



**Sudan UPR—3<sup>rd</sup> Review**

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**This Report is submitted by the Economic, Social and Cultural Rights Alliance in Sudan**

**Authors of the report:**

The Economic, Social and Cultural Rights Alliance in Sudan (ESCRAS) is an alliance of Sudanese civil society organizations (CSOs) working on Economic, Social and Cultural Rights across Sudan. The Alliance was brought together in 2020 in order to engage, monitor and joint advocacy in relation to ESCR in Sudan. For the purpose of this UPR submission, the Alliance includes:

- Sudanese Development Call Organization (“NIDAA”)
- Al- Harisat (“Female Guards”)
- Sudanese Development Intuitive (SUDIA)
- Sudan social Development Organization (SUDO)

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## Introduction

1. In the second cycle of UPR, which took place in 2016, Sudan received multiple recommendations. Seven recommendations that relate to economic, social, and cultural rights were supported by the Sudanese government. However, since the adoption of the second cycle of UPR recommendations, Sudan failed to implement the recommendations it has supported in the area of economic, social, and cultural rights.

### **Sudan UPR 2016: Status of implementation**

- 138.55 Continue to implement the strategies and plans for the promotion of the economic and social development in the country (Democratic People's Republic of Korea) Supported; not implemented.
- 138.58 Continue to implement policies for the social-economic growth of its people (Pakistan) Supported; not implemented.
- 138.104 Continue to implement strategies and plans that ensure economic and social development and give specific attention to combating poverty (State of Palestine) Supported; not implemented.
- 138.110 Continue to work with the World Health Organization and other United Nations agencies as well as with relevant international organizations to strengthen the public health system and facilities, not only in the conflict-affected areas but also in all parts of the country (Thailand); Supported; not implemented.
- 138.111 Increase the resource allocation for the health sector, especially to fulfil steps towards securing a comprehensive healthcare system (Turkey); Supported; not implemented.
- 138.123 Continue the efforts towards raising the enrolment rate for children in schools, particularly girls (Morocco); Supported; not implemented.

- 138.118 Ensure the primacy of fulfilling the right to education for all children, continue to dedicate more resources to eradicate illiteracy among children and adults, and improve the number of children completing their education (Malaysia); Supported; not implemented.
- 138.124 Continue to implement the national strategic plan for education, with special emphasis on the right to education of vulnerable groups including children living in rural areas, persons with disabilities, nomads, and internally displaced persons (China) Supported; not implemented.
- 140.5 Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (El Salvador); noted.

## **Legislative Framework**

2. Long-standing discrimination and inequality continue to impact Sudanese society, limiting the enjoyment of economic, social, and cultural rights. Disparities in the enjoyment of these rights remain high, with the conflict-affected regions being particularly disadvantaged. As extreme poverty remains widespread and access to food, education, health services and safe drinking water are limited, these disparities have remained root causes of civil unrest and conflicts in Sudan.
3. The constitutional document provides a mandate for the Government to resolve the economic crisis by stopping economic deterioration and to work on laying the foundations for sustainable development (art. 74).
4. The Rights and Freedoms Charter, contained in chapter 14 of the document, provides for several economic, social, and cultural rights, including the rights to education, health and cultural rights.
5. Following article 66 of the constitutional document, the rights and freedoms set forth under chapter 14 are to be enforced through the Constitutional Court and other competent courts if a violation occurs. While this is a positive development with regard to enhancing the justifiability of economic, social and cultural rights in the context of Sudan, the low level of awareness on those rights among the national rights-holders might hamper enforcement of these rights in the national courts.

## **1. Right to Health**

6. The national budget for 2020 has increased the spending on health and education, which had remained neglected during the 30-year reign of former President Al-Bashir. To contain the spread of the COVID-19 pandemic, the Government launched a rapid response programme of cash-based social welfare, seeding \$2 million directly into vulnerable households across the country and including a fivefold increase in the salaries of the public sector employees.
7. However, there is a need to assess the existing social security schemes and safety nets and lay the foundations for an equitable social protection system. Sudan had received an invitation to participate in the COVID-19 vaccine advance Market Commitment (COVAXAMC) facility, the Ministry of Health (MOH) expressed their willingness to participate in the COVAX Facility as part of the 57 AMC countries.
8. Vaccine requested to cover the first 20% of the population without cost-sharing with an overall objective to initially reduce the morbidity, mortality, and maintenance of most critical and essential services. Then the expansion would take place to reduce transmission and disruption of social and economic functions. Thereafter, a further vaccine will be requested to cover an additional 45-60% of the population using the window with cost-sharing. The target population will be prioritized following SAGE recommendation and the developed scoring system. Health care workers, the workers dealing with the COVID patients' bodily secretions and aerosols and the elderly with co-morbidity are considered as the top priority for the first wave vaccination.
9. The vaccination will be in form of 6 days campaign, using a fixed, outreached, and temporal health facility with three people per team. The Adverse Event Following Immunization (AEFI) committees at all levels will be activated. Community awareness and social mobilization plan will be implemented as early as possible to ensure demand; on the other hand, a crisis communication plan will be in place.

