *Analysis of the Situation of Children with Disabilities in Sudan* (2013) pp. 26-27.

<sup>166</sup> Out-of-School Children Study National Team *All Children in School by 2015 Global Initiative on Out of School Children* (2014) p. 10 (hereafter *All Children in School by 2015*).

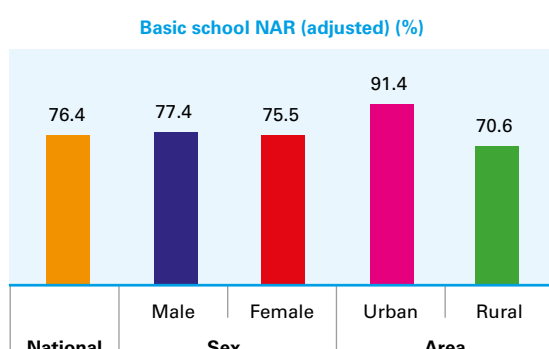
<sup>167</sup> International Development Association *Interim Strategy Note (FY 2014-2015) for the Republic of the Sudan* (2013) p. 13.

<sup>168</sup> International Monetary Fund *Sudan Interim Poverty Reduction Strategy Paper* (2013) pp. 39-40.

## Education enrolment and completion

132. The GS and other authorities have made notable improvements in recent years in basic education enrolment rates. The net attendance rate (NAR) climbed by an average of one per cent per year between 2006 and 2014 from 68.4 per cent to 76.4 per cent according to MICS data<sup>169</sup>. Ministry of General Education (MGE) data showed that basic school enrolment rose from 57.5 per cent to 73 per cent during 2001/2013 and 2014/2015<sup>170</sup>.

**Figure 5: Net attendance ratio**



Source: MICS Donor Briefing Presentation (2015)

133. Viewed by gender and geographically, the situation is less encouraging. In areas of conflict, those with large nomadic populations, and remote rural areas (which may all be one and the same place) enrolment can be much lower. Quoting the 2012 Education Status Report, the World Bank emphasised that poor girls in rural areas have amongst the least education opportunity<sup>171</sup> (see Tables 12 and 13 below).

**Table 12: Per cent enrolment of all children/girls<sup>172</sup>**

Indicator (per cent of all children/girls)	%
Primary school age children attending primary or secondary school (adjusted NAR)	69.2
Secondary school age children attending secondary school or higher (NAR)	22.4
Secondary school age children attending primary school	55.2
Girls primary school age: total out-of-school population	52.1
Girls secondary school age: total out-of-school population	57.4

134. In 2012 almost two million children did not attend school<sup>173</sup>. Attendance was lowest in the Eastern states, where it ranged between 50 and 69 per cent for basic education.

<sup>169</sup> UNICEF Sudan *MICS Donor Briefing Presentation* (2015) (Powerpoint slides).

<sup>170</sup> Ministry of General Education National Report for Evaluating the Objectives of Education for All p. 13.

<sup>171</sup> International Development Association *Interim Strategy Note* (2013) p. 13.

<sup>172</sup> Ministry of Cabinet Central Bureau of Statistics *Multiple Indicator Survey 2014* (2015) (raw data: no page numbers provided).

<sup>173</sup> Ministry of General Education *Educational Statistics Report for the Years 2012/13* (2014) p. 23.

**Table 13: Basic education enrolment by state and gender (2012/13 school year)<sup>174</sup>**

State	Males	Females	Total	Gross enrolment %
Northern	58524	56085	114609	80
River Nile	109285	97762	207047	84.7
Khartoum	475393	470071	945464	78.5
Gezira	386051	348259	734310	86.4
Blue Nile	62740	55457	118197	55.4
Sinnar	125861	115661	241522	73.8
White Nile	177869	161377	339246	79
North Kordofan	185935	168712	354647	75.1
South Kordofan	120227	97428	217655	76.7
West Kordofan	124418	91887	216305	66.2
North Darfur	200411	181583	381994	78.4
South Darfur	248799	183938	432737	59
East Darfur	64533	49820	114353	36.9
West Darfur	74446	55550	129996	66.1
Central Darfur	60876	51452	112328	77.9
Red Sea	76467	61750	138217	53.5
Kassala	118322	91687	210009	50.6
Gedarif	143556	121469	265025	66.7
<b>All States</b>	<b>2813713</b>	<b>2459948</b>	<b>5273661</b>	<b>70.9</b>

135. The lowest enrolment rate was in East Darfur, severely affected by conflict. Both Kassala and Red Sea states have large nomadic populations and low enrolment. Negative attitudes towards education, especially for girls, exist among these populations, perhaps explaining the enrolment patterns (*see above and section 3.1*). In 2008 in White Nile, North Kordofan, Sinnar, and River Nile nomadic enrolment in basic education was reported at 15, 25, 36, and 61 per cent, respectively<sup>175</sup>.
136. The majority of nomadic children, and those in rural areas, enrol in basic education after the age of six years. Delayed enrolment and grade repetition are common in Sudan. In a 2011 report almost one child in four (24%) old enough for secondary school was, in fact, attending basic school. Only 32 per cent of secondary school age children were actually in secondary school<sup>176</sup>.
137. The national pre-schooling education enrolment rates increased from 18.3 percent to 39.9 percent during 2001-2013, and secondary school enrolment increased from 24.1 percent to 37.1 per cent during 2001-2013<sup>177</sup>. A 2014 study using 2010 Education Management Information System data found that pre-schooling education enrolment was lowest of all basic education types (the report

<sup>174</sup> Ministry of General Education *Educational Statistics Report for the Years 2012/13* (2014) p. 28.

<sup>175</sup> Nilsson A. *Eastern and Central Africa Contextual Analysis: an Assessment of Ethiopia, Kenya And the Sudan 2013-2016*. (2012) p. 68.

<sup>176</sup> The National Council For Child Welfare & UNICEF *State of Sudanese Children* p. 9.

<sup>177</sup> Ministry of General Education *National Report for Evaluating the Objectives of Education for All* p. 17.

defined the others as primary and lower secondary), with just over half (50.1%) of all children missing<sup>178</sup>. The MGE recognises that more effort is needed, especially in rural areas, and planned to enrol 50 per cent of children in pre-schooling education by 2011 and 75 per cent by 2015<sup>179</sup>. According to MGE, the pre-schooling education enrolment rate was 39.9% as of 2013<sup>180</sup>.

138. Retention is a challenge. The SHHS2 found that once children are enrolled in the first grade, their chances of making it to the eighth grade varied from 65 per cent for children in the poorest quintile to 94 per cent in the wealthiest<sup>181</sup>. The school attendance rate gradually declined after peaking during early adolescence. One explanation is that children who should be in school are involved in economic activities, including girls who are expected to work at home. MICS results confirmed high rates of children's engagement in various economic activities as illustrated in the table below<sup>182</sup>.

**Table 14: School age children engaged in economic activity (2014)**

		Children (%) age 5-11 years:	Children (%) age 12-14 years:		Children (%) age 15-17 years:	
		Economic activity at least one hour	Economic activity less than 14 hours	Economic activity 14 hours or more	Economic activity less than 43 hours	Economic activity 43 hours or more
<b>Total</b>		21.0	30.1	9.0	38.0	3.2
<b>Sex</b>	Male	23.6	32.1	10.4	40.5	4.8
	Female	18.4	28.2	7.7	35.4	1.4
<b>State</b>	Northern	12.2	22.5	5.1	20.2	1.7
	River Nile	7.3	15.4	4.1	23.0	0.7
	Red Sea	11.9	25.5	0.3	18.2	0
	Kassala	8.0	11.7	0.2	20.4	0
	Gedarf	22.2	20.0	16.3	34.8	4.4
	Khartoum	4.9	13.1	2.1	18.7	3.1
	Gezira	15.1	23.9	2.2	31.0	3.0
	White Nile	12.1	33.1	0.2	31.8	0.2
	Sinnar	18.7	32.4	9.8	34.3	4.9
	Blue Nile	33.9	31.1	16.5	45.1	14.8
	N. Kordofan	16.0	30.2	16.6	41.2	4.3
	S. Kordofan	33.0	50.4	9.0	65.6	0.3
	W. Kordofan	26.2	40.8	7.6	51.2	0
	North Darfur	22.8	42.1	9.1	47.7	5.3
	West Darfur	28.9	44.9	6.6	49.8	3.9

<sup>178</sup> Out-of-School Children Study National Team *All Children in School by 2015* p. 10.

<sup>179</sup> Ministry of General Education *National Report for Evaluating the Objectives of Education for All* (2014) p. 38.

<sup>180</sup> Ministry of General Education *National Report for Evaluating the Objectives of Education for All* (2014) p. 13.

<sup>181</sup> Federal Ministry of Health & Central Bureau of Statistics *Sudan Household Health Survey: Round 2 2010* (2012) p. 180.

<sup>182</sup> Ministry of Cabinet Central Bureau of Statistics *Multiple Indicator Survey 2014* (2015) (raw data: no page numbers provided).

		Children (%) age 5-11 years:	Children (%) age 12-14 years:		Children (%) age 15-17 years:	
		Economic activity at least one hour	Economic activity less than 14 hours	Economic activity 14 hours or more	Economic activity less than 43 hours	Economic activity 43 hours or more
	South Darfur	46.8	40.4	24.0	67.3	0
	Central Darfur	39.4	64.5	8.6	71.5	5.6
	East Darfur	36.0	46.9	23.9	70.3	6.1
<b>Area</b>	Urban	11.0	20.7	2.8	20.9	0.9
	Rural	24.9	34.4	11.8	45.6	4.2

### ***Number and distribution of schools***

139. Information on distribution by state of basic education schools, and for pre-schooling education establishments is shown in the tables below.

**Table 15: Basic education schools/distribution by state (2012/13 school year)<sup>183</sup>**

State	Male only	Female only	Mixed (M & F)	Total
Northern	488	8	496	7071
River Nile	861	23	884	10189
Khartoum	1738	1187	2925	35331
Gezira	2063	110	2173	24799
Blue Nile	313	7	320	5252
Sinnar	742	26	768	7656
White Nile	937	68	1005	7819
North Kordofan	1346	152	1498	14637
South Kordofan	901	32	933	5565
West Kordofan	1011	32	1043	3366
North Darfur	955	57	1012	7357
South Darfur	1065	239	1304	7957
East Darfur	505	74	579	2920
West Darfur	274	48	322	3779
Central Darfur	329	17	346	2605
Red Sea	551	45	596	3836
Kassala	699	55	754	7253
Gedarif	742	37	779	7075
<b>All States</b>	<b>15520</b>	<b>2217</b>	<b>17737</b>	<b>164467</b>

<sup>183</sup> Ministry of General Education *Educational Statistics Report for the Years 2012/13 (2014)* p. 32.



**Table 16: Pre-schooling distribution by state (2012/13 school year)<sup>184</sup>**

States	Kindergartens	Number of children		Teachers
		Male	Female	
Northern	675	12117	11182	1384
River Nile	1277	24716	129334	431
Khartoum	4084	83199	87670	11500
Gezira	2982	60879	64409	6376
Blue Nile	281	11631	11817	497
Sinnar	754	19985	18937	123
White Nile	1132	23056	22751	14
North Kordofan	835	24236	23767	1052
South Kordofan	505	30127	6622	364
West Kordofan	336	17975	20468	739
North Darfur	733	30493	32174	912
South Darfur	648	32766	37534	1108
West Darfur	527	6901	14764	635
Central Darfur	86	4292	4471	224
East Darfur	154	6034	5696	224
Red Sea	539	13623	13235	1667
Kassala	416	15419	13976	578
Gedarfif	492	20820	22238	797

### ***Availability and accessibility of education***

140. Basic education is available in all states but the geographic distribution of schools does not reflect the needs of rural and nomadic children or populations displaced by conflict. Urban children are more likely than rural children to access school, as reflected in the very unequal NAR for children from urban (91.4%) and rural (70.6%) areas (*see Figure 5*).
141. The MGE 2012 interim Basic Education Strategy (iBES) aims to expand quality education access. It recommends improving teaching quality through teacher training programmes, provision of textbooks, and ensuring a safe and conducive learning environment including gender-sensitive extra-curricular and violence prevention activities. It aims to introduce institutional capacities – from stronger school management committees to better support within MGE<sup>185</sup>.
142. The MGE has also developed a series of strategies to make quality education available and accessible to specific, excluded groups (*see also below*):

<sup>184</sup> Ministry of General Education Education Planning Directorate *Educational Statistics 2011/12* (2013) p. 24.

<sup>185</sup> Out-of-School Children Study National Team *All Children in School by 2015* p. 18.



- Improving education of nomadic children (2012 – 2015).
  - Special education strategy (2012 – 2016).
  - Children out-of-school strategy 2009 – 2016).
  - Improving education in Darfur (2012 – 2015).
  - Girls education strategy (2014-2016).
  - Education strategy for children with disabilities (2013-2016)<sup>186</sup>.
143. Despite the laws requiring universal access to free education, the iBES and MGE plans, most states currently lack trained teachers, and the physical and learning materials resources to make schools safe and child-friendly. Typically, states pay only salaries, leaving other school running costs to be financed by other means such as a contribution from community members, parent teachers' associations, international NGOs and others<sup>187</sup>.
144. A lack of textbooks (typical books to children ratio is 4:1 but 9:1 in rural and conflict areas), insufficient qualified teachers, learning environments where over half of schools need replacing (nine per cent) or repair (42%), and inadequate health and sanitation facilities seriously hinder children's effective learning. The number of teachers allocated often does not increase with the numbers of students enrolled, and teachers are concentrated in urban areas<sup>188</sup>.
145. The cost burdens of education also fall heavily on families. Costs are associated with uniforms, school supplies, extracurricular lessons, informal compensation for teachers, and school maintenance and prevent many children from attending school<sup>189</sup>.
146. National enrolment in basic education has not reached, but is quite close to, parity between boys and girls (see *Figure 5 and Table 13*). It is very unequal, if comparing urban to rural attendance; and there is evidence that rural girls, and from the poorest families, are among those least likely to go to school, or to drop out.
147. The study on out-of-school children found that: 'Girls are under-represented in the total school-age population in Sudan, yet over-represented among children who are excluded from school or at risk of dropping out.' According to the report, girls who started primary school were also more likely than boys to drop out before reaching the last grade<sup>190</sup>. However, MICS 2014 data suggested that girls who are in education have a similar chance of reaching the last primary year of primary school as boys do (80% versus 81% respectively)<sup>191</sup>. This difference may be explained because more boys than girls enter the education system.
148. In 2012, there were 1,500 government nomadic schools with more than 200,000 children enrolled. The schools exist throughout Sudan and may be permanent or mobile. Their future was uncertain with low enrolment rates. The review of nomadic schools is ongoing with no change yet brought into effect. Recommendations are to adopt a 12 years' education model (four years at each of the basic, intermediate and secondary stages).

<sup>186</sup> Ministry of General Education *National report for Evaluating the Objectives of Education for All* pp. 20-22.

<sup>187</sup> Ministry of General Education *National Report for Evaluating the Objectives of Education for All* p. 59.

<sup>188</sup> Nilsson, A. *Eastern and Central Africa Contextual Analysis* (2012) pp. 68-69.

<sup>189</sup> National Council For Child Welfare & UNICEF *State of Sudanese Children* p. 9.

<sup>190</sup> Out-of-School Children Study National Team *All Children in School by 2015* pp. 50 & 11.

<sup>191</sup> Ministry of Cabinet Central Bureau of Statistics *MICS Key Findings 2014* p. 12.

