

ADVANCE QUESTIONS TO THE SUDAN – Add.1

BELGIUM

- UNICEF, the ILO Committee of Experts and the Committee on the Rights of the Child expressed their concerns on the recruitment of children by armed forces. What steps have been taken in response to those concerns? Is the Government considering ratifying the Optional Protocol to the Rights of the Child on the involvement of Children in Armed Conflicts?
- The Committee on the Rights of the Child noted that under the laws of the Sudan, cooperation with the International Criminal Court is effectively criminalized. What measures has the Government been taken to act upon the recommendation of the Committee to cooperate fully with, and provide any necessary assistance to, both the ICC and its Prosecutor, in accordance with Security Council Resolution 1593 (2005)?
- Is the Government of Sudan considering issuing a standing invitation to the special procedures?
- Is the Government of Sudan considering ratifying the Convention against Torture?
- Is the Government of Sudan considering accepting the individual complaints procedure under the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination?

CANADA

- In many instances, Sudanese women have been arbitrarily arrested, harassed, tortured or sexually assaulted. When will the government of Sudan ratify the Conventions Against torture and Other Cruel, Inhuman and Degrading Treatment and the Convention on the Elimination of Discrimination against Women and take firm measures to protect the rights of women?
- After the independence of Southern Sudan in July 2011, a larger majority of the population in Sudan will be Muslim. The current Sudanese Constitution provides for freedom of religion throughout the country. What measures will you put in place to ensure that the rights of non-Muslims and other minorities are respected?
- Addressing abuses committed by all sides during Sudan's numerous conflicts is an important element of transitional justice and key to sustainable peace. What steps is the government of Sudan taking to ensure those responsible for gross human rights violations are brought to justice?
- The criminal code of Sudan retains the application of death penalty. Cases of minors having been executed have been reported. Sudan is party to the Convention on the Rights of the Child that defines a child as a person below

18 years old. When will Sudan modify its law to ensure that minors can not be executed?

- The humanitarian situation remains dire throughout Sudan. There continue to be examples of humanitarian agencies being blocked from reaching populations in need, both in Darfur and in the South. What steps are Sudanese authorities taking to increase their efforts to cooperate with humanitarian agencies and allow unobstructed access to those in need of humanitarian assistance?
- The government of Sudan committed to fully lifting the emergency laws in Darfur. When will this be done, and what steps is the government of Sudan taking to foster an environment in which vulnerable populations can participate freely in political consultations without fears of arrest, violence or harassment?
- The government of Sudan will need to make difficult and immediate concessions as will the Darfurian rebel movements, to reach a peace agreement for Darfur. What steps is the government of Sudan taking to bring an end to the conflict, and to conclude a peace agreement?

CZECH REPUBLIC

- What steps have been taken to eliminate National Intelligence and Security Service's practice to arrest and hold people in incommunicado detention?
- How is the crime of rape prosecuted and victims protected, if Article 149 of the 1991 Criminal Code defines rape with reference to adultery that may lead to confusion over evidentiary requirements for prosecution (women, victims of rape, are put at risk of facing prosecution for adultery when rape cannot be proved)?
- How a fair trial is ensured if Article 10 of the 1993 Evidence Act allows for evidence obtained by unlawful means?
- How the equality and non-discrimination is ensured in law if unlike male children, female children are not entitled to inherit from their deceased father's estate and widows are prevented from inheriting the property of their deceased husbands?

DENMARK

- We wish to highlight that a successful transformation of Sudan will require a strengthening of the rule of law in accordance with international standards governing justice and equality, an end to entrenched impunity, respect for human rights, and democratic governance. Which steps will Sudan take in order to strengthen the rule of law?
- As long as Sudan has not abolished capital punishment, will it ensure that death penalty cases proceed with respect for the rule of law, that no children or

juveniles are subjected to this punishment and that it is applied only to serious violent crimes?

- Will the Government of Sudan end the use of torture and cruel, inhuman or degrading treatment or punishment and ensure effective independent investigation into such incidents?
- We have noted with concern that child labour is widespread, with many children employed as domestic servants and in factories, the agricultural sector and the informal economy. We are also concerned over the abduction of children for the purpose of forced labour, including sexual slavery, and the de facto impunity enjoyed by perpetrators. Will Sudan take legislative and other measures to protect the children from being subjected to forced labour?

IRELAND

- Ireland thanks the Government of Sudan for their National Report and welcomes their sincere desire to comply and cooperate with United Nations human rights mechanisms. We recognise that the Sudan is in a transitional phase at the moment, and note that this transition brings opportunities as well as challenges.
- Ireland notes reports of restrictions on freedom of expression by the authorities in Northern and Southern Sudan, including the use of censorship and the harassment, arrest and detention of journalists. Will the Government of National Unity and the Government of Southern Sudan commit to respect freedom of expression and refrain from all acts of censorship that interfere unnecessarily with the important work of journalists?
- Ireland is opposed to the death penalty, and asks whether the Government of National Unity and the Government of Southern Sudan have any plans to establish a moratorium on executions with a view to abolishing the death penalty?
- Ireland encourages the Sudan to continue to cooperate with the Independent Expert on the situation of human rights in Sudan, especially on the implementation of the recommendations by the Group of Experts. Will the Government of Sudan, and the Government of South Sudan, commit to offering a standing invitation to all Special Rapporteurs?
- We welcome the important contribution that human rights defenders make to the promotion and protection of human rights, and would like to ask what the Governments of Sudan and South Sudan are doing to stop the ill-treatment, including in some cases arbitrary arrest and detention, of human rights defenders in the Sudan.