**The Ministry of Health established a strategic plan from 2017-2020 and the plan strategic objectives:**

- Establishing the supportive constitutional, institutional, and administrative structures
- Increasing the contribution of the service sector to the national product and its role in improving the external balance
- Development of a working system established with efficiency, impartiality, integrity, transparency, fairness, accountability and accountability, and the preparation of a database that enables take decisions with the required speed.
- Capacity building and development of human resources capable of responding and interacting with the requirements of sustainable development and meeting the needs of the labor market current and future production.

- Achieving health, promotional, preventive, curative, and temporary services coverage, and achieving justice in the distribution
- Fighting diseases and epidemics and responding effectively to emergencies
- Universal access to basic health care in irrigation and urban areas
- Achieve equitable access to quality essential medicines and medical technology.

### **1.1 Right to health recommendations**

- Providing community health awareness services aimed at combating customs and practices that cause or increase disability, especially programs related to inbreeding, pregnant women, and newborns.
- Reducing maternal and neonatal mortality by increasing coverage of maternal care and family planning services, training and raising the capacities of health personnel and service providers.
- Inclusion of disability services within primary health care services by raising capacities and providing work aids.

## **2. Right to Work**

10. On 14 December 2019, the committee for dismantling the former regime issued Decree No. 3 of 2019 relating to the dissolution of trade unions, which is aimed at seizing all properties and assets of all trade unions and at establishing a committee to revise trade union laws and prepare for new elections of union leaders.
11. On 16 December 2019, the Central Bank of Sudan issued a decision to seize and freeze the assets of the dissolved trade unions. However, such action would breach the freedom of association and the right of workers to form and join trade unions to protect their interests as guaranteed in the constitutional document and by the country's international human rights obligations.
12. A new draft of the trade union law, which is currently in its third version, will allow freedom of association for all categories of workers. While some of the provisions of the third draft are an improvement from the first two, several provisions remain a key challenge to freedom of association and assembly. The new provisions continue to grant much discretionary power to the General Registrar that would limit the right of individuals to form and join trade unions. The General Registrar must also authorise the formation of a trade union instead of accepting a simple notification procedure that automatically grants a trade union legal personality. The General Registrar is also



permitted to decide on the appeals filed by the member(s) of the trade union instead of a competent court and the penalties for violating the law are severe and disproportional.

## **2.1 People with Disabilities' Right to Work**

13. According to the report of the Supreme Council for People with Disabilities in the years 2015-2020 for a Strategy of work, decent employment and economic empowerment for persons with disabilities are based on the 2008 last population census, that is, before the secession of South Sudan in the year 2011. More than (70%) of people with disabilities live in rural areas (residents and migrants) of the country. More than a quarter of them live in urban areas.
14. Following the 2018 Uprising, there was much more active participation from persons with disabilities, and a number of CSOs were established working on the rights of persons with disabilities.
15. The most noticeable structural changes by the state include changing the Secretary General of the National Council for Persons with Disabilities (NCPD). The NCPD are also members of Sudan's recently established National Human Rights Mechanism – which is Sudan's National Mechanisms for Reporting and Follow-Up.
16. Arab NGO Network for Development (ANND) noted that unemployment among youth increased from 23.6% in 2010 to 24.5% in 2013. They recommended adopting a development strategy prioritizing productive sectors, ensuring sustainable employment generation and prioritize the adoption of a national employment policy and targets. Human Rights Council Working Group on the Universal Periodic Review Twenty-fifth session 2-13 May 2016.