149. Nomadic children were the most likely of any group to be out of school with school attendance (for 6-11 year olds) from six to 21 per cent. The out of school study, based on 2010 data, estimated 414,250 of children in this age range out of school. Nomadic girls were the majority of non-attenders. The 2008 census data (quoted in the same study) gave a total nomadic population of 2.7 million<sup>192</sup>.
150. The Nilsson report describes government IDP schools. There were 261 in 2008-09, mainly in Darfur and typically large (average enrolment 815 students). A total of 213,000 students attended (four per cent of total basic school enrolments)<sup>193</sup>. The 'out of school' study noted that IDPs were amongst the groups with the highest school drop out rates, but that government and international efforts had significantly increased the numbers accessing basic education<sup>194</sup>.
151. When children with disabilities were asked, they described school as one of the happy places in their lives – because they could play with friends and learn. Still, many CWD did not have access to either regular or special schools. They stayed at home and remained illiterate<sup>195</sup>. 2008 data shows that 45 per cent of the 278,090 disabled children in the age group 6-17 years were enrolled at the time of the census (2008). 18,061 (6.5 per cent) children were enrolled in education before the census and 113,466 never attended school representing 40.8 per cent of the disabled children in the age group 6-17 years.<sup>196</sup>
152. To promote the education of children with disabilities the government exempts them from any types of fees through the Disabled Act 2009, Article 4. Schools work hard to cater for CWD, supported by the disability and education rights legislation in the INC and the Child Act 2010. But as the Damaj report above also points out, this still places great burdens on individual schools to adapt their curricula and find the expertise and funding needed to support these activities.

### ***Informal education options***

153. Religious schools (*Khalwa*) are a widespread education system, especially in rural areas mostly established in permanent villages, or by nomadic groups. Teachers are volunteers from the host communities. Not all are registered and the numbers of students enrolled are not reported. In 2012 Khalwas were incorporated by the MGE into the formal education system, with their own directorate at national and state level<sup>197</sup>.
154. The *Khalwas* are incorporated within the General Directorate for Qoranic Education and Islamic Studies at the Ministry of Education. Some, but not all *Khalwa* teachers, are paid by the Ministry. Teachers not registered with the Ministry are not paid by it.
155. The MGE is also supporting a literacy and education plan for children aged seven to 14 years (a total of 4,845,896 children), targeting those who missed enrolment opportunities in regular education, including those who live in locations where there are no schools<sup>198</sup>.

<sup>192</sup> Out-of-School Children Study National Team *All Children in School by 2015* pp. 46 & 50.

<sup>193</sup> Nilsson A. *Eastern and Central Africa Contextual Analysis* (2012) p. 69.

<sup>194</sup> Out-of-School Children Study National Team *All Children in School by 2015* p. 68.

<sup>195</sup> Damaj, M. *Analysis of the Situation of Children with Disabilities in Sudan* (2013) p. 29.

<sup>196</sup> Central Bureau of Statistics (CBS): raw tabulations of the 2008 census data.

<sup>197</sup> Decree No. 1799, issued by the Khartoum State Council of Ministers in 1997.

<sup>198</sup> Ministry of General Education, Director General of Qoranic Education and Islamic Studies, Personal Communication, 24 November 2015.



## 6 Family environment and alternative care

### 6.1 Children's place in families and wider society

156. The parents or those with legal responsibility take decisions on a child's behalf. According to the Child Act the child has the right to express his opinion and desires in accordance with his age and degree of maturity<sup>199</sup>. The authors found little documented discussion of typical family structures and environments in Sudan. There is a more substantial body of recent child protection literature on violence and children. This mainly addresses concerns addressed elsewhere (*see especially chapter 7 for e.g. children in armed conflict, FGM/C, or child marriage*).
157. The African Report on Violence Against Children stated generically that, 'Childhood in Africa is generally tough. Patriarchal power is a typically established norm'<sup>200</sup>. The limited evidence is that paternalistic family patterns are broadly true in Sudan. However, the report also concluded that *sharia* law, 'expands the rights of women and simultaneously shows that the Islamically defined family law is not in and by itself discriminatory against women'<sup>201</sup>.
158. The MICS 2014 data described an average respondent household as containing nearly six family members of whom about half were children under 18 years old (*see section 5.1 Housing*)<sup>202</sup>. The authors found no precise analytical data on specific and gender-differentiated tasks for boys and girls, but some reports speak of children doing family labour. The indirect evidence (e.g. of

<sup>199</sup> Child Act 2010, Article 5(2j).

<sup>200</sup> African Child Policy Forum (ACPF) *African Report on Violence Against Children* (2014) p. 14.

<sup>201</sup> Tonneson L. *Gendered Citizenship in Sudan: Competing Perceptions of Women's Civil Rights within the Family Laws among Northern and Southern Elites in Khartoum* (2007) p. 10.

<sup>202</sup> Ministry of Cabinet Central Bureau of Statistics *MICS Key Findings 2014* p. 1.



school drop outs; *see section 5.3*) is that this affects girls most. Instead of going to school they do housework, in their parents' homes or through early marriage<sup>203</sup>.

## 6.2 Cultural traditions in relation to families

159. The recent literature reviewed does not discuss practices such as levirate and sororate. MICS 2014 data demonstrated that 21.7 per cent of women aged between 15 and 49 years were in a polygynous marriage (the husband has more than one wife at the same time)<sup>204</sup>.
160. Over time, the NCCW has developed its national policy to protect children deprived of parental care. The 2011 version aims to, 'Provide care and protection for children deprived of parental care and minimize the magnitude of the problem'. It cites religion and society's moral legacy as the foundation for the care of abandoned children. It calls for religious awareness raising as a key component in strategies, programmes and policies, the essence of which is in chastity, preventing adultery, and demonstrating its, 'gross consequences'<sup>205</sup>.
161. An older report explained Islamic teachings with respect to the care of abandoned children (which would include orphans and separated children) in more detail, for example that:

'A Muslim must take care of a child found on the road by providing immediate protection or face penalties; a Muslim is allowed to keep the child found if he/she is considered by the authorities to be a suitable caretaker; if a Muslim is found to be a suitable caretaker he/she should be subjected monitored in their adoption endeavor; Muslims are encouraged to provide assistance to adopted children, orphans and children who are in a grave situation; in Islam the state is obliged to contribute to realizing an adequate well-being to these children; children born out of wedlock must not be linked to the guilt of their birth parents, all children are born free of sin'<sup>206</sup>.

## 6.3 Legislative framework for child protection

### *Child protection legislation*

162. The Government of Sudan, in partnership with civil society and international organisations and agencies, has made many efforts to realise child rights, through international treaties, constitutionally and under specific legislation (*see chapters 2 & 3*).
163. The 2010 Child Act refers both to child protection measures for children in general and for especially vulnerable groups (e.g. those who are homeless, with special needs, in conflict with the law, without birth parents, etc.). It: 'Ensures the protection of a male, or female child, against all types and forms of violence, injury, inhuman treatment, or bodily, ethical or sexual abuse, or neglect or exploitation'<sup>207</sup>.

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<sup>203</sup> Out-of-School Children Study National Team *All Children in School by 2015* p. 66.

<sup>204</sup> Ministry of Cabinet Central Bureau of Statistics *MICS Key Findings 2014* p. 14.

<sup>205</sup> National Council for Child Welfare *National Policy on Welfare and Protection of Children Deprived of Parental Care* (2011) p. 11.

<sup>206</sup> Shulli A. et al *Sudanese Attitudes and the Institutional Set Up for Alternative Family Care* (2003) p. 7.

<sup>207</sup> Child Act 2010, Article 5(2k).

164. To support child protection laws, 778 child protection specialists, 3,000 community leaders and parliamentarians and 100 judges were trained on the Child Act<sup>208</sup>. Child protection specialists include investigators and social workers who work in social welfare services and police Family and Child Protection Units at state capital and locality levels.
165. The authors have seen no literature (within the last five years) on how well existing child protection legislation is implemented. A draft child protection document was developed from a September 2015 workshop on the UPR recommendations relating to child rights in Sudan (*see section 3.1*).

### ***Parental and alternative care legislation***

166. The Child Act defines parental responsibility for the care and the upbringing of children. Responsibility is divided between the state (and wider society) and the parent, but the Act clearly determines that the main responsibility lies with the parents: 'There shall be upon shoulders of the parents the primary responsibility of instructing the Child; and the State shall endeavour to provide the appropriate assistance to the family.' It confirms that children born outside marriage are eligible to same rights of those born to married couples, including birth registration, education, and protection from all forms of discrimination<sup>209</sup>. The Child Act<sup>210</sup>, the 1971 Child Care Act 1971, and the 2011 National Policy for Care and Protection of Deprived Children all guarantee guardianship of a child.
167. The Child Act also confirms that child adoption is legally possible. Any adoptive parent must satisfy certain legal requirements, including that:
  - The applicant should be Sudanese.
  - They fulfill legal eligibility conditions (relating to age and maturity).
  - Have financial capability.
  - An alternative mother should be between 28 and 55 years old, of good reputation and behaviour.
  - The residence of the alternative mother should provide a suitable environment for for child care.
168. An alternative care unit within each State Ministry of Social Welfare (SMSW) is responsible for this process and checking that prospective adoptive parents meet the criteria. Home visits are conducted by social workers from the SMSWs.
169. The Act does not provide adoptive children with the same rights as biological children in relation to inheritance. As the adoption is *kafala* (permanent adoption)<sup>211</sup> an adopted child must receive inheritance before the parents' death (e.g. through a registered gift). The 2010 Child Act referenced care homes<sup>212</sup> (*see section 6.3*) but made no explicit mention of the child protection norms to be followed. A regulation implementing the Act is under development and specifies the standards of care and protection of children in institutions. It is not yet finalised.
170. Whilst the Child Act 2010 explicitly prohibits the kidnapping of children for prostitution and forced labour, other possible cases of child abduction (e.g. by a parent from the family home)

<sup>208</sup> National Council for Child Welfare *NCCW Annual Progress Report* (2013) p. 12.

<sup>209</sup> Child Act 2010, especially Articles 5(2m) and 5(2g).

<sup>210</sup> Child Act 2010, Article 5(2m).

<sup>211</sup> *Kafala* adoption is regulated under the 1971 Child Care Law and the National Policy on Children Without Parental Care.

<sup>212</sup> Child Act, Article 26.

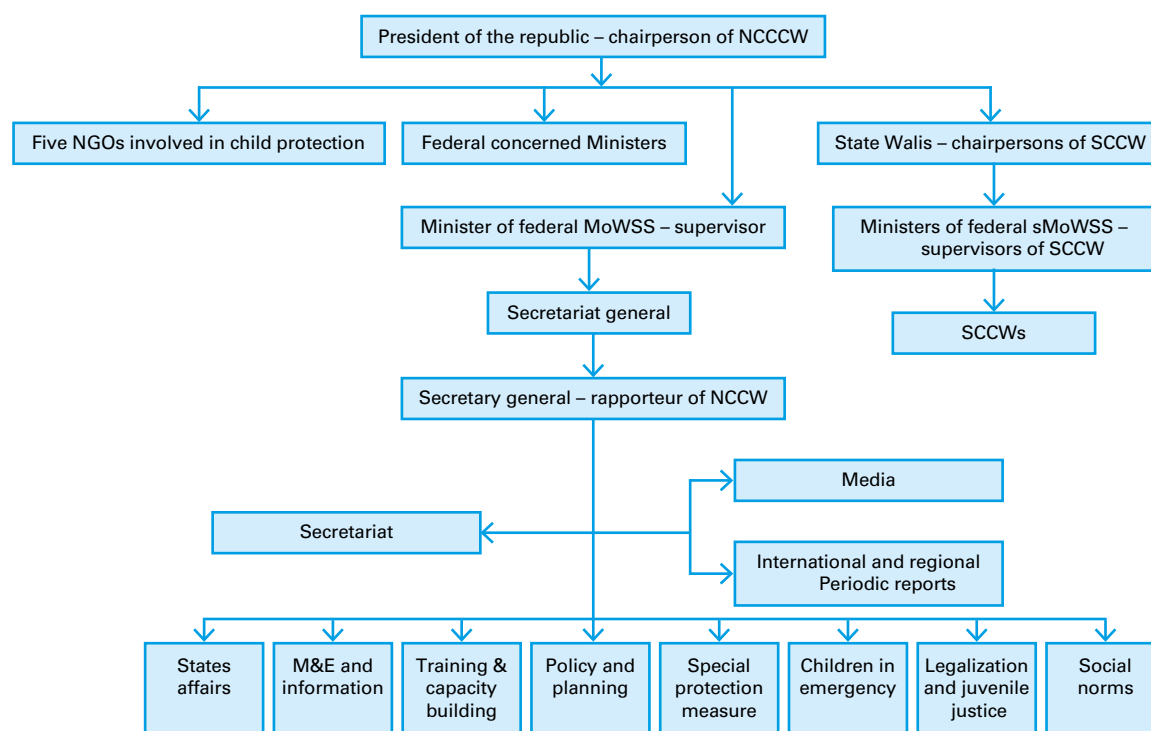
are not mentioned. The 1991 Personal Status Law of Muslims prohibits all forms of child abduction and the Combating Trafficking Act 2014 also addresses abduction but does not specifically mention children (*see section 7.2*).

## 6.4 Policy and implementing framework for child protection

### *National structures and policies*

171. The NCCW is the official government institution for developing child protection legislation, policy and strategy. Child protection implementation is not centralised, but is managed through each of the 18 State Councils for Child Welfare (SCCWs) within state social welfare ministries. These manage child social welfare issues at both federal and state levels. SCCWs collaborate on child welfare with social welfare units at locality levels (*see Figure 6 below*). The social welfare units are part of the Ministry of Social Welfare at local level.
172. Legislation relating to family care within the Child Act is supported at national and state levels by social services offices, inside the family and child protection units (FCPU) working together with child courts and child prosecution offices. Whilst the focus of FCPU work was meant to be juvenile justice concerns (*see section 2.8*) a NCCW 2015 report showed how they have gone beyond their original mandate of working with child victims, witnesses and offenders, due to the lack of social welfare services in most states<sup>213</sup>.

**Figure 6: National organisational structure of the NCCW**<sup>214</sup>



<sup>213</sup> National Council for Child Welfare *Mapping/Assessment* p. 52.

<sup>214</sup> National Council for Child Welfare *Mapping/Assessment* p. 20. The five NGOs involved in child protection are Saba Organisation, Child Rights Institute, Child Development Foundation, Katira Organisation and African Charity for Childhood and Motherhood Organisation.



173. The NCCW report listed a number of policies concerned with child protection, two of them on children's alternative care. Main aims of both the 2009 Policy for Orphans' Sponsorship and the 2011 National Policy on Welfare and Protection of Children Deprived of Parental Care are to mobilise the community in respect of the needs of orphan children (*see section 2.3*).
174. Responding to increased demand for places at The Maygoma children's care home in Khartoum (*see section 6.5*), a directive of the 2011 policy is, 'to encourage child care within the family as the bearer of the first responsibility in the upbringing of the child and to fulfill his requirements.' It sought to do this by increasing the number of adoptive families<sup>215</sup>.
175. A key social protection mechanism is *zakat*, an Islamic system of redistributing wealth towards the poor while also building productive capacity. *Zakat* is usually one of the principal taxes in Islamic countries, and in Sudan it is entirely under state control<sup>216</sup>.
176. In 2012 *zakat* spending amounted to 718.85 million SDG (Sudanese pounds: approximately 1,011 million USD), with over three million beneficiaries. Of this, 70 per cent (504.1 million SDG) was spent on students, persons with disabilities, orphanages and health insurance for the poor. A further 200 million SDG was spent on microfinance initiatives and reached 83,000 poor families. A separate mechanism provides direct social support to poor families. It made monthly cash payments of 150 SDG (over 23 USD) to 350 000 families in 2014<sup>217</sup>.

### ***Social services organisation***

177. Some 2.7 per cent of the 2014 national budget was for social welfare, which compares to a range of 0.7 to 1.7 per cent in the previous three years<sup>218</sup>. This increased total was still small relative to actual needs.
178. A 2014 survey reviewed financial, human resource and other child protection requirements in Sudan, part of a larger six-country study across East Africa. While significant steps had been taken in the past years, it found gaps. For example, the Second Five Year Plan for Childhood (2012-16) was affected by other funding shortfalls apart from some in donor support<sup>219</sup>.
179. The 2015 NCCW report stated that the resources allocated to all child protection agencies (including health and education) are inadequate to fulfill their basic functions. It further noted that it is not possible to identify what portion of the budget was allocated to social services for children and families. It found that the main source of funding of direct support to children and families in Sudan was through *zakat* and that, despite the lack of data in some states, the child protection sector relied heavily on external funding in many of them<sup>220</sup>.
180. The NCCW report found that there were 1,332 social welfare workers nationally. Of these, 553 are based in Khartoum, or one per 12,473 inhabitants, and the average for the rest of the country was

<sup>215</sup> National Council for Child Welfare *Mapping/Assessment* p. 12.