NETHERLANDS

- The Netherlands are concerned about the constitutional processes in both North and South Sudan. As the Government of Sudan rightly points out in paragraphs 9-14 of the national report it submitted to the HRC, the Interim National Constitution (INC) acknowledges the cultural, ethnical and religious diversity of Sudan. Moreover, the INC guarantees all fundamental freedoms to the people of Sudan. On 9 July 2011 two new states will emerge. Both governments in Khartoum and Juba will enter a transitional period during which permanent constitutions need to be developed and negotiated. The Netherlands emphasizes the need to have inclusive constitutional processes in which not only political parties, but also religious leaders and representatives of civil society can participate. How will the constitutional processes in both North and South look like?
- In accordance with the Interim National Constitution (INC), the National Assembly of Sudan adopted in 2009 the Human Rights Commission Act. Up to date the members of this independent commission have not been appointed and the Commission is therefore not operational. In its national report the Sudanese government states in paragraph 27 that members of the Commission are to be appointed in the very near future. When will the Human Rights Commission become operational?
- The Netherlands takes note of paragraphs 102 – 106 of the national report in which the different challenges to the promotion and protection of human rights in the states of Darfur are addressed. The Government of Sudan has welcomed the report and recommendations on peace, justice and reconciliation of the AU High Level Panel on Darfur. Since the GoS has welcomed these recommendations, why have these recommendations not been implemented?
- As per 9 July 2011, two new states will be born. The Netherlands would like to encourage both states to ratify the international treaties related to human rights, esp. women (CEDAW), children and peace/stability. We would welcome a road map and outline of those treaties to be signed from both South and North Sudan.

NORWAY

Please note that the following four questions are addressed to the Government in Khartoum:

- How can the Government in Khartoum best protect and assist southerners who choose to stay in the North and secure that no decision relating to nationality or citizenship impacts negatively on the civil, political, economic, social, and cultural rights of individuals?
- What is needed for the Government in Khartoum to establish the Human Rights Commission set out in the peace agreement of 2005, and how can the international community best support this process?

- When will Sudan ratify the almost universally adopted declaration against the discrimination of women, CEDAW and how can we assist you in the process towards such adoption?
- What steps can the government of Sudan take to best ensure that the press and broadcasting media can operate freely and responsibly in an environment without censorship?

Please note that the following two questions are addressed to the government of Southern Sudan:

- What efforts are being taken to strengthen the capacity of the government -- especially within the armed forces, the police and the judiciary -- to adequately protect citizens' human rights?
- The new Republic of South Sudan will need to draw up a new constitution and pass a wide set of new laws; what efforts are being taken to ensure that human rights will be strengthened in these new laws?

SLOVENIA

- What measures are envisioned to fight the culture of impunity in the country?
- How will the government effectively enforce the provisions of Federal and the Southern Sudan Child Acts on justice and diversion services for children in conflict with law?

SWITZERLAND

- With regard to the National Intelligence and Security Service (NISS), does the Government of Sudan envisage reconsidering the 2010 National Security Act, in order to reduce the NISS powers of arrest and detention, and to establish a judicial oversight mechanism?
- How does the Government of Sudan plan to ensure that all allegations of unlawful killings, enforced disappearances, torture and other ill-treatment, as well as other serious human rights violations are effectively investigated by an independent and impartial authority and their perpetrators regardless of their position or rank prosecuted without delay at the national or international level?
- With regard to the administration of justice, what concrete measures have been taken by the Government of Sudan to ensure compliance with international standards of fair trials?
- Does the Government of Sudan consider the establishment of a moratorium on executions with a view to abolishing the death penalty?
- The 2009 Press and Publications Act conferred on the National Press Council broad regulatory powers over newspapers and journalists. Does the

Government of Sudan consider reforming this act, in order to ensure freedom of expression in line with international standards?

- What means can be taken to ensure the effective protection of human rights defenders and journalists from intimidation, harassment, arrests and detention?

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

- Can you confirm that the intention is for permanent new Constitutions for both the Republic of Sudan and the Republic of South Sudan to maintain at least the same freedoms and protections as currently guaranteed in Sudan's Interim National Constitution and South Sudan's Interim Constitution?
- We would be grateful to know your intentions for establishing independent national human rights institutions in both Sudan and South Sudan in line with the Comprehensive Peace Agreement and in accordance with the Paris principles designed to guide the practice of such institutions.
- We would like to know the extent to which civil society was consulted in the preparation of your national report.
- We would be grateful for an update on the situation of those arrested during demonstrations on 30 January, and Darfuri activists arrested on 30 October 2010.
- We would like to know what steps you intend to take to address the allegations of mistreatment by security forces in both Sudan and South Sudan including the National Intelligence and Security Services.
- We are very concerned by censorship of the press, including measures which financially cripple papers like post-publication censorship, and arrests and detention of journalists. What plans do Sudan and South Sudan have to improve this and guarantee free expression?
- What steps do Sudan intend to take to protect civilians in Darfur, tackle impunity and improve humanitarian access for UN personnel and aid workers?
- What plans do Sudan and South Sudan have to establish a moratorium on the death penalty as provided for under UN General Assembly resolutions 62/149 and 63/168?