### **2.1.1 Recommendation on the right to work for people with disabilities**

- Preserving the rights of people with disabilities in employment in various state agencies and in the private sector, including productive and cooperative projects, self-employment, and employment of graduates in poverty alleviation programs.
- Outstanding persons with disabilities in all fields and not exclude any qualified person from joining any profession that suits him because of disability.
- Mending the employment quota for persons with disabilities in civilian service (from at least 2% to at least 5%.

## **2.2 Women Rights to Work**

17. On 26 March 2021, Sudan ratified the Freedom of Association and Protection of the Right to Organize Convention No. 87 as well as the Tripartite Consultation Agreement (International Labor Standards No. 144 and the protocol attached to the Forced Labor Convention No. 2). This development will provide new opportunities for women to have their voices heard in socio-economic matters.

### **2.2.1 Recommendations to women rights to work**

- The state should guarantee women's rights in all fields and develop them through positive discrimination.
- Provisions for wealth redistribution. The government should work to combat harmful customs and traditions that harm the dignity and status of women.

## **3. Right to social security and to an adequate standard of living (including regional differences)**

### **3.1 Social support for people with disabilities:**

18. Social assistance for the disabled in Sudan is provided within the framework of more comprehensive programs such as the Zakat Bureau (Bank of the Poor) or the (Social Initiative) program, which is a government program that aims to address the effects of the economic reform program. There is support directed at individuals with disabilities in the form of support for treatment, the provision of aids, or the treatment of hypothetical emergency cases.
19. All this support does not take place within a codified legislative framework that makes it a right bound by published controls. Rather, it is subject to the decision-maker in the supporting institution, which makes it vulnerable to abuse and the primacy of personal considerations.
20. As for personal assistance services, they are also not present as a necessary or legally stipulated matter, but they exist as exceptional cases through social support directed to this disbursement or through the emptying of National Service recruits to escort people with disabilities (especially the visual or mobility impairment segment), and they are to you on a limited scale and in A framework of appreciation for special and exceptional considerations.

### **3.2 Recommendations for protecting the right to social security**

- Issuing a unified social security law that includes both the National Social Insurance Fund and the Social Security Investment Authority under the management of one council.
- The use of expertise houses in the field of investment consulting to assist the managers in charge of the investment matter and the formation of an investment committee to supervise the results of the consultants' work and submit periodic reports to see the extent of implementation in line with what is planned.

## **4. Right to Education**

21. One of the most important challenges affecting the education in Sudan including women and persons with disabilities is the lack of statistics and figures of enrolled students per year.
22. In signaling its support for Education for All (EFA), the Government of Sudan (GOS) has recognized education as a right for all its citizens and is considering their abilities to provide access to free basic education in Sudan's Constitution of 2019. Furthermore, the GOS considers the realization of EFA in the country as completely commensurate with the achievement of socio-economic stability.
23. According to the report of Sudan's Education Activities and results produced by UNICEF Sudan in March 2021, approximately three million school-age children do not go to school. There are huge disparities between the eighteen states in Sudan. The most vulnerable groups are girls, children affected by conflict, refugees, internally displaced persons, children in rural areas, and children from poor households. In addition, there are high drop-out rates, especially for girls and children living in rural areas. The rate of out-of-school children in Sudan is much higher than in the Middle East and North Africa region. It is estimated that over three million children, aged 5-13 years, are not in the classroom. 76 percent of primary age children attend school, however, in secondary age, the number of young people attending dropped to 28 percent. The Blue Nile state is the worst performing were 43 percent of children drop out of primary school.

#### **4.1 Right to education recommendations**

- Implementation of free primary education across all states in Sudan
- Improve learning experience by having trained and qualified teachers that provide proper learning material for students.
- Set policies to provide efficient funds and resources to rural areas and minority groups.
- Ensure that women and people with disabilities have access to proper and sufficient education.
- Explore the benefits and adapt alternative learning programs which can be helpful for people who were not enrolled to schools before or have dropped out.
- UNICEF report 2021

## **End notes**

### **References used to collect data:**

- Study of the conditions of persons with disabilities in Sudan, p68
- Ministry of Labor and Administrative Reform In cooperation with the Higher Council for Persons with Disabilities
- A strategy for employment, decent employment, and economic empowerment of persons with disabilities for the years from 2015 until 2020.
- Dr. Rehab Mustafa, Secretary General of the National Council for Persons with Disabilities
- The National Fund for Social Security, Department of Planning, Research and Quality, (2009), lump sum compensation.