<sup>216</sup> Bekkin R. 'Sudan: forgotten centre of Islamic finance' (2009) 171 *New Horizon* p. 26.

<sup>217</sup> National Council for Child Welfare *Mapping/Assessment* pp. 7-8.

<sup>218</sup> National Council for Child Welfare *Mapping/Assessment* p. 31.

<sup>219</sup> African Network for the Prevention and Protection Against Child Abuse and Neglect *Roles and Functions of National Child Protection Institutions* p. ix.

<sup>220</sup> National Council for Child Welfare *Mapping/Assessment* pp. 32-35.

one worker per 24,937. The ratio was lower in conflict areas. Training was not based on what social workers were required to do. In any case, they lacked job descriptions, and were under-equipped (e.g. without proper office equipment or means of travel)<sup>221</sup>.

181. The 2014 East African study above also concluded that coordinated efforts were needed to provide an adequate number of capable employees within institutions, in particular among the child protection focal points. There was no standardised child protection training for police, welfare officers, probation officers, teachers, and health workers. Good practice examples existed (e.g. in Kordofan and Khartoum states), in response to the need to increase social worker numbers and quality<sup>222</sup>.

### ***Social services implementation***

182. The NCCW report noted that, in all states, the social welfare system mainly dealt with children in need of care and protection outside their home environment rather than working with families to address concerns in their homes. It found that issues relating to children with disabilities and child labour are not well addressed by the national child protection system<sup>223</sup>. In the literature reviewed for this report no mention was found on whether particular groups of children are over-represented in social service response records.
183. The East Africa survey observed a lack of coordination between government institutions and with NGOs. This lack of collaboration stemmed from the absence of a holistic vision of child protection, resulting in disjointed services for children. Improved referral systems and communication were needed. The survey respondents also mentioned the lack of data about children's participation (see sections 3.1 & 3.2) and how this reflected a gap in child protection because the system should be informed about children's views at all levels<sup>224</sup>.
184. Reliable data on the status of children and child protection institutions was also generally found lacking in the East African study, and that efforts to strengthen data collection needed to continue. Qualitative data, too, were essential for proper understanding of child protection issues. A stronger partnership between the ministries concerned and child protection units on the ground was needed to establish an effective information management system.
185. As mentioned above, the 18 state level FCPU's, and 34 at locality level, play a crucial role in child protection on the ground. They do so both in direct response to child protection needs, and at the preventive level. In 2014, 18 FCPU's reported nearly 19,000 interventions in legal, medical, social and psychosocial areas and conducted well over 2,500 awareness-raising activities<sup>225</sup>.
186. Some protection risks may go unreported (e.g. corporal punishment, FGM/C and child marriage) because of strong cultural beliefs and attitudes. The MICS 2014 data revealed that almost 29 per cent of women and a third of men interviewed thought that children should be physically punished.

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<sup>221</sup> National Council for Child Welfare *Mapping/Assessment* p. 37.

<sup>222</sup> African Network for the Prevention and Protection Against Child Abuse and Neglect *Roles and Functions of National Child Protection Institutions* p. 39.

<sup>223</sup> National Council for Child Welfare *Mapping/Assessment* pp. 51-52.

<sup>224</sup> African Network for the Prevention and Protection Against Child Abuse and Neglect *Roles and Functions of National Child Protection Institutions* p. 39.

<sup>225</sup> National Council for Child Welfare *Mapping/Assessment* p. 52.

Nearly 64 per cent of children had experienced 'violent discipline' (psychological aggression or physical punishment) 'in the last month' (*see section 7.6*).

187. MICS 2014 data estimated that 5.3 per cent of children (0-17 years old) had one or both parents dead, 3.4 per cent of children (of this age) were living with neither biological parent and that 1.8 per cent of them had at least one parent living abroad<sup>226</sup>. The data did not say how and where these children (10.5% of the 0-17 year old child population surveyed) lived.
188. There is a state-run free child helpline, established in 2009 as part of the services provided in the FCPUs. It offers 24 hour, seven day a week advice and immediate assistance on child protection related issues. UNICEF has supported public awareness raising of the service. In 2013 it received 49,762 calls from children and parents<sup>227</sup>.

## 6.5 Alternative forms of child care

### *Care homes and alternatives*

189. There are progressive examples of alternative child care provision in Sudan developed in accord with the provisions of the 2010 Child Act. Detailed information on all kinds of care institutions for children is lacking from the literature reviewed for this report, however. This includes data on their evaluation, availability, distribution, staffing, financing, the criteria for placing children in them, and the availability of family support.
190. The Alternative Family Care Project is primarily concerned with abandoned children and is run by the Khartoum State Ministry of Social Affairs together with state care homes. It was designed in response to the occurrence of high death rates in the homes (e.g. the serious concern expressed by the 2010 UNCRC review in relation to the Maygoma facility)<sup>228</sup>. It also responds to concerns that such homes do not provide the best environments for children deprived of family care.
191. The project's main objectives are to reintegrate children into the community and reunite them with their biological family if possible. Its three pillars are: reunification (i.e. preventing separation), temporary alternative family care, and sponsorship (i.e. adoption). The latter requires certain conditions to be met that follow the Child Act's requirements for adoptive parents (*see section 6.3*).
192. The 2015 data from the Maygoma home (for children up to four years old) indicated that 512 children were newly received into the home, increasing the total number to 974. Of these, 368 were placed with adoptive parents under the *kafala* system, 137 were in temporary 'transit' care with adoptive families, 30 were reunited with their biological families, and in 46 cases separation from the child's biological mothers was prevented<sup>229</sup>. Also in 2015, the Khartoum SMSW reported to UNICEF that altogether 5,167 abandoned babies had been placed in alternative *kafala* care since 2007<sup>230</sup>.

<sup>226</sup> Ministry of Cabinet Central Bureau of Statistics *MICS Key Findings 2014* p. 14.

<sup>227</sup> National Council for Child Welfare *Mapping/Assessment* p. 53.

<sup>228</sup> UN Committee on the Rights of the Child *Concluding Observations* para. 44.

<sup>229</sup> Khartoum State Ministry of Social Development, General Administration of Social Welfare, Personal Communication, 10 December 2015.

<sup>230</sup> UNICEF Sudan, Child Protection Specialist, Personal Communication, 12 October 2015.

193. Project follow up is by trained social workers through weekly visits using standard procedures to record growth and developmental signs. As a result of the project, stronger relations between mothers and the social workers have been built, and children have been helped to gain confidence and to feel that they are loved and wanted. Prevention is enhanced among communities, through awareness campaigns in residential areas and elsewhere, in collaboration with religious leaders, NGOs and UNICEF.
194. In Khartoum state there are four additional care homes for children, apart from Maygoma:
- Child Protection Centre: in 2014 it catered for 33 boys aged between five and 18 years old.
  - Future Centre: for girls between five and 18 years old, it catered for 26 girls in 2014.
  - Tayba Centre: only for boys living in the streets – in 2014 it catered for 78 boys aged between eight and 18 years old.
  - Bashaeer Centre: only for girls living in the streets – in 2014 it catered for three girls<sup>231</sup>.
  - Al-Rashad Interim Centre: for rehabilitation and settlement of children living in the streets.
195. There are also three homes in Gezira, White Nile and Red Sea States. Babies abandoned are accommodated for very short periods. For example, in the case of the Red Sea home 20 families requested *kafala* instead of placing children in this home<sup>232</sup>.

#### ***Arrangements for foster care and family tracing***

196. The UNCRC observations above support the efforts of the National Policy for Care and Protection of Deprived Children to take children out of institutional care and to increase alternative care options within family homes, especially by promoting the *kafala* system (*see sections 6.3 & 6.4*). Its purpose is to improve the lives of orphans, abandoned children and those born out of wedlock. A family/community-based approach, supporting alternative mothers and permanent families to provide care, is seen as providing the best chances for these children.
197. In relation to alternative care, the UNCRC showed concern about the practice (potentially drawn out and disruptive to the child) of placing abandoned babies first into institutions, and then into temporary emergency alternative family homes, before their final integration into permanent *kafala* families<sup>233</sup>.
198. Information on how widespread foster care arrangements are (e.g. the traditional *kafala* system), and how many children have been adopted since 2011, has not been found. Children in the system are monitored through home visits conducted by social workers from SMSWs. The main findings of a 2014 review of the Alternative Family Care Project were that its de-institutionalising concepts did not conform well to *kafala*, or to negative attitudes towards illegitimate births. It predicted that significant challenges would be faced in developing alternative family care<sup>234</sup>.

<sup>231</sup> Khartoum State Council for Child Welfare *Situation of Children in Khartoum State (2014)* p. 10.

<sup>232</sup> UNICEF Sudan, Child Protection Specialist, Personal Communication, 14 January 2016.

<sup>233</sup> UN Committee on the Rights of the Child *Concluding Observations para. 45*.

<sup>234</sup> Mohammed A & Ahmed U *Evaluation Study for Foster Family Care Programme in Khartoum State for the Period 2004-2014* (2015) pp. 33-36.

199. The NCCW has national responsibility for the protection of all unaccompanied and separated children (UASC) within Sudan, whether Sudanese or foreign national. The Child Act provides that FCPU should, 'search for missing and kidnapped children and escapees' from families and institutions<sup>235</sup>. International agencies and NGOs, such as UNHCR, UNICEF and Save the Children, also have family tracing operations, mostly in relation to refugees and IDPs living in Sudan.
200. The NCCW 2015 assessment explains how it co-ordinates family tracing at national levels with the 18 state councils for child welfare through national and state family tracing and reunification committees, and maintains a family tracing database. It also refers to the strong and effective referral mechanisms within the FCPU<sup>236</sup>.
201. A review by the UN High Commissioner for Refugees on refugee and asylum seekers commented that: 'Support for children seeking family reunification both within Sudan and for third countries, has been slow due [to] staffing constraints and long procedures required for sponsorship cases.' The agency sought to support improved response among the actors concerned, including by providing family reunification in countries of origin where this is in the child's best interests<sup>237</sup> (see section 8.2).

**Table 17: Number of children traced and reunified<sup>238</sup>**

	Separated			Unaccompanied			Total
	Female	Male	Total	Female	Male	Total	
<b>Total</b>	437	719	1,156	29	331	360	1,516
Open <sup>239</sup>	225	417	642	14	236	250	892
Reunified	206	290	496	14	92	106	602
Tracing in progress	6	12	18	1	3	4	22

### **Alternative care in refugee and conflict-affected situations**

202. For unaccompanied and separated children the UNHCR described the Transit Centre in "Shagarab" Camp as inadequate. It hosts up to 600 children a year, but: 'Its facilities offer little safety and dignity for girls and boys and provide only limited counseling. Case management remains weak and age/ gender-sensitive supervision is inadequate, particularly at night.' UNHCR was aiming to upgrade the centre and overhaul its supervision and management<sup>240</sup>. There are separated and unaccompanied children across Sudan, some living in family environments. The Sharagab camp hosts only Ethiopian and Eritrean refugees. In other refugee and IDP camps, there is no transit centre.

<sup>235</sup> Child Act 2010, Article 55(1d).

<sup>236</sup> National Council for Child Welfare *Mapping/Assessment* p. 24.

<sup>237</sup> UN High Commissioner for Refugees (UNHCR) *Live, Learn and Play Safe: Regional Initiative 2014-2016 Protecting Children at Risk in Egypt, Ethiopia, Sudan* (2013) p. 16 (hereafter *Live, Learn and Play Safe*).

<sup>238</sup> National Council for Child Welfare *FTR National Program: Database Summary Report October 2015* (2015) p. 4 (hereafter *FTR National Program*).

<sup>239</sup> 'Open' refers to those files of separated and unaccompanied children that remain so until the tracing outcomes allow the social workers to find the biological families.

<sup>240</sup> UN High Commissioner for Refugees (UNHCR) *Live, Learn and Play Safe* p. 15.

203. The Child Friendly Spaces (CFS) model was established in 2004 by international and national agencies as a response to mass displacement resulting from the Darfur conflict. The model offers children affected by conflict a safe and participatory environment, where integrated programmes including play, recreation, education, health, and psychosocial support are provided. It is founded on existing community capacities and structures, is inclusive, non-discriminatory and temporary, often operated from tents. Some 300 CFS have been established across conflict-affected states (including Blue Nile and South Kordofan: *see section 7.3*).
204. The inter-agency child protection sub-sector in Sudan has developed context-specific minimum standards for CFS that follow international ones. This is an important initiative but their impact on the quality of services provided remains limited as the standards have not yet been disseminated. They also refer more to the physical environment of CFS rather than the activities in place and their appropriate implementation<sup>241</sup>.
205. There are 342 active community based child protection committees and networks (CBCPNs) that play important roles in preventing and responding to child abuse, neglect, exploitation and violence. Existing wherever there are IDP or refugees they are forums for community members to find child protection solutions and hold duty bearers to account. They represent everyone – including children – with a role to play in protection, and are usually informal. The NCCW reported that they mainly exist in conflict areas, including Darfur, Kordofan and Blue Nile<sup>242</sup>.
206. One international NGO working with CBCPNs in West Darfur found them to be closer to community needs than the national authorities are. They detected and followed up cases better, fostered mutual respect among their members who speak the same local language and share a culture, and children put effort into making them work<sup>243</sup>.

## 6.6 International comparisons and statistics

207. The authors of this report found limited comparative literature to assess the overall systemic response of Sudan's child protection system against international norms.
208. Besides its comments on persistent insufficient national government budgeting of child protection systems and services, the NCCW has emphasized that child protection laws are still not being fully implemented (e.g. state laws on FGM/C) and that Sudan lacks a clear national policy framework for child protection services<sup>244</sup>. Throughout its report, the NCCW highlighted examples, such as the establishment of the FCPUs and the alternative care programme that, it suggests, should be declared models of good practice in the Arab region.

<sup>241</sup> National Council for Child Welfare, UNICEF & Ahfad University for Women *Psycho-Social Support in Child Friendly Spaces Study* (2014) p. 7.

<sup>242</sup> National Council for Child Welfare & UNICEF *End Year Review* (2015) slide 4 (Powerpoint slides).

<sup>243</sup> Terre des Hommes available at <http://www.tdh.ch/en/news/sudan-community-based-child-protection-committees> (accessed 14 October 2015).

<sup>244</sup> National Council for Child Welfare *Mapping/Assessment* pp. 14-15.





## 7 Special protection measures

### 7.1. Children in conflict with the law

#### *Legislation and policy*

209. The 2010 Child Act defines 12 years as the minimum age of criminal responsibility<sup>245</sup>, but 2015 UNICEF/IDLO research found that Sudanese juvenile justice professionals are confused<sup>246</sup> because the 1991 Criminal Act defines this minimum age as seven years.
210. The Child Act states that: 'A minor shall not be considered to commit a crime but measures of care and correction [...] shall be applied to whoever reaches seven years old as the court thinks fit'<sup>247</sup>. The Child Act's definition links to Article 68(1) that prohibits criminal proceedings against a 'delinquent' child. The Act is firm in defining 12 years as the age of criminal responsibility, while the Criminal Act allows courts to interpret this age as beginning at seven years.
211. The Child Act prohibits the death penalty for children under 18 years old. However, the law conflicts with the 2005 Interim National Constitution (INC), Article 36 that allows children to be sentenced to death; a provision that has been enforced<sup>248</sup>. One of the last cases where a juvenile was judicially killed was in 2009. The death sentence was passed both because of the *sharia hudud* concept of

<sup>245</sup> Child Act 2010, Articles 4 & 5(2).

<sup>246</sup> International Development Law Organisation & UNICEF *Promotion of Diversion and Alternative Measures to Detention for Children in Conflict with the Law* (2015) p. 54 (hereafter *Promotion of Diversion and Alternative Measures to Detention*).

<sup>247</sup> Child Act 2010, Article 4 and Criminal Act, Article 9.

<sup>248</sup> University of Khartoum Faculty of Law & Sudan Human Rights Monitor *Constitutional Protection of Human Rights in Sudan* (2014) p. 67.

retribution (in this case for murder), and a legal judgment that the boy had reached puberty and was thus criminally responsible<sup>249</sup>.

212. Since the enactment of the 2010 Child Act children sentenced to death have not been executed. Three other Constitutional Court decrees have also strengthened the prohibition of the death penalty against children (Case No. MD/GD/1999/4m 23 March 2000; MD/GD/18/2005 and MD/GD/81/2006)<sup>250</sup>. The Constitutional Court in its decision on the case No. 51/2013 removes the existing inconsistencies between the Child Act and the 1991 Criminal Law 1991 (*see sections 2.2 & 2.9*).
213. A September 2015 workshop on the UPR recommendations confirmed that a constitutional circular has been issued banning the death penalty for anyone under 18 years old<sup>251</sup>. The law means that no death sentence can be applied to any person below the age of 18 years, even if the criminal act happened before that age.
214. Since 2006, the development of the Family and Child Police Units (FCPU: *see sections 2.8 & 4.3*) alongside juvenile courts and a growing body of child-focused law, policies and strategies responding to the international instruments signed by Sudan all represent progress in the development of specialist juvenile justice provision. Current limitations are discussed below and in the previous sections referred to.
215. As also noted previously, all children – victims, witnesses, and those accused – are supported by the FCPU (operating in every state) and all children (including those in conflict zones) have access to these FCPU. Sudan is presently considering the third optional protocol to the CRC (offering children improved access to justice through an international complaints mechanism for violations of their rights). A high-level ministerial committee leads this process.
216. Two specific alternatives to detention for juveniles, pre and post trial, are contained in the Child Act: a police warning or caution, and early (conditional) release from detention. Article 57(2) places responsibility on social services offices to offer support to these children, as an alternative to the child going through formal court procedures<sup>252</sup>. Its provisions support alternatives to post-trial detention as a general principle, headed by Article 5(2)(l) which says trial of children in conflict with the law should, ‘aim at his social re- accommodation’.
217. The Child Act enables the NCCW to make further enforceable instruments so the Act can be implemented. Already in force is the Regulation on Social Probation (2012). Two others are drafted: on diversion that includes restorative justice measures, and on community service. The Social Probation Regulation offers specific post trial alternatives to detention by placing a child under the care of: the probation service; a social probation officer for a child released early from detention, or persons qualified and able to raise the child<sup>253</sup>.

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<sup>249</sup> Wikipedia available at [https://en.wikipedia.org/wiki/Capital\\_punishment\\_in\\_Sudan](https://en.wikipedia.org/wiki/Capital_punishment_in_Sudan) (accessed 19 October 2015).

<sup>250</sup> National Council for Child Welfare, Director of Legislation and Justice for Children, Personal Communication, 12 October 2015.

<sup>251</sup> Constitutional Court Decision 51/13.

<sup>252</sup> International Development Law Organisation & UNICEF *Promotion of Diversion and Alternative Measures to Detention* p. 56.

<sup>253</sup> International Development Law Organisation & UNICEF *Promotion of Diversion and Alternative Measures to Detention* p. 58.

218. The Child Act Article supports rehabilitation efforts in principle<sup>254</sup>. However, the International Development Law Organisation (IDLO)/UNICEF research found that some of the alternative approaches aimed at providing such rehabilitation but in practice: ‘Children do not often benefit [...] because of the lack of such programmes’<sup>255</sup>.

### **Application/implementation**

219. The Child Act contains a whole chapter devoted to juvenile justice. Nonetheless, and as described earlier (*see sections 2.8 & 4.3*), full equal access to justice for all children, including those in conflict with the law, is not yet realised. Table 18 summarises the situation.

**Table 18: Equal access to justice for children**

<b>Towards equality</b>	<b>Towards inequality</b>
All children (through parents or guardians) may bring actions concerning rights violations to court ( <i>section 2.8</i> ).	Specialist child legal aid not mentioned in the Child Act and no provision for it in Sudan <sup>256</sup> ( <i>also section 4.3</i> ).
Child victims and witnesses entitled to legal representation ( <i>section 4.3</i> ).	Costs of representation borne by families which most poor families and children living alone cannot afford <sup>257</sup> ( <i>also section 4.3</i> ).
Functioning FCPUs in every state, supported by social service office ( <i>section 4.3</i> ).	Only children accused of crimes entitled to legal aid costs ( <i>section 4.3</i> ).
A few independent lawyers provide services free to children ( <i>section 4.3</i> ).	Very few lawyers specialised in child law in Sudan ( <i>section 4.3</i> ).
	Training of all professionals involved in access to juvenile justice/children in conflict with law inadequate <sup>258</sup>

220. At present, only a small minority of courts offer community service alternatives<sup>259</sup>. The draft regulation on community service mentioned above will make this kind of alternative provision more accessible. It is intended to keep the child offender in their family or community instead of depriving them of liberty before and after trial. The child must complete community service actions to recompense for the damage caused by the offence committed<sup>260</sup>. The authors have found no information in the literature reviewed about children facing discrimination after completing their sentences.

### **Statistics**

221. The Police Authorities in Sudan publish a Criminal Report annually which gives the overall data in relation to the crimes committed during the year<sup>261</sup>. In addition to that, the FCPUs have separate administrative data as shown below.

<sup>254</sup> Child Act 2010, Article 70.

<sup>255</sup> International Development Law Organisation & UNICEF *Promotion of Diversion and Alternative Measures to Detention* pp. 71 & 77.

<sup>256</sup> International Development Law Organisation & UNICEF *Promotion of Diversion and Alternative Measures to Detention* p. 62.

<sup>257</sup> International Development Law Organisation & UNICEF *Promotion of Diversion and Alternative Measures to Detention* p. 62.

<sup>258</sup> Nilsson A. *Eastern and Central Africa Contextual Analysis* (2012) p. 67.

<sup>259</sup> International Development Law Organisation & UNICEF *Promotion of Diversion and Alternative Measures to Detention* p. 82.

<sup>260</sup> National Council for Child Welfare, Director of Legislation and Justice for Children, Personal Communication 12 October 2015.

<sup>261</sup> Personal communication from Mr. Husam Ismael, Head of the Monitoring and Planning Unit at NCCW 3 april 2016.

**Table 19: Children in contact with FCPUs (2013)**<sup>262</sup>

Category of children	Number	%
Child victims	8,108	49
Child witnesses	935	6
Child offenders	7579	45
<b>Total children in contact with FCPUs</b>	<b>16,622</b>	<b>100</b>
Children referred in 2013	1,027	13.5

222. Whether the 1,027 referred children were diverted from formal proceedings by FCPUs is unknown. If so, the 13.5 per cent of cases that diversion has been used in is small by international standards. The Convention on the Rights of the Child (CRC) states that diversion should be used as much as possible<sup>263</sup>.
223. The authors of this report have not found further disaggregated statistical information, such as on the gender or cultural groupings of juvenile detainees, among all sources they consulted.

## **7.2 Child trafficking**

224. There is a lack of national data on child trafficking. Sources quoted in this section are mainly international ones.

### ***Legislation and its application***

225. Sudan has ratified both optional protocols to the CRC related to child trafficking: On the Sale of Children, Child Prostitution and Child Pornography (in 2004) and on the Involvement of Children in Armed Conflict (in 2004). It has also ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children of the UN Convention against Transnational Organized Crime (in 2014).
226. Trafficking is also prohibited under national law, through both the 2010 Child Act, that criminalises the exploitation of children, and the 2014 Combating Human Trafficking Act<sup>264</sup>. The provisions of this Act on child trafficking are inadequate: the word 'child' is only mentioned once in its text, as confirmed by the NCCW<sup>265</sup>. Ultimately, the 2005 Interim Constitution bans child trafficking, too, with its provision that: 'The State shall protect the rights of the child as provided in the international and regional conventions ratified by the Sudan'<sup>266</sup>.
227. The 2015 Trafficking in Persons (TIP) report of the US Department of State, measuring global progress against trafficking observed that in Sudan in 2014 there was no government information

<sup>262</sup> International Development Law Organisation & UNICEF *Promotion of Diversion and Alternative Measures to Detention* p. 64.

<sup>263</sup> International Development Law Organisation & UNICEF *Promotion of Diversion and Alternative Measures to Detention* p. 64.

<sup>264</sup> National Council for Child Welfare *Mapping/Assessment* p. 11.

<sup>265</sup> National Council for Child Welfare, Director of Children Affected by Emergency and Conflict, Personal Communication, 12 October 2015.

<sup>266</sup> INC, Article 32(5).

provided on whether any trafficking perpetrators were brought to justice<sup>267</sup>.

228. Children are protected in practice by the applicable laws, although the specified punishments are for human trafficking, not child trafficking specifically. Whereas the Child Act 2010 does not prescribe any punishment, the 2014 Act does, stipulating imprisonment of between five and 20 years, but allowing for the death penalty if the victim is a child, woman or is disabled, for aggravated trafficking, and if the victim dies<sup>268</sup>.
229. These penalties are equal to those for other serious crimes, such as rape, but the TIP report also observed that not all kinds of trafficking are criminalised. For example, and contrary to international law, child prostitution in the absence of coercion is not prohibited and exploitation is inadequately defined.
230. Both the Child Act and the Combating Trafficking Act refer to witness protection<sup>269</sup>. In relation to witness protection in practice, the TIP report described some investigative authorities pressurising trafficking victims, making their stay in protection facilities contingent on their cooperation. Victim participation sometimes caused their traffickers to retaliate, but the authorities do not offer protection<sup>270</sup>. There is no verifiable information as to whether child victims have faced similar risks.
231. The TIP report mentioned a national anti-trafficking committee and a draft national action plan, both started by the GS in 2014, recommending that they be developed and implemented<sup>271</sup>. Training and capacity building of the National Committee on Combating Trafficking (NCCT) members on the legal framework and strategy to combat trafficking has been conducted, and a committee to draft the anti-trafficking strategy established<sup>272</sup>.

### ***Identification and related procedures***

232. From the literature reviewed, standard procedures to identify and protect child trafficking victims do not appear to exist in Sudan. For victims in general, the TIP report found only limited government identification efforts, but that support was offered by international organisations. It highlighted that there were no government statistics to identify any trafficking victims<sup>273</sup>. Within the framework of the NCCT, the NCCW is responsible for drafting its children's component. This includes standardised procedures for child victims<sup>274</sup>.
233. The UNHCR reported that, when unaccompanied children arrive in Khartoum, fleeing internal and external conflict (but mainly from Eritrea), they are often not identified by UNHCR or its partners. They are then exposed to a host of protection risks, including trafficking<sup>275</sup>.

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<sup>267</sup> US Department of State *Trafficking in Persons Report* (2015) p. 318.

<sup>268</sup> Combating Trafficking Act 2014, Article 9.

<sup>269</sup> Child Act 2010, Article 83 (1a); Combating Trafficking Act 2014, Article 25.

<sup>270</sup> US Department of State *Trafficking in Persons Report* (2015) p. 318.

<sup>271</sup> US Department of State *Trafficking in Persons Report* (2015) p. 316.

<sup>272</sup> National Council for Child Welfare, Director of Children Affected by Emergency and Conflict, Personal Communication, 12 October 2015.

<sup>273</sup> US Department of State *Trafficking in Persons Report* (2015) p. 318.

<sup>274</sup> National Council for Child Welfare, Child Protection in Emergencies Coordinator, Personal Communication, 29 October 2015.

<sup>275</sup> UN High Commissioner for Refugees *Live, Learn and Play Safe* p. 15.



234. The NCCW 2015 child protection system review identified only that trafficked children from Sudan's neighbouring countries are in need of care and protection. It did not explain what measures should be taken to do this<sup>276</sup>. The literature reviewed for this report has found no special registration procedures for child trafficking victims. However, where a child registers through the general procedures in camps, and if it is found out that they are trafficking victims, they are then referred to the local FCPU.

### ***Victim support and prevention interventions***

235. The established FCPUs in Kassala and Gedarif towns provide specialist services to child trafficking victims who register in refugee camps. The actual provision of services is always delayed because of the distance between camps and towns<sup>277</sup>.
236. A government-supported safe house in Kassala state, operated by UNHCR an international organisation, provides shelter, medical treatment, and psychosocial support to trafficking victims in general. In March 2015, the shelter accommodated 17 individuals, mostly trafficking victims. The TIP report commented on the shelter's overcrowding, a lack of continuous psychosocial support, and that victims were not allowed to leave freely. Other safe houses assisting trafficking victims, operated by community associations, are not offered government support<sup>278</sup>. There is no specific information on child victims in safe houses.
237. The UNHCR expressed concerned about the lack of support for trafficking victims including limited access to protection, psychosocial and other support services<sup>279</sup>. Prevention efforts by government to address trafficking are described in the TIP report including:
- Acknowledging that cross-border people trafficking exists.
  - Signing bilateral cross border agreements in 2014 with various African neighbours, including on combating trafficking.
  - Announcing the launch of an inter-agency high-level coordination mechanism to review implementation of international legal standards to address child labour problems (October 2014: no action has yet taken place with regard to the review).
  - A regional conference to address trafficking and smuggling.
238. The NCCW 2015 report also mentioned providing training on child trafficking (and other topics) to police officers, child prosecutors, social workers and judges<sup>280</sup>.

### ***Trafficking and conflict***

239. The TIP report classifies Sudan as a Tier 2 Watch List country, reduced from Tier 3 in 2014. It described Sudan as: 'A source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Internal trafficking occurs in Sudan, including in areas outside of the government's control'<sup>281</sup>.

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<sup>276</sup> National Council for Child Welfare *Mapping/Assessment* p. xii-xiii.

<sup>277</sup> UNICEF Sudan, Child Protection Specialist, Personal Communication, 28 October 2015.

<sup>278</sup> US Department of State *Trafficking in Persons Report* (2015) p. 318.

<sup>279</sup> UN High Commissioner for Refugees *Live, Learn and Play Safe* p. 15.

<sup>280</sup> National Council for Child Welfare *Mapping/Assessment* p. 40.

<sup>281</sup> US Department of State *Trafficking in Persons Report* (2015) p. 316.



240. Chronic conflict in different regions of Sudan is a catalyst for child trafficking. UNHCR described how four in five of registered unaccompanied children (again, mainly Eritrean) left its Sudan transit centre in 2013 on secondary movement. The final destination of most of them was unknown. UNHCR's concerns focussed on: 'The risk of children becoming inadvertent victims of trafficking and smuggling [...] in grave danger of being held for ransom, raped, abused, tortured, and/or having had their organs harvested'<sup>282</sup>.
241. A main danger in this environment is that some children are forcibly recruited into armed groups involved in the complex conflicts within, and bordering, Sudan. The UNCRC 2010 report referred directly to this consequence: 'The Committee notes with grave concern the high incidence of rape and other forms of sexual violence committed against children, as well as the recruitment of children by armed groups and their use in hostilities'<sup>283</sup>.
242. The direct connection between child trafficking and children being caught up in situations of armed conflict (eg. by becoming a child soldier) is made in a 2013 research which suggested that almost all active child soldiers are trafficking victims, since they are always subject to, 'varying degrees of deceit, manipulation or force.' The report continued by explaining how child soldiers have been trafficked, both internationally into, and within, Sudan:

'In Northern Uganda, many child soldiers who are used by the LRAs [Lords Resistance Army] have been forcibly marched into South Sudan and onwards into [...] the Darfur region of Sudan. The LRA also recruits children from and moves them between all of these aforementioned countries'<sup>284</sup>.

*References to children in armed conflict are reported in section 7.3.*

### ***Other aspects of child trafficking***

#### **Sale of children**

243. The authors have not found specific references to children being sold in the literature reviewed for this report. An UNCERD review mentioned reports of refugees and asylum seekers (but not specifically children) being abducted for ransom or trafficking<sup>285</sup>.

#### **Statistical data on child victims**

244. As explained earlier in this section, data of any kind on human trafficking in Sudan is extremely limited. From all sources consulted, there appears to be no disaggregated information in relation to child trafficking. The TIP report, in describing the general lack of law enforcement and other data, mentioned that in 2014 the government started requesting states to report trafficking statistics<sup>286</sup>. No such data has been found for this report. For human trafficking generally, UNHCR also reported that verified incidents have declined since 2012, but did not give a source for this statement<sup>287</sup>.

<sup>282</sup> UN High Commissioner for Refugees *Live, Learn and Play Safe* p. 15.

<sup>283</sup> UN Committee on the Rights of the Child *Concluding Observations* para. 72.

<sup>284</sup> Conradi C. *Child Trafficking, Child Soldiering: Exploring the Relationship Between Two Worst Forms of Child Labour* (2013) pp. 1&17.

<sup>285</sup> UN Committee on the Elimination of Racial Discrimination *Concluding observations* (2015) para. 20.

<sup>286</sup> US Department of State *Trafficking in Persons Report* (2015) p. 318.

<sup>287</sup> UNHCR Sudan available at: <http://www.unhcr.org/pages/49e483b76.html> (accessed 24 November 2015).

245. The national helpline for children received nearly 250 calls from children between 2007 and 2013 about commercial exploitation concerns. Child exploitation was defined as kidnapping, child trafficking or 'unspecified / other'. Nearly all callers (over 200) were boys and the reason for most calls was 'unspecified/other'<sup>288</sup>.

#### **Types of exploitation**

246. From the reports quoted within this section (referenced again below in brackets/footnote) child victims may be:
- Forced to labour including through begging, domestic servitude (both nationals and migrants, refugees and asylum seekers), and mining (TIP).
  - Trafficked for sex eg. to work in brothels and restaurants, including internationally (TIP).
  - Recruited as children associated with armed forces and groups (UN & other reports).
  - Recruited into armed forces/militia groups in 'support' roles, including sex slavery (UN & other reports).
  - Ransomed (UN reports).
  - Children from rural areas, particularly girls, and those internally displaced (TIP).
  - Boys being trafficked internationally to Middle East, Pakistan and elsewhere as camel jockeys (as mentioned in research, media and other reports<sup>289</sup>).

#### **Further aspects of child trafficking**

247. From all sources consulted the authors have found no verifiable reports on possible complicity of parents, other family members, or carers in child trafficking. There were also no reports found of child victims being placed in debt bondage.

### **7.3 Children in armed conflict**

#### ***Legislation and enforcement***

248. The Government of Sudan ratified the CRC Optional Protocol on the Involvement of Children in Armed Conflict (*see section 2.1*) in 2000 and set its provisions into national law. The 2007 Armed Forces Act, amended 2013, prohibits children's recruitment into armed forces preventing persons of, 'less than 18 years old' from being recruited into the armed services<sup>290</sup>. The Popular Defense Forces Law 2010 amendment 2013 and the National Service Law amendment 2013, also prohibit recruitment of children under 18 years. The Child Act 2010 reinforces the ban on 'child soldiers' and defines this in the same terms as the Armed Forces Act. There is a special provision for a disarmament, demobilization and reintegration (DDR) programme for child soldiers<sup>291</sup>.
249. Under the Act, the Sudanese Armed Forces Child Right Unit, established in 2009, is to protect children from recruitment following the Armed Forces Law and according to the child protection international standards. It also works to train army officers on the rights of children and their

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<sup>288</sup> Global Protection Cluster Child Protection available at <http://resourcecentre.savethechildren.se/sites/default/files/documents/0.20child20protection20facts20and20figures.pdf> (accessed 20 August 2015).

<sup>289</sup> Eg. Human Trafficking Search available at <http://humantraffickingsearch.net/wp/camel-jockeys-in-the-uae/> (accessed 11 November 2015).

<sup>290</sup> Armed Forces Act 2007, Article 14(1).

<sup>291</sup> Child Act 2010, Articles 43 (1), 44 (1) and 44, respectively.

protection measures<sup>292</sup>.

250. The extent of conflict inside and around Sudan has intensified since 2014, bringing increased reports of violence and other human rights violations against children in these areas<sup>293</sup>. The 2015 report of the UN Secretary General on children and armed conflict was specific in enumerating reports of children being abducted for use by armed forces, and listed the armed parties involved, including Sudan government security forces. In Darfur, the report counted:

‘Eight incidents of abduction of 13 children (10 boys) were reported and attributed to the rapid support forces, border guards, armed forces and unidentified militias. Children were used in support functions or labour and sometimes were sexually abused.’<sup>294</sup>

The UN reports quoted children being involved in armed conflict and forcibly recruited into armed forces and militias. Besides these reports, other major UN Committees since 2010 have also expressed concerns on this issue to the GS. From these reports and others (*see section 7.2*) it is evident that, among the recruited children, some are also forced to marry, and provide sexual and other services. International and other agencies engaged in providing child protection services in humanitarian environments in Sudan were also concerned about the long tail that may finish in recruitment:

‘Children are increasingly pressured to search for ways to contribute to the household income or not to be a burden, leading to school dropouts and more working or living in the streets, with the increased possibility of forced recruitment.’<sup>295</sup>

The UN Security Council review named six groups, both state and non-state, involved in child recruitment. It stated that all recruited and used children, and all except the last did so persistently. The listed groups were:

1. Government forces, including the Sudanese Armed Forces, the Popular Defence Forces (PDF), the Sudan police forces (Border Intelligence Forces and Central Reserve Police).
2. Justice and Equality Movement (JEM).
3. Pro-Government militias.
4. Sudan Liberation Army/Abdul Wahid.
5. Sudan Liberation Army/Minni Minnawi.
6. Sudan People’s Liberation Movement North (SPLM-N)<sup>296</sup>

251. The Sudanese response to the abovementioned reports of the UN Secretary General on children and armed conflict has been that it is not the Sudan policy of the armed forces nor of the other regular forces to recruit or use of persons who are less than 18 years old in armed operations. Sudan suffers from the increased armed conflicts during the previous decades; the application of laws is difficult during conflicts. The armed forces requested the Country Task Force on Monitoring

<sup>292</sup> Sudan response to the report of the UN Secretary General on the children in armed conflict 2012.

<sup>293</sup> UN Human Rights Council *Report of the Independent Expert on the Situation of Human Rights in the Sudan* (2014) paras. 61-68.

<sup>294</sup> UN General Assembly Security Council (UNGASC) *Children and Armed Conflict: report of the Secretary General* (2015) para. 185.

<sup>295</sup> Eg. UN Human Rights Council *Report of the Working Group on the Universal Periodic Review Sudan* (2011) paras. 83, 111-113; UN International Covenant on Civil and Political Rights Human Rights Committee Concluding Observations Para 24.

<sup>296</sup> UN General Assembly Security Council (UNGASC) *Children and Armed Conflict; Report of the Secretary General* (2015) p.49 (Annexe 1).

and Reporting Grave Child Violations to provide names and places of these cases to enable them to verify their existence and to rectify any deviations from laws. The Sudanese government continued to state that it would like to remind the Country Task Force on Monitoring and Reporting Grave Child Violations to cooperate with the armed forces in exchange of information to address these cases before being submitted to the UN Secretary General as violations.<sup>297</sup> The panel of the expert committee concerned with the UN resolution 1591 stated in the mid-term report of February 2016 that it has been proven that JEM was involved in kidnapping and recruitment of children and used them in armed conflict. Photos of children were displayed. The government dealt with the child soldiers as victims and in example 2008, the government issued a presidential pardon for the children who participated in infestation of Omdurman, with JEM, and provided them with the necessary services according to the international standards<sup>298</sup>.

### **Policy**

252. The 2008 National Reintegration Strategy for Children Associated with Armed Forces and Armed Groups is the framework for efforts to prevent and counter underage recruitment. It was developed under a Child DDR programme by the Government of Sudan DDR (SDDR) Commission with UNICEF<sup>299</sup>. The objectives of the strategy are to:
- ‘Support demobilisation practises that facilitate successful reintegration of CAAFG [children associated with armed forces and/or groups] – this includes effective and strengthened screening, sensitization, family tracing and reunification (FTR) and alternative care arrangements.
  - Enhance mechanisms for social work of returned CAAFG; such regular follow-up can assist children to reintegrate with families and communities and help them access required services.
  - Support implementation of inclusive reintegration projects to facilitate reintegration of CAAFG and other vulnerable children, including provision of psychosocial support, and formal and informal education and livelihood skills training opportunities’<sup>300</sup>.
253. The NCCW established a technical committee comprising of the concerned institutions to develop a Joint Plan with the UN to end child recruitment. The technical committee agreed with the UN on the plan, which was approved by the government. In March 2016 the Sudanese Government signed the Action Plan with the United Nations to prevent the recruitment and use of children by Sudan Government Security Forces<sup>301</sup>.

### **Situation**

254. The 2015 NCCW child protection review mentioned recent reductions in the number of children recruited by armed groups. This, it said, was mainly due to, ‘intensive advocacy efforts by SDDR Commission, UN and NGOs’<sup>302</sup>. However, the NCCW review did not provide numbers. The NCCW described what it considers a best practice DDR example from North Darfur. Its design includes the establishment of children’s centres – to benefit the whole community – that provide

<sup>297</sup> Sudan response to the report of the UN Secretary General on the children in armed conflict 2012.

<sup>298</sup> Sudan Initial Report on the African Charter on Child Rights and Welfare 2010 p. 47.

<sup>299</sup> Watkins C. & Adam E. *Review of the Children’s DDR Programme in Darfur* (2012) p. 4.

<sup>300</sup> Quoted in Watkins C. & Adam E. *Review of the Children’s DDR Programme in Darfur* (2012), Annexe 1.

<sup>301</sup> UN Office of the Special Representative of the Secretary-General for Children and Armed Conflict *Sudan Signs Action Plan to Protect Children from Violations in Armed Conflict* 27 March 2016.

<sup>302</sup> National Council for Child Welfare *Mapping/Assessment* p. 46.

psychosocial support based on the UNICEF Child Friendly Spaces model for all children affected by armed conflict (*see section 6.5*)<sup>303</sup>. The impact of the experiment has not been evaluated.

255. From the 2012 Darfur DDR review, boys interviewed reported both voluntary (from South Darfur) and forcible (from South and West Darfur) recruitment by militias. Those volunteering said they had done so because of atrocities witnessed on their communities. All boys reported a harsh regime of hard work in camps, involving menial duties and training in the use of guns. Some had been whipped for not carrying out tasks<sup>304</sup>.
256. The one group of girls interviewed was forcibly recruited. The girls reported very harsh treatment, including whipping, for non-conformity to their captors' wishes. They did not explicitly state that they gave sexual services but alluded to this. They said they were treated as 'bad girls' on returning – two girls with babies – to their own communities<sup>305</sup>.
257. A technical task force was established by NCCW in May 2014, comprising all regular armed forces and relevant ministries, to complete the development of the draft "Action Plan Between the Government and the UN to Stop Child Recruitment". The plan has been submitted to the Ministry of Social Welfare for finalisation and signature<sup>306</sup>.
258. The Child DDR programme is the key mechanism by which children end their activities as child soldiers, offering two avenues for its processes of registration: family tracing/reunification, and reintegration. The more formal route is where military commanders bring children to an agreed site where the processes can begin. More common is an informal approach where children already returned to their communities are identified. Organised 'events' then start the process where the children can be reintegrated<sup>307</sup>.
259. The Darfur DDR report expressed concerns about some measures used within the Child DDR programme to support children's physical and psychological recovery and their social reintegration. For example, the report found, the most frequently used route of informal identification means that children who are recruited could become easily identified (through the events mentioned above) and labelled and set apart as such within their communities<sup>308</sup>.
260. The SDDR Commission works with the armed movements that signed agreements with the government. These activities include releasing the recruited children and providing them with psychosocial support, assisting educational enrolment, and providing livelihoods training and skills<sup>309</sup>.
261. The Darfur DDR review reported that, by 2012, 1,167 children in the whole of Sudan were registered for reintegration under the Child DDR programme<sup>310</sup>. How many children, potentially, could have been registered is not stated, so the extent to which recruited children (i.e. their proportion) can end their activities as child soldiers is not known either.

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<sup>303</sup> National Council for Child Welfare *Mapping/Assessment* p. 55.

<sup>304</sup> Watkins C. & Adam E. *Review of the Children's DDR Programme in Darfur* (2012) p. 10.

<sup>305</sup> Watkins C. & Adam E. *Review of the Children's DDR Programme in Darfur* (2012) p. 11.

<sup>306</sup> National Council for Child Welfare, Director of Children Affected by Emergency and Conflict, Personal Communication, 12 October 2015.

<sup>307</sup> Watkins C. & Adam E. *Review of the Children's DDR Programme in Darfur* (2012) pp. 12-13.

<sup>308</sup> Watkins C. & Adam E. *Review of the Children's DDR Programme in Darfur* (2012) p. 13.

<sup>309</sup> National Council for Child Welfare, Director of Children Affected by Emergency and Conflict, Personal Communication, 12 October 2015.

<sup>310</sup> Watkins C. & Adam E. *Review of the Children's DDR Programme in Darfur* (2012) p. 4.

262. The authors of this report have not found updated information on the numbers of registered children. However, some information was found about the actual numbers of children reintegrated through the DDR programme. These figures, by reporting state from 2008 to 2015, are shown in Table 20. The National DDR Commission reported that 207 girls were identified and subjected to re-integration gender services.

**Table 20: Children reintegrated through the DDR programme<sup>311</sup>**

States	Number of children registered	Registration year	Number of children reintegrated
North Darfur	262	2009, 2010, 2013	204
South Darfur	888	2010, 2013, 2015	250
West Darfur	381	2008, 2010, 2011	210
South Kordofan	290	2007, 2012	195
Blue Nile	483	2008, 2010, 2011	94
Kassala	235	2007	235
Red Sea	39	2007	39
Gedarif	33	2007	33
Khartoum	32	2007, 2012	32
<b>Totals</b>	<b>2643</b>		<b>1292</b>

263. In all the literature reviewed for this report no evidence has been found of former children associated with armed forces being prosecuted in Sudan.

## 7.4 Female genital mutilation/cutting

### *Legislation and policy*

264. There is no current national law in place to prohibit female genital mutilation/cutting (FGM/C). The NCCW and the Ministry of Justice drafted a law in 2015, following the National Assembly 2007 recommendation.
265. Initially, the Child Act 2010 intended to criminalize FGM/C. Despite the efforts of government, opposition and civil society organizations, the clause that would have done this was deleted in the National Assembly before the Act was allowed to pass<sup>312</sup>. Some states including Gedarif, Red Sea,

<sup>311</sup> Information obtained from the National DDR Commission in January 2016. It reflects the registered children in all states where the DDR programme is operational.

<sup>312</sup> Al-Nagar S. & Tønnessen L. *Sudan Country Case Study: Child Rights* (2011) Stockholm: SIDA p. 12.





South Darfur and South Kordofan have passed laws prohibiting FGM/C but none are being enforced due to civil opposition to them (*see section 2.2*).

266. The lack of legislation to prevent FGM/C practices is highlighted in the 2014 UNCCPR review, although the committee welcomes government efforts so far made to combat it<sup>313</sup>. With no current, enforceable laws against FGM/C at national and state levels, the authors have found no reports of any resulting prosecutions.
267. Whilst legislation in Sudan is an important tool in combating FGM/C, it will not be enough to eradicate it. A National Strategy for Abolition of Female Genital Mutilation During the 2008-2018 Generation (*see section 2.3*) includes strategic measures, including the training and education of FGM practitioners against the practice. Research conducted in 2012 in Kassala state found that most community midwives practiced FGM/C, did not see this as harmful, and insisted on it for cultural reasons<sup>314</sup>. The Ministry of General Education has also introduced a basic school curriculum to counter traditional FGM beliefs. No research study has been carried out to confirm the impact of the curriculum in reducing the FGM.
268. A key part of the strategy is the national *Saleema* campaign, launched in 2009, with active engagement of both governmental and non-governmental parties, and with community

<sup>313</sup> UN International Covenant on Civil and Political Rights Human Rights Committee. *Concluding Observations* para. 13.

<sup>314</sup> Aziem A. 'Knowledge and attitudes of female genital mutilation among midwives in eastern Sudan' (2012) *Reproductive Health* 9 available at US National Library of Medicine National Institutes of Health <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3499224/> (accessed 16 October 2015).

empowerment at its heart. *Saleema* roughly translates as ‘whole’ or ‘pure’, to counter beliefs that an uncut girl is unclean and imperfect. A 2011 NORAD/SIDA evaluation of child rights in Sudan reported no reduction in FGM nationally over the past 10 years, but found that public perceptions had changed, with more open discussion about the practice<sup>315</sup>.

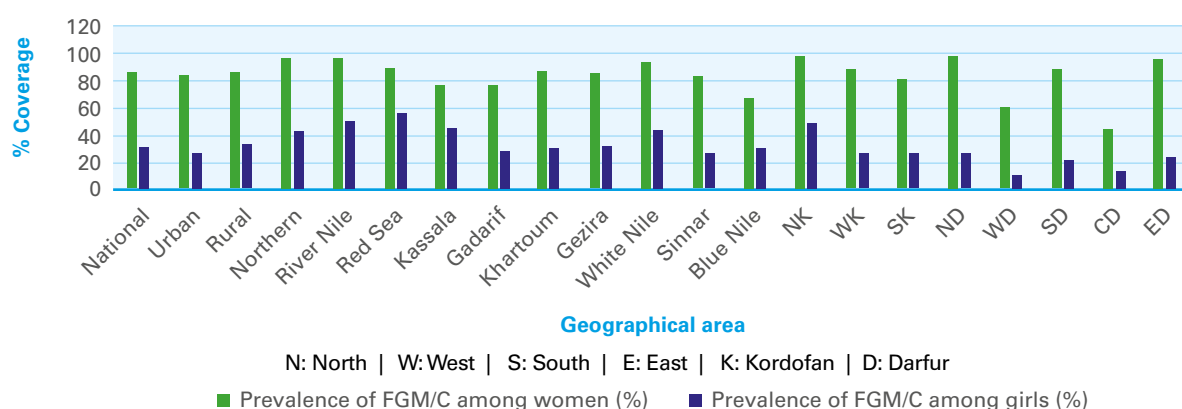
269. In 2013, *Saleema* was reported active in 960 Sudanese communities in 12 states, with developed networks of women, young people, traditional leaders, religious scholars, lawmakers and media representatives disseminating its messages advocating for collective action to abandon FGM/C<sup>316</sup>.

### **Existing female genital mutilation/cutting situation**

270. Female genital mutilation/cutting is widely accepted and practiced in Sudan. Given reasons for practicing FGM/C include: assuring the cleanliness, hygiene and purity of the female; increasing a woman’s marriage chances; increasing male desire; and for religious reasons. Traditional birth attendants, and some nurse midwives are the main circumcisers. The majority of FGM/C is by infibulation (or ‘pharaonic’ circumcision) and takes place between the ages of 5-11 years. It is often performed again, after every birth, through re-infibulations<sup>317</sup>.
271. According to a 2006 Sudan Household Health Survey (SHHS), about 90 per cent of 15-49 year-old women were cut. This figure dropped to 86 per cent in 2010<sup>318</sup>. While using a different methodology than the two previous SHHSs, the MICS 2014 data showed that 86.6 per cent of women aged 15-49 years were cut. The prevalence amongst girls between 0-14 years old declined from 37 per cent in 2010 to 31.5 per cent in 2014 (as reported by mothers)<sup>319</sup>.

Prevalence of FGM/C among girls by state is shown in Figure 7. Occurrence was in all states but with wide variation, from 12.1 per cent in West Darfur to 55.6 per cent in Red Sea state. By wealth quintile, there was little difference, at around 30 per cent prevalence per quintile<sup>320</sup>.

**Figure 7: Prevalence of FGM/C: women/girls (2014)**<sup>321</sup>



<sup>315</sup> Al-Nagar S. & Tønnessen L. *Sudan Country Case Study: Child Rights* (2011) pp 25-25, quoting Ahmed, S., et al. Sudan: An In-depth Analysis of Social Dynamics of Abandonment of FGM/C (2009)

<sup>316</sup> UN Population Fund & UNICEF *Aligning with Local Cultures to End Female Genital Mutilation/Cutting* (2013) New York: UNFPA p. 13.

<sup>317</sup> Federal Ministry of Health & Central Bureau of Statistics *Sudan Household Health Survey* (2010) pp. 197-8.

<sup>318</sup> Pan African News Agency available at <http://www.panapress.com/Stakeholders-unite-to-end-Female-Genital-Mutilation-in-Sudan-in-2018-12-817647-25-lang2-index.htm> (accessed 15 October 2015).

<sup>319</sup> Ministry of Cabinet Central Bureau of Statistics *MICS Key Findings 2014* p. 14.

<sup>320</sup> UNICEF Sudan *MICS Donor Briefing Presentation* (2015) (Powerpoint slides).

<sup>321</sup> UNICEF Sudan *MICS Donor Briefing Presentation* (2015) (Powerpoint slides).

### ***Choice not to cut***

272. There is evidence that the intention to cut daughters has decreased. The attitude of women aged 15 to 49 years in favour of cutting has declined progressively, from 79.0 per cent in 1990 to 40.9 per cent in 2014<sup>322</sup>. This suggests that campaigns such as *Saleema* can have a positive impact over time on attitudes.
273. However, the FGM practice-based evidence above shows that the rate of cutting has either stopped declining in the past five or six years, or may even have increased. If this is the case, it implies that community-based campaigns alone may not empower women and families as intended. Research in 2015 from Gezira state strengthens this view. It suggested that 'marriage pools' (extended family groupings formed through inter-marriage) may have a markedly stronger influence on the decision to cut girls than physical or geographical communities do<sup>323</sup>.

## **7.5 Forced and child marriage**

### ***Legislation and policy***

274. There is no legislation in Sudan to prohibit child marriage. The 2010 Child Act, for example, does not mention marriage in this context. Article 40 of the 1991 Muslim Personal Law states that: 'The **guardian of a minor girl (10 years) cannot conclude her marriage contract** unless there is permission from the judge. The guardian has to prove that the marriage will benefit the minor girl that the husband is suitable and the husband pays the dowry usually paid to women of her status' (*author's emphasis*).
275. Sudan also made reservations to the African Charter on the Rights and Welfare of the Child 2008, including to Article 10 that commits state parties to ban early marriage and to Article 21(2) that ensures pregnant girls have access to education.
276. The 2010 UNCRC review referred to 'child marriage' six times. It expressed concern about the lack of legislation to determine the correct age of childhood, the prevalence of early and forced marriage among girls, the lower levels of education amongst girls as a result and, through the government policy of keeping refugee and asylum seeking children in camps, their increased risk, among others, of child marriage<sup>324</sup>.
277. The development of a national Child Marriage Abandonment strategy began in 2014. A national dialogue was launched in December 2015 towards final endorsement of this strategy<sup>325</sup>.
278. The absence of legislation prohibiting early marriage means that it cannot be criminalised. Similarly, there is no legislation to differentiate between the ages at which girls and boys can marry, and the age of sexual consent has no legal meaning; although reaching puberty is a legal

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<sup>322</sup> UN Population Fund Sudan available at <http://countryoffice.unfpa.org/filemanager/files/sudan/facts/fgm.pdf> (accessed 20 November 2015) & Ministry of Cabinet Central Bureau of Statistics *MICS Key Findings 2014* p. 14.

<sup>323</sup> Efferson C. et al. 'Female genital cutting is not a social coordination norm' (2015) 349 *Science Magazine* pp. 1446-47.

<sup>324</sup> UN Committee on the Rights of the Child *Concluding Observations* (paras 27, 56, 66 and 70 respectively).

<sup>325</sup> National Council for Child Welfare, Director of International and Regional Reports, Personal Communication, 14 January 2016.

prerequisite for marriage. Judicial interpretation has generally considered 18 years to be the legal marriage age but research evidence demonstrates that many children marry much earlier, in line with customary practices<sup>326</sup>.

279. The authors of this report did not find literature on preventive measures taken by the state to restrict forced marriages. There are no official reports of early or forced marriage.

### **Statistical evidence**

280. Child marriage is widespread in Sudan with more than one in ten girls married before 15 years, and one in three before 18 years old<sup>327</sup>. For the legal (and societal) reasons explained in the previous subsection, child marriage is fully permitted. This means that ideas of forced marriage are not really recognized, and that there is no reporting of its extent.
281. Data from the 2010 Sudan Household Health Survey (SHHS) showed that the likelihood of child marriage was greater in rural (42%) than urban (29%) areas. It noted many factors that place a girl at risk of child marriage including poverty, beliefs in how best to protect girls, and family honour codes. Young married girls are also required to perform heavy domestic work<sup>328</sup>. When vulnerable children were interviewed, the risk of child marriage was their second greatest concern, and also one of the risks that was most likely to go unreported<sup>329</sup>.
282. Research from 2013 showed high rates of child marriage in all six states studied: South (58%), East (45%), West (58%), and Central (55%) Darfur, Khartoum (50%) and Gedarf (57%). in rural areas compared to urban ones more girls married from the age of 10 years. This study also found that in over 20 per cent of cases the husband's age was under 18 years<sup>330</sup>.
283. A study in east, north and west Sudan included interviews with 1,700 married women aged 35 years or younger. Nearly 46 per cent had married before the age of 18 years. The highest prevalence of child marriage was among those living rurally, those without secondary education, and those whose parents had more than five children<sup>331</sup>.
284. Compared with 2010 SHHS data, MICS 2014 data suggested that child marriage rates may be rising. MICS reported that 11.9 per cent of females aged 15 to 49 years reported marrying before the age of 15 (SHHS: 9.5%). Of women aged 20 to 49 years, 38 per cent were married for the first time before the age of 18 years (SHHS: 37.6%). The MICS data also showed that 21.2 per cent of women between the ages of 15 to 19 years were currently married<sup>332</sup>. The following table shows child marriage prevalence by state.

<sup>326</sup> National Council for Child Welfare & UNICEF *KAP Study on Child Marriage Early/Child Marriage in Six States* (South Darfur, East Darfur, West Darfur, Central Darfur, Gedarf and Khartoum) in Sudan July-December 2013 (2014) p. 30 (hereafter KAP Study).

<sup>327</sup> Ministry of Cabinet Central Bureau of Statistics *MICS Key Findings 2014* p. 14.

<sup>328</sup> Federal Ministry of Health & Central Bureau of Statistics *Sudan Household Health Survey* (2012) pp. 191 & 194.

<sup>329</sup> Dafaalla N. & Yousif E. *A Study on Children's Protection Mechanisms* (2011) pp. 20 & 26.

<sup>330</sup> National Council for Child Welfare & UNICEF *KAP Study* p. 51.

<sup>331</sup> Ali A. et al. 'Socio-demographic factors affecting child marriage in Sudan' (2014) 3 *Women's Health Care*, p. 1.

<sup>332</sup> Ministry of Cabinet Central Bureau of Statistics *MICS Key Findings 2014* p. 14.

**Table 21: Child marriage by state (2014)**<sup>333</sup>

Area Name	Marriage before age 15 (women aged 15-49 years)	Marriage before age 18 (women aged 20-49 years)	Young women aged 15-19 years currently married
Blue Nile	16.50	50.10	29.90
Central Darfur	16.40	54.60	22.50
East Darfur	15.30	57.40	26.30
El Gezira	8.70	29.70	21.10
Gedarif	14.90	49.30	33.10
Kassala	18.60	45.10	29.80
Khartoum	6.90	26.50	12
North Darfur	12.90	47	16.60
North Kordofan	15.60	39.10	27.60
Northern	5.10	19	13.60
Red Sea	10	32.20	23
River Nile	6.20	21	22.30
Sennar	12.30	34	19.20
South Darfur	17.80	55.70	23.70
South Kordofan	18	46.70	20.10
Sudan	11.90	38	21.20
West Darfur	14.10	43.90	20.50
West Kordofan	13.50	40.80	19.60
White Nile	9.10	36.90	20.80

## 7.6 Domestic violence

285. Article 5(2k) of the Child Act 2010: ‘Ensures the protection of a male, or female Child, against all types and forms of violence, injury, inhuman treatment, or bodily, ethical or sexual abuse, or neglect or exploitation’. Implementation of this article is the responsibility of justice for children institutions, including FCPUs, child prosecutors and child courts. The same article covers all types of violence against children, including domestic types.
286. Article 29(1) of the Child Act states that: ‘Not one of the following sanctions shall be inflicted on children in school: (a) cruel penalties; (b) reprimand by expressions, which are degrading dignity; (c) deprivation of attending the class, unless attendance of the pupil causes impediment to the progress of study; (d) expulsion from the school during the progress of study.’

<sup>333</sup> Ministry of Cabinet Central Bureau of Statistics *Multiple Indicator Survey 2014* (2015) (raw data: no page numbers provided).



287. Since 2014, the Ministry of General Education and NCCW have been developing a bye-law on prohibited sanctions in education settings which elaborates more on violence at schools, *Khalwas* and other educational institutions for children. It will also guide the implementation of article 29 of the Child Act. The bye-law is in the process of being approved.
288. Strong cultural beliefs and attitudes mean that some protection risks may go unreported (eg. corporal punishment, FGM and child marriage). Nearly 29 per cent of women, and about a third of men interviewed in the MICS 2014 survey agreed that children should be physically punished. Nearly 64 per cent of children questioned had experienced ‘violent discipline’ (psychological aggression or physical punishment) ‘in the last month’ (*see section 6.4*). The table below shows the same MICS data in more detail<sup>334</sup>.

**Table 22: Per cent of children undergoing child disciplining**

Description	Children 1-14 years old %
Physical punishment/severe	14
Physical punishment/other	34
Psychological aggression	53
Non violent discipline only	22
Any violent discipline	64

289. The National Mechanism for FCPUs keeps records through its child friendly services of cases of child victims of violence. However, the authors could not find specific information on child victims of domestic violence. FGM/C may be considered as a kind of domestic violence in the Sudanese context because children are cut within family environments.
290. Training workshops were organised to train the social service workers who run FCPUs. These provided training on domestic violence (among other topics) in the context of children’s rights and child protection and were organised by the national FCPUs’ mechanism, as well as national and international NGOs<sup>335</sup>.

## 7.7 Child labour

### *Legislation and policy*

291. Sudan’s 1997 Labour Act defines a child as any person below the age of 16 years. The Act includes articles to protect children and defines the age at which they can work. Article 21 defines both the conditions that allow child labour, and the work that children must not do. It prohibits children’s work at night (between 20.00 and 07.00 hours) and children must have a medical check before they can work.

<sup>334</sup> Ministry of Cabinet Central Bureau of Statistics *MICS Key Findings 2014* p. 13.

<sup>335</sup> National Council for Child Welfare *Mapping/Assessment* p. 52.



292. In accordance with Article 87 of the Child Act 2010, the NCCW, in collaboration with the Ministry of Labour (ML) and a technical expert committee, developed the Child Work Regulation. It makes specific provisions for the work that children can and cannot undertake, including prohibiting many types of harmful work (each specified within the Regulation)<sup>336</sup>.
293. The 2010 Child Act, chapter 7 prohibits work of children under the age of 14 and states that they must not be involved in harmful work. (There is contradiction between the Labour and Child Act in working ages – *see Table 5* however the Child Act prevails over any other provision in any other law (article 3, Child Act 2010)). Sudan ratified ILO Conventions 138 and 182 (on the worst forms of child labour: *see section 2.1*), Convention 132, determines the minimum working age at 18 years for hard and dangerous work, 15 years for “safe work” and 12 years for any work that does not affect a child’s education. Child prostitution is banned under chapter 9 (articles 45-47) of the 2010 Child Act.

### ***Situation***

294. The 2015 annual ML report showed that the national economic situation has contributed to increasing the problem of child labour<sup>337</sup>. MICS 2014 data estimated that 24.9 per cent of children aged five to 17 years old work<sup>338</sup>.
295. Although the ML and other reports contain much generic information about working children in Sudan, there are no official sources reporting on the worst forms of child labour. There is no official data on children involved in prostitution, pornography, and drug dealing, child slave labour, or debt bondage and other forced child labour. A special children’s section was established at the ML to:
- Observe child labour conditions.
  - Work to stop child labour, especially the worst types.
  - Develop national legislation to protect working children.
  - Conduct research to support relevant international child labour conventions.
296. There is no agreement between the Ministries of General Education and Labour on ensuring that children who work also have proper access to education. There are no official reports on whether the work they do is harmful to any children<sup>339</sup>.

## **7.8 Children living and/or working on the streets**

297. Very limited information is available on street children<sup>340</sup>, from either official or independent sources although it is an issue of concern for the Ministry of Welfare and Social Security (MWSS). No disaggregated data (e.g. by state, age, or sex) was found.

<sup>336</sup> Ministry of Labour Child Work Regulation. This regulation is finalised and is, as of January 2016, with the Minister awaiting signature.

<sup>337</sup> Ministry of Labour and Administrative Reform Woman and Child Directorate and Persons with Disabilities *Annual Report* (2015) p. 3.

<sup>338</sup> Ministry of Cabinet Central Bureau of Statistics *MICS Key Findings 2014* p. 13.

<sup>339</sup> Ministry of Labour and Administrative Reform, Head of Children, Personal Communication, 30 November 2015.

<sup>340</sup> The definitional section of the Child Act uses the term ‘vagrant child’ instead of the term street children.

298. A 1991 study by the Ministry of Welfare and Social Development and international agencies estimated that there were about 36,931 vagrant children throughout Sudan, not including what is now South Sudan. According to the same study there were 14,336 children living in the streets in Khartoum State. This number declined in 2003 to 7,000 and in 2008 to 7,474<sup>341</sup>. A 2012 Khartoum State MWSS survey indicated that there were only 2,447 children living and/or working in the Khartoum state streets<sup>342</sup>. As with many other capital cities globally, Khartoum city is home to a large population of street children<sup>343</sup>.
299. There is no authoritative, current information on how street children are treated by officials and others. The Khartoum State Ministry of Welfare and Social Development supports street children at three centres in Khartoum that provide temporary accommodation, health services, psychosocial and psychological support and help to reunite them with their families. These centres offer simple life skills training and recreation activities, and one of them is only for girls (*see section 6.5*).

## 7.9 Refugee and internally displaced children

300. A law regulating asylum procedures exists, the Asylum Regulation Act of 1974, amended in 2014. Refugees in Sudan can be separated into two major groups: they are either urban refugees in the main towns and cities, or they live in refugee camps in eastern Sudan. This report found no references to other known groups of refugees (including children).
301. All registered urban refugee children are accompanied (i.e. are with their families). According to the report of the Commission of Refugees (COR), the number of registered and accompanied refugee children in Khartoum in 2014 was 5,309<sup>344</sup>. The COR has also stated that the actual number of refugee children living in urban areas is much greater than this, because many of them are travelling without registration. Except for Khartoum, refugees living in urban centres are not registered, so no figures have been found on the numbers of refugee children living elsewhere. The Commission of Refugees also registered 9,730 unaccompanied or separated refugee children (UASC) living in camps in 2014, as shown in the table from COR below<sup>345</sup>.

<sup>341</sup> Save the Children USA, UK and Sweden in collaboration with NCCW and Khartoum State Council for Child Welfare *Market and Street children* 2003 and UNICEF and NCCW in collaboration with the Research and Studies Development Center *Situation Analysis and Needs of Street Children Study* Khartoum University 2007.

<sup>342</sup> Ministry of Social Development Khartoum State *Annual Progress Report* (2013) p. 6.

<sup>343</sup> Khartoum state has the largest population of all Sudan's states (*see Table 1*).

<sup>344</sup> Ministry of Interior Commission of Refugees *Annual Statistical Report 2014* (2015) p. 62.

<sup>345</sup> Ministry of Interior Commission of Refugees *Annual Statistical Report 2014* (2015) p. 74.

**Table 23: Registered unaccompanied and separated children in camps (2014)**

UASC (number)	Registration year
737	2008
610	2009
1,262	2010
1,833	2011
957	2012
1,051	2013
1,771	2014

302. Table 24 data shows that most registered refugees were originally from South Sudan and other countries. According to UNOCHA figures for December 2015, there were 197,635 refugee arrivals from South Sudan since mid-December 2013<sup>346</sup>.

**Table 24: Estimated refugees and asylum seekers (December 2015 from COR & HAC)**

Country of origin	Total
South Sudan	352,740
Eritrea	125,540
Ethiopia (asylum seekers)	20,720
Syria (children only)	5,497
DR Congo (asylum seekers)	990
Central African Republic	2,430
Chad	37,780
<b>Total</b>	<b>545,697</b>

303. Refugee children with their families have also fled into Sudan from other countries. Most live in camps in West and South Kordofan and White Nile (bordering South Sudan), Kassala, and Gedarf (bordering Eritrea and Ethiopian) states, and a camp in Khartoum. A smaller number live outside camps in urban areas, mainly in Khartoum. There are several refugee camps managed by COR and the Humanitarian Aid Commission manages IDP camps<sup>347</sup>.
304. A 2014 amendment to the 1974 Refugee Organisation Law makes COR responsible for facilitating health, education and other services for all refugee (but not asylum seeking) children. So far, COR has only provided these services for Ethiopian, Eritrean refugees and refugees of other nationalities, both children and adults<sup>348</sup>.

<sup>346</sup> UN Office for the Coordination of Humanitarian Affairs *Sudan Humanitarian Bulletin* (2015) Issue 45, p. 1.

<sup>347</sup> For updated information on the number and locations of refugee and IDP camps see UNHCR Sudan website available at <http://www.unhcr.org/pages/49e483b76.html>.

<sup>348</sup> Ministry of Interior Commission on Refugees, Director of Planning and Programmes, Personal Communication, 2 December 2015.

305. COR in collaboration with UNHCR conducted a population assessment of urban refugees and asylum-seekers in Khartoum in 2014 to help determine a strategy to address the needs of around 32,000 urban refugees. This will build on the registration of refugees in Khartoum and will be carried out jointly by UNHCR and COR. Key areas for interventions will include livelihoods, education and health<sup>349</sup>.
306. UNOCHA estimated that there were 3.1 million displaced people in Sudan up to December 2014<sup>350</sup>. Registered IDPs, including children, all live in camps, some of them in camps in their state of origin. Others have arrived from neighbouring states (e.g. in the case of North Kordofan where there is no conflict but it hosts many IDPs from South Darfur and South Kordofan). All basic services for these children are provided by the government, other local, and international agencies. This report found no information about IDP children who may live outside camps.

**Table 25: Internally displaced people by state**<sup>351</sup>

State	Total
North Darfur	472,902
South Darfur	642,899
West Darfur	266,744
East Darfur	184,385
Central Darfur	410,258
South Kordofan	184,000
West Kordofan	8,300
Blue Nile	47,392
Sinnar	1,559
Red Sea	1,600
Khartoum	5,200
White Nile	318
<b>Total</b>	<b>2,225,557</b>

<sup>349</sup> UNHCR Country Operations Profile 2015 Sudan available at <http://www.unhcr.org/pages/49e483b76.html> (accessed 2 January 2016).

<sup>350</sup> UN Office for the Coordination of Humanitarian Affairs *Sudan Humanitarian Bulletin* (2015) Issue 45, p. 1.

<sup>351</sup> Ministry of Welfare and Social Security Humanitarian Aid Commission *Statistics of Affected Population (IDPs): Report of November 2015* (2015) (n.p.).



## 8 Returning separated or unaccompanied children and families

### 8.1 Return agreements

307. Agreements were signed between Kenya, Ethiopia and Somalia<sup>352</sup> for all separated and unaccompanied children to protect them when crossing international borders between the three countries. UNICEF and Save the Children coordinated the development of a memorandum of understanding with South Sudan, signed in 2010 between the National Council for Child Welfare (NCCW) and the Ministry of Gender, Child and Social Welfare<sup>353</sup> of South Sudan in 2010. It aims to support children before, during and after return to their home countries. It has not been renewed since 2012 but still functions. No other agreements exist.

### 8.2 Family tracing and reunification for unaccompanied and separated children

308. The Sudan/South Sudan MOU also clarifies roles and responsibilities with regard to the establishment of the Family Tracing and Reunification (FTR) Common System, and regulates data sharing and management. The NCCW has established a family tracing system for all children (whether or not of Sudanese origin) on Sudanese territory comprising a national FTR committee to coordinate with the State Councils for Child Welfare (SCCW) through NCCW. The State FTR committees, including community based working groups (CBWGs) for child protection, cooperate with the SCCWs and State Ministries of Social Welfare (SMSWs).

<sup>352</sup> UN High Commissioner for Refugees *Voluntary Repatriation of Somali Refugees from Kenya: Operations Strategy 2015-2019* (2015) p. 6.

<sup>353</sup> National Council for Child Welfare, Director of International and Regional Reports, Personal Communication, 12 October 2015.

309. Membership of the CBWGs includes community and tribal leaders, teachers, midwives, social workers and NGOs responsible for the identification of unaccompanied and separated children (UASC) at grass roots levels. They report identified cases to the SMSWs and share information with state authorities that report back to the SCCW. NCCW shares this information with the national FTR committee to register in the national database. Information from October 2015 on the number of UASC is shown below (*see section 6.4*).

**Table 26: Separated and unaccompanied children by place (state) of registration**<sup>354</sup>

State	Separated			Unaccompanied			Total
	Female	Male	Total	Female	Male	Total	
Blue Nile	110	233	343	0	2	2	345
East Darfur	0	0	0	0	1	1	1
Khartoum	229	329	558	29	328	357	915
North Darfur	16	21	37	0	0	0	37
North Kordofan	0	3	3	0	0	0	3
West Darfur	1	12	13	0	0	0	13
West Kordofan	0	5	5	0	0	0	5
White Nile	81	116	197	0	0	0	197
<b>Total</b>	<b>437</b>	<b>719</b>	<b>1,156</b>	<b>29</b>	<b>331</b>	<b>360</b>	<b>1,516</b>

310. The FTR system is working: for example, community social workers in South Kordofan assess the situation of children for tracing and reunification and intervene as appropriate<sup>355</sup>. The Disarmament, Demobilisation and Reintegration (DDR) programme also contains specific FTR activities<sup>356</sup>. NCCW coordinates FTR activities nationally, and a number of international agencies (eg. UNHCR, UNICEF, Save the Children) also work in this field (*see section 6.5*). There are no cadres of social workers, or specialist centres, to provide regular counseling or psychosocial support to unaccompanied and separated children in any state.
311. There is no information available for guardianship for UASC in this context.

### 8.3 Return conditions

312. UNHCR planning figures were for 10,000 ex-refugee and 20,000 ex-IDP returnees by December 2015<sup>357</sup>. Their quoted numbers for the previous year (to January 2015) were 12,000 and 20,000 respectively. There were no reports found of restrictions placed on children and their families for where they chose to settle. However, children and their families usually select a safe state.

<sup>354</sup> National Council for Child Welfare *FTR National Program* p. 7.

<sup>355</sup> National Council for Child Welfare *FTR National Program* p. 4.

<sup>356</sup> National Council for Child Welfare *Mapping/Assessment* p. 23.

<sup>357</sup> UNHCR Country Operations Profile 2015 Sudan available at <http://www.unhcr.org/pages/49e483b76.html> (accessed 2 January 2016).



313. The largest number of IDP unaccompanied and separated children (900) settled in Khartoum state (Khartoum was not their state of origin and is not directly affected by armed conflict). Refugee and asylum seeking children live both in camps and host communities. No reports have been found of children or their families being victims of security incidents, or being detained. There is no official evidence, of children or families being detained for illegal emigration, or being discriminated against.
314. There are no generic reintegration programmes that specifically support returning unaccompanied and separated children (whether IDP or refugees) and their families. In 2012, concerned by the rising rates of unemployment among vulnerable (including returned) young people, and especially young women, the government initiated a programme to support small scale business and microfinance especially for youth and women<sup>358</sup>. This continues, and includes young people displaced by conflict within its target groups. There is also a special programme for children recruited by armed movements: the DDR activities (*see section 7.3*) that includes income generation.
315. The authors found no reports of returned children who face problems in accessing education or health care due to language barriers or because they lack documentation. The DDR programme contains special education and health measures. Civil registration is organised in cooperation with SCCWs and CBWGs which help returned children obtain identity cards, citizenship, and other documentation needed to access health and education services within the FTR process.

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<sup>358</sup> Central Bank of Sudan Policies for the Year 2012 available at <http://www.cbos.gov.sd/en/node/3324> (accessed 13 January 2016).

## STATISTICS

The country report on Sudan can be found at:

<http://www.unhcr.org/pages/49e483b76.html>

The Concluding Observations for Sudan's Periodic Reports of the UN Committee on the Rights of the Child can be found at:

[http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=SDN&Lang=EN](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=SDN&Lang=EN)

Demographic Information	Numbers	Source
Total Population (2013) Thousands.	37,964	UNICEF 2014
Population under 18 (2013) Thousands.	18,135	UNICEF 2014
Population under 5 (2013) Thousands.	5,722	UNICEF 2014
Infant mortality rate (under 1) (2013) Expressed per 1,000 live births.	51	UNICEF 2014
Under-5 mortality rate (2013) Expressed per 1,000 live births.	77	UNICEF 2014

### UNICEF 2014

The State of the World's Children 2015 (Publication date November 2014)

[http://www.unicef.org/publications/index\\_77928.html](http://www.unicef.org/publications/index_77928.html)

Last checked on January 15, 2016.

# BIBLIOGRAPHY

## Documents

1. African Child Policy Forum (ACPF) *African Report on Child Wellbeing 2013: Towards Greater Accountability to Africa's Children* (2013) Addis Ababa, ACPF.
2. African Child Policy Forum *African Report on Violence Against Children* (2014) Addis Ababa: ACPF.
3. African Commission on Human and People's Rights (ACHPR) *Concluding Observations and Recommendations on the 4th and 5th Periodic Reports of The Republic of Sudan* (2012) Banjul, Gambia: ACHPR.
4. African Committee of Experts on the Rights and Welfare of the Child (ACERWC) *Recommendations of the African Committee of Experts on the Rights and Welfare of the Child to the Government of the Republic of the Sudan on the Initial Report on Implementation of the African Charter on the Rights and Welfare of the Child* (2013) Addis Ababa: ACERWC.
5. African Network for the Prevention and Protection Against Child Abuse and Neglect (ANNPPCAN) *Roles and Functions of National Child Protection Institutions and Definition of Human Resource in Eastern Africa Region* (2015) Nairobi: ANNPPCAN.
6. Ali A. et al. 'Socio-demographic factors affecting child marriage in Sudan' (2014) 3 *Women's Health Care*.
7. Al-Nagar S. & Tønnessen L. *Sudan Country Case Study: Child Rights* (2011) Stockholm: SIDA.
8. Aziem A. 'Knowledge and attitudes of female genital mutilation among midwives in eastern Sudan' (2012) *Reproductive Health* 9 (Available at US National Library of Medicine National Institutes of Health <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3499224/> (accessed 16 October 2015).
9. Bekkin R. 'Sudan: forgotten centre of Islamic finance' (2009) 171 *New Horizon*.
10. Central Bank of Sudan (CBOS) *54th Annual Report 2014* (2015) Khartoum: CBOS.
11. Conradi C. *Child Trafficking, Child Soldiering: Exploring the Relationship Between Two Worst Forms of Child Labour* (2013) Halifax, Canada: Dalhousie University.
12. Dafaalla N. & Yousif E. *A Study on Children's Protection Mechanisms* (2011) Khartoum: Save the Children Sweden.
13. Damaj M. *Analysis of the Situation of Children with Disabilities in Sudan* (2013) Khartoum: UNICEF.
14. Efferson C. et al. 'Female genital cutting is not a social coordination norm' (2015) 349 *Science Magazine*.

15. Elhassan N. et al. 'Water supply and basic sanitation in primary schools in Khartoum, Sudan' (2015) 2 *Indian Journal of Medical Research and Pharmaceutical Sciences*.
16. Federal Ministry of Health (FMH) *Annual Health Statistical Report* (2011) Khartoum: FMH.
17. Federal Ministry of Health & Central Bureau of Statistics *Sudan Household Health Survey: Round 2 2010* (2012) Khartoum: FMH.
18. Frah E. 'Reasons for low birth registration in Sudan' (2015) 7 *Journal of African Studies and Development*.
19. (Government of Sudan) *Universal Periodic Review of the United Nations Human Rights Council Sudan's National Mid-Term Report* (2013) (s.l: s.n).
20. International Development Association *Interim Strategy Note (FY 2014-2015) for the Republic of the Sudan* (2013) World Bank [s.l.].
21. International Development Law Organisation (IDLO) & UNICEF Promotion of Diversion and Alternative Measures to Detention for Children in Conflict with the Law: MENA Region Multi-Country Report Jordan, Sudan, Tunisia (2015) (s.l): IDLO & UNICEF.
22. International Monetary Fund (IMF) *Sudan Interim Poverty Reduction Strategy Paper* (2013) Washington, DC: IMF (IMF Country Report No. 13/318).
23. Khartoum State Council for Child Welfare (KSCCW) *Situation of Children in Khartoum State* (2014) Khartoum: KSCCW.
24. Khartoum State Ministry of Social Development (KSMSD) *Annual Progress Report* (2013) Khartoum: KSMSD.
25. League of Arab States (LAS) *Recommendations of the UN Secretary-General's Study on Violence Against Children: Second Report 2010-2012* (2013) Cairo, Egypt: LAS.
26. Ministry of Cabinet Central Bureau of Statistics (CBS) *The Final Population Projections 2008-2038* (2010) Khartoum: CBS.
27. Ministry of Cabinet Central Bureau of Statistics *Population Size, Growth, Distribution and Structure* (2010) Khartoum: CBS .
28. Ministry of Cabinet Central Bureau of Statistics *Statistical Year Book for the Year 2009* (2010) Khartoum: CBS.
29. Ministry of Cabinet Central Bureau of Statistics *Multiple Indicator Survey 2014* (2015) Khartoum: CBS (Raw survey data).
30. Ministry of Cabinet Central Bureau of Statistics *Sudan Multiple Indicator Cluster Survey 2014 Key Findings* (2015) Khartoum: CBS.

31. Ministry of Finance and National Economy (MF) *Annual Report 2014* (2015) Khartoum: MF.
32. Ministry of Finance and National Economy & Central Bureau of Statistics *National Baseline Household Survey* Khartoum: MF (2010).
33. Ministry of General Education (MGE) *Educational Statistics Report for the Years 2012/13* (2014) Khartoum: MGE.
34. Ministry of General Education *National Report for Evaluating the Objectives of Education for All Between 2000-2015* (2014) Khartoum: MGE.
35. Ministry of General Education Education Planning Directorate *Educational Statistics 2011/12* (2013) Khartoum: MGE.
36. Ministry of Interior (MI) Commission of Refugees *Annual Statistical Report 2014* (2015) Khartoum: MI.
37. Ministry of Labour and Administrative Reform (ML), Woman and Child Directorate and Persons with Disabilities *Annual Report* (2015) Khartoum: ML.
38. Ministry of Welfare and Social Security (MWSS) Humanitarian Aid Commission *Statistics of Affected Population (IDPs): Report of November 2015* (2015) Khartoum: MWSS.
39. Mohammed A. & Ahmed U. *Evaluation Study for Foster Family Care Programme in Khartoum State for the Period 2004-2014* (2015) Khartoum: Ministry of Guidance and Social Development.
40. National Council for Child Welfare (NCCW) *FTR National Program, Database Summary Report October 2015* (2015) Khartoum: NCCW.
41. National Council for Child Welfare *Mapping/Assessment of Child Protection System in Sudan: Focus on Social Welfare System. Draft* (2015) Khartoum: NCCW.
42. National Council for Child Welfare *Multiple Indicators Adolescents Health Survey Report in 3 Localities in Khartoum* (2014) Khartoum: NCCW.
43. National Council for Child Welfare *National Policy on Welfare and Protection of Children Deprived of Parental Care* (2011) Khartoum: NCCW.
44. National Council for Child Welfare *NCCW Annual Progress Report* (2013) Khartoum: NCCW.
45. National Council for Child Welfare & UNICEF *End Year Review* (2015) Khartoum: NCCW (Power-point slides).
46. National Council for Child Welfare & UNICEF *KAP Study on Child Marriage Early/Child Marriage in Six States (South Darfur, East Darfur, West Darfur, Central Darfur, Gedarif and Khartoum) in Sudan July-December 2013* (2014) Khartoum: NCCW.

47. National Council for Child Welfare & UNICEF *State of Sudanese Children Report* (2011) Khartoum: NCCW.
48. National Council for Child Welfare, UNICEF & Ahfad University for Women *Psycho-Social Support in Child Friendly Spaces Study* (2014) Khartoum: NCCW.
49. Nilsson A. *The Eastern and Central Africa Contextual Analysis: an Assessment of Ethiopia, Kenya And the Sudan 2013-2016*. (2012) Nairobi: Save the Children Sweden.
50. Out-of-School Children Study National Team *All Children in School by 2015 Global Initiative on Out of School Children: Sudan Country Report on OOSC Study 2013* (2014) (s.n.): Khartoum.
51. [Protection Sector Members] *Sudan Protection Sector Strategy 2013-2014* (2013) Khartoum: [s.n.].
52. Save the Children (SC) *Unspeakable Crimes: Changing the Law* (2013) London: SC.
53. Security Council Report (SCR) *Children and Armed Conflict: Cross-Cutting Report* (2015) New York: SCR.
54. Shulli A. et al *Sudanese Attitudes and the Institutional Set Up for Alternative Family Care* (2003) (s.l.): African Management Systems Company.
55. Tønnessen L. *Gendered Citizenship in Sudan: Competing Perceptions of Women's Civil Rights within the Family Laws among Northern and Southern Elites in Khartoum* (2007) Bergen, | Norway: Christian Michelsen Institute (CMI Working Paper 4).
56. UN Committee on Economic, Social and Cultural Rights *Consideration of Reports Submitted by States Parties under Articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights: Second Periodic Report of States Parties Due in 2003 Sudan* (2013) New York: UN (E/C.12/SDN/2).
57. UN Committee on the Elimination of Racial Discrimination *Concluding Observations on the Combined Twelfth to Sixteenth Periodic Reports of Sudan* (2015) Geneva: UN (CERD/C/SDN/CO/12-16. Advance unedited version).
58. UN Committee on the Rights of the Child *Concluding Observations: Sudan* (2010) Geneva: UN (CRC/C/SDN/CO/3-4).
59. UN General Assembly Security Council (UNGASC) *Children and Armed Conflict: Report of the Secretary General* (2015) New York: UNGASC (A/69/926-S/2015/409).
60. UN High Commissioner for Refugees (UNHCR) *Live, Learn and Play Safe: Regional Initiative 2014-2016 Protecting Children at Risk in Egypt, Ethiopia, Sudan* (2013) (s.l): UNHCR.
61. UN High Commissioner for Refugees *Voluntary Repatriation of Somali Refugees from Kenya: Operations Strategy 2015-2019* (2015) Nairobi: UNHCR.



62. UN Human Rights Council *Report of the Independent Expert on the Situation of Human Rights in the Sudan Mashood A. Baderin* ((2014) New York: UN (A/HRC/27/69).
63. UN Human Rights Council *Universal Periodic Review Report of the Working Group on the Universal Periodic Review Sudan* (2011) New York: UN (A/HRC/18/16).
64. UN Interagency Group for Child Mortality Estimation *Levels and Trends in Child Mortality* (2015) New York: UNICEF.
65. UN International Covenant on Civil and Political Rights Human Rights Committee (ICCPR) *Concluding Observations on the Fourth Periodic Report of the Sudan* (2014) New York: ICCPR (CCPR/C/SDN/CO/419).
66. UN Office for the Coordination of Humanitarian Affairs *Sudan Humanitarian Bulletin* (2015) Issue 32.
67. UN Office for the Coordination of Humanitarian Affairs *Sudan Humanitarian Bulletin* (2015) Issue 45.
68. UN Population Fund (UNFPA) *State of World Population 2014: the Power of 1.8 Billion Adolescents, Youth and the Transformation of the Future* (2014) New York: UNFPA.
69. UN Population Fund *Population Dynamics of Sudan* (2014) Khartoum: UNFPA (Fact sheet).
70. UN Population Fund & UNICEF *Aligning with Local Cultures to End Female Genital Mutilation/ Cutting* (2013) New York: UNFPA.
71. UNICEF *Case Studies on UNICEF Programming in Child Protection* (2013) New York: UNICEF.
72. UNICEF *State of the World's Children 2015: Re-imagine the Future Innovation for Every Child* (2014) New York: UNICEF.
73. UNICEF Sudan *Country Office Annual Report 2014* (2015) Khartoum: UNICEF.
74. UNICEF Sudan *MICS Donor Briefing Presentation* (2015) Khartoum: UNICEF (Powerpoint slides).
75. University of Khartoum Faculty of Law & Sudan Human Rights Monitor *Constitutional Protection of Human Rights in Sudan: Challenges and Future Perspectives* (2014) (s.l): Redress (Seminar proceedings).
76. US Department of State *Trafficking in Persons Report* (2015) Washington, DC: USDS
77. Watkins C. & Adam E. *Review of the Children's DDR Programme in Darfur* (2012) (Khartoum): Sudan DDR Commission & UNICEF.
78. World Health Organisation *Preventing Suicide: A Global Imperative* (2014) Geneva: WHO.

## Internet sources

1. African Committee of Experts on the Rights and Welfare of the Child available at <http://acerwc.org/reservations/> (accessed 16 July 2015).
2. African Development Bank available at [www.afdb.org](http://www.afdb.org) Africa, Sudan (accessed 9 September 2015).
3. Central Bank of Sudan Policies for the Year 2012 available at <http://www.cbos.gov.sd/en/node/3324> (accessed 13 January 2016).
4. Countdown to 2015 available at [http://www.countdown2015mnch.org/documents/2014Report/Sudan\\_Country\\_Profile\\_2014.pdf](http://www.countdown2015mnch.org/documents/2014Report/Sudan_Country_Profile_2014.pdf) (accessed 1 October 2015).
5. CRIN Access to Justice For Children: Sudan (2015) available at <https://www.crin.org/en/library/publications/sudan-access-justice-children> (accessed 23 July 2015).
6. Global Health Observatory Data available at <http://apps.who.int/gho/data/node.main.506?lang=en> (accessed 30 September 2015).
7. Global Protection Cluster Child Protection available at <http://resourcecentre.savethechildren.se/sites/default/files/documents/0.20child20protection20facts20and20figures.pdf> (accessed 20 August 2015).
8. Human Trafficking Search available at <http://humantraffickingsearch.net/wp/camel-jockeys-in-the-uae/> (accessed 11 November 2015).
9. Knoema available at <http://knoema.com/HCOI2015JAN/health-care-outcome-index-2014?regionId=SD> (accessed 30 September 2015).
10. Minority Rights Group International World Directory of Minorities and Indigenous People Sudan Overview available at <http://www.minorityrights.org/4010/sudan/sudan-overview.html> (accessed 14 July 2015).
11. OHCHR Sudan available at <http://www.ohchr.org/EN/Countries/AfricaRegion/Pages/SDSummary2012.aspx> (accessed 24 September 2015).
12. Pan African News Agency available at <http://www.panapress.com/Stakeholders-unite-to-end-Female-Genital-Mutilation-in-Sudan-in-2018--12-817647-25-lang2-index.htm> (accessed 15 October 2015).
13. Social Institutions and Gender Index available at <http://genderindex.org/country/sudan> (accessed 30 July 2015).
14. Street Invest available at <http://www.streetinvest.org/project--sudan> (accessed 27 September 2015).
15. UNDP Arab Human Rights Index Sudan Human Rights Profile available at <http://www.arabhumanrights.org/en/countries/country.aspx?cid=18> (accessed 15 July 2015).
16. UNDP Sudan available at <http://www.sd.undp.org/content/sudan/en/home/countryinfo/> (accessed 12 July 2015).

17. UNHCR Country Operations Profile 2015 Sudan available at <http://www.unhcr.org/pages/49e483b76.html> (accessed 2 January 2016).
18. UNHCR Sudan Factsheet September 2014 available at <http://www.unhcr.org/524d87ac9.html> (accessed 30 September 2015).
19. UNICEF Sudan available at [http://www.unicef.org/sudan/media\\_6679.html](http://www.unicef.org/sudan/media_6679.html) (accessed 27 September 2015).
20. UN MDG Statistics updated March 2015 available at <http://mdgs.un.org/unsd/mdg/Resources/Static/Products/Progress2015/StatAnnex.pdf> (accessed 8 October 2015).
21. UN Population Fund Sudan available at <http://countryoffice.unfpa.org/filemanager/files/sudan/facts/fgm.pdf> (accessed 20 November 2015).
22. WHO List of Medical Devices available at [http://www.who.int/medical\\_devices/countries/sdn.pdf?ua=1](http://www.who.int/medical_devices/countries/sdn.pdf?ua=1) (accessed 30 September 2015).
23. Wikipedia available at [https://en.wikipedia.org/wiki/Capital\\_punishment\\_in\\_Sudan](https://en.wikipedia.org/wiki/Capital_punishment_in_Sudan) (accessed 19 October 2015).

## Legislative instruments

1. Armed Forces Act 2007 (amended 2014)
2. Asylum Regulation Act 2014
3. Civil Registry Law 2011
4. Child Act 2010
5. Child Care Act 1971
6. Combating Human Trafficking Act 2014
7. Criminal Law 1991
8. Decisions and decrees:
  - a. Constitutional Court No. 51/2013 (Decision)
  - b. Khartoum State Council of Ministers 1799/1997 (Decree)
9. Disability Act 2009
10. Domestic Servant Act 1955
11. General Education Planning Regulation Act 2001
12. Interim National Constitution of the Republic of Sudan 2005
13. Labour Law 1997
14. National Election Act 2008
15. National Service Law (amendment 2013)
16. Nationality Law 1994 (amended 2005 & 2010)
17. Penal Code 1983
18. Personal Law 1991 [for non-Muslims]
19. Personal Status Law of Muslims 1991
20. Police Act 2008
21. Popular Defence Forces Law 2010 (amendment 2013)
22. Public Health Law 2008

- 23. Refugee Act 1974
- 24. Regulations:
  - a. Child Work (finalised, awaiting signature)
  - b. Social Probation 2012
- 25. State Child Acts:
  - a. Gedarif 2009
  - b. Red Sea 2011
  - c. South Darfur 2011
  - d. South Kordofan 2008

### **Personal communications**

- 1. Khartoum State Ministry of Social Development, General Administration of Social Welfare, 10 December 2015.
- 2. Ministry of General Education, Director General of Qoranic Education and Islamic Studies, 24 November 2015.
- 3. Ministry of Interior Commission on Refugees, Director of Planning and Programmes, 2 December 2015.
- 4. Ministry of Labour and Administrative Reform, Head of Children, 30 November 2015.
- 5. National Council for Child Welfare:
  - a. Child Protection in Emergencies Coordinator, 29 October 2015
  - b. Director of Children Affected by Emergency and Conflict, 12 October 2015
  - c. Director of International and Regional Reports 12 October, 17 December 2015 & 14 January 2016
  - d. Director of Legislation and Justice for Children 12, 21, 27 October & 22 November 2015.
- 6. UNICEF Sudan, Child Protection Specialist, 28 September, 12, 28 October 2015 & 14 January 2016.

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